

98 annual report

**kingsford
legal centre**
university of new south wales



Kingsford Legal Centre

Mission Statement

To be a community service agency which promotes access to the legal system and works towards a fairer society while fostering critical analysis of the justice system.

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Dean's Report

Clinical legal experience provided through a university-run legal centre is the superior form of such experience; the Rolls Royce version. It is certainly the most expensive. The same may be said also about small group teaching. Few Australian law schools provide either. Only one provides both - UNSW.

A time of contracting government outlays upon higher education necessarily poses a challenge for a law school operating a legal centre. 1988 ended with a welcome stability and security for Kingsford Legal Centre's continued operations. It did so because of its depth of support for KLC. Academic staff of the Law School voluntarily assumed extra teaching in 1988 to support the continued operation of the Centre; teaching which was no less demanding for being voluntarily assumed. This was a sacrifice without industrial precedent, to my knowledge, undertaken willingly by a massive margin. It was made at the expense of the research opportunities upon which academic careers and promotions are built and the Faculty's reputation and funding level also depend.

The "Save KLC Walkathon" in April 1998 has passed into Law School folklore. This student initiative was a public expression of support for the Centre and what it stands for. That support was unstinting, as the accounts elsewhere in this report disclose.

These lifelines extended to the Centre by Law School staff and students were fully grasped. KLC attracted additional Commonwealth funding in 1988. Further, the Vice-Chancellor committed some funds for the operation of the Centre in 1999 and 2000. By the end of 1998, the School resolved unanimously to support the continued operations of the Centre, lifting any remaining cloud hanging over it.

1988 was a year of innovation in the clinical offerings of the Centre. The Centre became more fully integrated into the teaching program of the Law School. Students in the compulsory subject dealing with lawyers' professional responsibilities, *Law, Lawyers and Society*, now

spend periods at the Centre under the supervision of its professional staff, including an evening with rostered volunteer lawyers. In 1998, centre staff also lectured about the legal aid system and file management.

External evaluation of this innovation reported an exceptional level of student enthusiasm for the clinical experience. Students reported that it gave them a keen insight into the practical significance of lawyers' professional roles and responsibilities. It gave them an important introduction to such skills as interviewing and counselling clients. Taken together, the clinical dimension to the professional responsibility subject gave students an enriching context and perspective not only for that subject but for their legal studies generally. Some legal academics have suggested that this is one of the most important curriculum developments in Australian legal education for some time. Certainly, it has projected Kingsford to the forefront of clinical legal programs internationally in the sheer numbers of students participating in its clinical program.

The success of the Centre is due to the talents of a remarkable bunch of people: its committed and able staff led by Frances Gibson, the Director; its volunteer lawyers who staff the evening advice sessions; the other volunteers who keep the Centre's busy operations running; Freehill Hollingdale and Page, and Henry Davis York, whose generous support in seconding professional staff is much appreciated.

The threat to KLC has sharpened our appreciation of what a treasure it is - for students, the local community, the Law School and the University. It serves those most in need of legal advice and representation and with least capacity to obtain it. KLC thus symbolises the idea of law being at the service of those upon whom it bears most harshly - an ideal which has shaped UNSW Law School since its foundation.

Paul Redmond
UNSW Law School Dean

Director's Report

In 1998 as a result of extraordinary efforts by supporters, Kingsford Legal Centre survived threats to its future and has consolidated its position. Kingsford Legal Centre has been saved!

- Students from UNSW Law Society ran a magnificent walkathon raising about \$17 000.
- Faculty from UNSW Law School took on extra teaching loads.
- The Vice Chancellor made an extra grant to the Law School in recognition of the Centre's work.
- The Commonwealth Government provided the Faculty with a stop-gap grant to ensure the Centre's continued viability.

The staff of the Centre have worked incredibly hard to ensure the Centre's survival and willingly took on providing clinical education for 400 extra law students from the *Law Lawyers and Society* course at UNSW. The Centre's volunteer lawyers banded together to lobby for the Centre's continued existence. Local community organisations and other clinical programs and community legal centres continued their campaigns supporting the Centre.

During this crisis the Centre maintained and improved its superb services to both students and clients. Two long term staff members John Godwin and Zoe Matis left the Centre during this year and together with Anna Cody's year off to complete her LL.M, the Centre sadly faced a loss of significant expertise and experience. We were extremely fortunate during the year, however, to have obtained the services of

Vedna Jivan, Tulsi van De Graff, Kalliope Christos, Karen McMahon and Sally Cameron, who all proved to be excellent staff, dedicated to the clients and education programs of the Centre.

Freehill, Hollingdale and Page continued the invaluable placement of a solicitor at the Centre and during the Centre's funding crisis, Henry Davis York provided us with a lawyer for six months to assist the Centre in continuing client case work while we were working to ensure the Centre's continued survival. This assistance was much appreciated.

As Director of the Centre, I feel privileged to acknowledge all the support we have received and on behalf of existing and future clients and students of the Centre, I thank you all.

Frances Gibson
Director/Principal Solicitor

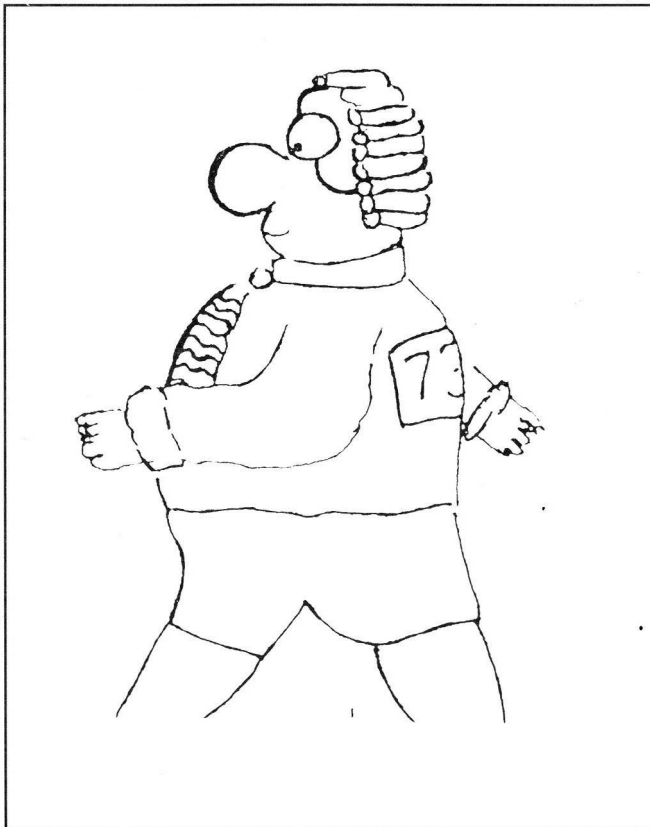


Saving Kingsford Legal Centre

Summary

As outlined in the Director's Report, 1998 marked an extraordinary year as Kingsford Legal Centre consolidated its position. Staff were determined in their efforts to force recognition of the valuable role the Centre plays in educating law students and in resourcing the community. Three notable funding events occurred:

- The Commonwealth Attorney made a single grant of \$65 000 on the understanding that the Centre would apply for recurrent funds from the new Commonwealth Community Legal Education Initiative (see p. 12) at the end of 1998.
- The Vice Chancellor committed \$30 000 in both 1999 and 2000 from a 'Contingency Fund' "in light of the contribution of the Centre to the community and its importance to the Faculty's teaching program and high standing".



- The Vice Chancellor advised the Law School that the conditions upon which it receives the discretionary component of its operational funding were to be revised to ensure its continuing financial support for Kingsford Legal Centre. Law School academic staff had already demonstrated their support for KLC by assuming greater teaching loads in 1988 to achieve savings on part-time teaching.

These three events had a substantial impact on the question of whether Kingsford Legal Centre would continue to operate, however, a number of other events were equally impressive in that they indicated the Centre's broad based support. Staff would like to thank all those involved in fundraising events, including those mentioned in the following.

Walkathon

The Student's Law Society did an extraordinary job organising their Kingsford Legal Centre walkathon fundraiser. More than 200

University of New South Wales students, staff and members of the local community participated in the 4 April event.

Walkers left the University Gymnasium Lawn at 10.30am, travelled cross-country to Coogee Beach (where a number of walkers cooled off and resisted the temptation to take a bus home), and returned to the University grounds by midday.

Helen Chisholm, Students' Law Society education officer and one of the event organisers said, "It was a perfect day. The weather was superb and the walkers really enjoyed themselves". The first two points were certainly true, but a few faces revealed something other than enjoyment as they diligently made their way up the hill from Coogee Beach and back to the University.

The number of Law Faculty staff who participated in the walkathon was impressive: the Dean, Professor Paul Redmond; the Presiding Member of the

Saving Kingsford Legal Centre

Faculty, Associate Professor Jill Hunter; former Dean, Michael Chesterman; Professor David Brown; Senior Lecturer Brendan Edgeworth accompanied by his nine week old son, and KLC staff. Steven Norrish, QC, made an exceptional effort, running the entire course and raising approximately \$1000.

Believe it or not, the humble event raised \$17 000 for the Centre. It was an amazing effort and the Centre would like to thank all students and others who contributed to the organisation of the highly successful event.

Book Sales

It was inspiring to see the efforts of individual's commitment to the Centre. One such person is law student Janette van Kernebeek, who later completed the Clinical Legal Experience course. Janette sold copies of the *Entertainment 98/99* discount book and donated all profits to the Centre. The proceeds from Janette's initiative are now being directed towards the Centre's Access and Equity Program. Centre staff would like to thank Janette very much for her contribution.

Prize Money Donated

Another extraordinary contribution was made by law student Lisa De Ferrari. Lisa was awarded a prize by the University of New South Wales for academic excellence. Lisa

donated her prize money to the Centre. The Centre sincerely thanks Lisa for her generosity and support.

