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Kingsford Legal Centre Winter e-Bulletin

Never Stand Still | Faculty of Law | Kingsford Legal Centre

Casework | Employment Law Clinic | Family Law/Domestic Violence Community Legal Education Clinic | Law Reform and Policy | Clinical Legal Education | Publications/Communications | Aboriginal Access Project | Community Legal Education | Community Relationships | Staff

Welcome to the Winter 2014 edition of the Kingsford Legal Centre eBulletin. In this edition we have had a visit by leading clinical legal education professor Frank Bloch; $100,000 funding cut to our Family Law/DV community legal education clinic; made a submission to the Productivity Commission Inquiry into Access to Justice Arrangements; and published the Clinical Legal Education Guide 2014.

Professor Frank Bloch Visit to KLC

Professor Frank Bloch

In early May, KLC hosted a visit by a leading clinical legal education professor from Vanderbilt University USA, Professor Frank Bloch. He presented a faculty seminar on current developments in legal education in the USA, and he partnered with KLC Director Anna Cody to teach a half day workshop on effective supervision skills for all the experiential learning teachers, including all the internship supervisors as well as the clinical teachers at the Faculty. About 20 supervisors participated in the workshop and it was a useful forum for learning about teaching challenges.

[back to top]

Funding Cut

Family Law CLE

In May the Federal Government informed Kingsford Legal Centre of a cut in the funding of the Family law community education clinic by $100,000 The cut is for $50,000 per year over two years - 2015/16-2016/17. KLC is very disappointed that this valuable resource for our local community will be reduced. Many other community legal centres were also affected by the cut in funding.

[back to top]

Productivity Commission Inquiry Into Access To Justice Arrangements

Productivity Commission Inquiry into Access to Justice Arrangements

The Productivity Commission released their draft report on access to justice arrangements. KLC made a submission responding to a number of information requests and draft recommendations, focusing particularly on draft recommendations to change the way CLCs are funded. We emphasised the value of our connection with our local community and how that enables effective community advocacy. We also argued against competitive tendering as a model for legal service provision.

[back to top]

Clinical legal education guide 2014

Clinical Legal Education Guide 2014

KLC has published the Australian guide to clinical legal education programs. The guide lists clinical legal programs offered by Australian universities. The Guide is available here. If you would like a hard copy contact us.

[back to top]

CASEWORK

Casework - Housing Policy

Gallop Court Estate, South Maroubra

KLC acted for a client who was made homeless after experiencing domestic violence from her partner. Our client had arrived in Australia on a permanent carer's visa. Housing NSW determined that she was ineligible for public housing because of this visa status. We successfully challenged that decision. Due to a lot of advocacy she was offered a flat and has happily accepted the new home for her and her son. Because of the urgent nature of this case almost every solicitor at the Centre helped this client and the case highlights how legal centres can work in the community, raise policy issues and respond to clients in urgent need.

[back to top]

Victims Compensation - Restitution

Long Bay Gaol

KLC helped a client who we first met when he was in Long Bay Jail. On his release he received a large restitution order from Victims Services. Our client had a serious mental illness and chronic health conditions. After his release from jail our client couldn't pay the restitution amount so we helped him prepare evidence of his circumstances to object to the amount. The Commissioner reduced the amount of the order to $1,000. The decision highlighted the circumstances of our client as at the time of the assault he was not receiving treatment for his mental illness.

[back to top]

Pregnancy Discrimination in Employment

KLC Principal Solicitor Emma Golledge

KLC recently represented a client in a pregnancy discrimination complaint against her employer. The client requested a period of 2 months unpaid leave to have her baby after having worked at the company for about 6 months. The employer denied her request, arguing that she had no entitlement to parental leave as she had not worked there for at least 12 months. They further argued that they could not accommodate her request for 2 months off work. We represented our client at a

Rights Commission. By the time of the conciliation, our client had found other employment. We helped the client settle her complaint at the Commission.

[back to top]

Disability Discrimination by Housing NSW

KLC recently represented a client in a long running case of disability discrimination. Our client experiences mobility issues and as result uses mobility aids. Our client lives in public housing and she was often unable to access her home which was not accessible. Her attempts to have the matter resolved had been unsuccessful. KLC helped the client lodge a discrimination complaint and also arranged for a *pro bono* access consultant to attend the property to refute Housing NSW's suggestions that there was no possible access solution, and that the client had to live with the door as it was. As a result of the agreement the client's home will now be accessible.

[back to top]

EMPLOYMENT LAW CLINIC

Anti-Bullying Seminar

In May, KLC convened the Employment Law Network meeting of CLCNSW, where KLC volunteer solicitor Larissa Andelman presented on the new anti-bullying jurisdiction. Attendance and engagement in the network is increasing. KLC intends to collaborate with the Network to draft submissions to the Australian Law Reform Committee's inquiry into workplace relations laws.

