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DEAN'S FOREWORD

2001 marked the 20th anniversary of the founding of Kingsford Legal Centre. How appropriate then that the year should commence with the receipt of the UNSW Vice-Chancellor's Award for Teaching Excellence and close with the national award for law teaching. In between, the Centre's Director, Frances Gibson received the inaugural Quality Teaching Award in the University Education category made by the NSW Minister of Education and the Australian College of Education. Most academics would feel honoured beyond expectation by one of these major awards. So far as old hands at UNSW can recall, such an achievement is unprecedented.

The Centre's community service role also flourished in 2001, as the following pages demonstrate. Indeed, the distinction between its educational and service roles is elusive and dissolves upon closer examination. Each is necessary for the other and the harmony between them sustains the Centre itself and underpins its success.

The Centre models for law students, the University community and the legal profession the values of excellence in service of others, especially those most in need. It does so through a dedicated staff (including an outstanding Director), an inspiring group of volunteer lawyers, committed law firms and, of course, enthusiastic students.

UNSW Law School takes tremendous pride in the Centre which it founded twenty years ago and operated continuously ever since. It is committed to working with the Centre to respond creatively to the new challenges and wider roles that lie ahead. May the Centre continue to flourish as it did so conspicuously in 2001.

Paul Redmond
Dean, Faculty of Law

DIRECTOR'S REPORT



20 years of Education and Community Service

2001 was certainly the year that saw recognition of the Centre's teaching program both within the University and on a national basis as evidenced by the awards received by Centre staff. This is a well deserved tribute to the quality and commitment of the Centre's staff. Meanwhile, of course, the Centre continued to provide vital free legal services to the local community helping nearly 3000 people with legal advice and representation. We were also active in both law reform and community legal education.

The Centre has now been a source of education and inspiration to generations of law students and has provided vital assistance to tens of thousands of clients. I would like to thank the Law School, the volunteer lawyers and the students for making this possible.

Tempting as it may be to rest on our laurels, we are determined to approach 2002 with the aim of enhancing our education program and targeting our community legal services to those in our community most in need. Thank you to all those involved with the Centre who will help us achieve this.

Frances Gibson



Vice Chancellor's Award for Teaching Excellence

In May 2001 the staff of the Centre were honoured to receive this award from the Vice Chancellor of UNSW recognising the quality of the teaching program developed at the Centre.

Aboriginal and Torres Strait Islander Workshop

In April 2 students of the Centre, Phoebe Besley and Duane Keighran, ran a workshop for the inner city community legal centres to identify issues relating to access to legal centres by Aboriginal people. This has led to ongoing work aimed at creating Indigenous cadetships in Legal Aid, Aboriginal Legal Service and community legal centres.

Visit to China on Legal Aid Issues

Frances Gibson, Joanne Moffitt Kate Burns and Michelle Burrell spent 10 days in China in May 2001, in Beijing, Wuhan and Xiangfan investigating the needs of Legal Aid organisations. This visit was organised by the Human Rights and Equal Opportunity Commission.

In August 2001 we received a week long visit from the delegation from Legal Aid in China and work continues on developing a pilot project for legal aid in Xiangfan based on Australian approaches.

KLC's 20th Birthday

A function to celebrate 20 years of KLC was held in September 2001. This was a great success with former staff and students attending and wonderful speeches to mark the occasion by John Longworth (volunteer solicitor) Paul Redmond (Dean of Law School) and Neil Rees (first Director of the Centre and now at University of Newcastle)



Quality Teaching Award

In December, Frances Gibson was the recipient of the Quality Teaching Award from the NSW Minister for Education and Training and the Australian College of Education. The award was presented at a ceremony at Government House.



Australian Award for University Teaching for Law and Legal Studies

Capping off a year of awards staff of the Centre were the winners of the AAUT presented by the Federal Minister for Education Brendan Nelson.

EDUCATING FOR JUSTICE

AIMS & ETHOS

“An invaluable experience for anyone who wants to practice law”

Former KLC Student

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Kingsford Legal Centre’s philosophy of legal education, is that the law, ethical responsibilities and lawyering skills law students should learn, can be effectively taught in working with real clients. Through their work in clinical programs students not only learn to practice law but also to provide necessary legal services to disadvantaged clients and communities.

In the *Clinical Legal Experience* courses, the compulsory *Law Lawyers and Society* course and the clinical program in *Employment Law*, students develop their understanding of issues of social justice as well as developing interviewing, negotiation, drafting, submission writing and advocacy skills. They are introduced to the fundamentals of office management and explore ethical issues such as how to select potential clients when demand for legal services far outstrips the Centre’s ability to assist.



The objectives of the courses are:

1. To develop students’ critical appreciation 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 the importance of developing basic lawyering skills to a high level of proficiency 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.
8. To encourage students to see the law as a vehicle which can be used to protect and develop human rights.

EDUCATING FOR JUSTICE

AIMS & ETHOS



"I have found this course very beneficial and I have gained some great skills."

Former KLC Student

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Clinical legal education is a methodology of teaching law, legal procedure and ethics. In Australia when we talk about clinical legal education we mean a style of teaching where students are engaged in legal work for real clients – often known as "live clients".

The legal work the students undertake may be in the form of casework – drafting letters, interviewing clients, planning the strategy on a file, negotiating with the other side or appearing in Tribunals/courts. It can also be in community legal education, for example running a session for residents of a nursing home on wills. It can also be in law reform, for example students planning and working on a campaign to change a particular law or government policy that is unjust.

How this actually works in practice is that we have 33 students at the Centre most of whom spend 2 days a week at the Centre for a session. They have a weekly lecture of 2 hours and daily tutorials of 1 hour. They also attend evening interview sessions with volunteer lawyers and members of public.

This interaction between students and clients offers an opportunity to significantly change student's views of how our society functions. The interaction is a window into another world. Within this context, the clinical educators' best practice is to assist students in grappling with the many questions that will come before them.

Clinical educators assist students in seeing the client within a broader social context. Students learn firsthand that the law and the legal system is not an isolated set of rules operating without prejudice. The clinical educator's role is to help students navigate these questions and work through the many dilemmas they face.

EDUCATING FOR JUSTICE

STUDENTS IN 2001



“I can say without doubt that KLC has been the most effective and fulfilling university subject I have undertaken in my five years at University. I would recommend the course to anyone.”
Former KLC Student

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Session 1 2001

Stephen Bray
Ainslee Cox
Peng Dung
Nick Eastman
Brigid Le Fevre
Valerie Foong
Kate Fitzgerald
Alexander Georgeopolous
Ilan Israelstam
Vivian Mak
Lily Marinovic
Elizabeth Mifsud
Maria Mitsios
Marian Morrison Boyd
Julian Pinder
Pauline Szadanoff
Joanne Shulman
Penny Taylor
Eric Tse
Elise Walrecht
Alison Wood

Employment Law

Chris Blair
Meghan Everett
Alexander Georgeopolous
Clayton Jones
Duane Keighran
Will Ward

Session 2 2001

Naomi Chang
Cleona Feurring
Marissa Freund
Wen Fu
Julia Grix
Ben Heraghty
Camilla Janny
Judy Kim
Nikki Leggat
Sylvia Mak
Henry Njuru
Michael Ong
Vanessa O'Sullivan

Jana Parefonova
Tamara Sims
Wan Shum
Alexandra Steel
Karen Than
Caroline Tjoa
Paul Weston
Audie Willert
Susan Winfield
Anna Vetrova

Employment Law

Marian Morrison Boyd
Eunice Fong
Ilan Israelstam
Glenn Jones
Barbara Lu
Melissa Partanen
Hilal Yassine

Summer 2001/02

Elizabeth Alan-Hogg
Rene Atkins
Monica Attard
John Blakeley
David Bull
Susan Carroll
Claire Carroll
Lillian Chan
Andrew Charleston
Carmen Chien
Lillian Chan
Joanne Chua
Jillian Cook
Hayley Crowther
Anne Davis
Mai LeDinh
Daniel Fitzpatrick
Maria Kappas
Denise King
Annabel Murray
Jessica Rossell

Marie-Louise Scarf
Belinda Soszyn
Dominic Tan

Employment Law

Tom Brennan
Katia De Piccoli
Judy Kim
Sunny Park
Pauline Szadanoff



EDUCATING FOR JUSTICE

EMPLOYMENT LAW CLINIC

“A wonderful, supportive environment, I enjoyed being part of a team”.

Former KLC Student

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Since its launch in March 2000 the employment law clinic has provided law students with a unique opportunity to undertake a specialist clinical course and provided the community with a much needed employment law advice service.

Similarly to last year we noted the high demand in the community for free employment law advice due to the low level of trade union membership, the fact that legal aid is rarely available for employment matters and the prohibitive cost of private legal advice for people on low incomes. Moreover, the demand for free employment law advice is overwhelmingly disproportionate to the availability of services equipped to meet it.

This year the clinic continued to provide advice and representation to people in the Sydney metropolitan area. However, the employment law clinic is now one of only three specialist employment services operating out of community legal centres in NSW. Consequently, the demand placed on our limited resources has been unsustainable. In September it was decided to restrict the provision of the employment law service to the same geographical catchment area as for general law matters. The Centre continues to provide a statewide service for legal advice on discrimination matters arising out of employment and elsewhere.