Friends of KLC

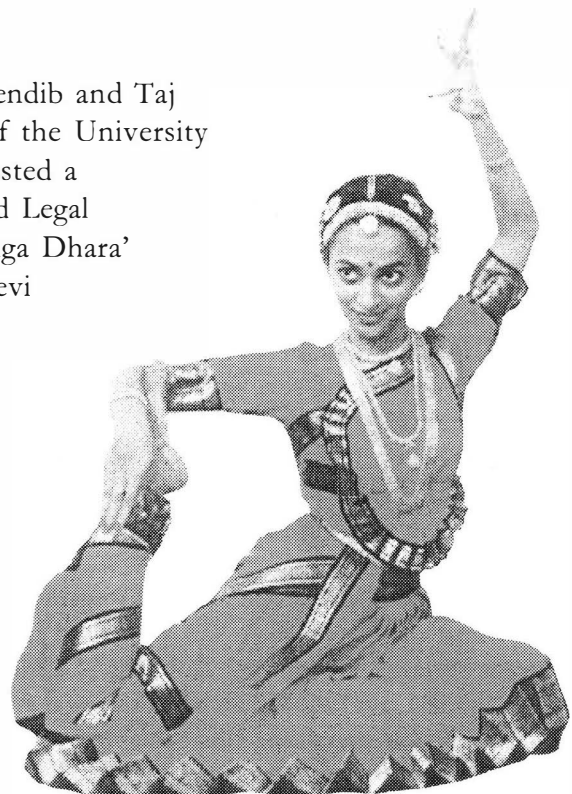
"Friends of KLC" was started by a number of lawyers who volunteer time at the evening advice sessions. Determined that their efforts not draw on Centre resources, the Friends raised money for their strategy by holding a raffle. They began their campaign by preparing and distributing an information factsheet on the funding threat. An open letter was prepared and a number of eminent people were approached to indicate their support for KLC and opposition to a reduction in funding. Letters of support were forwarded to the UNSW Law School. The Friends then met and had positive talks with the Dean of the Law School.

Our thanks to these champions of the Centre, in particular, Duncan Inverarity and Lisa Ogle.

Indian Dance

On 23 August 1998 Serendib and Taj Students Associations of the University of New South Wales hosted a fund-raiser for Kingsford Legal Centre. The event 'Ranga Dhara' featured Apsara Amaljeevi Windsor performing a number of Indian and Sri Lankan dances.

Kingsford Legal Centre would like to thank Dulcy Windsor and Apsara Windsor for their time and effort, which made the event such a success.



Educating Tomorrow's Lawyers

Clinical Legal Experience

Kingsford Legal Centre has been operating a clinical legal education program since 1981 as part of the Faculty of Law at the University of New South Wales. Seventy five students undertake the *Clinical Legal Experience* program each year. Students attend either one or two days a week from 9am to 5pm.

Students participate in a morning meeting on each day they attend. They are also required to attend a two hour class each week. Classes cover a variety of topics including; substantive law in areas relevant to the Centre's practice, such as domestic violence and discrimination; an introduction to practical legal skills, such as interviewing, drafting and negotiation; and discussion of issues such as the legal aid system and law reform issues. The weekly classes and morning tutorials allow students a chance to reflect on and analyse legal and policy issues that have arisen during the course of their work.

The objectives of the course are:

1. to develop students' critical analysis of the

law and legal system in Australia through participation in a legal practice working for clients who are financially or otherwise disadvantaged;

2. to enhance students' contextual understanding of the law and legal process by exposing them to real clients with legal problems;

3. to provide students with a detailed understanding of the legal aid system and develop students' understanding of issues of access to the legal system for the Australian community;

4. to develop students' awareness of the role of lawyers in practice in the legal system

5. to develop students' understanding of ethics and responsibility in a workplace setting;

6. to introduce students to basic legal skills including communication, interviewing, drafting, and negotiation;

7. to develop students' ability to see beyond a casework approach to legal problems by providing opportunities to participate in campaign and education work; and

8. to encourage students to see the law as a vehicle for protecting and developing human rights.

Students are given responsibility for running legal files under the supervision of a staff solicitor. Cases are taken on by the Centre for clients who cannot afford a private solicitor, where there is no other source of assistance, or where the Centre has a

Legal Aid Component Added

In Second Session 1998, the *Clinical Legal Experience* course added another string to its bow through an agreement with the Legal Aid Commission. Students doing the CLE course attend the Legal Aid Office in the city each Tuesday morning and observe client interviews. Supervision of students is being coordinated by David McMillan, a solicitor in the Civil Litigation Section of Legal Aid and also a long term volunteer at Kingsford Legal Centre.

It is a great opportunity for students to gain an insight into the workings of the Legal Aid Commission and to see different styles of lawyering. Kingsford Legal Centre would like to thank David McMillan and the Legal Aid Commission for providing this valuable opportunity. Feedback from students has been overwhelmingly positive.

Educating Tomorrow's Lawyers

particular expertise, for example, discrimination matters. Students undertake legal research, interview clients, attend court with solicitors and Counsel, draft letters, affidavits, court documents and letters of advice. Students use their initiative to develop proposals for action to be taken on files in conjunction with the responsible solicitor.

Students also develop understanding of a broad range of available services through responding to public enquiries for assistance. They provide effective referrals to sources of both legal and non-legal assistance.

The course provides substantial benefits to the students' understanding and analysis of our legal system as well as significant legal help to those in the community who cannot afford legal assistance.

A legal mentoring system operates through the evening advice sessions where volunteer solicitors and barristers work with students to provide advice and assistance to the local community.

1998 Clinical Legal Experience Students

1997 - 98 Summer Session

Tony Abrahams	Lisa Kurian
Toni Brown	David Lau
Rachel Connell	Justin Lee
James Dalton	Blaise Lyons
Susan Darmopil	Giselle McHugh
Michelle De Vries	Michael Mueller
Antony Di Francesco	June Ng
Tuyet Duong	James O'Halloran
Nicholas Georgeopoulos	Jane Reid
James Godfrey	Gayle Robson
Kerry Harrison	David Selby
Fiona Kerr	Katerina Tordon

Session 1 1998

Sarah Barnes
John Butt
Gabrielle Collins
James Dalton
Marianne David
Wilson Fong
Kirsty Gowans
Julie Hart
Stephen Hopper
Phillipa Hetherington
Sarah Hunt
Katherine Irvine
Michael Kaine
Tina Kenny
David King
Simon Koscina
John Murray McWilliam
Ramanan Navakadacham
Julia Quilter
Jacqueline Roarty
Catherine Rowe
Tulsi van De Graff
Mark Hsin-Hung Wang
Wendy Walsh

Session 2 1998

Brian Attard
Therese Bournelhem
Sharon Brainenberg
Lucy Byrt
Karina Carter
Craig Cawood
Elisabeth Coffey
Bridget Crittenden
Julie Dennison
Michelle Fernando
Rupert Gray
Geri Kaufman
Fiona Lawson
Judith Levine
Fay Longbottom
Jyotesh Mehta
Damien Miller
Lenny Roth
Karl Smith
Angela Stevens
Carl Terpstra
Sally Truong
Janette van Kernebeek
Jane Watson
Kate Weaver

Educating Tomorrow's Lawyers

Law, Lawyers and Society

In March 1998, the University of New South Wales became the first law school in Australia to introduce a clinical component into a compulsory course. The revamped *Law, Lawyers and Society* (LLS) is taken by students in their third year. It now incorporates clinical legal experience at Kingsford Legal Centre as an integral component of the course.

The new LLS program gives every law student at UNSW an introduction to the work of community legal centres and a chance to reflect on the ways in which the law affects poor people in our society.

Approximately 200 students a semester attend lectures by KLC staff on interviewing and legal aid. They then attend the Centre to participate in advice sessions and file management workshops.

The Interview/Advice Sessions

Each LLS session begins at 4.30pm when a *Clinical Legal Experience* (CLE) student briefs the LLS students on advice night procedures. The LLS students are given an introduction to the Centre and its resources, and watch the video *Working with Interpreters*, to ensure they understand the basics of the skills required. The supervising solicitor then leads the students through their first interaction with clients.

The advice/interview sessions are staffed by volunteer solicitors and supervised by a Centre solicitor on Tuesday and Thursday evenings. The feedback from the CLE and LLS students alike has been very positive despite the limited space the Centre has to accommodate the groups. The volunteer solicitors have also been very enthusiastic despite the increased burden on them to ensure that all students gain from the experience, whilst ensuring the delivery of a quality advice service to the Centre's clients.

LLS Student Feedback:

"It was enjoyable and invigorating. I would like to thank the Centre and volunteer solicitors. They were amazingly helpful and supportive. The experience taught me that ... clients don't come packaged in neat subject matters, contract law is actually very important, people know very little about legal processes and, just like I had to learn, "what is a local court?", this is the type of information they may need explained."

"It is hard to provide a full service when you do not have much time, sometimes the advice you have to give is not what the client wants to hear (like "yes, you do have to go to court?")."

"I believe practical experience is highly valuable training. The overall impression was very positive and it would be great to do the CLE course at KLC, so I hope the Centre keeps operating; not only for students' benefit, but for the community as well."

File Management Workshops

File management workshops are run by CLE students, providing an excellent opportunity for them to consolidate their understanding of the practical management of client files. These workshops aim to familiarise LLS students with files and file management procedures. Files are selected which will give students an understanding of the diversity of issues in relation to both the case content and procedures. For many students, this is the first contact they have had with a client file, which provides interesting insights into the issues associated with being a lawyer, such as conflict of interest, ethical considerations, solicitor's duties, and trust accounting.

Educating Tomorrow's Lawyers

LLS Student Feedback:

“The file management session was an extremely valuable experience because it provided me with a more realistic perception of legal transactions. It basically helped to put some of the theoretical principles behind ethical behaviour into perspective and portrayed the practice of case handling in a less daunting fashion than I had previously envisaged. This was an experience that I would like to have the opportunity to engage in on a more frequent basis during my law degree.”

“The file management session is an excellent component of the subject. In addition to the interviewing session it allowed me to experience another side of the actual practice.”

CLE student feedback

CLE students have generally responded that their participation as teachers in the LLS program was beneficial in consolidating and gaining a greater understanding of the other components of their course:

“I found it challenging to present a case with which I had become very familiar, to someone with no knowledge of it, and in particular the idiosyncracies of each person in the class. I was amazed by the

perspectives people adopted when interpreting the file.”