[back to top]

Employment and Discrimination Law Training

Also in May, KLC delivered an employment and discrimination law training session for over 40 volunteer community legal centre solicitors.

[back to top]

KLC Solicitor Natalie Ross

Young Lawyers NSW Assembly

In June, KLC employment law solicitor, Maria Nawaz, attended the Young Lawyers NSW Midyear Assembly as a CLCNSW representative, and discussed the importance of clinical legal education in equipping young lawyers with the skills to act ethically in practice.

[back to top]

Unfair Dismissal Matter

KLC Employment Solicitor, Maria Nawaz

KLC recently settled an unfair dismissal case for a client who was working as a duty manager at a pub. Money went missing from the till on a night he was not working, and our client was asked to cover the loss or sign a written warning. He refused to do so and was dismissed. Our client lodged a dismissal complaint with the FWC, but KLC successfully engaged in settlement negotiations with the employer before conciliation. Settlement terms included compensation of $7,067.00 and a statement of service indicating that the client resigned.

[back to top]

General Protections Matter

KLC student interviewing client

KLC represented a client at a General Protections dismissal conference at FWC. Our client was working as an accounts receivable officer on a full time basis. After our client advised her employer of her pregnancy, her manager began raising performance issues which were inconsistent with the positive feedback she had received previously. Our client was dismissed within her probation period. KLC assisted our client to lodge a General Protections dismissal complaint, and represented her at conciliation, arguing that her employer had discriminated against her on the grounds of her pregnancy, and had taken adverse action by terminating her employment. We settled the matter for compensation of $6,923 and a statement of service indicating that our client had resigned.

[back to top]

FAMILY LAW/DOMESTIC VIOLENCE COMMUNITY LEGAL EDUCATION CLINIC

Evaluation of Family Law/DV Clinic

Frances Gibson

KLC appointed ex-Director Frances Gibson to evaluate this clinic late in 2013. The final evaluation was presented in early April. Some of the key recommendations from the evaluation are around modes of delivery of the seminars; areas of law to be covered; and further integration of the clinic into KLC's core work. Despite the funding cuts KLC will be implementing most of the report's recommendations over the coming 12 months.

[back to top]

Semester 1 2014 Presentations

KLC Students

KLC students delivered two presentations in semester 1. The first was on Housing NSW and policy and practice when housing clients have experienced domestic violence for social workers at the Royal Hospital for women. The second on 'How to get an Apprehended violence order' for The Junction Neighbourhood Centre Spanish speaking group. Both seminars were highly successful and the students have now developed modules which others students can use in the future.

[back to top]

LAW REFORM AND POLICY

Proposed Changes To The *Racial Discrimination Act*

Racial Discrimination Act 1975

The Federal Attorney-General released an exposure draft of a bill proposing to reduce protections against racial vilification. KLC sent the Attorney-General a letter detailing our concerns about the proposed changes. These include that the current provision effectively mean serious offence, and provide an important educational tool for the community about public speech. We also suggested

another means of achieving this goal. We asked that the Act not be amended and, if amended, that the bill be significantly changed before it is introduced. Our letter was supported by Kooloora Community Centre, SENC, Sydney Multicultural Centre, Darwin Legal Service and National Association of Community Legal Centres.

[back to top]

Royal Commission Issues Papers

Royal Commission Report

KLC IS contributing to the research being carried out by the Royal Commission into child abuse in institutions. We sent a submission on civil litigation and its value to redressing harm caused by child abuse and will be sending a submission on redress schemes.

[back to top]

Victims Compensation

KLC continues to monitor the implementation of the new victims financial support scheme and contribute to discussions at the CLCNSW victim's compensation and domestic violence committee meeting. We will be contributing case studies to a letter being drafted by CLCNSW regarding the 12 month legislative review of the scheme.

[back to top]

CLINICAL LEGAL EDUCATION

Paper Presented At CLC NSW Symposium 21 May

KLC Director Anna Cody

In May KLC Director, Anna Cody, presented a paper on ethical frameworks used in community legal centres at the NSW CLC symposium. The paper drew on the work we have been doing in the Centre with students and also challenging some of the dominant professional responsibility approaches.

[back to top]

PUBLICATIONS/COMMUNICATIONS

Annual Report

KLC Annual Report 2013

KLC's 2013 annual report has been published and is up on our website. If you would like a hard copy contact us.

[back to top]

Casework and Advice Guide

Casework and Advice Guide

KLC has updated our Casework and Advice Guide which is the main resource students and volunteers use to determine whether to book a client an appointment. The guide also outlines when KLC will decide to take on a case and our flexible service delivery for particularly vulnerable community members.

