kingsford legal centre

Welcome to the Autumn 2013 KLC ebulletin. It has been a busy summer at KLC with lots of work towards law reform and celebrating our community relationships, along with building new ones! Highlights in this edition include:

KLC and Herbert Smith Freehills win the 2012 Pro Bono Partnership Award. KLC and Herbert Smith Freehills celebrated our 20 year anniversary of the secondee program by winning the Pro Bono Partnership Award at the 2012 Law and Justice Awards.

Submission on the Human Rights and Anti-Discrimination Bill. KLC collaborated with the National Association of Community Legal Centres, Redfern Legal Centre and the Public Interest Advocacy Centre to draft CLC responses to the draft Human Rights and Anti-Discrimination Bill and appeared before the Senate to give evidence on the Draft Bill.

Major success in unfair dismissal case. KLC successfully represented an 81 year old client who was dismissed over the phone after 40 years of committed service. KLC helped our client receive compensation and the Fair Work Commission used the case as an example to warn against other employers dismissing any employee over the phone.

Victims Compensation Review. KLC and CLCNSW took several steps to advocate for improvements to the victims compensation scheme, including making a submission to the government inquiry into the scheme, working with other CLCs to bring clients' experiences to the attention of politicians and assisting others in advocating to their local members.

Consultations with federal magistrates about Aboriginal people accessing family law options. KLC recently hosted consultation sessions for members for the Aboriginal and Torres Strait Islander community to discuss increasing community access to the Family Law Court with Magistrates Sexton and Kemp.

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Kingsford Legal Centre eBulletin: Autumn 2013

Highlights

KLC and Herbert Smith Freehills win the 2012 Pro Bono Partnership Award

The *Law and Justice Foundation Pro Bono Partnership Award* was presented to the 20 year partnership between Kingsford Legal Centre and Freehills Foundation (part of Herbert Smith Freehills). Herbert Smith Freehills provide the Kingsford Legal Centre with a secondee solicitor on a six monthly rotation. This partnership has modelled pro bono services to future generations of lawyers, delivered long term benefits to Kingsford Legal Centre in their provision of clinical legal education and services to disadvantaged clients, and set a benchmark for the evolution of pro bono work over the past twenty years. The secondee program is a key one for KLC and we are very grateful for Herbert Smith Freehills' support for the past 20 years.

KLC Director Anna Cody, National Pro Bono Resource Centre Director John Corker and Executive Director of The Freehills Foundation Annette Bain

Submission on the Human Rights and Anti-Discrimination Bill

At a national level, KLC worked with the National Association of Community Legal Centres to coordinate and draft community legal centre responses to the *Government's Discrimination Consolidation Discussion Paper* and the subsequent draft *Human Rights and Anti-Discrimination Bill*. KLC appeared before the Senate Committee, along with Redfern Legal Centre, PIAC and NACLC, to give evidence on the draft Bill. KLC also worked with other community legal centres to highlight in the media and to politicians the significant advances the draft Bill would make for our clients.

KLC wrote media releases and did media interviews, wrote to their local MP and relevant ministers, and worked with NACLC and the NACLC Human Rights Network to encourage CLCs in key electorates to lobby their local MPs. KLC was extremely disappointed that the Government did not proceed with the Bill. It is a missed opportunity to make Australia's discrimination laws simpler and fairer.

PIAC's Edward Santow, right, outside Parliament House with Anna Brown from the HRLC (back row, left); Edwina MacDonald from KLC (back row, right); Jo Shulman from the Redfern Legal Centre (middle row, left); Michelle Cohen from PIAC (middle row, centre); Camilla Pandolfini from PIAC (middle row, right); Frieda Lee from NACLC (front row, left) and Anna Cody from KLC (front row, centre). Photo Credit: Dominic O'Grady, Public Interest Advocacy Centre.

Major success in unfair dismissal matter

Late in 2012 KLC acted for an 81 year old client who was dismissed from his position at the Greyhound Breeders, Owners and Trainers Association of NSW. Our client had been working with the Association for 40 years when he was dismissed without warning and over the phone after an argument with a colleague.

KLC was successful in arguing that the dismissal was unfair with the Fair Work Commission commenting that our client 'could have expected to finish his career in a blaze of glory and praise for a job well done'. He was awarded 16 weeks of lost wages in compensation. In its decision the Commission warned against employers dismissing any employee (let alone one with 40 years of service) over the phone.