This change more effectively achieves a balance between the clinic's twin roles as service providers and educators. Primarily the reduction in telephone advice has enabled the clinic to focus more on casework involving public interest issues and to run test cases. This in turn has created a more meaningful educational experience for our students by expanding their experience of the broader socio-legal issues which inform the Centre's policy work.

Volunteer Lawyers

The clinic has continued to receive the invaluable support of private lawyers specializing in employment law who generously give their time to provide pro bono advice in our weekly afternoon advice sessions and fortnightly evening advice sessions. Currently eight private law firms participate in our Wednesday afternoon advice sessions and this has continued to be a great resource for clients and students alike. Similarly the Thursday night advice sessions are operated by a dedicated group of volunteers, some of whom have been volunteering for many years Both employment and general law advice is provided.

We are also indebted to the volunteer lawyers who regularly participate in the clinic's seminar program. Students always provide very positive feedback on the consistent high quality of these



Claire Howell of Denman Chambers plays the role of Commissioner in a mock conciliation for employment law students

seminars. We are also very grateful to those volunteers lawyers who have provided pro bono representation for numerous of our clients and a special mention goes to the barristers at Denman Chambers who have been extremely generous and effective in this regard.

Many thanks for the enormous support from Rosilyne Bartley, a former student who since her admission as a solicitor in October has been volunteering two days per week for the employment law clinic.

Representation

This year the employment law clinic provided clients with representation before the Australian Industrial Relations Commissions, the Industrial Relations Commission of NSW, the Chief Industrial Magistrates Court, the NSW Anti-discrimination Board and the Human Rights and Equal Opportunity Commission. Of these matters 18 were successfully settled. Of the remainder one matter has been set down for hearing next year in the Chief Industrial Magistrates Court and two matters involving discrimination arising out of employment have been set down for hearing next year in the Federal Magistrates Court of Australia. Both of the discrimination matters include as part of their claim alleged unlawful discrimination on the grounds of family responsibilities and one of these is a test case on the definition of dismissal for the purposes of the Sex Discrimination Act 1984 (Cth). (see case note on *Cathy (Qi) Song v Ainsworth Game Technology Pty Ltd*).



Clients of the Employment Law Clinic



Glenn Jones, Ian Latham of Denman Chambers and Rosilyne Bartley at the Australian Industrial Relations Commission

PUBLIC INTEREST CLASSES

Continuing in the spirit of providing students with varied perspectives on careers in law, Kingsford Legal Centre entered its third successful year of providing the public interest lawyers class. This class aims to present students with a realistic perspective on a career in public interest law, one which may often not be considered because of the lack of exposure or opportunity to hear about the career paths available or the viability of working in such an area.

The class is organised as part of the weekly seminar program, which seeks to supplement the work done by the students in the clinic. The class draws on the experiences of a wide variety of public interest lawyers from the Legal Aid Commission, the bar, government departments, community legal centres, the judiciary, trade unions and international aid organizations. Our thanks to the public interest lawyers who shared their experiences with our students in 2001:

Teena Balgi	Former KLC student, Solicitor, HIV AIDS Legal Centre and Indigenous Law Bulletin Editor
Nicholas Cowdrey	QC, Director of Public Prosecutions, Co-Chair -Human Rights Institute of the International Bar Association
Jennifer Giles	Local Court Magistrate and former community legal centre solicitor
Harriet Grahame	Barrister, former Legal Aid Commission and community legal centre solicitor
Michelle Hannon	Pro Bono Solicitor, Gilbert and Tobin Lawyers and former Disability Discrimination Legal Centre solicitor, Executive Member, Australian Lawyers for Human Rights
David Hillard	Pro Bono Coordinator, Clayton Utz Solicitors
Arthi Patel	Solicitor, Mongolian Women Lawyers Association and international volunteer
Jeff Shaw	QC, former NSW Attorney General and Member of Parliament
Sonya Terpstra	Solicitor, Australian Manufacturers Union
Janet Wahlquist	Magistrate and former Legal Aid Commission Criminal lawyer

PROMOTING EXCELLENCE

NATIONAL & INTERNATIONAL WORK

“The staff are great and committed to providing quality clinical legal education”

Former KLC Student

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Michelle Burrell attended the **Global Alliance for Justice Education Conference** held in Durban, South Africa in December 2001. Over 120 people from all over the world attended. A small group of law students from Australia attended and took an active role in the conference.

The Pre-conference workshop addressed the issue of mainstreaming justice education in the law curriculum, and through community legal education. Teaching methods and materials, curriculum design, promoting rigorous and credible assessment methods as well as cultural and contextual issues were all examined. The results of the workshop included the development of key global principles for justice education which can act as benchmark for assessing justice education courses and projects.

The theme of Reconciliation, Transformation and Justice set the framework for the main conference. These issues were explored through sessions focusing on three substantive areas of law:

- Access to Land.
- Access to Justice for People Living with HIV/AIDS.
- Environmental Justice.

Keynote speakers included Yasmin Sooka from the South African Truth and Reconciliation Commission and Judge Mohammed Navsa of the Supreme Court of Appeal of South Africa. Workshops included presentations from lawyers, activists and members of the judiciary from throughout the world, particularly Africa and Asia.

The conference provided an opportunity to reflect on how clinicians, lawyers and activists can work together with law students to tackle complex issues around human rights including those with particular relevance to Australia such as Indigenous rights and reconciliation, land rights and restitution, environmental issues, health rights and gender justice.

The conference was both inspiring and challenging. At the conclusion of the conference priorities for GAJE activities in the next two years were discussed including the need for more regional GAJE networking. Michelle Burrell and Adrian Evans from Monash University were elected to the global Steering Group for GAJE as Australasian delegates.

In early July 2001 Kate attended the **Australasian Law Teachers Association Conference** held at the University of the South Pacific (‘USP’) in Vanuatu. The conference program was a heady mix of academic papers on a wide range of legal subjects, with a particular focus on the issues confronting the island states of the South Pacific in developing their own legal systems, island feasts and an evening of entertainment from the USP law students during which they demonstrated their traditional dancing and story telling skills. The conference provided a wonderful opportunity to discuss different teaching techniques, to update on legal developments generally and, in the context of the challenges facing the island states in combining traditional legal cultures with western legal concepts, to reflect on the values and priorities that the teaching of law needs to impart.



PROMOTING EXCELLENCE

NATIONAL & INTERNATIONAL WORK

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National Conference of Community Legal Centres

The National Conference of Community Legal Centres was held from 2-5th September in Fremantle, Western Australia. The theme of the conference was a Call to Action – Law Reform, Human Rights and Community Development.

Highlights of the conference were the opening sessions. Patricia Giles, President of the International Alliance for Women spoke about human rights issues and suggested we all keep a pocket sized copy of the Declaration of Human Rights in our pockets. Another speaker was Carol Martin who is the first Aboriginal member of the WA Parliament and Professor Jim Ife who is the Professor of Social Work at the Curtin University of Technology WA. He talked about the notions of community development and the notion that people who live in a community know what their needs are - the further removed you are from the decision maker the more likely the results of decisions will be impractical – a concept we are all too familiar with in government policy making.

There were sessions on most aspects of community legal centre work from practical sessions on child support by the Registrar of the Family Court of WA, the operation of the Yarra Drug and Health service, legal information about protesting and civil rights, gay and lesbian issues, working with clients with a mental illness, clinical legal education, domestic violence and Aboriginal and Torres Strait Islander issues. A session on lessons from the CLC review was particularly helpful in preparing for the review of NSW Centres by State and Federal government due to occur over the next few months. Frances Gibson presented a session on Legal Aid in China.

Over 260 people participated in the conference which was generally judged to be very successful allowing CLC workers a well deserved chance to develop ideas with others working in similar areas from all over Australia and discuss shared issues of concern.

Combined Community Legal Centres

Kingsford Legal Centre continued its high profile in the community legal centre movement both statewide and nationally. Michelle Burrell was the State Representative for New South Wales during 2001 and spent extraordinary amounts of time and energy working on issues such as a new service agreement between community legal centres and the Commonwealth and NSW Legal Aid Commission and negotiating the introduction of service standards for Centres.

Frances Gibson and Michelle Burrell were on the Board of the NSW Combined Group and involved in policy decisions affecting all NSW Centres. Joanne Moffitt coordinated the employment law policy sub committee, Vedna Jivan was involved in the Community Legal Education Workers Group and Vedna and Kate Burns were members of the Human Rights and Discrimination Law sub committee. Joanne convenes the Employment Law subcommittee.

We thank the dedicated staff of the State Office for their assistance and work for the benefit of all Centres during 2001.

PROMOTING EXCELLENCE

AWARDS

“I have gained a great amount of experience in seeing how law is actually practiced – from the interview to the advice to the case file”.

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Former KLC Student



Kingsford Legal Centre has won this year's prestigious Australian Awards for **University Teaching in the Law and Legal Studies** category.

The Federal Education Minister Brendan Nelson announced the winners on 4 December 2001 at a presentation at Parliament House.

Frances Gibson, Michelle Burrell, Anna Cody, Kate Burns, Vedna Jivan, Kalliope Ktenas and Joanne Moffitt were announced winners.

Frances, Kate, Vedna and Joanne accepted the award.

On 30 November 2001 the inaugural Quality Teaching Awards ceremony was held at Government House, hosted by the NSW Minister for Education and Training, John Watkins.

Kingsford Legal Centre's Frances Gibson won an award in the **University Education** category.