[back to top]

ABORIGINAL ACCESS PROJECT

Law Reform and Policy

Justice Reinvestment

KLC's Aboriginal Access Worker, Kaleesha Morris, has been working with 'Justice Reinvestment for Aboriginal young people in NSW' campaign as a youth ambassador. This year Kaleesha has been focusing on recruiting more youth ambassadors to the cause and promoting the campaign throughout the local community.

[back to top]

Community Events

Kaleesha Morris, KLC Aboriginal Access Worker

In March participated in the Kooloora Community Centre's 'Close the Gap' Day, KLC students and staff held an information table and UNSW Indigenous student volunteers hosted 'Indigenous traditional games'. This was a great community event and there was good participation from all generations.

In May Kaleesha assisted the Federal Circuit Court to organize its morning tea celebration to launch its new Reconciliation Action Plan on the 30th of May.

[back to top]

Community Legal Education

For Law Week 2014, KLC's Aboriginal access worker held a CLE titled 'First Nations People and the Law' at Malabar Library. At this event Kaleesha and a KLC student talked about our Aboriginal Access Program, the NSW Consorting Laws, and the Justice Reinvestment Campaign. There was a great turnout for the event and the evaluation forms indicate the CLE was very well-received.

[back to top]

COMMUNITY LEGAL EDUCATION

Community Workers Series

KLC's Aboriginal Service Provision Manual

KLC has continued its monthly community workers legal education series in 2014. Since March we have held workshops for community workers on Discrimination Law, working with Aboriginal and Torres Strait Islander clients and Powers of Attorney. The sessions have been well attended.

We offered the 'Working with Aboriginal and Torres Strait Islander Clients' workshop for the first time this year. KLC's Aboriginal Access Worker, Kaleesha Morris, based the workshop on KLC's Aboriginal Service Provision Manual. The feedback from this session was overwhelmingly positive and it was great to see the participants from different organisations swapping contact details at the end

the future.

Upcoming sessions will be on employment law and child protection law.

[back to top]

COMMUNITY RELATIONSHIPS

Community Engagement - SWAG

Namatjira Estate

KLC has continued to support the community to engage in the NSW Government Urban Activation Precinct Program by attending South Ward Action Group meetings and meetings with a consultant to NSW Planning. The group continues to monitor State Government plans to redevelop the area and in particular, plans that may affect our significant public housing estate tenants and assist those tenants in participating in consultation phases of the plans.

[back to top]

Ngara Nura Day at Long Bay Correctional Centre

Long Bay Correctional Centre

KLC staff attended this event where they made contact with a number of prisoners soon to be released and talked about their legal problems and how KLC could assist them.

[back to top]

South Maroubra Tenants Group

South Maroubra Estate

KLC staff and students have continued to work with this group in advocating on issues affecting the South Maroubra social housing estate. We helped the group write letters to the new State MP who is responsible for public housing, Gabriel Upton; as well as writing to the Housing Department outlining the problems and asking a representative to attend

[back to top]

Government Under-Resourcing of the South Ward of Randwick LGA

Kooloora Community Centre

A number of local community organisations working in this area have been meeting to discuss the unmet need of this most disadvantaged part of our catchment and working on solutions to attract more funding. Community workers reported on the escalation of the needs of these very vulnerable communities and the difficulties of the unrealistic funding extended to our organisations by government. The crisis in public housing in a time of extreme rent in this area has been identified as the main driver behind the issues faced by many of our clients. This is reflected in the advice and casework of the Centre.

[back to top]

Bilga Crescent Malabar Tenants Group

Bilga Crescent, Malabar

KLC staff have been working with this group around meeting protocol and procedures to help them to overcome problems they have been experiencing. This has been very productive for the group.

[back to top]

STAFF

Farewell to Kellie McDonald

KLC staff reluctantly farewelled our Law Reform and Policy Solicitor, Kellie McDonald in June. Kellie had worked at KLC for just under a year doing maternity leave cover in the position. She has been prolific in both law reform and supervising an advice night each week; as well as her community work out at Bilga Crescent. All of us at KLC have loved working with Kellie and she will be missed.

we wish her all the very best.

[back to top]

Welcome Roselle Nunes

KLC is delighted to welcome Roselle Nunes to the Centre. Roselle is our new Front Office Supervisor, replacing Murray Baker who left in April. She has worked extensively in the community sector, in particular in migrant resource centres. Welcome Roselle!

[back to top]

Roselle Nunes - New KLC Front Office Supervisor

New Herbert Smith Freehills Secondee

KLC farewelled our Freehills Secondee, Michael Cole, late in June. We are delighted to welcome onboard our new secondee, Damian Finan, who joined us in early July. Damian will be with us for 6 months.

[back to top]

Damian Finan

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