Victims Compensation Review

KLC has advocated for improvements to the victims compensation scheme. KLC made a submission to the government commissioned inquiry into the scheme highlighting the importance of the scheme for our clients, particularly for victims of domestic violence and sexual assault, and supporting retaining and improving the scheme. KLC worked with other CLCs to bring clients' experiences to the attention of politicians and government, and to advocate for changes to the scheme that will improve access to justice for victims of violence.

The CLCNSW Working Group developed an online letter writing kit for other individuals and organisations to lobby their MPs. They also coordinated an open letter to the Attorney-General, signed by 80 different organisations, wrote to the Attorney-General and Victims Services in support of Victims Compensation, and wrote short articles for the *Alternative Law Journal*.

Consultations with Federal Magistrates about Aboriginal people accessing Family Law options

KLC recently hosted community consultations between Federal Court Magistrate Robyn Sexton and Federal Court Magistrate Dale Kemp and local Aboriginal community members. The consultations provided a unique space in which local Aboriginal community members were able to meet, speak to, learn from and share ideas with, the two Federal Court Magistrates. The talks focused on how to increase access to the Federal Magistrates Family Law Courts for Aboriginal and Torres Strait Islander community members.

Staff and services

New faces on staff

In 2012 KLC had the pleasure of seconding Chris Hill, Jennifer Lam, Janis Dunnicliff and Shona Seaton thanks to KLC's ongoing secondee programs with Law Firms Herbert Smith Freehills and Allens Linklaters.

KLC farewelled Shona in early March and in her place welcomed two new secondees: Charmaine Roberts from Herbert Smith Freehills and Dana Beiglari from Allens Linklaters. We look forward to working with Charmaine and Dana for the next six months.

2013 Secondees Charmaine Roberts and Dana Beiglari

Law reform, policy and publications

KLC has been collaborating with other CLCs and organisations to improve the law and access to justice for our community on Housing Law and Repairs, and the Fair Work Act. KLC director Anna Cody also features in a new book on Dispute Resolution.

Chapter featured in Future of Dispute Resolution publication

KLC Director Anna Cody and previous Director Frances Gibson have co-authored a chapter on clinical legal education and dispute resolution for the new publication *The Future of Dispute Resolution* edited by Associate Professor Michael Legg.

NLAF Housing Law Working Group

Kingsford Legal Centre is part of a working group convened by NLAF to look at housing law. Also on the working group are representatives from other community legal centres, Legal Aid, Law Access, Mental Health Coordinating Council, PIAC, PILCH and a private solicitor. The working group met in early December to work on the Terms of Reference and set a 12 month term of operation. The aim of the group is to engage constructively with representatives from Housing NSW on a number of policy and process issues relating to our clients' experiences of social housing in NSW.

Submission on Fair Work Australia Amendment Bill

KLC made a submission to the *Review of the Fair Work Act 2009* and subsequent amendment Bills. We focused on increasing the availability and enforcement of flexible work arrangements, and time limits on unfair dismissal

complaints and increased clarity in General Protections complaints (using our experience in discrimination law). KLC was pleased to see the time limit in unfair dismissal matters extended when the Act was amended in December. The Government also plans to extend the right to request flexible working arrangements to a broader range of workers with caring responsibilities.

Continued work on the Housing Repairs Project

KLC has continued working on our repairs campaign, which seeks to improve the standard of housing for clients living in Housing NSW properties. We conducted a client and community survey and in early February we piloted a pop-up clinic to teach residents how to apply for repairs orders at the Tribunal. Some of the attendees from the clinic are now keen to develop their skills as community advocates in this area.

Edwina MacDonald speaking at the Housing Repairs pop-up clinic at Duffy's Corner Housing Estate.

Advice and casework

KLC continues to show its strength in discrimination, employment, consumer complaint and visa cancellation matters, by reaching successful outcomes for several clients over the summer.

Helping inmates from Long Bay Correctional Centre on Visa cancellation matters

KLC continues to assist inmates at the Long Bay Correctional Centre. Six of KLC's students over the summer collected evidence and drafted statements and submissions for these cases. They include:

- A young man from the Cook Islands who has lived in Australia since he was 13 and who has a young child here. We recently found out from the Department that his visa would not be cancelled.
- We made submissions on behalf of a 60 year old man originally born in Samoa, who has lived in Australia for over 30 years. His adult children also all live in Australia. He was serving a lengthy sentence for a serious offence. The Department agreed with our submissions, and did not cancel his visa.
- A young man from Sudan who arrived in Australia on a humanitarian visa when he was 14. He had previously spent seven years in a refugee camp in Kenya.We have just been notified that the Department have decided not to cancel our client's visa.