The award was initiated by the Australian College of Education, an association of professional educators whose aim is to improved educational philosophies and practices throughout Australia. It is open to educators from public and private schools, TAFE colleges and universities.



In 2001 Kingsford Legal Centre:

- Provided services to 2964 clients, not including those reached through our community legal education initiatives.
- Gave advice to 1659 people, on 2767 legal problems. Of those advices, 1365 were in face to face interviews, with 510 advices provided by telephone.
- Opened 291 new cases, and completed 210 cases including those carried forward from the previous year.
- Provided information and referral to 767 people.
- Dealt with 873 matters in our employment law clinic, of these 328 were unfair dismissal matters. 80 of these matters became new cases, often involving representation.

Our area of specialty, discrimination law, saw us giving advice to a wide range of people from around the State and this flowed into our casework practice. In 2001 we dealt with 104 discrimination law advices, of these almost half were initiated by telephone as would be expected in a state wide practice. We opened 38 new discrimination cases, including several significant test cases during the year.

There continues to be heavy demand for family law assistance. KLC has adopted a policy of referring all callers to the Legal Aid Commission for initial advice. This is because the Centre does not specialise in that area, and also because family law is the Commission's core business.

However, given the realities of legal need in our area, many clients are either conflicted out of legal aid, or are unable to get into the City to access the Legal Aid office. This means that KLC does end up providing family law assistance to these clients who, for whatever reason are unable to gain access to legal aid.

In 2001 we provided advice on 267 family law matters. These clients are also needing more complex assistance as they are often involved in litigation without legal representation. We are continuing to discuss the idea of the Legal Aid Commission running a family law outreach session staffed by legal aid lawyers at the Centre.

One of the biggest growth areas in advice in 2000 was in regard to consumer and debt problems. This trend continued in 2001 with 256 debt advices being provided. Tenancy problems also continue to be a steady source of demand with 153 queries in the year.

We continue to provide a large amount of advice on traffic offences and other criminal matters. 403 advices on criminal law matters were provided in the year. Neighbourhood disputes, social security problems and domestic violence also figure heavily in our advice work .

WORKING WITH OUR COMMUNITY

ADVICE STATISTICS

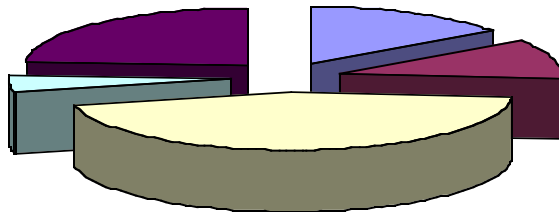
In 2001 Kingsford Legal Centre assisted 2,964 people

PROBLEM TYPES

No of clients assisted 2964

Family Law	558
Criminal Law	403
Civil Law	1664
Discrimination Law	174
Employment Law	873

Total problems 3498

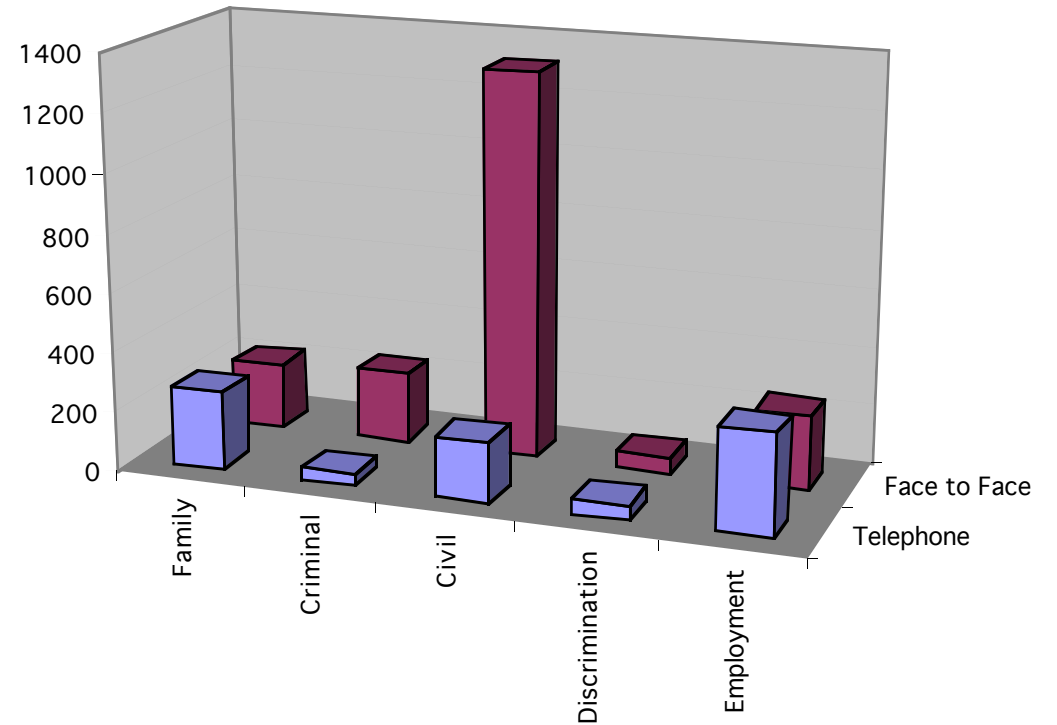


■ Family ■ Criminal ■ Civil ■ Discrimination ■ Employment

2001 ADVICES:

Family Law:	267
Telephone	43
Face to Face	224
Criminal Law	281
Telephone	40
Face to Face	241

Civil Law	1519
Telephone	203
Face to Face	1316
Discrimination Law	104
Telephone	50
Face to Face	54
Employment Law	596
Telephone	344
Face to Face	252



WORKING WITH OUR COMMUNITY

ADVICE STATISTICS

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BREAKDOWN OF PROBLEM TYPES (INCLUDES REFERRALS AND CASES):

Family Law:

Child Contact	39
Child Residency	46
Divorce	64
Child Support	20
Child Maintenance	10
Property in Marriage	22
Property in De Facto	11
Property	25
Specific Issues	42
Child Welfare/protection	7
Parental abduction	7
Other Family Law	304

Total 558

Criminal Law

Traffic Offences	30
Trespass	16
Domestic Violence	66
Violence	18
Assault	78
Drink Driving	20
Victims/Witnesses	7
Theft	13
Drug Offences	5
Harassment	12
Other Criminal Offences	138

Total 403

Civil Law

Debt and Credit	256
Tenancy	153
Wills/probate	105
Neighbours	91
Motor Vehicle Accident	95
Immigration	26
Social Security	42
Other Govt/Admin	45

Consumer:

Solicitor complaints	26
Insurance	39
Building disputes	9
Services	23
Other Consumer	52

Power of Attorney	29
Personal violence order	11

Injuries:

Personal Injury	50
Crimes Compensation	27
Work Injuries	29
Family Assault	21
Other Injury	6
Fines	-
Other Civil Law	355

Total 1490

Discrimination Law 174

Employment Law :

Unfair Dismissal	328
Other Employment Law	545

Total 873

NEW CASES OPENED, BY PROBLEM TYPE:

Family	10
Criminal (includes DV)	28
Civil Law	135
Discrimination	38
Employment	80

Total 291

CASE STUDIES

“This is the most worthwhile thing I’ve done my whole uni career. Thanks!”

Former KLC Student

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Discrimination

Our client, Richard Aldridge, was one of the most senior Aboriginal employees of the Department of Corrective Services. From 1991 to 1995 Richard was employed in a specialist position (Aboriginal identified) in a unit dedicated to implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody. In that role he worked with Aboriginal inmates to develop programs and support systems to help them cope with their incarceration. The work was controversial and at times Richard found himself in conflict with prison management over the level of support and resources being given to the unit by the Department. Things came to a head in August 1995 with a particularly fiery meeting between the unit staff and the Deputy Commissioner of the Department at which the Deputy Commissioner abused our client.

In late 1997 the unit was dissolved. Although another unit was created with a similar brief, staff members of the former unit, including Richard, were not appointed to it. Instead Richard found himself transferred to a general position where he had no dealings with Aboriginal people or issues.

Richard lodged a discrimination complaint with the Anti-Discrimination Board. That complaint could not be conciliated and so the complaint was referred to the then Equal Opportunity Tribunal (EOT) for hearing. After eleven days of hearing and eight volumes of transcript the EOT found that Richard had been subjected to racial discrimination and awarded him \$10,000. However, the Department appealed and the appeal was upheld on the basis that the EOT had not applied the law properly. The appeal panel said that the EOT had not given consideration to the need to show that the way that Richard had been treated in the Department was because of his Aboriginality. The appeal panel ordered the case to be reheard.

At this point Richard came to see us. On behalf of Richard, Kingsford made

lengthy written and oral submissions to the appeal panel, cross-referenced to the transcript of the original hearing. We argued that race discrimination is often hidden or disguised. Rather than look for specific, concrete evidence of race discrimination – which often cannot be found – attention needs to be given to the surrounding circumstances and whether a generally racist climate exists. We also argued that discrimination on the ground of race should be interpreted to include discrimination on the ground of being very personally involved in issues that confront people of a particular race. That means, in Richard’s case, being very involved in issues affecting Aboriginal inmates. The appeal panel has reserved its decision.