“I think what becomes clear in sessions like this is how procedural ‘real law’ is - forms, applications, statements. The session also highlighted how much the law is concerned with people, especially helping people overcome problems by legal means. I think it is useful to see the nuts-and-bolts of actually ‘doing law’ and that’s what this session allows.”

“All in all, I would say that my experience at KLC was extremely enlightening. Not only essential to a legal career but for a ‘broad liberal education’ which so often has been forgotten or subverted by other considerations.”

Evaluation

The course continues to be evaluated and questions asked, for example, should the focus be skills-based or value-based? Our thanks to the Centre for Legal Education which conducted an evaluation focus group on 3 June 1998.

From left: CLE students Tony Abrahams, Susan Darmopil and James Godfrey.



Clinical Legal Education

National Work

The Centre was active in working with other clinical legal educators in Australia in promoting clinical legal education in law courses. This year the Centre:

- established an email list serve for clinical legal educators in Australia, to facilitate communication on issues of common concern.
- published the *Guide to Clinical Legal Education in Australian Universities 1998* which collected details of all clinical legal courses in Australia (see box below).
- continued publication of the only newsletter in Australia on clinical legal education. This newsletter highlights developments in Australian CLE courses, and is distributed in Australia and internationally.
- convened a meeting of the clinical legal educators at the Centre. The session was

attended by both specialist and generalist community legal centre workers and was extremely useful.

- continued its participation in the National Association of Clinical Legal Educators which successfully lobbied the Federal Government for the introduction of specific funding for clinical legal education programs. The Commonwealth announced the dedication of \$1.740 million (nationally) to develop clinical legal education programs to maximise service delivery to disadvantaged clients and cooperation with universities.

International Clinical Legal Education Conference - USA

In May 1998, Frances Gibson and Anna Cody attended the Association of American Law Schools 1998 Conference on Clinical Legal Education. The Conference, held in Portland, Oregon, was entitled "Integrating our Values In our Teaching and In Our Lives".

Participation in the conference provided an opportunity to consult internationally with experts in the field of clinical legal education. It clearly contextualised the work of staff at Kingsford Legal Centre as operating within a wider community of academics with a commitment to social change. Clinical legal education aims to produce lawyers with highly developed skills, including the ability to think and question the nature of the legal system and to respect the values inherent in social justice.

The conference provided an opportunity to take time out to consider the methodology and values intrinsic in teaching clinical legal education. One of the key values discussed throughout the conference was that of teaching respect

Clinical Legal Education Guide

In 1997, Kingsford Legal Centre published the inaugural edition of the *Guide to Clinical Legal Education in Australian Universities*. Following the success of the 1997 Guide, the Centre was asked by participating law schools to produce a 1998 edition.

The Guide provides a summary description of Clinical Legal Education courses running in Australian universities. It is the only publication providing a centralised source of information about what each CLE course offers. It is both valuable for students choosing a course, and also valuable for practitioners as it offers a starting point for exchange and debate.

Copies were distributed to some 60 academics and agencies. The Centre would like to thank the Centre for Continuing Legal Education for assisting with distribution of the Guide.

Clinical Legal Education

for clients and allowing them to make their own decisions.

There was little argument that in clinical legal education, staff teach values whether consciously or not. Teaching law 'objectively' or in a 'value free setting' is not possible, particularly in a clinical setting where staff values, client values and student values are constantly interacting and sometimes clashing. This framework acknowledges that all teaching is value laden and consequently, it is all 'political'.

Commonwealth Legal Education Conference - Jamaica

The Annual Conference of the Commonwealth Legal Education Association (CLEA) was held in Ocho Rios, Jamaica in December 1998. The conference, titled "Legal Education: 2000 and Beyond", was hosted by the Council of Legal Education, University of West Indies Law School in collaboration with the Commonwealth Lawyers Association. It was attended by judges, students, clinicians and academics. Vedna Jivan represented Kingsford Legal Centre and the University of NSW.

The conference was attended by approximately 200 delegates from South Africa, India, the United Kingdom, Australia, Canada and the host region, the West Indies. Conference sessions were divided according to the following topics streams: Continuing Legal Education for Judges, Clinical Legal

KLC Solicitor, Vedna Jivan (far right) with conference delegates at Montego Bay Airport.

Education, Coordinator Teaching, Methodology and Curriculum Development, Developing Human Technological and Material Resources for Improving Legal Education, and Ethics and Values.

Vedna Jivan presented a paper *Practically CLE? Developments in Clinical Legal Education in Australia*, which was coauthored with Jeff Giddings of Griffith University, Queensland. The paper was, in part, a response to the Commonwealth Government's 1998 announcement of increased funds for clinical legal education programs throughout Australian universities. The paper outlined the nature of existing courses in Australian law schools, expected developments and the anticipated effect, if any, that specially allocated government funding may have on the general development of clinical education. Conference participants were provided with a copy of Kingsford Legal Centre's recently published *1999 Guide to CLE Courses in Australian Universities*.

The conference provided an invaluable opportunity to learn about developments in legal education in our Commonwealth counterparts, and confirmed the leading role Australian universities play internationally in clinical legal programs.



Working with UNSW Law School

Kingsford Legal Centre provides clinical components to a number of subjects in the UNSW Law School. Following is a brief summary of some of the work done by the Centre within the Law School during 1998.

Wills Day

As part of the Law subject *Succession*, students attended the Centre for Wills Day. Wills Day, held in September 1998, was coordinated by *Clinical Legal Experience* student Karina Carter. The aim of the day is to enable *Succession* students to obtain practical experience interviewing clients, taking instructions and drafting wills, under the supervision of the Centre's solicitors. It also provides pensioners in the local area with the opportunity to have a will drawn up at no cost.

Remedies

Law students studying *Remedies* have a clinical option to provide written advice to Kingsford Legal Centre clients. In 1998, the Centre's Principal Solicitor, Frances Gibson briefed students on the type of work done at the Centre, details of their particular matter, and on key issues to consider while working on their matter, including the importance of confidentiality. *Remedies* students each spent several days at the Centre looking over their allocated file, and then providing a memorandum of advice on aspects of the case.

The program provides *Remedies* students with an opportunity to play 'junior barrister' whilst equipping the Centre (and the Centre's clients) with valuable research.

Thanks to Reuters

Each session, some 25 students attend rostered days at the Centre as part of their *Clinical Legal Experience* course. This means that on any given day there are between four and 10 students at the Centre. The majority of students are computer literate and prepare their own correspondence and legal documents for checking by the supervising solicitor. By late 1997, the demand for student access to computer terminals was creating enormous problems. There were not enough computers to go around and students wasted long periods of time waiting for computer access.

In early 1998, that changed. Reuters notified the Centre that they were upgrading their computer system, and offered the Centre their superseded computers.

The Centre would like to thank Reuters for their generous contribution. Having additional computers has made an extraordinary difference to the smooth operation of the Centre and to the *Clinical Legal Experience* course. In particular, the Centre would like to thank the Centre's volunteer lawyer, Mark Nicholls, who instigated the generous arrangement.

Immigration

Under Anna Cody's supervision, students studying *Immigration Law* were able to work on appropriate client files at the Centre. Files included hearings in the Immigration Review Tribunal. The small clinical component of this subject allowed students the opportunity to see immigration law in practice.

Interviewing classes

Frances Gibson gave classes on advanced interviewing skills to students studying litigation.

Domestic Violence

Anna Cody presented classes on domestic violence to Owen Jessup's *Family Law* class, utilising her many years experience in domestic violence casework and policy development.

Working with UNSW Law School

Social Work/Law

The UNSW Law Faculty, in conjunction with the School of Social Work, offers a six year Social Work/Law combined degree. One of the combined course requirements is that students attend Kingsford Legal Centre fulltime for a semester to fulfill their *Social Work Practice - Third Placement* while concurrently fulfilling the requirements of the *Clinical Legal Experience* subject.

In session 2 1998, three Social Work/Law students completed their placements at the Centre. The students undertook a number of tasks, including a joint project with the National Children's and Youth Law Centre. The aim of the project was to address the difficulty young people have in gaining access to legal services both generally and in Sydney's eastern suburbs.

The project focussed on the role of school counsellors, and their potential for providing an avenue of justice to young people. Two main goals were devised. Firstly, to establish links with counsellors in the local area, and secondly, to develop an understanding of school counsellors' roles. A questionnaire was distributed to gain details of the tasks and responsibilities undertaken by school counsellors. Information sharing sessions were then planned to build upon the information gained from the questionnaire, and to build links between staff at the respective centres and local counsellors.

Clinical Legal Experience students at the Centre.

The two information sessions held were attended by counsellors from public and private schools and staff from both Kingsford Legal Centre and the National Children's and Youth Law Centre. Students presented information about the scope of their project, and legal centre staff elaborated on legal issues of particular relevance to young people. The school counsellors provided information about their roles and a range of issues were discussed.

It was found that although most counsellors had heard of at least one of the centres, few knew how to access the centres or what services were provided. Many counsellors discussed past incidents which they believed would have benefited from the assistance of the centres. Since the meeting there have been a number of occasions when the services of the legal centres have been called upon to advise school counsellors.

The students wrote a comprehensive report detailing the project and their findings. The report also included a number of recommendations which aimed to improve young people's ability to assert their rights. One of the recommendations was that Kingsford Legal Centre make legal education to school counsellors a priority. This recommendation may be pursued by the next group of Social Work/Law students.



