

kingsford legal centre eBulletin autumn 2011

KLC STAFF WIN UNSW EXCELLENCE IN COMMUNITY ENGAGEMENT AWARD 2010

KLC staff were honoured to be the recipients of the above award in 2010. The award is recognition of our intensive engagement with our local and broader communities. This award recognises the impact that community engagement activities have had on the mainstream work of the University and what has changed in the engaged community as a result of the group's efforts.



KLC staff receiving the award from Professor Richard Henry

COMMUNITY LEGAL EDUCATION

The first quarter of the year tends to be a little quiet for cle as people are still on leave. The community worker series is still a great asset to our local community and our work with Long Bay Gaol continues

Community Legal Education Workshops

KLC has commenced its community legal education workshop series for 2011. These workshops are free and cover a wide variety of legal topics. The most recent workshops have been on 'Legal Basics' and Discrimination law.

The participants have mostly come from local agencies such as women's refuges, charities and disability advocacy organisations. It has been great to see some of the same faces coming back regularly, and the feedback from the most recent sessions has been positive. Our next workshop will be on Employment law in April, and we're also working on providing a new workshop on Mental Health law by the middle of the year.

KLC is out and about!

KLC was pleased to be invited back to the Ngarra Nura Community Agency Day in January and March 2011. Ngarra Nura is a pre-release drug and alcohol rehabilitation program based at Long Bay Correctional Complex. This is the third consecutive Agency Day to which we have been invited and was a great opportunity to develop our outreach work to Long Bay gaol.

We were also invited to speak to the great caseworkers at NEAMI, a local mental health organisation that provides support services to people with serious mental illness within a recovery framework. NEAMI invited KLC to one of its staff meetings in January 2011 to provide legal education and referral tips on guardianship and social security law. We attended the staff meeting and spent over 90 minutes giving practical tips on how to help clients living with mental illness navigate financial and other issues. The session was well received and we hope to build stronger links with NEAMI and other similar organisations by providing a similar informal CLE approach.

ABORIGINAL ACCESS PROJECT

Yabun has come around again with KLC concentrating on the constitutional recognition of Aboriginal and Torres Strait Islander peoples issue this year.

It's March already and 2011 is off to a flying start. KLC held a stall at Yabun on 26 January 2011. Yabun is a festival that is held on Australia Day which celebrates the survival of Aboriginal and Torres Strait Islander peoples in Australia.

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It showcases Aboriginal and Torres Strait Islander cultures and invites all Australian's to join in and share. KLC partnered with CLCNSW, Marrickville CLC and Redfern CLC to run the stall. As well as offering legal service information and fun activities for children, the stall also promoted and endeavoured to inform Aboriginal and non-Aboriginal people about the upcoming referendum on recognition of Aboriginal and Torres Strait Islander people in Australia's Constitution.



Ron Timbery at KLC's stall at Yabun

KLC's Aboriginal Access Project continues with the outreach service for the Aboriginal community at La Perouse and with planning for other initiatives to assist Aboriginal people to learn more about particular areas of law and to understand their rights. The outreach service at La Perouse operates every Tuesday morning at Yarra Bay House from 10am to 12pm. Community legal education sessions in discrimination, fines and penalties, and powers of attorney are also planned for 2011. KLC's Aboriginal Access Worker, Ron Timbery, has agreed to do a short workshop for Years 5 and 6 students at NSW Young Lawyers Law and Justice Leadership Conference on 30th March. Ron has maintained his involvement in different forums associated with the La Perouse Aboriginal community and is also aiming to promote the services of the KLC to other Aboriginal people who live, work or study within the Randwick and Botany local government areas in 2011.

KLC CASEWORK AND LEGAL CLINICS

Our employment and family law clinics were a little quieter over the Christmas period however they are picking up pace now. KLC's work with Long Bay Gaol inmates continues with a Visa cancellation matter.