Home Invasion

A family who had recently migrated to Australia were the victims of a home invasion. The two teenagers were at home when two men broke into the house and threatened them, tied them up and started searching the house for things to steal. Their mother came home in the middle of the break-in and was also taken prisoner. The Centre was successful in two victims compensation claims for the psychological injuries suffered as a result of this incident. The mother was awarded \$7500 and the daughter \$11000. The son was refused compensation on the basis he had recovered from his injuries. An appeal has been lodged in respect of his claim.

Security in Department of Housing Flat

The Centre is assisting an elderly woman on life support seek security screens on her ground floor Department of Housing flat. The client is regularly the victim of abuse from young people in the area and her flat and windows are regularly painted with graffiti. The situation is causing her extreme stress however the Department have refused to allow her security screens. The matter is currently listed for hearing in the Consumer, Trader and Tenancy Tribunal and the advocacy is being undertaken by Ben Heraghty, a student of the Centre.

WORKING WITH OUR COMMUNITY

CASE STUDIES

“It will be hard to get back into dry old lectures after this!”

Former KLC Student

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EMPLOYMENT MATTERS

Unfair dismissal matters in which we have assisted clients in reaching a settlement include:

A client who worked as a storeman for a well known manufacturer of electrical goods was chosen to play in the Australian Indigenous rugby league team in an international competition. He checked his annual leave entitlement and was told he was owed 6 weeks annual leave. Subsequently, he gave his employer ample notice that he wished to take 3 weeks annual leave to enable him to participate in the competition. His manager kept putting him off until finally the week before he needed to leave he told our client that if he wanted to go he would have to resign. Not wishing to miss out on this once in a lifetime opportunity our client resigned. On returning from the competition he contacted his employer and asked for his job back. This was refused. Our client lodged an unfair dismissal application arguing that his employment was unfairly terminated at the initiative of his employer. The matter settled prior to hearing.

Two women of Greek background were terminated from their part time cleaning jobs after a restructure in which they had initially been offered full time employment. One of the women had worked at this workplace for ten years. The women lodged unfair dismissal claims arguing that the redundancies were not genuine as their jobs were still being performed. It was their case that the real reasons they were terminated were because one of them questioned the amount of additional duties they were expected to perform under the new job descriptions and secondly because the supervisors wanted to employ their friends in the positions. The matter failed to settle at two conciliation conferences and was set down for hearing in September. Ian Latham of Denman Chambers generously provided pro bono representation for our clients. The matter settled part heard after the Commissioner encouraged settlement on the basis that the evidence before the Commission indicated it was probable that he would conclude that both dismissals were harsh, unjust or unreasonable.

Cathy (Qi) Song v Ainsworth Game Technology Pty Ltd

Ms Song had been employed as a full time support engineer for AGT for one year. Briefly stated it is Ms Song's case that during the first year of her employment she, and sometimes her husband who also worked for AGT at that time, were permitted to leave work for 15 to 20 minutes each day to transfer their young son to child care. They would make this time up according to the flexible hours arrangement applying to workers in the engineering department.

However, after Ms Song's husband left AGT in acrimonious circumstances in October 2000 the relationship between Ms Song and AGT dramatically broke down. Specifically in February 2001 the Human Resources Manager informed Ms Song that she was not permitted to leave the workplace at 3.00pm to collect her child and when she continued to do so her hours were reduced from full time to part time so that she was required to finish work at 3.00pm. Ms Song lodged a complaint with the HREOC which failed to settle and subsequently in October she lodged an application to the Federal Magistrates Court of Australia alleging that AGT had unlawfully discriminated against her under the Sex Discrimination Act 1984 (Cth) on the grounds of sex, marital status and family responsibilities. In relation to the latter ground Ms Song's case is a test case on whether the reduction of her hours of employment and pay constitutes a dismissal pursuant to s14(3A) of the Act. The matter is set down for hearing in February 2002.

CASE STUDIES

Ms DD

Ms DD, a disabled pensioner came to Kingsford Legal Centre after having been referred by a local community organisation. Ms DD was facing enforcement property seizure orders from the State Debt Recovery Office to the value of approximately \$3000.

Ms DD had been diagnosed with a severe mental illness which seemed to have occurred in relation to the breakdown of her marriage in 1979. She was also diagnosed with severe arthritis and cerebral lupus, which results in an inflammation of the brain. The combination of the conditions rendered Ms DD “transient” meaning that she had both manic and depressive episodes which left her disoriented and unable to cope with everyday life. Ms DD cannot recall any of her life during this period. It is during this period that Ms DD is alleged to have incurred approximately \$3000 in fines. She was subsequently scheduled under the Mental Health Act into Rozelle Hospital by police officers.

The Centre wrote to the state Debt recovery office seeking a waiver of the fines due to Ms DD’s inability to pay the fines and her dire circumstances. The State Debt Recovery Office refused to waive the fines. The Centre then approached the Attorney General’s Department seeking their intervention.

Fortunately, the Attorney Generals Department viewed Ms DD’s application favourably and the nine enforcement orders were waived. Ms DD is now trying to put her life back together after almost 23 years of crises. Our thanks to student, Sylvia Mak who worked so hard on the case.

Ms AB

Late one Thursday afternoon, former students and current volunteers Pauline Sazdanoff and Amie Meers were asked to assist a client (hereafter “Anne”) whose hearing was set down for the next morning in Brisbane Magistrate’s

Court for breach of probation. Anne was clearly not going to make it to the hearing and was convinced that she was going to jail.

Anne had left Queensland approximately 9 years ago to distance herself from a violent relationship that she had been in for many years. Her probation officer was aware of her reasons for leaving and they maintained a good interstate relationship by telephone for 6 months after Anne arrived in NSW. Anne thought she had finished her probation.

Anne went into a police station to ask for a lift one day when she found herself stranded somewhere, only to discover that there was a 9 near old warrant out for her arrest. Anne was distraught and scared.

After contacting Brisbane Legal Aid, under supervision Amie Meers assisted Anne to write a letter to the Magistrate, explaining the circumstances of her probation. The letter also pointed out that she is a mother of two children and that she has been preparing to move to Lismore, so was unable to attend the hearing. The letter was heartfelt and sincere. The letter asked for an adjournment and that the proceedings be transferred to Sydney.

Amie rang the Court on Monday and was pleased to discover that the hearing had been adjourned (but not transferred). Then to our amazement and delight, Anne rang later in the week to advise that the prosecution had dropped all the charges on the strength of the letter we sent. She was over the moon and has indicated that she would now like to study law and work in a community legal centre. Congratulations to Amie Meers for a job well done!

Mrs N

Mr A is an Afghani refugee. His story is tragic, but possibly no more tragic than the thousands of other refugees who are currently caught in either Afghanistan or Pakistan between the Taliban, the Northern Alliance and the Americans.

CASE STUDIES

Mr A is currently living in Peshawar, Pakistan with his wife and five children. Prior to the Taliban's seizure of power, he held a prominent position working in the Ministry of Business and Commerce with the Communist Regime and Russian nationals. He worked for, and had affiliations with General Dostum, one of the leaders of the Northern Alliance.

As a consequence, when the Taliban came to power, Mr A became a Taliban target, and suffered considerable persecution and danger to his life. Taliban forces went to his house in Mazar-e-Sharif, badly beat his brothers, and demanded to know the whereabouts of Mr A, claiming that he was working with the rebel regime. They then firebombed his house as they left. Mr A who had been forewarned, was hiding at the time.

Mr A and his family fled their home in Afghanistan secretly, with the assistance of an ex-colleague who had since become a Taliban commander. They traveled for seven days off road and through the mountains to Peshawar, Pakistan. They witnessed a great deal of fighting and death and a flood of other desperate refugees also trying to escape to safety.

Since being in Peshawar, Mr A has continued to suffer persecution. Taliban members have come looking for him, enquiring as to his whereabouts, forcing him into hiding in Karachi.

In 1999, upon the recommendation and the promise of protection by a friend, Mr A sent his eldest son back to Afghanistan to sell the family home. His son was seen twice in Afghanistan before disappearing. It is thought that he was taken by the Taliban in order to get to Mr A. He has not been seen since 1999.

The urgency and tragedy is exacerbated by the position of Mr A's sister's situation in Australia. Mr A first came to our attention when the Botany Migrant

Resource Centre referred Mrs A case to us. Mr Z was granted refugee status, in Australia after the death of her husband in Afghanistan in a bomb blast. She has five children, three of whom are very young and the eldest two are working several jobs to support the family.

In 1998 Mrs Z was diagnosed with a Motor Neurone disease, a progressive disease which debilitates a person, causing them to lose the power of movement and speech, and eventually causing death through an inability to swallow food or breath. Mrs Z's disease has now progressed to a point where she is wheel-chair-bound, incapable of speech and has difficulty breathing. Her life expectancy is approximately 6 months.

Before reaching her current state of debilitation Mrs Z expressed a wish for her brother, Mr A to come to Australia look after her children. Without Mr A the children would be alone as well as having to cope with the grief of losing their only parent. Solicitor, Vedna Jivan assisted Mrs Z with a range of legal matters but the most urgent matter for Mrs Z was the guardianship of her children after her death. Her greatest fear would be that the children would be separated by government agencies and it was this wish that propelled the Centre to lodge an application for refugee status for Mr A and his family. Other visa applications were considered but seemed highly improbable.