Working With Our Community - Casework

Legal Practice

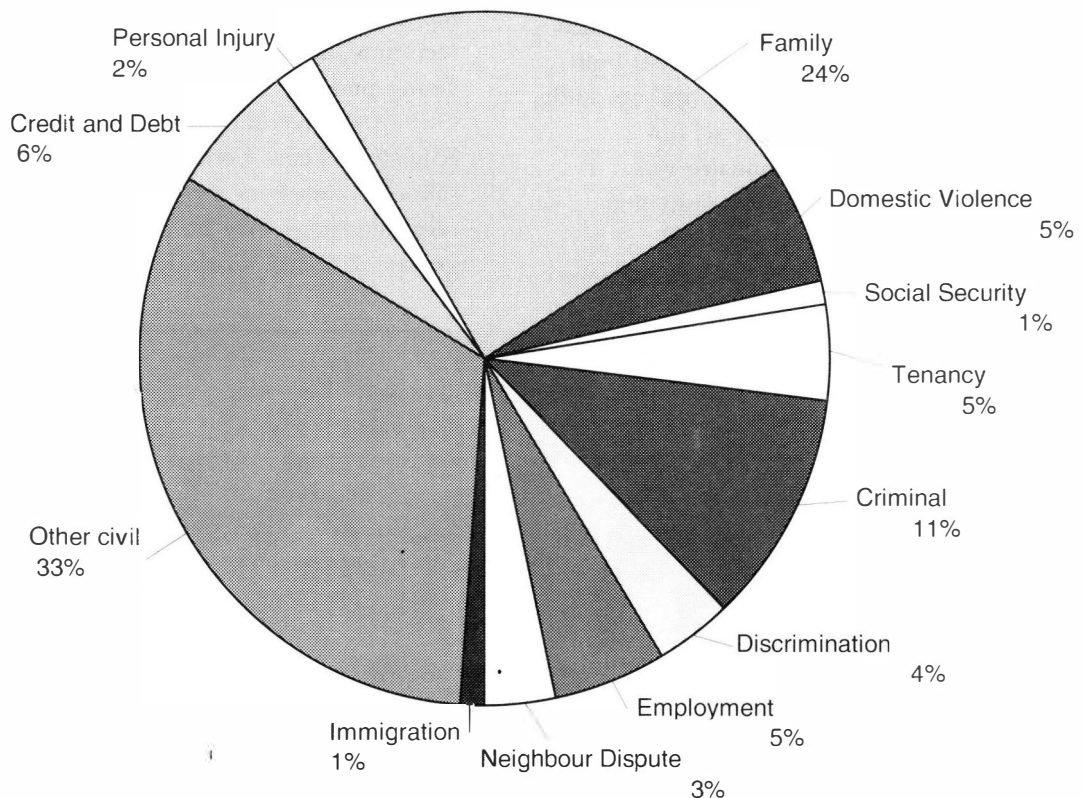
Since the closure of the Bondi Junction Legal Aid Office, Kingsford Legal Centre is the only free legal advisory service in the South East Sydney region. Consequently, it provides an invaluable service for the people of Randwick and Botany Bay local government areas.

Kingsford Legal Centre is a practical example of how promoting excellence in legal education can also provide practical benefits to the local community. The Centre is unique in NSW in that it delivers much needed legal services to local people while providing law students with practical legal experience under strict supervision of a legal practitioner.

Kingsford Legal Centre offers a broad range of legal services, including:

- face to face legal advice provided during two evening advice sessions each week;
- face to face legal advice provided during day time appointments;
- telephone legal advice provided during two evening advice sessions each week;
- specialist child support advice sessions provided once each fortnight;
- ongoing legal casework and representation;
- specialist legal casework in discrimination matters (a statewide service); and
- referral to other agencies.

Advice given in 1998 by matter type



Working With Our Community - Casework

1998 Casework

In 1998 Kingsford Legal Centre:

- provided services to 2810 people;
- advised over 1700 people during face to face and telephone advice sessions;
- ran more than 600 ongoing cases;
- dealt with 103 discrimination matters; and
- provided information and referral to over 400 people.

New Child Support Advice Service

For many parents, resolving the issue of financial support for children following separation is an emotional and confusing process. The Child Support Service of the Legal Aid Commission of NSW provides advice and assistance to both carer and paying parents concerning a range of child support issues. This service joined forces with Kingsford Legal Centre in August 1998 with a view to facilitating access for parents in the local area to child support advice, assistance and representation where appropriate.

Alex Colquhoun, a solicitor with the Child Support Service, attends Kingsford Legal Centre on two Thursdays each month, conducting advice sessions from 10am to 4pm. The response to the introduction of the Service has been very positive, with most advice sessions being fully booked.

Increased Telephone Service

In July 1998, Kingsford Legal Centre expanded its telephone advice service. Legal practitioners are usually hesitant to offer legal information and advice over the phone, valuing face to face contact with clients, but the Centre had experienced considerable demand for a telephone service.

The Centre's telephone advice service was introduced in 1997, providing advice during Thursday evening advice sessions. Following consultations with volunteer solicitors and Centre staff, the Centre decided to expand the telephone service to include Tuesday evenings. Our research revealed a broadly held belief that it would greatly benefit the community and that there was a considerable shortage of such services. In particular, the telephone service provides better access to legal advice for those who are less mobile such as people with a disability, elderly people and parents of young children.

Centre's Work Awarded Prize

The Centre's efforts were recognised in 1998 with the awarding of the Randwick City Council Award for Best Community Service Organisation. Centre staff and volunteers were honoured to receive the award.

The Centre greatly values its role as the principle provider of free legal advice and information to the people of Botany and Randwick local government areas.



Noteable Cases

Kingsford Legal Centre is a generalist community legal centre, providing advice and assistance on a broad range of legal issues. Following are examples of a few cases the Centre handled in 1998.

Immigration Win

Under the Migration Regulations a person can migrate to Australia if they can show they are the last 'remaining relative' of an Australian resident. Unfortunately, the criteria to be satisfied under the regulations can cause hardship and distress in cases where the applicant has a relative who is missing. This can occur in a war-torn country where people are killed or imprisoned indefinitely, records are lost and it is nearly impossible to trace the whereabouts of missing persons. In such circumstances the burden of proving that a relative has died is difficult to discharge.

Kingsford Legal Centre was successful in arguing for the reconsideration of the Department of Immigration's refusal to grant a Preferential Family Visa for a Sri Lankan applicant. The Department's officers at the Colombo High Commission and at the

Migration Internal Review Office had rejected the application on the grounds that the applicant had a brother living somewhere in Sri Lanka. That decision did not take into account certain facts surrounding the brother's disappearance.

At the Immigration Review Tribunal hearing the Member applied a 'common sense' test to the particular facts of the case. The Member found on the balance of probabilities that it is highly likely that the applicant's brother is dead. The relevant factors taken into account by the Member were as follows:

- Previous Tribunal decisions and rulings which had ameliorated the requirement under common law to demonstrate a period of disappearance of seven years in order to presume a person dead. These decisions took account of the particular circumstances of the case.
- The history of fighting and war-like activities in the region where the applicant's brother had lived.
- The fact that the brother had disappeared and not contacted his family was a factor of considerable weight. This finding was made in light of the presumption of contact in a close family situation and evidence to show the failure of the Red Cross tracing agency to locate the brother.

The Tribunal found the missing brother to be deceased for the purposes of the application. This allowed the applicant to meet the criteria and the Visa Application to be remitted to the Department for further processing.



Clinical Legal Experience
students at the Centre.

Victims Compensation

Our client was very badly beaten by a gang of men. He sustained extensive injuries; both physical and psychological as a result of the beating. His doctor advised him that it was not worth while pursuing victims compensation. Fortunately he sought legal advice at the Centre, and was finally awarded \$19 000.

Social Security Prosecution

Kingsford Legal Centre was successful in a case which highlights the vulnerability of people from non-English speaking backgrounds when dealing with the Department of Social Security (DSS, now Centrelink).

Our client, a Chinese woman with very limited English, was prosecuted for social security fraud. She had been paid Parenting Allowance over a two year period, however, she had failed to notify the DSS of increases in the level of her husband's income. If the Department had been notified of those increases, she would not have received about \$8000 of the Allowance.

Our client agreed she had not been entitled to the money and agreed to repay the debt. She argued, however, that she should not be convicted of fraud because she had been unaware that she had done anything wrong. She cannot read English and all DSS correspondence with her had been in English. She gave the letters to her husband and relied on her husband to translate them for her. Sometimes her husband read parts of the letters to her, but she was never told by her husband that the letters asked her to notify the Department of changes in income.

The prosecution did not produce any evidence to cast doubt on our client's dependence on her husband to translate for her. To the contrary, the Magistrate found that this was demonstrated in her DSS interview to answer the allegation of fraud. No official interpreter was provided for the interview and the interviewing officer relied

on our client's husband to interpret. The Magistrate was not convinced that our client actually knew of her obligation to notify the Department of income changes. The Magistrate felt that the fraud offence had not been proved beyond reasonable doubt and our client was found not guilty.

Stolen Generation

The Centre continued to represent Joy Williams in her case against the state of New South Wales. Joy is an Aboriginal woman who was removed from her mother when she was a few hours old. Joy was placed at Bomaderry Children's Home until she was four years old, when she was transferred to a white children's home run by the Plymouth Brethren, to remove her from the association of other Aborigines.

Our client is claiming negligence, breach of statutory duty, breach of fiduciary duty, and false imprisonment. In 1997, the Supreme Court initiated a hearing to determine whether the case could be heard in the District Court. The Supreme Court found that because of the questions of law involved, the case should remain in the Supreme Court.

Affidavits have now been filed by the Centre and by the State of New South Wales. The case will be heard in early 1999.

The National Inquiry Into the Separation of Aboriginal and Torres Strait Islander Children from their Families revealed the devastating effects that government and church policies have had on thousands of Aboriginal and Torres Strait Islander people. The commencement of this individual action is one woman's attempt to make the government accountable for its previous actions. The case has been taxing on Centre resources but most particularly on our client. The Centre congratulates Joy Williams on her tenacity in her fight for justice.

The case will be heard in April 1999.

Discrimination Practice

In 1998, the Centre continued to be actively involved in discrimination and human rights issues through both its policy development and casework. Kingsford Legal Centre operates a specialist discrimination practice that covers NSW. Following are a few of the Centre's cases.

Disability Discrimination

Although it took more than a year for the decision to be handed down (see last year's annual report), it was worth the wait. Our client was dismissed when his employer claimed that he could not be relied on to safely carry coffins, due to his artificial foot. The Centre represented him in arguing that he was discriminated against on the ground of his disability by his employer and therefore was entitled to damages under the *Disability Discrimination Act 1992*.