Success with Consumer Trading Tenancy Tribunal (CTTT) matter

KLC recently represented a client at the CTTT in a consumer complaint. The client was in her eighties and has a hearing disability. She had been charged $5,500 for electrical work at her home that was realistically only worth $900. We successfully argued that our client had paid the $5,000 due to the misrepresentations and unconscionable conduct of the electricians, and the CTTT ordered that the client be refunded $4,700. The Centre has now helped the client get a garnishee order in the Local Court.

Social Security case success

KLC represented a client at the Social Security Appeals Tribunal for an age pension debt of over $20,000. The client's English was poor, and she has a number of physical and psychological disabilities. Two KLC students worked on preparing written submissions to the Tribunal and one of them was able to attend the hearing. KLC staff made oral submissions to the Tribunal and the Tribunal decided to reduce the debt to $10,000, which has made a positive difference to the client's financial circumstances and health.

Discrimination in employment matter success

KLC represented a client at the Australian Human Rights Commission in a sex and marital status discrimination in employment complaint. The client, a casual employee, had complained to the Commission

as she felt that her usual shifts were being given to a male employee, as he was considered by her manager to be a "breadwinner" and needed the shifts more. We successfully negotiated a settlement for this client including financial compensation, work references and an apology.

Community Legal Education

We worked with prison inmates, social workers and youth on matters including discrimination law, creating a Power of Attorney and dealing with debt.

CLE roundup

- *CLE on fines to inmates at Long Bay jail as part of the Dealing with Debt series* - Staff and students from KLC presented on fines and what to do about them to a group of around six inmates at Long Bay.
- *CLE about Power of Attorney, Prince of Wales Hospital* - Staff presented to a group of social workers at the Prince of Wales hospital about guardianship and power of attorney, which was well attended and well received.
- *CLE on discrimination law at YAPA (Youth Action and Policy Association) conference* - KLC staff and students presented a workshop to approximately 25 young people aged between 13-18 at the YAPA *Shift This Conference* in October. The use of a trivia game to highlight the effects of discrimination worked well, and the young people were very engaged with the issues.
- *Ngara Nura Agency Day: Long Bay Correctional Centre* - KLC attended the Ngara Nura Agency Day at Long Bay Correctional Centre in December 2012. We spoke to a group of inmates with imminent release dates about the services provided by KLC and gave some inmates advice about their fines and debt matters.

Working with our community

Kooloora outreach

In March 2013 KLC and the Kooloora Community Centre set up a KLC outreach advice clinic. Kooloora is uniquely placed in the Bilga social housing estate in Malabar and is also very close to the Namatjira and Mirrabooka housing estates. The clinic is a drop in service (no need to book an appointment), held every second Friday morning.

Charmaine Roberts and community member at the Kooloora Outreach

Aboriginal Access Program

Outreach Services continue to grow at Yarra Bay and Kooloora for our Aboriginal and Torres Strait Islander community.

Yarra Bay outreach

KLC's outreach service to the Aboriginal community at La Perouse continues fortnightly, every second Tuesday morning at La Perouse Aboriginal Community Health Centre. Aboriginal and Torres Strait Islander community members are free to drop in to the centre to have a yarn with our Aboriginal Access Worker about their legal problems, with no need to book an appointment.

KLC is also currently exploring opportunities with the Lapa Access Point to hold a large-scale monthly community outreach day, which both KLC and other community services can participate in.

Kooloora Community Centre Partnership, including annual Close The Gap event

Part of KLC's growing relationship with Kooloora Community Centre is exploring opportunities for Kaleesha Morris, our Aboriginal Access Worker, to attend the fortnightly KLC outreach clinic. KLC also held a workshop at Kooloora Community Centre on the 20 March in celebration of the National Close the Gap Day. The workshop was based on Constitutional recognition of Aboriginal and Torres Strait Islander Peoples in the Constitution.

If you would like to subscribe (free) to this eBulletin or would like further information please email Murray Baker at: m.baker@unsw.edu.au. If you would like to unsubscribe to this eBulletin please email Murray Baker at: m.baker@unsw.edu.au with "unsubscribe eBulletin" in the subject field.

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 second path on the left. The entrance to the legal centre is opposite the Uni Bar.

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