The next difficulty facing the Centre was that we were unable to obtain detailed instructions on his situation without which an application would be futile. Mr A does not speak English. We contacted many non government organizations in the area to obtain instructions and received some assistance from one organisation but this was still not enough.

Vedna Jivan who speaks Hindi then contacted Mr A by telephone and asked him if he knew anyone who spoke English or Hindi. As it turned out, Mr A's

brother could speak Hindi and the instructions were obtained via the telephone with Mr A 's brother acting as interpreter.

The Centre then tried to contact the UNHCR in Pakistan but with little success. The aim of contacting the UNHCR was to get Mr A's family recognised as refugees, a process which can take up to two years. After several weeks of trying we were finally able to speak to someone at UNHCR who told us to forward her all the documents we had prepared. However, she told us that she could not promise anything as there were approximately 2 million refugees in Pakistan alone seeking their assistance. At the end of 2001 we were desperate for a miracle, one which was highly unlikely especially given the current government's stance on refugees.

Postscript:

The UNHCR by some miracle assessed our clients in a matter of weeks and declared them refugees. The documents were then forwarded to the Australian High Commission in Islamabad. The clients attended an interview (almost missing it because of a misunderstanding in relation to the date of the interview!). They were then sent to get medical assessments done and security checks. Apart from a few hiccups we were advised by a very helpful immigration officer in Islamabad who processed the application that our clients' permanent visas had been approved and they would be here in 6-12 weeks. Words cannot describe the elation on Mrs Z's face when we went to see her to deliver the news! Mr A and his family are due to arrive in the next few weeks. Our thanks to all who helped us fulfill a mother's dying wish, to the students who worked on the case and especially to Mr Peter Bollard of Peter Bollard and Associates, who so generously assisted us with his time and advice.

Mr TT

The Centre has been acting for Mr TT a since 1997 in his application to

migrate to Australia on the basis of his interdependent relationship with Mr G (an Australian citizen). The application was refused on the basis of a determination that Mr Lowe did not meet the health criteria for the visa because he has a disease or condition (HIV), which is said to result in a significant cost to the Australian community. The Migration Internal Review Office affirmed this decision in 1998.

The Centre's migration agent, Vedna Jivan lodged an appeal on their behalf in 1998 in the Migration Review Tribunal. At the end of 2001 the case still had not been by the Tribunal. By this time Mr TT and Mr G had been in a long distance relationship and separated for approximately five years. As both clients are HIV positive, this seemed like an unfairly long period to wait.

Lever arch folders full of submissions were filed and there was considerable concern that the decision maker, based on recent cases would not rule in our favour. A second lot of submissions, with much research, letters of support and statutory declarations was filed. The work done by the students was truly inspiring but at the end of 2001 we were still awaiting a decision.

Postscript:

The matter was considered by Member Eftimou in January 2002 who found that it appropriate to exercise the health waiver in Mr TT's case. Mr TT and Mr G had won the case. This was especially important given that there are very limited rights of appeal since the government changed the appeal provisions in migration cases. The Department of Immigration and Multicultural Affairs however had 28 days to appeal the decision. The clients were very nervous during this period but the time passed without an appeal being lodged and the clients are finally making plans to be together.

Special mention needs to be made of the assistance Mr Peter Bollard gave the Centre in this case. His time and assistance was invaluable and it is very likely that this case would not have succeeded had it not been for his help.

DOMESTIC VIOLENCE SCHEME

Waverley Local Court Domestic Violence Court Assistance Scheme, which is funded by the Legal Aid Commission, offers support and legal representation on 'AVO (which stands for apprehended violence orders) day' each Thursday.

A part-time coordinator manages the scheme, which includes a roster of solicitors and support workers. Kingsford Legal Centre is committed to supporting the scheme, providing a solicitor on average once a month to provide legal advice and represent women in court who have experienced domestic violence and are seeking an AVO. Those women tend to come from a wide range of backgrounds, and the kinds of violence they have experienced can be very traumatic just to hear about. The relief that many of them experience from having someone support them through the legal process can be profound. Along with a Kingsford solicitor, students from Kingsford often attend the court to observe the process and the way family support workers, solicitors and the police work together to assist women obtain some protection from violence. They too comment how eye-opening that experience is for them.

In addition to providing legal support to the scheme, Kingsford also supports the scheme by being a member of the Eastern Suburbs Domestic Violence Advisory Group, and assisting with staff recruitment for the scheme.

PUBLICATIONS

Kingsford Legal Centre publishes: **Unsolicited** – a twice-yearly general newsletter, **CLE News** – a newsletter about Clinical Legal Education and the annual **Guide to Clinical Legal Education in Australian Universities**.

Kingsford Legal Centre also contributes to the publications, **The Law Handbook** and the **Lawyers Practice Manual NSW**.

unsolicited

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KLC wins Australian Award for University Teaching



Kingsford Legal Centre has won this year's prestigious Australian Awards for University Teaching in the Law and Legal Studies category.

The Federal Education Minister Brendan Nelson announced the winners on 4 December 2001 at a presentation at Parliament House.

Frances Gibson, Michelle Burrell, Anna Cody, Kate Burns, Vedna Jivan, Kalliope Ktenas and Joanne McMillan were announced winners.

Frances, Kate, Vedna and Joanne accepted the award.



Inside this issue:

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A Kingsford Publication

CLE News December 2001

CLINICAL LEGAL EDUCATION IN AUSTRALIAN UNIVERSITIES

'Sharing the Experience': Sixth Australian Clinical Education Conference

by Maryanne Noone

In early December 2000, around 60 people attended the sixth Australian clinical legal education conference. 'Sharing the experience' was the theme of the conference, which was held at the "tranquil surroundings of the beautiful Beechworth campus" of La Trobe University.

The Commonwealth Attorney General, Daryl Williams, officially opened the conference on video and the participants were welcomed by the Head of School of Law and Legal Studies, La Trobe University, Associate Professor, Chris Arup.

Conference delegates included representatives from the 16 Australian universities who currently offer clinical legal education programmes as well as others from community legal centres and other tertiary institutions interested in clinical legal education.

The delegates explored the links between legal professional responsibility, clinical legal education and social justice, diversity in clinical legal education such as alternative dispute resolution, addressing the legal needs of rural and remote communities and the tension between legal service provision and educational objectives. As well, new and established programmes were reported on and analysed, research projects discussed and educational issues explored.

A particular focus of the conference was on exchanging information from the Commonwealth's Clinical Legal Education Funding Program and the Clinical Legal Education National Quality Project involving supervision, externships, and alternative dispute resolution.

One of the highlights of the conference was the keynote speaker, Dr Lillian Tibatemwa-Ekirikubinza from the University of Makerere in Uganda. Dr Tibatemwa-Ekirikubinza is a well-known advocate for human rights and

women in Uganda. She spoke about clinical legal education in East Africa and in particular the problems encountered in attempting to integrate clinical methodology into the mainstream law school curriculum.

The social aspects of conference included the Dean's (Professor Greg O'Brien) cocktail party, a dinner and picnic lunch. Participants at the conference gave consistently positive feedback about the conference programme and venue and the way in which the two came together to create a stimulating and friendly meeting.

"Sharing the experience" conference was jointly sponsored by the Commonwealth Attorney-General's Department National Quality Project and the School of Law and Legal Studies, La Trobe University.

A publication containing various papers and reports from the conference is planned.

Clinical Legal Education Supervision Workshop - 9 December 2000

On Saturday morning following the conference, 28 people attended a supervision workshop. The aims of the workshop were to place the daily practical experience of clinical supervision within a theoretical framework and to actively explore a variety of supervision techniques in the context of situations encountered in our work as supervisors.

The workshop gave clinical supervisors the opportunity to engage in experiential learning. The exercises helped to develop a deeper understanding of the educational theory underlying the work of clinical supervision as well as exchange ideas with others involved in clinical legal education.

The Conference and the workshop were convened by Judith Daikon and Mary Anne Noone. Archie Zanski and Irene Styles assisted in the presentation of the supervision workshop.

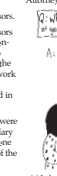
Judith and I think all the enthusiasts to the discussion exchange of skills was...

Supervise Judith and research into. Clin Legal Cent Services (University of Sydney, Monash (Moral) (Mundo) tribunal supervi that raise the space? An ou Decem for supervi process...

Mary Anne. This, together with the materials being produced by Archie Zanski and Irene Styles should assist supervisors in their work. Both these sets of materials are sponsored by a grant from the Commonwealth Attorney-General.

"What's the most frequent query of your remaining legal reader?"

As you fix the idea?



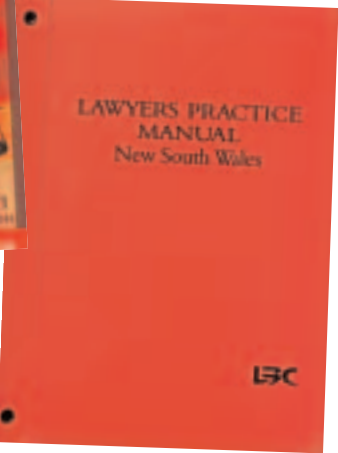
(c) Judy Horneack. Reprinted with permission.