The Commissioner accepted the evidence of an occupational physician that our client could have been trained to alter his gait at minor expense to his employer. The Commission found that our client's employer should have consulted a health and safety expert before deciding whether termination of his employment was appropriate.

The Commission awarded our client \$16 730 compensation for lost income and general damages.

Vilification

In early 1996 a young homosexual man contacted Kingsford Legal Centre in relation to a talkback radio programme broadcast in Northern NSW. The programme was one of a series of broadcasts by the Tweed Heads Radio Station in which issues such as homosexuality and AIDS were popular discussion topics.

The client in question was outraged at the tone and content of the show which he felt vilified homosexuals and people living with AIDS (as well as unemployed people, sole parents, etc.).

Our client believed that the talk show host made no effort to encourage a balanced debate on these issues. Instead, he deliberately and gratuitously attacked the homosexual and AIDS affected communities either by his own comments or by endorsing comments made by callers. KLC decided to take on the case.

The talk-show host subsequently defended his behaviour on the grounds that his only brief was to increase ratings and that he felt the best way to do so was to polarise his audience through controversy. He denied that he held any personal antagonism towards homosexuals, arguing that he was simply appealing to popular prejudices in order to bolster the show's profile.

Complaints lodged against the radio station to the Australian Broadcasting Authority resulted in a formal finding that the station was in breach of non-vilification programme standards. Complaints lodged in the Anti-Discrimination Board resulted in the publication of apologies to the gay, lesbian and HIV/AIDS affected communities.

The Australian Broadcasting Corporation effectively found that the harm to the gay, lesbian and AIDS affected communities was serious enough to warrant legal intervention. That intervention was ultimately successful.

Sexual Harassment

Our client, an 18 year old office clerk, was employed with an investment company for three months. She was subjected to a number of forms of harassment including comments about the size of her breasts, having her breasts touched and her boss asking her to sleep with him. As a result of the stress of sexual harassment at work, she experienced severe anxiety and depression and had to leave her job.

Our client complained to the Human Rights and Equal Opportunity Commission (HREOC). The company's response was

complete denial, accusations of backdated doctor's certificates, closed ranks and derogatory comments. Our client wanted an apology from the company, compensation and an employment reference.

The respondent frequently touched many of the female workers' bottoms. According to our client's submission, 'they put up with it'. The question of whether or not the other women felt offended illustrates an important point. In fact, it is irrelevant that the behaviour complained of may not offend others. "Unwelcome" in section 28A of the *Sex Discrimination Act 1984* (Cth) is a subjective test. It need only be reasonable in the circumstances that the person felt harassed, humiliated or intimidated, not that every person would be.

Our client was very young compared to her boss and feared being teased by her colleagues who appeared to accept the boss's behaviour. Her vulnerable position prevented her from making an earlier complaint but in no way does this mitigate against the seriousness of the complaint. Disparities in age, vulnerability, racial or cultural background, seniority and personal power are taken into account as contributing to oppressive authority involved in sexual harassment.

Several factors contributed to the lasting effect the sexual harassment had on our client, including her age and that this was only her second job. The harassment exacerbated pre-existing personal problems, and she experienced difficulties caring for her young son, finding further employment, and keeping positions because of the fear that sexual harassment might occur again.

During conciliation, an agreement was reached. The company undertook to pay financial compensation for lost wages and humiliation, provide a positive employment reference, and implement an anti-discrimination/sexual harassment policy within three months of signing the conciliation agreement.

Sexual Harassment

Our client was dismissed from her job after she made a complaint of sexual harassment. She was working as a waitress in a hotel on a casual part-time basis. She was harassed by the manager telephoning her at home to offer extra shifts in exchange for her having drinks or starting a sexual relationship with him. The manager made intrusive comments about her private life and her relationship with her boyfriend. He also made comments of a sexual nature in the workplace regarding her body and he requested that she handle literature at work which was sexually explicit. When our client rejected the manager's unwelcome advances, he acted in a vindictive manner and dismissed her.

The respondents argued that down-sizing had resulted in her dismissal and described it as a rational business decision. They admitted, however, that the industry is notorious for staff turnover and personnel problems, and yet there was no formal channel of complaint available to our client in her workplace.

The Anti-Discrimination Board advised our client that she could defend her legal rights about the sexual harassment she had experienced. She had great difficulty ascertaining which particular award covered her, but made a claim through the Industrial Relations Commission under the *NSW Industrial Relations Act 1996*. Her matter went to hearing but the Commission rejected her case because it found the matter was outside state jurisdiction. The Commission considered she was being paid under a federal award. She was advised to lodge a complaint with the Human Rights and Equal Opportunity Commission.

Fortunately, the Centre was able to negotiate a settlement which included an apology, reference and financial compensation through the Human Rights and Equal Opportunity Commission. Our client's difficulties in negotiating the system, however, highlights the need for legal advice and legal aid in pursuing such cases.

Consumer Credit Test Case

1998 saw the end of the consumer credit test case saga that had Kingsford Legal Centre involved for 10 years. The case concerned 2317 loan contracts between various borrowers and Garendon Investments (now in receivership) to finance the purchase of timeshare options at Port Pacific, Port Macquarie. The case was originally run by Kingsford and Redfern Legal Centres but since 1993 was run by Kingsford Legal Centre alone.

The matter was listed for a four week hearing beginning 3 February 1998. In the eleventh hour an offer to settle the proceedings was made by Garendon's representatives. As a result of a three hour conference on 22 January 1998, a settlement was reached subject to client instructions. There were some who wanted 'their day in court' and others who were relieved at not having to relive their timeshare nightmare 10 years on.

The settlement proposal was threefold:

- it waived debts totalling over \$750 000;
- it returned to our clients a percentage of the payments they had already made; and
- it removed our client's adverse credit ratings.



Seeking instructions and protecting the interests of 110 clients was not an easy task but the proposal was accepted by all 110. Leave was granted by the Commercial Tribunal to discontinue the proceedings in respect of the represented debtors (KLC clients) and the application before the Tribunal was amended accordingly. That left 1901 contracts in which there were no appearances by the debtors.

A one day hearing was held on 3 February 1998. The Tribunal accepted that monetary recompense to the unrepresented debtors would be a futile exercise as many of the debtors would be difficult or impossible to locate. As at September 1996, Garendon only had contact with 330 of 2317 debtors. In light of this the Director-General (as representative of the public interest) proposed that a monetary penalty be imposed on Garendon to be paid to the Financial Counselling Trust Fund. The Tribunal, however, reinstated the unrepresented debtors' outstanding liabilities to Garendon on 3 February 1998, the reasons for which were handed down on 9 June 1998.

On the settlement front, many drafts of the terms of settlement and release were put forward by both parties. The deed in its final form has taken many months to execute given the number of clients and the time taken to explain the deeds to the clients. All deeds have now been finalised and exchanged. Garendon has also paid the costs of the represented debtors in all the proceedings, namely the Commercial Tribunal, the Supreme Court, the Court of Appeal and the High Court.

Our thanks go out to the many volunteers who helped end the timeshare nightmare, including volunteers Justine Grayce, Anne Horvath, Erin Kennedy, Stefan Mueller, Lyn Paine, David Robinson, and Muhunthan Kanagaratnam.

From left: Tony Abrahams, Susan Darmopil, Vedna Jivan (KLC Solicitor), and Lisa Kurian working on the Garendon case - January 1998.

Casework

In 1998, the Centre recorded 132 instances of legal assistance relating to domestic violence. This included phone and face to face advice, information provided by post or fax and a substantial number of full cases (81).

Domestic Violence Court Assistance

A significant proportion of the Centre's domestic violence related casework occurs through participation in the Waverly Domestic Violence Court Assistance Scheme. The scheme coordinates police, court staff, magistrates, community workers, and the local legal profession to provide a more comprehensive and efficient service for women applying for an Apprehended Violence Order. It is part of a statewide program which was recently evaluated by independent consultants. Their report showed that the vast majority of women applying for an Apprehended Violence Order found their participation in the scheme had helped them get through the court process. In student evaluations, many students commented that their participation in the scheme had provided them with a very different and more realistic understanding of domestic violence.

Partnerships

The Centre continued in the Combined Group of Community Legal Centres Domestic Violence Subcommittee and the Eastern Suburbs Domestic Violence Committee.

Policy

The Centre developed policy submissions on a number of issues, including submissions to:

- the Regional Violence Specialist, on the Violence Against Women Regional Action Plan;
- the Standing Committee of Attorneys-General, on model domestic violence laws;
- the NSW Ombudsman, on the Inquiry into Police Response to Domestic Violence (on behalf of all NSW Community Legal Centres);
- the NSW Council on Violence Against Women, on Perpetrator Programs; and
- the Australian Law Reform Commission, on Women and Violence.

Victim's Compensation

Not all of the Centre's domestic violence casework relates to strategies to prevent violence. The Centre undertook a number of cases related to victim's compensation. In one case, the Centre acted for a woman in compensation proceedings on the long term domestic violence she had suffered from her husband. Our client was awarded an amount which was reduced by the Tribunal by 50% as the Assessor determined her ongoing psychological difficulties as partly related to the incidents of violence she suffered and partly due to the ongoing dysfunctional nature of her relationship. The Assessor said her normal 'marital discord' had caused a significant percentage of her damage and was not compensable.

The submission lodged by the Centre on appeal was that the two factors could not be separated and, in any event, the amount allowed was insufficient to compensate for her loss as a result of the acts of violence against her.

Another client was subjected to many years of domestic violence. We lodged three applications for victim's compensation on her behalf. The Tribunal awarded her \$1000 for one application, and dismissed the two others on the basis that she had told the police she did not want the perpetrator charged (because she feared retribution). The Centre lodged an appeal in the District Court. The client was awarded approximately \$40 000 with the judge noting that women should not be punished for fear of retribution.