Casework

Prisoner Visa Matter

Kingsford Legal Centre recently acted for a prisoner who had received a Notice of Intention to Consider Cancellation of Visa from the Department of Immigration and Citizenship (DIAC). Our client was a 20 year old man of Iraqi citizenship. Our client fled Iraq with his mother, two sisters and younger brother when he was 11 years old. They lived in Syria for a time where our client was required to work to support his family. They moved to Australia when he was 15. A few weeks after his eighteenth birthday our client was involved in the robbery of a convenience store with a group of other young men. He did not play an active role in the robbery, standing at the back of the store throughout, did not carry a weapon and did not make any verbal demands of the victims. He confessed his involvement to Police the next day and assisted them to identify the other offenders. He showed extreme remorse for his actions that, though serious, appeared to be the ill thought through acts of a teenager influenced by peer pressure.

As our client was sentenced to three years imprisonment his Humanitarian Visa was at risk of being cancelled (DIAC's policy is to consider cancelling, on character grounds, the Visa of any prisoner sentenced to more than 12 months imprisonment). Our client did not have any relatives or friends remaining in Iraq and faced the prospect of being deported to a country where he had no ties to the community and faced persecution and even death for his Christian faith. His mother and siblings are all Australian citizens and his own citizenship application was put on

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hold when he was convicted. KLC wrote to DIAC setting out our client's circumstances, in particular, that his offence was very unlikely to be repeated, that our client had strong ties to the community and had been offered employment on his release, and that he shown remorse for his actions. We also drew attention to the political climate in Iraq and the regular occurrence of acts of violence against Christians submitting that our client would be at serious risk if returned to Iraq.

After considering our submissions DIAC decided not to cancel our client's Visa and instead issued him with a formal warning.

Changes to Victims Compensation in NSW

Changes to the *Victims Support and Rehabilitation Act 1996* that came into force on 1 January 2011 and which apply to all undecided claims have affected many KLC clients.

Victims of multiple acts of violence will now face difficulties in arguing that each act of violence should be considered a separate act for which a separate application for compensation can be made. It is even harder to show that multiple acts of violence are separate acts where the same victim and perpetrator are involved, such as in cases of ongoing domestic violence. We have had to advise all our clients that in light of the new laws, the amount of compensation for which they can claim may be substantially reduced. The changes also mean that if you have received an award of compensation you might not be able to lodge another claim if it relates to violence that happened to you at an earlier time in your life. We are very worried about the impact of this for people who experienced violence as a child.

Community Legal Centres weren't notified of the changes to the law which happened very quickly. KLC has been working with other clcs to have the changes reversed and has lobbied our state politicians. If you think the changes may affect you, you should contact KLC for advice.

Meanwhile we await the outcome of the State election after which we will continue our lobbying.

Employment Clinic

The employment clinic recently helped a woman who was unfairly dismissed by her employer when she was told not to return to the workplace because she had failed to carry out a task that was outside her role as a dental assistant. KLC helped the woman to represent herself at Fair Work Australia by drafting submissions and putting together witness statements. She was awarded four months in lost wages.

KLC also settled an unfair dismissal matter for a man who was dismissed from his employment whilst on Workers Compensation, with the employer doubling their settlement offer after KLC advised they would be representing the client. The client, who did not wish to return to the workplace was happy that, as part of the settlement, a statement would be placed on an employee noticeboard thanking him for his 10 years of service and wishing him well in the future.

KLC is also assisting a number of clients from non-English speaking backgrounds who have been underpaid by their employers. In one case, a laundry worker originally from Bangladesh was underpaid over \$65,000 over the course of three years.

Family Law and domestic Violence Clinic

Four students came through the clinic in the summer semester.

The students had the opportunity to meet and build relationships with workers in the local area and also to prepare and present community legal education workshops for the members of the local community. A total of four community legal education workshops (CLE) were organised for various women's groups throughout the semester. Following these presentations, ongoing education needs were identified and workers linked to these groups have expressed interest in having a series of CLE in order to meet the needs of their clients. These series were

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tailored and partially delivered in the summer semester. Relatively short duration of summer school coupled with school holidays made community engagement extremely difficult and, consequently, the planned series of workshops will run into Semester 1, 2011.