Clinical Legal Education Guide 2001/2002

Your Guide to CLE Courses offered by Australian Universities in 2001 and 2002

Education	Justice?	Access
Ethics	Law	

THE UNIVERSITY OF NEW SOUTH WALES
KINGSFORD LEGAL CENTRE



WORKING WITH OUR COMMUNITY

PROMOTING ABORIGINAL &

TORRES STRAIT ISLANDER ACCESS 25

In April 2001, KLC students Duane Keighran and Phoebe Emery organised a one day forum "Indigenous Access to Community Legal Centres – Let's make it happen!". This was attended by community legal centres, Indigenous community organisations and other key agencies including the Law and Justice Foundation of NSW, the Aboriginal Justice Advisory Council, Aboriginal Legal Service and the Ngalaya Aboriginal Lawyers Association.

We brainstormed a number of ideas to promote indigenous access to community legal centres. Four key aims/ideas were agreed:

- Promote flexibility in service delivery to promote access.
- Promote access through dedicated resources and strategies to promote the role of community legal centres amongst indigenous communities.
- Ensure community legal centres have an indigenous presence in all aspects of the organisation.
- Build relationships with indigenous organisations and communities.

Since the workshop we have been working on a practical way of ensuring community legal centres have an indigenous presence in all aspects of the organisation. Specifically through establishing cadetships for indigenous law students in community legal centres, the Legal Aid Commission and the Aboriginal Legal Service.

The aims of the community/public sector cadetship and mentoring programme are:

- To provide indigenous law students with an opportunity to gain experience of public interest and community lawyering.

- To provide employment opportunities to indigenous law students and to promote community legal centres and the Legal Aid Commission as positive career paths.
- To promote understanding and cultural awareness of indigenous issues amongst community legal centre workers through regular contact with indigenous student cadets – we will learn from our cadets as well as them learning from us.
- To develop more indigenous sensitive and accessible services through having indigenous staff members and having a more diverse workplace.

Project partners include Inner City, Kingsford, Marrickville and Redfern Legal Centres and the Aboriginal Legal Service. The Legal Aid Commission has expressed an interest in getting involved in the project.

The UNSW Aboriginal Education Programme, Indigenous Law Centre and indigenous law students from UNSW have provided invaluable advice and support to the project. We have also sought input from Ngalaya Aboriginal Lawyers Association, Metropolitan Lands Council, the Indigenous Women's Programme at the NSW Women's Legal Resource Centre, Wirringo Baiya Community Legal Centre and HREOC. We are continuing to consult with indigenous students, educators, indigenous organizations (both legal and non legal) and local indigenous communities to bring the project to fruition.

If we are able to raise enough funds, we hope to have the first cadets in place in 2002.

Head East Management Committee

On behalf of Kingsford, Kate Burns is on the Management Committee of Head East, a community-based support service for people with Acquired Brain Injury ('ABI') living in the eastern Sydney area. Head East coordinates support services and works with its consumers to improve the quality of their lives in very significant ways. For example, it produces a newsletters that provides a 'voice' for its consumers, keeps them in touch with each other and what's happening and organises social outings and sports events. Head East also works within the community on preventative strategies to reduce the risk of brain injuries occurring. One of its target areas is young people and bicycles: encouraging young people to wear bike helmets while cycling. Another community activity undertaken is presentations to school students about ABI issues and breaking down stereotypes about people with ABI. Hearing from, and meeting with people with ABI, breaks down the communication and understanding barriers that might otherwise exist, and helps build confidence for people with ABI.

The Centre's association with Head East comes about from its focus on discrimination law and its concern to address disability discrimination. Being part of the management committee, alongside some of Head East's consumers, has been a wonderful opportunity to keep in touch with its very great work and contribute to its effective management.

NACLC

Michelle Burrell was the NSW State Representative in 2001, to this national peak body which represents community legal centres across the country. Michelle had particular responsibility for work on programme and funding issues. This included negotiating with State and Federal governments on Service Standards and Performance Indicators, three year funding contracts and the development of a new national data system for community legal centres.

NCOSS

Michelle Burrell is a Board member of the NSW Council of Social Services, the peak body for social welfare and community organisations in NSW. NCOSS provides an independent voice on social and economic policy issues in the state, acting as a channel for consultation with Government and between parts of the non government sector with common interests and diverse functions.

Randwick Interagency

Michelle Burrell is the convenor of the Randwick Interagency, a coalition of over 50 community groups, residents and statutory agencies concerned with community development issues in the City of Randwick. In 2001 the Interagency ran a successful campaign to stop a series of funding cuts to Council's Community Services Department. Following a local campaign including meetings with the Mayor and speaking at Council meetings, the Council agreed to maintain and in fact extend its funding to community services within Council.

Eastern Area Tenants Service

Frances Gibson remained on the Management Committee of the Eastern Area Tenants Service. The Service provides desperately needed advice to tenants in the eastern suburbs facing eviction, unfair rent increases, landlords refusing to do repairs etc. The service provides an excellent service considering it only has 3 workers and despite funding crises following a review is still providing a high level of service. 2001 saw the introduction of an outreach tenancy advice service at Kingsford Legal Centre run by EATS. Students from Kingsford Legal Centre were regularly on placement at the Service and 2 current staff members of the service are ex KLC students.

Michelle Burrell sits on the Board of the Tenants Union of NSW, the peak body representing both private and public tenants in NSW. Michelle has also been appointed as the tenant representative to the Rental Bond Board of NSW.

The Centre continued to be an active provider of community legal education (CLE) in 2001. Vedna Jivan, the CLE coordinator has been working closely with students in both determining the structure and content of the program as well as the preparation and provision of CLE. Students from the Employment Law Clinic for the first time since the Clinic began operating, also participated in the program in 2001. Community legal education initiatives undertaken by the Centre in 2001 included:

Workshops, talks, trainings and presentations. Examples include:

- An afternoon with Yr11 and Yr 12 JJ Cahill high school students as part of Youth Week. Vedna Jivan and students Ainslee Cox and Jo Schulman presented a discussion to legal-studies students. The aim of the talk was to enable the students to challenge certain assumptions and analyse the way the law deals with people and what is just and fair.
- A training session on apprehended violence orders to Department of Housing staff
- An information session and discussion on social security entitlements presented to a Botany women's group in tandem with the Welfare Rights Centre
- Court information sessions on appearing in court
 - Radio scripts and interviews on issues such as youth rights and police powers, young people's employment rights, unfair dismissal and surf law. CDs on such topics were provided to community legal centres as well as community radio stations

- Stalls at community information and open days, such as the Botany Multicultural Festival, St George Migrant Information Day, Kooloora Women's Day and Legal Careers Day at UNSW
- Pamphlets on topics such as mobile phone contracts and promoting diversity amongst volunteers and
- Articles and information packs
- Attendance at various rallies including the Pay Day Lending Protest.

One of the highlights of the year so far has been the securing the funding for a discrimination roadshow to Broken Hill. The Law and Justice Foundation of NSW has very kindly provided funding for two solicitors and two students to provide a series of workshops on sex and race discrimination. Final year law student, Cleona Feurring worked very hard on the successful grant application which is planned for February 2002. Current students Jessica Rossell and Susan Carroll are working very closely with Vedna Jivan, Kate Burns and Kate Jarzabek of the Far West Community Legal Centre in organising an interesting and useful program.

The Centre has also taken the lead in research in the area of community legal education and its intersection with clinical legal education. The project entitled "CLE2 – Incorporating community legal education into clinical legal education programs" is the first project of its kind in Australia. Students, Nikki Leggat, Jana Parfenova and Anna Vetrova have been working very hard on a comprehensive survey which was sent to all law schools in Australia. A report on the project is due mid next year.

Policy and law reform work is an important feature of the Centre's work and its commitment to social justice and human rights.

The Centre works at a local, regional, state and national level on policy and law reform issues. Students are actively involved in these projects. Each session, students also attend seminars on the practicalities of undertaking policy and law reform work and community legal education. In this way we hope to build upon the broad aims of the teaching programme to provide for justice education as well as legal education.

Some of the law reform initiatives the Centre has worked on in 2001 include:

Evaluation of human rights remedies in Australia

Examination of Locus Standi in discrimination claims

Submission to National Homelessness Strategy

Migration Regulation 4.31B submission

Submission to Australian Law Reform

Commission regarding complaints against solicitors

Unfair Dismissal research projects:

Analysis of orders made in successful federal and state unfair dismissal cases

Analysis of case law on state jurisdictional issues

Contributed to NSW CCLCG submission on the Anti-Discrimination Amendment (Drug Addiction) Bill 2001

Submission regarding Law Enforcement (Powers Responsibilities) Bill 2001

Submission regarding Consumer Trading and Tenancy Bill 2001

Submission to Department of Fair Trading regarding cooling off periods Sweatshops campaign

Research into use of Exclusion Orders in Domestic violence matters at Waverley Court

Knife laws reform campaign

State Debt Recovery Office campaign

Boarders and Lodgers Action Group

NSW Rental Bond Board meetings (tenant representative)

Pre Budget Submission and budget analysis

Payday lending actions

Reform of NSW unfair dismissal procedure as part of NSW Industrial Relations Commission Users Group



Following KLC's visit to China in May, we have recently completed the second stage of the project by hosting a visit to Australia by Chinese legal aid practitioners. This visit, run in partnership with HROEC was the second phase of a Legal Aid Identification Project being run as part of the China-Australia Human Rights Technical Co-operation Program.

A group of seven Chinese officials visited Sydney to look at Australian legal aid models, including community legal centres and consider their applicability to the Chinese context.