Partnerships

Community Education

Both staff and students contributed to the Centre's community education program throughout 1998. The Centre was active in providing legal education for local community workers and for other members of the community. Forums and workshops included:

- "Why I do Community Law", Education Forum, University of Technology Sydney;
- "HREOC Cuts and Practical Implications for Clients", Workshop, NSW State Community Legal Centres Conference;
- "Women and Family Law", Forum, Bondi Beach Cottage; and
- "Domestic Violence and Family Law", Forum for Chinese Women, Bondi Beach Cottage.

Red Cross Mock Trial

One example of a successful community legal education project run by students was a mock trial for Australian Red Cross staff who run the Glen Mervyn Young Women's Health Program. The Program provides young mothers with the opportunity to learn

parenting skills through either residential, supported living or outreach programs. The nature of the work places staff in the position of potential witnesses in court proceedings, usually child care and protection actions. The project, devised by two CLE students, involved a training session and mock trial as a means of generally demystifying the court process and preparing staff for appearing in court.

The training session comprised an introduction to court procedures, language and protocol with an emphasis on oral evidence, in particular, the purposes of examination in chief and cross examination. This led into the mock trial which was based on a case study. It involved each member playing the role of a worker whose client's child was the subject of care and protection proceedings initiated by the Department of Community Services. The participants had the opportunity of taking on the role of a witness.

A troupe of students from KLC assisted with the mock trial. Two trials were set up and participants divided into groups, with four participants in each group. Students and the supervising solicitor played magistrates, clerks and counsel for both sides. Glen Mervyn's office and recreation area were transformed into

a 'court', with makeshift bench, bar table, witness box and public gallery. Each witness was called and sworn in by the clerk. They then gave evidence in chief and were cross examined. While the scenario did not change, styles and methods of questioning varied for each witness. Participants remained in the 'public gallery' while their colleagues were in the 'witness box', allowing them to observe and learn from others' experience.



Foreground: CLE students Janette van Kernebeek and Elisabeth Coffey, with Glen Mervyn staff seated behind.

Kooloora Women's Day

In what is becoming an annual tradition, students participated in Kooloora Community Centre's Women's Day. Three *Clinical Legal Experience* students undertook responsibility for representing the Centre at the event which aims to give local women a better understanding of community services available to them by drawing together all agencies within the local area which provide services for women. The diverse range of agencies which attended included the Eastern Suburbs Tenancy Service, Randwick South Family Day Care, Nursing Mothers Association and the Aboriginal and Educational Consultative Committee.

To ensure a celebratory feel to the day, the students decorated the Centre's stall and offered lollies to interested parties.

Iris Williams opened the event and her speech was followed by the launch of the *Sorry Book* by Lola McNaughan. Local women were able to participate in a range of activities including yoga and self defence workshops, free foot massages, iris diagnoses and tarot readings. There were also a number of performances by local performers.

During the day, KLC students familiarised themselves with a broad range of community services. They also talked with local women, some of whom were referred to the Centre for legal advice.

The KLC Consultative Committee

Intrinsic to the philosophy of community legal centres is that each centre understands its community in order to provide the best possible service.

The structure of the Kingsford Legal Centre is unusual, however, as it is part of the University of New South Wales (UNSW) and does not have an independent management committee.

The Centre relies heavily on the support and expertise of UNSW Law School, but to ensure that the Centre's work reflects the needs of the community, the Centre draws on the talents of a Consultative Committee comprised of representatives from a broad range of local agencies. Their local experience and expert advice is invaluable.

The Centre thanks the 1988 Committee members for their contribution and support:

- **Christine Gibson**
Social Work School UNSW
- **Julie Spies**
Kooloora Community Centre
- **Anne Stegman**
Randwick Information & Community Centre
- **Carol Krikorian**
Botany Family & Children's Centre
- **Cassie Hatton**
The Shack Youth Services
- **Jill Anderson**
Social Work - UNSW
- **Caroline Mason**
Randwick City Council
- **Annie Cossins**
Law School - UNSW
- **Colin Rosenfield**
Randwick City Council
- **Rosa Lora / Tien Vic**
Botany Migrant Resource Centre
- **Elizabeth Beesley**
Botany Council

Informing Decision Makers

Policy Work

Policy development is a key component of the Centre's work. During 1998, the Centre was complimented by government on the key role it plays in ensuring that accurate, thorough and detailed analysis of grass roots information is communicated to government agencies which are not involved in direct service provision on any detailed level.

Throughout 1998, the Centre responded to a broad range of legal policy issues, including submissions to the following:

- Regional Violence Specialist on the Violence Against Women Regional Action Plan.
- Standing Committee of Attorneys-General on proposed model domestic violence legislation.
- NSW Law Reform Commission on section 409B of the *Crimes Act*.
- NSW Council on Violence Against Women on Perpetrator Programs.
- NSW Ombudsman on the Inquiry into Police Response to Domestic Violence (on behalf of the Combined Group of Community Legal Centres, NSW).
- Senate Committee on the Human Rights Amendment Bill (No. 2).
- NSW Law Reform Commission on the Law Relating to the Right to Silence.
- Law Society Government Lawyers Committee on Pro Bono Work.
- NSW Law Reform Commission on the Human Rights Bill.
- Chamber Magistrates Service in NSW Local Courts on A Review of Mandatory Detention of Unauthorised Arrivals.
- Human Rights and Equal Opportunity Inquiry into Pregnancy and Work.
- Senate Legal and Constitutional Legislation Committee on the Migration Legislation Amendment Bill (No. 2) 1988, Migration (visa application) Charge Amendment Bill, and Migration Legislation Amendment (Judicial Review Bill).
- Domestic Violence Legislation Working Group for Combined Community Legal Centre response on Model Domestic Violence Laws.
- NSW Police Commissioner on the Use of Capsicum Spray.
- Australian National Council on AIDS Legal forum on HIV/AIDS related issues.
- Attorney-General's Department on the Street Safety Bill.
- Australian Law Reform Commission on Women and Violence.



From left: Students Kiralee Abbott-Raymond and Elaine Phillips.

Informing Decision Makers

Publications

In 1998, Kingsford Legal Centre published the *Guide to Clinical Legal Education Courses in Australian Universities*, the *Clinical Legal Education (Australia) Newsletter* and the *Kingsford Legal Centre Newsletter*. Other articles and conference papers included:

- “Detention After Arrest Act”, *On the Record* Newsletter;
- “Credit Act Test Case Resolved”, *On the Record* Newsletter;
- “Don’t Get Mad - Get Publicity”, *On the Record* Newsletter;
- “Police Use of Capsicum Spray”, *On the Record* Newsletter;
- “The Application of Biometric Identification to Visitors to NSW Correctional Centres”, *On the Record* Newsletter;
- “Pro Bono Legal Work in Australia”, *On the Record* Newsletter;
- “Legal Aid in NSW - The Role of Community Legal Centres”, *Shifting Ground - NCOSS Conference Papers*;
- “Issues in Legal Aid”, *National Conference of Community Legal Centres Papers*; and
- “Practically CLE? Developments in Clinical Legal Education in Australia”, *Conference of the Commonwealth Legal Education Association Papers*.

Access poster

Randwick City Council and Botany Bay City Council generously contributed funds to allow the development and printing of a poster promoting access for people from non-English speaking backgrounds. The Centre would like to thank both Councils for funding this innovative access strategy.

FREE LEGAL ADVICE
KINGSFORD LEGAL CENTRE

Bezplatni Pravni Savjeti

Consejo Legal Gratuito

Fale'i Fakalao Ta'etotongi

বিনামূল্যে আইন সংক্রান্ত পরামর্শ

免費法律諮詢

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Poster funded by Randwick City Council & Botany Bay City Council

Staff

Frances Gibson

Frances has been the Director at Kingsford Legal Centre since August 1995 and is a Lecturer in the Law School, UNSW. She is responsible for the *Clinical Legal Experience* course and clinical legal education component of the *Law, Lawyers and Society* course. Frances is also responsible for management of the Centre and is a casework solicitor. Frances' previous experience is in private practice, the Aboriginal Legal Service, the Legal Aid Commission, and the Independent Commission against Corruption. She was at Redfern Legal Centre as Principal Solicitor for over six years.

John Godwin

John was a solicitor at the Centre and a teacher of the *Clinical Legal Experience* course for more than six years. His work involved a mix of casework, community legal education, policy development and law reform advocacy. John's work was integral to the development of the Centre's specialised practice in discrimination

law. John worked on the National Privacy Committee, and in 1997 he was awarded the Law Society's Community Legal Centres Pro Bono Award. John left the Centre in June 1998 to take up the prestigious position of Senior Policy Officer at the AIDS Trust in London.

Anna Cody

Anna has been a solicitor at the Centre since March 1995 and is a teacher of the *Clinical Legal Experience* course. During her time at the Centre she has increased the amount of domestic violence work undertaken by the Centre in the areas of policy, education and casework. She also runs discrimination cases, another focus area of the Centre. Anna took a year's leave without pay in August 1998 to do a Masters of Law Degree at Harvard University in the United States of America.

Zoe Matis

Zoe was the Centre's Administrator until October 1998, when she left after an extraordinary 12 years employment at the

Centre. Zoe was responsible for the financial management of the Centre's funds, including the Centre's trust account. Zoe also managed student enrolments and rosters and she supervised the performance of students in their administrative duties.

Vedna Jivan

Vedna began working at the Centre in a six week locum position in 1996. She was next employed to work on



From left: Solicitors Vedna Jivan and Karen McMahan.

the Garendon timeshare case under specific funding from the Legal Aid Commission. Vedna is currently working in a 12 month locum position to replace Anna Cody. Vedna has worked previously at Redfern Legal Centre and Campbelltown Legal Centre.

Sally Cameron

Sally commenced work as the Centre's project officer for an eight month period until June 1998. She was responsible for coordinating the Centre's publications, managing the volunteer lawyers' roster and training, and providing administrative support for other Centre projects. In June 1998, Sally took up the position of Policy Officer with the NSW Department for Women. She continues to work for the Centre part-time, producing the Centre's publications.

Tulsi van De Graff

Tulsi worked at the Centre as Administrative Assistant in a temporary position from June to December 1998. Tulsi completed her Bachelor of Laws Degree and participated in the *Clinical Legal Experience* course, prior to taking up the position.