The evaluation of the clinic by pioneering students has been positive and a number of changes to the clinic were made to reflect feedback from students. These include attendance at Waverley Court's DV clinic as well as involving students of this clinic in advice nights. The Family Law and Domestic Violence Clinic is now also included in the *2011 UNSW Handbook*, making it easier for potential students to notice the clinic.

Contact has been made with Immigrant Women's Speakout, Western Sydney Community Forum and Women's Legal Services NSW in order to target communities/workers in regional and remote areas in delivering collaborative CLE.

CLINICAL LEGAL EDUCATION

Summer session finished in February and it is a quick turnaround to semester 1, which commenced on 28 February. The Clinical Conference (7-9 September) is moving ahead with the Attorney General agreeing to open it.

Transforming Legal Education – Australian National Conference on Clinical and Experiential Learning

Kingsford Legal Centre and Frances Gibson, Director of Experiential Learning, are organising the above conference to be held at the Law Building from 7-9 September 2011. A call for papers/presentations/ workshops on relevant themes has been sent out. The Attorney General, Robert McLelland will open the conference and international and local speakers are being invited. The conference will begin with a panel session looking at the future of legal education and workshops will follow. On the first day, there will be a training session on clinical supervision. If you would like more information please email: d.wasley@unsw.edu.au.

Standards in clinical legal education in Australia

Another exciting project which has begun at the Centre is the two year research project on developing appropriate standards in clinical legal education throughout Australia. This is a research project with 6 project collaborators, including UNSW and led by Monash University. The aim of the project is to document the range of clinical legal education models throughout Australia and develop standards for quality clinical legal education. Kingsford Legal Centre is responsible for the NSW and ACT region and has so far conducted in depth interviews with Australian National University, Newcastle University, Macquarie University and University of Western Sydney.

GAJE conference: Global alliance for Justice Education

Anna Cody is involved in organising the next GAJE conference in July 2011, Valencia Spain. This will be an opportunity to meet to discuss justice education in all its forms with a huge diversity of participants from developing and developed countries.

LAW REFORM

UPR continues apace and KLC staff are working on discrimination laws

Equality project: consolidation of discrimination laws

This has been a substantial project over the last three months. It has drawn on a coalition of community legal centres, with KLC leading the coalition and Emma Golledge particularly giving substantial guidance to the project. We are hoping to make our submission by mid-March to the Federal Attorney General's department. This will look at the current issues we experience with using the Federal discrimination laws and suggest alternative ways of framing anti discrimination law which would enable more systemic changes and improve outcomes for our clients.

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Universal Periodic review

This is a policy project which Anna Cody has been involved in over the last 12 months. It has now reached its next stage. Australia was reviewed by the Human Rights Council in January 2011 to discuss Australia's overall human rights record. There was an active NGO delegation with community legal centres represented in Geneva. The group met with over 60 country representatives and the various representatives asked many questions with 145 suggested recommendations for the Australian government on how to improve Australia's achievement of human rights. The Government is still considering its response and KLC will continue its active engagement with the implementation of the recommendations.

STAFF

Welcome to our new secondee, Naomi Sadler

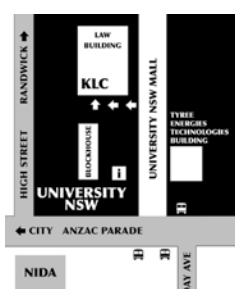
New Allens Arthur Robinson Secondees Join KLC

Naomi Sadler joined the Kingsford Legal Centre on 24 February 2011. She is on secondment for six months from Allens Arthur Robinson, where she is still completing her graduate program. Naomi completed her university studies in 2008. During 2009 she worked at the Supreme Court as tipstaff to Justice David Kirby, before joining Allens in 2010. Naomi is looking forward to working with clients from a variety of backgrounds and getting involved in community legal education.



Allens Arthur Robinson Secondees, Naomi Sadler

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LOCATION

Kingsford Legal Centre is located on the ground floor of the Law Building, University of New South Wales, Anzac Parade, Kensington. Enter the university at the main entrance on Anzac Parade, walk down the main walkway and turn down the 2nd path on the left. The entrance to the legal centre is opposite the Uni Bar.

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