For a number of years the Chinese Government has had a policy of providing legal aid to disadvantaged people, with a nationwide system involving agencies at national, provincial and county level. However, the system is still very much in its formative stages. China is still in the process of developing and considering appropriate models for delivering legal aid.

During their week on Sydney, the Chinese delegates met with key legal aid providers so that they could get an idea of the wide variety of approaches taken here. This included site visits and meetings with a number of specialist and regional community legal centres, the Law and Justice Foundation, the University of NSW Law School, meetings with the Commonwealth Attorney General's Department and the NSW Legal Aid Commission. They also spent a morning at the local court and met with workers from the Domestic Violence Court Assistance Scheme. Delegates also came to KLC to look at our clinical legal education activities as well as our work with the community.



It was heartening to hear the comments of the delegation at our final de-briefing before they returned to China. They seemed to be particularly impressed by the work of community legal centres both in terms of the advice and casework these centres undertake but also areas such as law reform and community legal education. Using the example of the Law and Justice Foundation, the head of the delegation spoke of the possibility of establishing a justice institute to work on these issues.

The delegation also talked about the value of having specialist workers to meet the legal needs of particular communities. Currently all workers in legal aid in China are generalist so the idea of having specialist expertise or even specialist centres is quite far reaching.

The delegates seemed keen to further explore ways to have active community involvement in the development of their legal aid system, and perhaps most exciting of all – the prospect of expanding eligibility at least at the provincial level for some groups currently not entitled to legal aid.

The value of the visit was summed up a letter we recently received from China "we have come back to Beijing for a week now. The visit to your beautiful country will be very helpful for us to learn your experiences about legal aid and to promote the development of China's legal aid system".

The next step will be to see if any of the ideas developed on both exchange visits can be built into a pilot scheme in Xiangfan, Hubei province.

In 2001 the Centre, as part of its project work and on behalf of 160 community legal centres Australia-wide prepared and submitted an application for consultative status with the United Nations Economic and Social Council. The application which was approved by the National Association of Community Legal Centres Board of Management will take approximately two years to process. The preparation of the application proved to be a huge undertaking and we are grateful to Pauline Sazdanoff who worked tirelessly with Vedna Jivan to complete the application. Assistance was also provided by Brigid Inder, Director of the NSW State Office of Community Legal Centres and Vicki Harding, Elizabeth O'Brien and James McDougall of the National Office.

The impetus for seeking consultative status with ECOSOC lies in the fact that community legal centres are well placed as non government organisations to take up the concerns of their communities at the local and national level and to integrate this at the international level. This application consolidates and contributes to the work already initiated by the sector in the national and international human rights arena with the creation of such fora as the National Human Rights Network at the last national community legal centres' conference in Fremantle.

World Conference Against Racism

In August 2001 Vedna Jivan traveled to South Africa to attend the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), the International Youth Summit and NGO Forum. Vedna attended the Conference on behalf of the Womens Rights Action Network Australia (WRANA) and the Kingsford Legal Centre.

Preparatory events included two pre-departure workshops organised by the WCAR Working Group and Eileen Pittaway, Director of the Centre for Refugee Research. Attendees were able to touch base with others of the NGO delegation attending the Conference and discuss our aims of attending the Conference. Armed with UN draft declarations, Plans of action and plenty of awe the delegation set off our first UN Conference.

Whist at the Conference, Vedna worked with the Asia Pacific Forum on Women, Law and Development, a regional women's human rights organization, based in Thailand. This included lobbying government delegations working on the Conference Declaration and the Program of Action to be followed by member states and preparing suggested amendments to the NGO Conference declaration and program of action.

The Conference provided an invaluable opportunity to work with people from all over the world on issues such as discrimination against ethnic, religious and caste minorities, refugees, exploitation of women and children migrants; abuse of women's and children's human rights; and the desecration of indigenous people's communities, land and cultures. Some of the highlights included working with the Womens League of Burma, a video interview with the Canadian Organisation of Youth of Colour, participating in a consultation with Con Sciacca, Shadow Minister for Immigration in relation to the NGO delegations response to TAMPA and discussing a Sikh test case the Centre is running with the International Sikh Human Rights Association. Follow up work in Australia is being carried out by the Australian WCAR Working Group to ensure that the outcomes of the Conference and the commitments made by the Australian Government are adhered to.

FREEHILLS

I had the privilege and pleasure of being the Freehills secondee at Kingsford Legal Centre (KLC) from February to October 2001. I can confidently say that no day during my secondment at KLC was the same. Each day brought with it new challenges, learning experiences and rewards. I could not possibly list all of the highlights of my time at KLC, but some are:

- Settling a long-running discrimination case against the NSW Police force. As a result, a talented young man who is deaf in one ear will become a police officer;
- Working with the students on a number of 'knife infringement' cases and securing, after a long and frustrating battle, withdrawal of two infringement notices issued under the Summary Offences Act - one for 'possession' by our client of a swiss army key ring that contained a 2.5cm blade, and the other for 'possession' of a pen-size blade used by our client to open boxes at her supermarket job;
- Appearing as advocate in an unfair dismissal hearing in the Industrial Relations Commission. Our client was an 18-year-old woman who was unfairly dismissed from her job as sales' assistant with a lingerie company just after she had informed them that she was pregnant. After cross-examination of its key witnesses, the lingerie company made an offer of settlement that was too good to refuse. A few weeks later our client had a bouncing baby boy!;
- Discovering, many months after my return to Freehills, that an elderly couple who had been on the Department of Housing waiting list for 14 years finally secured a home that meets their medical needs;

- Many trips to Hornsby Local Court with an elderly Spanish-speaking client who was defending a small claim against him. The hearing finally took place in my last week at KLC. Our client was so pleased and relieved with the result that he enthusiastically and emotionally hugged me and the student just after judgment was delivered!

The time I spent at KLC has been the highlight of my short legal career. More than anything, I enjoyed being surrounded by staff, students and community workers who are passionate about access to justice and community legal education. My KLC secondment was unforgettable and inspirational.

Sinéad Campbell

VOLUNTEERS



GENERALIST LAW VOLUNTEERS:

Roxanne Adler
Stefan Balafoutis
Robin Banks
Sally Barber
Belinda Barry
Simeon Beckett
Elizabeth Coffey
Margaret Faux
Michelle Fernando
Michelle Finnane
Rachel Francois
Rebekah Gay
Brad Gauvin
John Gray
Michelle Hannon
Julie Hart
Tricia Hobson
Asheesh Kalmath
Sharon Katz
Fiona Kerr
Madelaine Kloucek
John Longworth
Dave McMillan
Julian Miller
Sue Mordaunt
Margot Morris
Kim Parker

Candice Roxborough
David Selby
Mike Steinfield
Neville Wyatt

EMPLOYMENT LAW VOLUNTEERS:

Pro Bono Advice and Representation

Ian Latham
Robert Reitano
Claire Howell
Neale Dawson

Wednesday Advice – Volunteer Law Firms

Henry Davis York
Acuiti Legal
Bartier Perry
Harmers Workplace
Lawyers
Abbott Tout
Deacons
Clayton Utz
Cutler, Hughes & Harris

Thursday Night Advice – Volunteer Lawyers

Mary O'Connell
Sherene Daniel
Dani Hartman
Roger Harper

Richard Beasley
Andrew Jungwirth
Katie Kemm
Helen Tot
David Coorey
Arturo Norbury
Vanessa Andersen

Thank you to all those employment lawyers who presented classes:

Ingmar Taylor
Robert Reitano
Claire Howell
Ian Latham
Neale Dawson
Sherene Daniel
Michelle Campbell



As part of UNSW Law School, the Centre has a structure different to most community legal centres. A Consultative Committee made up of representatives of local agencies provides the Centre with a direct link to the community, providing advice, feedback and evaluation of the Centre's work. This helps us to ensure that the Centre provides a quality service that meets the community's needs.

The Centre thanks the 2001 Committee members for their contribution and support:

Elizabeth Beesley

Botany Council Community Services

Rebecca Coutts

Randwick Information and Community Centre

Cassie Hatton

The Shack Youth Service

Rosa Loria

Botany Migrant Resource Centre

Caroline Mason

Randwick City Council Community Services

Mia O'Brien

UNSW Law Society
Dr Christine Parker
Law School UNSW

Keilly Russell

Botany Family and Children's Centre

Julie Spies

Kooloora Community Centre

**KLC would like to thank all its funders, donor and supporters.
In 2001 these included:**

**Commonwealth Attorney General's Department
Legal Aid Commission of NSW
Law and Justice Foundation of NSW
Friends of Kingsford Legal Centre**

We also acknowledge the generous support of the University of NSW

PEOPLE & PARTNERSHIPS

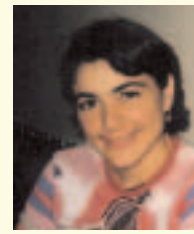
STAFF

FULL TIME



FRANCES GIBSON, Director

Frances has been the director at Kingsford Legal Centre since 1995, and is a Senior lecturer at UNSW Law School. She is responsible for the management of the Centre and is a casework solicitor. Frances is also responsible for the *Clinical Legal Experience* course and clinical legal education component of the *Law, Lawyers and Society* course.



ANNA CODY, Solicitor/Educator

It is with great regret that we have accepted the resignation by Anna Cody from her position at Kingsford Legal Centre. Over the past 6 years Anna has been a superb clinical legal educator who has won the respect and affection of hundreds of students not to mention all those who worked with her. Anna is currently in New York and anticipates returning to Australia in mid 2002.