Karen McMahon

Karen has been locum senior solicitor at the Centre since August 1998. Prior to working at the Centre, Karen was a Solicitor with the Aboriginal Legal Service. She has also worked as a Solicitor/Clinical Lecturer with the University of Newcastle Legal Centre. Karen's areas of expertise include discrimination and advocacy. She is taking

primary responsibility for the Williams case while Anna Cody is on leave.

Kalliope Christos

Kalliope started work as part-time Administrator in November 1998. Kalliope also works part-time as Information Officer at another community based agency, Kogarah Community Services. Kalliope has substantial experience working with students, including her previous position at an HSC tuition college.

Jason Parry

Jason began at the Centre in 1994 on a part-time basis. He maintained the library and advised on reference material of benefit to the work of staff and students. Jason resigned his position in early 1998.

Murray McWilliam

Murray began his involvement with the Centre through his participation in the *Clinical Legal Experience* course, Summer Session 1997-98. Murray was employed to maintain the library in early 1998.

Staff at December 1998

In late 1998, the Centre restructured its personnel functions. The two full-time administrative positions were replaced with the position of Coordinator (full-time) and Administrator (part-time).

As at 31 December 1998, the staff were:

Director	Frances Gibson
Solicitor (Senior)	Karen McMahon
Solicitor	Vedna Jivan
Solicitor	Freehill Hollingdale and Page - Zorica Bresic
Coordinator	Michelle Burrell (commencing January 1999)
Administrator	Kalliope Christos

Freehill Hollingdale and Page

Throughout 1998, Freehill Hollingdale and Page supplied Kingsford Legal Centre with a seconded solicitor under their pro bono program. Three solicitors each worked at the Centre for a period of four months. In effect, Freehills provided a full-time solicitor throughout 1998.

Without the support of Freehills, the Centre would not have been able to meet the demand for legal advice and assistance from people in our local community. The Centre is greatly appreciative of Freehill's support.

In 1998, the Freehill's seconded solicitors were Nicola Taylor, Angela Beckett and Zorica Breznic. Nicola Taylor, outlines her experience at Kingsford Legal Centre as follows.

Nicola Taylor

I was seconded to KLC from March to July 1998 - just in time to enjoy the occasional lunch time swim at Coogee before it got too cold and just long enough to experience the joys of squabbling over the too few heaters with other members of staff and students. I replaced the onerous six minute timesheet with the flexsheet allowing late starts or early finishing times as long as the hours were put in and the work was done. These are the joys of flexible working arrangements and working as part of a team.

My time at KLC was thoroughly enjoyable (and not just because I had to wear a suit only twice in four months). It was also an amazingly valuable learning experience. I actually felt like a real lawyer. It was also very satisfying, both personally and professionally, to be given the opportunity to provide legal assistance to people in our community who need it most and can afford it least.

KLC is a unique work environment for so many reasons - its suburban location, the obligatory morning teas with students, the

unique blend of personalities of the staff and students and most of all, the clients. KLC clients are about as varied a group of clients as any legal practice could service. They represent more languages, cultures and religions than I realised existed in such numbers in our community. These differences were some of the most interesting parts of working at KLC, however, they also presented some of the biggest challenges.

Language was an obvious challenge, however, this could usually be overcome through the use of an interpreter (although I did on one occasion have a meeting with a client which took place entirely by mime). More subtle were challenges presented by particular cultural or religious norms. Sometimes the major challenge was realising that these were even at play. For example, I spent a long afternoon with a client from Japan during which it eventually surfaced that the crux of her complaint against her employer was not so much about discrimination but about breaches of certain loyalties which would have been owed by an employer to an employee in Japan and which she had therefore expected of her Australian employer. In another case, I couldn't make a series of dates and periods of time fit until I realised, through the help of an interpreter, that a year in Iran does not have 12 months.

One of the highlights of my KLC experience was the successful outcome of an appeal against the Department of Social Security's decision to raise an overpayment in excess of \$100 000 against a client who, the Department alleged had either incorrectly or fraudulently received payments to which she was not entitled. The decision also carried the possibility of a gaol sentence. As a result of submissions by a succession of KLC secondees, Centrelink ultimately decided to overturn its original decision and repay her the money it had already deducted from her entitlements. Informing the client of that decision was my most rewarding moment at KLC.

Working at KLC also made me aware of the

Freehill Hollingdale and Page

important policy role of community legal centres – from lobbying the government to prevent dire changes to social security law or reduce university funding, to fighting for the everyday need for interpreters to be provided to community legal centres on all types of matters, regardless of the existence of funding disputes between the Commonwealth and State governments. During most of my secondment, KLC’s policy work also extended to promoting and maintaining its own survival. Hopefully this will not be a feature of life at KLC for future secondees.

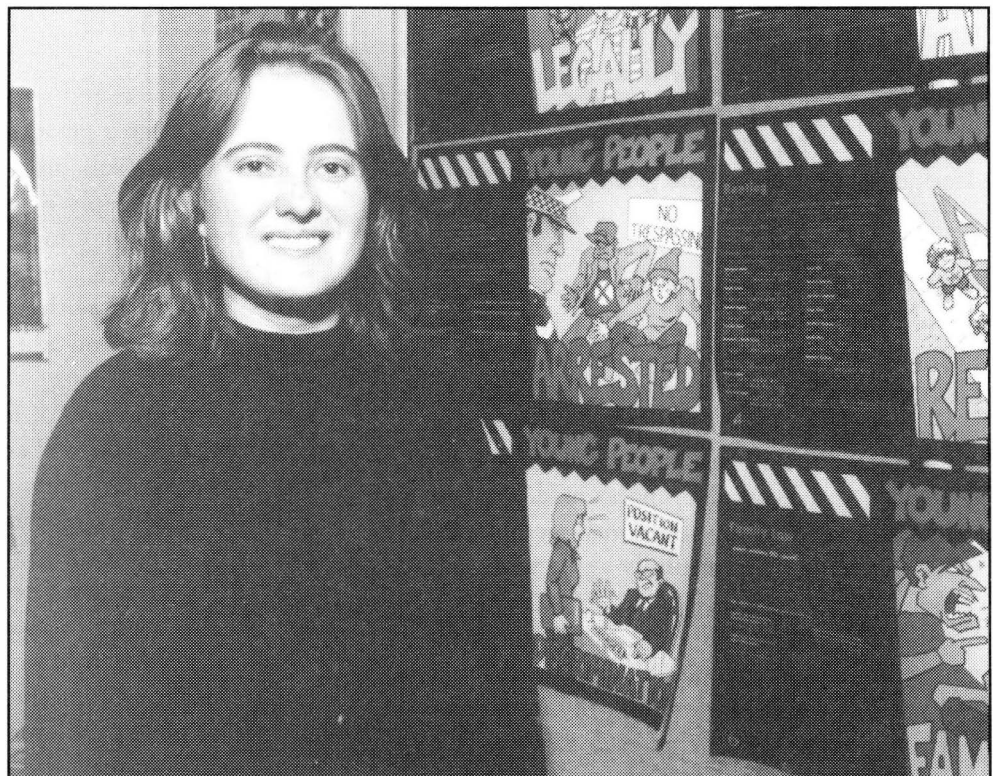
KLC would not be what it is without the dedication of its permanent staff, and without their help and millions of answers to my millions of questions, I would not have survived my time there as I did. Most particularly, I appreciated their help in keeping me one step ahead of the students and for steering me through some of those hairy afternoon advice sessions which involved issues and areas of law which were new to me.

I also enjoyed supervising and working with the students, some of whom it was necessary to motivate, others of whom certainly motivated me. Most of all, I envy the practical legal experience which the students were able to gain as part of their law degrees. If my secondment to KLC after a year

of practice was an invaluable learning experience, I can only imagine how valuable it would have been to me as a student.

KLC is difficult to escape. Since my return to the world that is a large city commercial firm (including the suits and timesheets), I have not quite been able to escape the world that is KLC. I have seen both clients and students wandering around the city streets and shops. I even turned up at work one day to find a former KLC student sitting in an office in my section. (He now works on a huge document task in one of my cases so I bet he is hankering for his KLC days.)

Most surprising of all was my discovery of a former KLC student in his “support role” for a hen’s night in a Thai restaurant at which I attended a birthday dinner. During the time we’d both worked at KLC, I had asked him to ring around some Thai restaurants in order to find a client’s estranged husband so that she might serve divorce papers on him. We didn’t find the husband but maybe the student scored himself a job!



**Freehill Hollingdale
and Page secondee,
Nicola Taylor.**

Henry Davis York

As a response to the funding uncertainty Kingsford Legal Centre faced in late 1997, Henry Davis York was generous enough to provide a solicitor on a six month secondment to the Centre. The Solicitor, Maria Nicolof, was of great assistance to many of the Centre's clients. We are very grateful to Henry Davis York for their generosity.

Following, Maria writes about her experience.

Maria Nicolof

The first indication I had about being seconded to Kingsford Legal Centre came from a tarot card reader who told me that I would be working "near a hospital" (KLC is just up the road from Prince Henry and just down the road from Prince of Wales) and "helping people" (just how true that has proven is not really for me to say). She also said that she could see me "dealing with women who had been the victims of domestic violence". I naturally assumed that I was about to be fired from the "Corporate and Business Services" group at HDY and thereby prompted into making a radical career change! It was only when Tony Woods (HDY partner and former director of KLC) announced that the firm was responding to KLC's funding crisis by seconding a solicitor to the Centre for 6 months, that the penny dropped - and I learnt the gentle art of lobbying.

Even though I had no real idea what to expect from KLC, I thought it had to be good because so many friends at UNSW who had done a placement at KLC raved about how fantastic their experience had been. I always regretted not having done a placement myself but BA1 & BA2, Tax and Trusts (!?!) intervened. Having reached the end of my six month secondment, I can honestly say that I totally agree with them.