KATE BURNS, Solicitor/Educator

Kate joined us in January 2001 from the University of Sydney where she had lectured in Anti-Discrimination Law. She has been a prosecutor with the Commonwealth Director of Public Prosecutions, a solicitor in private practice and a lawyer with the Human Rights and Equal Opportunity Commission.



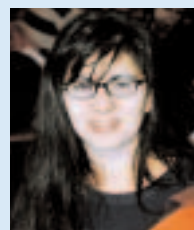
MICHELLE BURRELL, Co-ordinator

Michelle is the Coordinator of KLC. Michelle has worked in the community sector in Australia and Britain since 1984. Michelle's background is in housing issues as well as community legal centres. Michelle has been at KLC since January 1999. Michelle is employed to coordinate and plan service delivery at KLC. Her duties include supervising social work students at KLC.



VEDNA JIVAN, Solicitor/Educator

Vedna has been at the Centre since 1996. Vedna is a volunteer at Immigration Advice and Resource Centre and has worked at various legal centres as a locum solicitor including Campbelltown and Redfern before coming to Kingsford.



KALLIOPE CHRISTOS, Administrative Worker (Until Oct 2001)

Kalliope started in the Centre in November 1998 as the Centre's Administrator. Kalliope was responsible for the financial management of the Centre's funds, including the Centre's trust account. She also managed student enrolments and rosters, and she supervised the performance of students in their administrative duties.



JOANNE MOFFITT, Solicitor/Educator

Joanne Moffitt is the solicitor supervising the employment law clinic. Since her admission in 1996, Joanne has previously worked at South West Sydney and Campbelltown Legal Centres and the NSW Working Women's Centre.

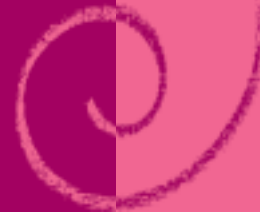


CHRISTINE CORDINGLEY, Administrative Worker (From Oct 2001)

Christine commenced with the Centre in October 2001 for a twelve month period whilst Kalliope Christos took leave. Christine's background is in adult continuing education. More recently Christine was Office Manager of the National Children & Youth Law Centre at Randwick for two years prior to setting up her own management and research business.

PEOPLE & PARTNERSHIPS

STAFF



PART TIME

35

AMIE MEERS *Administrative Assistant*

Amie joined KLC in March 2001 after working in the Clinical Legal Experience program over the summer session. She works part-time.

MURRAY MCWILLIAM *Librarian*

Murray began his involvement with the Centre through his participation in the Clinical Legal Experience course, summer session 1997-1998. He works part-time.

PAUL WESTON *Publications Worker*

Paul works five hours per week, producing various publications. He is a law student with a graphic design background.

DAVID WILLIAMS *Information Resources Volunteer*

David comes in one day a week to help with information resources.

MELISSA BELLANTA *Locum Solicitor*

Melissa was a locum for Joanne Moffitt from October to November.

ARTHI PATEL *Locum Solicitor*

Arthi was a locum for Vedna Jivan from August to September.

FINANCIAL REPORT

INCOME & EXPENDITURE

PERIOD ENDING 31 DECEMBER 2001 36

INCOME

AG's Clinical Legal Initiative	103,396.00
Community Legal Services Program	132,628.00
Williams Legal Costs and Disbursements	1,253.16
Donations	996.90
Investments	627.05
Reimbursements	811.07
Vice Chancellor's Award	7,500.00
KLC generated income includes legal costs and disbursements	14,090.70 ¹

TOTAL 261,302.88

EXPENDITURE

Salaries	209,153.27
CLSP Salaries	138,814.62
AG'S Clinical Legal Initiative Salaries	99,620.86
Disbursements and Costs	3,287.80
Materials and Running Costs	73,509.91
AG'S Clinical Legal Initiative Materials and Running Costs	13,972.81
Equipment and Maintenance	48,303.33 ²
AG'S Clinical Legal Initiative Equipment and Maintenance	8,640.89
Travel and Conferences	6,246.66
AG'S Clinical Legal Initiative Travel and Conferences	1,268.14
Williams Legal Costs and Disbursements	-

TOTAL 602,818.29

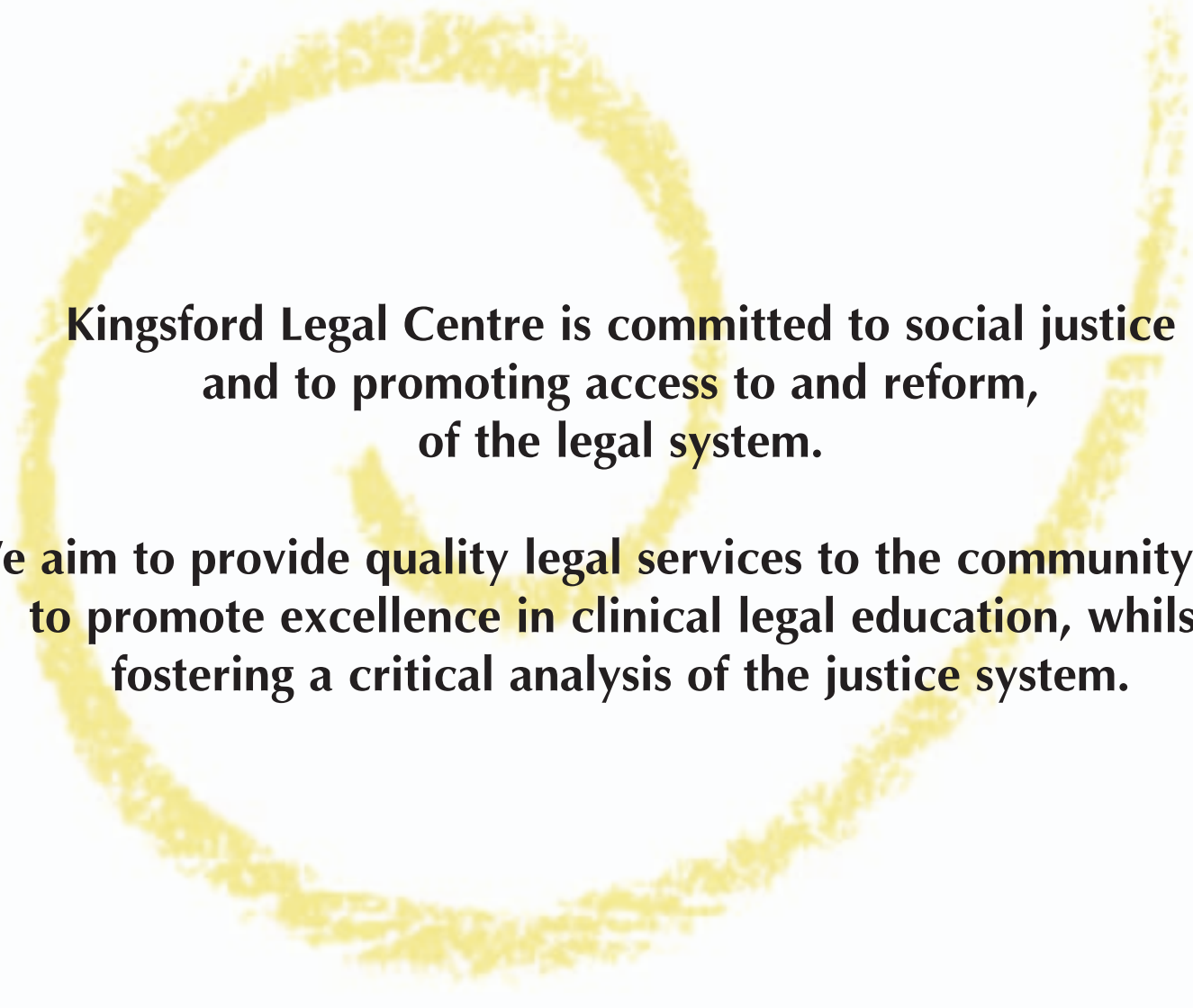
Net Result Surplus/(Deficit)	-341,515.41
UNSW Contributions Law School	277,130.82 ^{3 4}
UNSW Contributions Central Super and Other Overheads 2001	27,177.26
UNSW Contributions Central Super and Other Overheads 2000 Adjustment	25,178.58
Result for the Period Surplus/(Deficit)	-12,028.75
Prior Year Accumulated Funds	92,728.67

ACCUMULATED FUNDS 80,699.92⁵

NOTES

- (1) Legal Costs and disbursements are an abnormal item which vary considerably from year to year.
- (2) The sum of \$17,595 was accrued in December 2000, relating to the purchase of a photocopier. This payment was made in 2001 and is included in this report.
- (3) 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 2001, the amount allocated was \$277,130.82.
- (4) UNSW Law School subsidy for 2001 included abnormal items of expenditure on capital equipment.
- (5) Accumulated Funds includes an amount set aside for depreciation against capital equipment purchased with Attorney General's Clinical Legal Initiative payment in 1999. As at 31 December 2001 this amount was \$42,512.

MISSION STATEMENT



**Kingsford Legal Centre is committed to social justice
and to promoting access to and reform,
of the legal system.**

**We aim to provide quality legal services to the community and
to promote excellence in clinical legal education, whilst
fostering a critical analysis of the justice system.**