Six months may sound like a long time but it passed incredibly quickly. Although this may be because I'm getting old, it's more likely to be attributable to the fact that each day was filled with diverse and interesting legal (and non-legal)

problems to solve, endless phone calls to government agencies, creditors and pro bono barristers and solicitors on behalf of clients, enthusiastic students asking questions, trying to keep up with folder after folder of "circulation materials", people from the local area and clients dropping in unexpectedly with questions, and the welcome respite of the occasional lunch at an Eastern suburbs beach!

I had the responsibility of supervising one student morning meeting each week, during which students would discuss the client files they were working on and raise any questions they had about various matters. I also supervised two afternoon advice sessions each week, during which local residents could seek advice. Having to keep one step ahead of the students (or "keep up with" in some cases!) and up to date with the latest developments in multiple areas of law kept life pretty busy. In fact "getting up to speed" initially was one of the most challenging and exciting parts of my secondment given that I had had little prior exposure to the areas of law that I was to be advising on - and wouldn't you know it, just when I started to figure out what I was doing, it was time to move on.

Without the wise and wonderful staff at KLC it would have been a great deal harder to learn the ropes. That the solicitors at KLC were highly intelligent and deeply committed goes without saying, but that they managed to combine these traits with patience, compassion, enthusiasm and humour leaves me with nothing but the greatest degree of respect and admiration for them.

Another integral part of life at KLC that I participated in, and will continue to be involved with, is the advice nights. It was remarkable to see the same dedicated volunteer solicitors turning up time and time again to their allocated nights after having worked eight or nine hour days in their own offices or chambers. The consensus approach to problem solving makes it much easier to resolve the sometimes seemingly insurmountable problems of the clients and the camaraderie amongst the volunteers makes the

Henry Davis York

evening pass quickly and enjoyably.

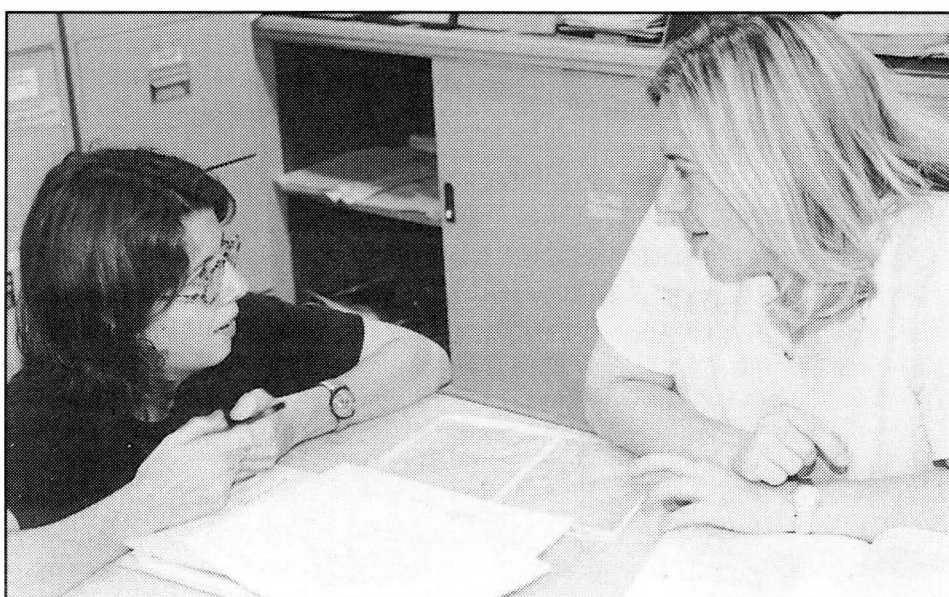
As an example of the seemingly insurmountable problems that afflict clients, I've set out below examples of matters I saw to completion:

- A client cried her way through one afternoon appointment because she had been charged with driving under the influence (she was over four times the legal limit on the evening in question) and was facing a court appearance within the fortnight. Even though KLC does not usually take on these type of cases an exception was made because of the very extenuating circumstances (she had been the victim of domestic violence over an extended period, was a sole parent pensioner and suffered from a debilitating illness) and we arranged the appearance of a barrister on her behalf on a pro bono basis. Although we reassured her that she would not be sent to prison (it was, after all, her first offence) the client was convinced of the worst. As it happens she received a fine and lengthy licence cancellation - but she was so happy to be free that she hugged and kissed each member of her legal team (including counsel!).

- An outcome that was not as satisfactory as the above arose from a complaint made to the Anti-Discrimination Board (ADB) on behalf of a group of people with disabilities who had been discriminated against by a hotel they stayed in. The hotel had initially refused to let them stay and had then decided, reluctantly, to allow them to stay provided they did not use the facilities and attend earlier meal sittings (during which they would be in the

dining room on their own and served pre-plated food by the waiting staff rather than allowed to select their own food from the buffet). The ADB complaint had been brought by the travel agent who organised the holiday "on behalf of the travellers" and we assisted her with the complaint process. Unfortunately, when we entered into settlement negotiations conducted via the ADB, we realised that the travel agent had another agenda of her own, which could potentially have jeopardised the position of the group of travellers. Because of the conflict of interest we perceived had arisen, we withdrew from the complaint and referred the individual members of the group to the Intellectual Disability Rights Service for further advice and, if necessary, representation.

I could go on for pages and pages because there were also divorce hearings, victims compensation applications, Apprehended Violence Order complaints, head-to-head battles with the Department of Housing, applications to creditors to waive debts, wills to draft and one-off advices on topics including the impounding of a car by the police, workers compensation and personal injury, complaints against banks and lawyers, motor vehicle accidents - and, of course, neighbours and their fence disputes!



**Maria Nicolof (right)
with student Susan
Darmopil.**

Volunteers

Evening Advice sessions

Kingsford Legal Centre conducts evening advice sessions every Tuesday and Thursday evening. Advice sessions typically deal with 16 face to face interviews, and numerous interviews conducted over the telephone.

Evening advice sessions absolutely depend upon the energy and commitment of the Centre's students and volunteer solicitors.

In 1998, 45 solicitors volunteered with the Centre, giving their time once each fortnight. Without their hard work, the Centre simply would not be able to operate regular advice sessions. We take this opportunity to thank all those volunteers who, despite their enormous workloads, managed to find time to commit to the Centre each fortnight. Your commitment is greatly appreciated.

Clayton Utz

Clayton Utz again supported the Centre through their Pro Bono Scheme providing

advice in complex cases, representation and assistance in finding counsel to act free for our clients.

In particular, the Centre thanks Clayton Utz's Pro Bono Director, David Hillard, for his support and assistance over the past year. Their support has been invaluable.

Gilbert and Tobin

Our thanks also to Gilbert and Tobin for their support throughout 1998. Gilbert and Tobin's Pro Bono support made an enormous difference to the capacity of the Centre to access our clients to strong legal representation.

Pro bono work

A number of solicitors who participate on the evening roster took on additional matters. Their assistance made a significant difference to the Centre's capacity to assist clients.

The Centre would particularly like to thank:

- Kate Eastman
- Michael Gross
- Duncan Inverarity
- Erin Kennedy
- Greg Moore
- Mike Steinfeld



From left: Erin Kennedy with KLC Director Frances Gibson.

Volunteers



From left: Volunteer solicitors Kate Eastman and Rachel Francois enjoying their advice night.

Public Interest Lawyers

As part of the *Clinical Legal Experience* course, the Centre ran a class on Public Interest Lawyers in each session during 1998. A number of lawyers were invited from government, the bar, community legal centres, and the Legal Aid Commission, to discuss their experiences with students through a panel discussion.

The class has been extremely popular with students who have commented on how interesting, inspiring and motivational the speakers were. Our thanks to all our 1998 panellists:

Virginia Bell
Rachel Francois
Leonie Flannery
Jane Goddard
Michele Hannon
Anne Healey
Anna Kaplan
Simon Moran

Jane Musset
Simon Rice
Lauren Russ
Ben Slade
Meena Sripathy
Annie Tucker
Kevin Williams

Volunteer Lawyers

Nicole Abadec
Roxanne Adler
Sally Barber
Sherene Daniel
Clayton Davis
Sue Donnelly
Melinda Donohoo
Kate Eastman
Jason Elias
Lem Ex
Margaret Faux
Rachel Francois
Michael Gross
Daniel Grynberg
Tara Guttman
Roger Harper
Megan Hodgkinson
Anne Horvath
Duncan Inverarity
Anna Kaplan
Asheesh Kalmath
Sharon Katz
Amanda Kavnat
Erin Kennedy
Shirli Kirschner
Fred Linker
John Longworth
Amelia McLaren
Dave McMillan
Ariella Markman
Sue Mordaunt
Margot Morris
Mark Nicholls
Maria Nicolof
Lisa Ogle
Jayne O'Sullivan
Lyn Payne
Simon Rice
David Robinson
Alan Segal
Mike Steinfeld
Annie Tucker
Michelle Worner
Neville Wyatt
Deborah Ziegler

Financial Report

1998 income and expenditure report

Income

Legal Aid Commission	\$ 112 000
Commonwealth Attorney General's Dept	65 000
Legal Costs and Disbursements	76 000 ⁽¹⁾
Donations	16 000 ⁽²⁾
Investments	4 000
Garendon Salary offset	27 000 ⁽³⁾

Total	300 000

Expenditure

Salaries	322 000
Disbursements and costs	28 000
Materials and running costs	103 000
Equipment	26 000
Travel	12 000

Total	491 000
Balance	(191 000)

UNSW contribution	239 438 ⁽⁴⁾

Surplus/deficit	48 438

Notes:

(1) Costs and disbursements are an abnormal item which vary considerably from year to year. In 1998 the difference of \$48 000 is seen to be greater than normal.

(2) The donations figure is unusually high and reflects the one off series of donations received during the "Save KLC" campaign.

(3) 1998 salary costs on Garendon were recouped in January 1999 and included in these accounts

(4) KLC is a unit of the Faculty of Law at the University of New South Wales. As such all its accounts operate within the financial structure of the Law Faculty. The Faculty's position in respect of KLC since its inception has been that it provides "deficit" funding. That is, the Faculty meets the shortfall required to provide an appropriate level of resources (staff and non staff) to ensure the continuing viability of the Centre. In 1998 the amount allocated from the Faculty to KLC was \$239 438.