kingsford legal centre

Welcome to the Winter 2013 KLC ebulletin. Highlights in this edition include:

Changes to the Victims Compensation Scheme.

New and disappointing changes to the Victims Compensation Scheme will have a negative impact on both current and future clients across all CLCs. KLC worked with other CLCs to lobby for an amendment to the original Bill to at least remove time limits for victims of child sexual abuse.

Human rights advocacy and work.

KLC, NACLC and the Human Rights Law Centre collaborate on United Nations Human Rights Council Statement for Australia's mid-term Universal Periodic Review.

Daceyville Social Housing (Image: Grace Ip)

Our changing community: a snapshot - photographic exhibition on Level 1 of Law Building, UNSW.

Over the past couple of semesters, we asked three of our students to go out into our community to photograph our social housing estates as well as our beaches. The students have taken up the challenge with gusto and this exhibition is the result of their talent and skills.

China human rights technical cooperation visits.

KLC recently hosted a visit for Beijing legal NGO Zhicheng Public Interest Law. We also had the honour of being invited to their centre in Beijing, China to speak about the challenges NGOS face in the legal sector, the way KLC promotes and protects human rights in Australia and also how we work with students to increase the Centre's capacity.

UNSW AUSTRALIA

Kingsford Legal Centre eBulletin: Winter 2013

Highlights

Changes to the Victims Compensation Scheme

KLC is very disappointed with the recent passing of legislation reforming the NSW Victims Compensation Scheme. The new legislation will have a detrimental impact on current and future clients because it will apply retrospectively, fail to adequately recognise and compensate victims of domestic violence, pay less compensation, apply a 10 year time limit to victims of domestic violence and sexual assault and impose burdensome evidentiary requirements.

In the three weeks following the Bill's introduction, many CLCs, including KLC, contacted key members of Parliament and lobbied for amendments to the Bill. Members of Parliament quoted CLC letters and submissions extensively during the parliamentary debates about the Bill, including making a reference a KLC case study. KLC also contributed to the CLCNSW complaint to the UN Special Rapporteur on Violence Against Women about the Bill.

While we were disappointed with the passage of the Bill, CLCs did succeed in lobbying for an amendment to the original Bill to remove time limits for victims of child sexual abuse.

Many CLCs, including KLC, did a number of print and radio interviews prior to and after the passage of the Bill.

Human rights advocacy and work

Along with NACLC and the Human Rights Law Centre, Kingsford Legal Centre made a statement to the United Nations Human Rights Council for Australia's mid-term Universal Periodic Review. This statement followed up on the work we did coordinating the NGO report to Australia's review in 2010. We welcomed the introduction of the Children's Commissioner and the NDIS. KLC expressed concerns about the limited nature of the Human Rights Action Plan, the government's deferral of the discrimination consolidation project, the human rights situation of asylum seekers and refugees, the government's failure to implement adequate consultation with Aboriginal and Torres Strait Islander communities, and the need for an independent monitoring body for the National Plan to Reduce Violence Against Women and Children.

Our changing community: a snapshot – Photographic exhibition on Level 1 of Law Building, UNSW

Over the past couple of semesters, we asked three of our students to go out into our community to photograph our social housing estates as well as our beaches. The students have taken up the challenge with gusto and this exhibition is the result of their talent and skills.

The idea behind the project was twofold; to bring the community into our office and to send students out to our social housing estates. The project has a particular resonance as most of the estates captured are earmarked for demolition and redevelopment due to the rezoning of the Anzac Parade corridor to allow for the building of larger apartment blocks under the State Government's Urban Activation Precinct policies. The project is an ongoing one - this exhibition covers only a small part of the social housing in our catchment. However, the students have beautifully captured the juxtaposition that characterises our area - from the historically significant, heritage listed suburb of Daceyville to the graffiti covered, run-down urbanism of Lexington Place. Thanks and congratulations to the students who put the exhibition together. We hope everyone enjoys it!

China human rights technical cooperation visits

On 7 March we hosted a visit by Beijing legal NGO called Zhicheng Public Interest Law. The group provides legal assistance to migrant workers and children in China. It was a full day of experiencing and talking about the various aspects of KLC's work, particularly the way we work with law students to provide our client services. Following this visit, KLC was asked to

present to the same organisation, and all its workers and branches on two related themes in their home city of Beijing. Di Anagnos travelled to China on 13 June for three days to do this. We were asked to present on the challenges NGOS face in the legal sector, the way we promote and protect human rights in Australia and also how we work with students to increase our capacity. The workshop was attended by over 40 lawyers from community legal organisations from throughout China. It was a great opportunity to make connections, share experiences and gain a deeper understanding of some of the challenges NGOs in other countries face.

The advice room at Zhicheng Public Interest Law Centre in Beijing, China

Staff and services

Farewells, welcomes and welcome backs!

May, June and July was a time for change at KLC, where we sadly farewelled Laura Cottam who had spent 12 months at the Centre doing a fantastic job on discrimination and generalist advices and cases, and managing our community legal education program. We also wish Edwina MacDonald, our Law Reform and Policy Solicitor, best of luck as she goes on maternity leave for 12 months.

New to the team is Kellie McDonald who comes to us from Hawkesbury Nepean Legal Centre, and Natalie Ross who brings experience from many legal centres, most recently Redfern Legal Centre. Kellie will be with us for 12 months as the Law Reform and Policy Solicitor, and Natalie will be with us for six months in a part time capacity, working on discrimination, employment and generalist matters.

Early July saw the return of Emma Golledge, who came back from maternity leave. Emma is working part-time and will share the responsibility of Principal Solicitor with Di Anagnos, who did a superb job of leading the legal team whilst Emma was on leave.

New staff members Natalie Ross and Kellie McDonald

Law reform, policy and publications

***KLC continues our work on the Housing Repairs Campaign and did lots of work surrounding the recent changes to the* Sex Discrimination Amendment Bill.**

Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill

The government abandoned its Human Rights and Anti-Discrimination Bill and introduced, instead, the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill. This Bill passed the House of Representatives on 30 May. While the new Bill contains welcome protections for sexual orientation, gender identity and intersex people, it is disappointing that there was not political will to progress the broader discrimination reforms. Kingsford Legal Centre wrote to and called politicians' offices prior to them abandoning the Bill, made a submission to the Senate Legal and Constitutional Affairs Committee on the new Bill, and issued media releases around both Bills.

Housing repairs campaign update

KLC has continued working on our repairs campaign, which seeks to improve the standard of housing for clients living in Housing NSW properties. Recent actions include delivering two CLEs on discrimination to tenants advocates, developing an info sheet on discrimination

and housing and consultation with NGOs and residents on a collaborative public campaign. It is anticipated that the Housing Repairs Campaign website will go live in the coming months. This website was developed by KLC with other community legal centres.

Advice and casework

Kingsford Legal Centre achieves successful results on visa cancellation, social security and tenancy matters and also continues the successful Student Advocacy Program.

Student advocacy at Waverley Court

Two KLC students have appeared before Waverley Court this semester, representing clients in guilty pleas. Both students did exceptionally well in their pleas under the supervision of our solicitors.

The first student represented a woman charged with larceny. She had taken over $600 worth of cosmetic goods from a department store. This was the client's first offence. She suffered from severe stress and anxiety arising from the fact that she had recently become unemployed and diagnosed with a skin disease. The Court decided to discharge the client on the condition that she enter into a nine month good behaviour bond and seek psychological help within 14 days from the court date. The client was thrilled with the outcome.

Our second student represented an elderly woman who cares for an adult son living with mental illness. She was given a substantial fine because her son took his seatbelt off in the car while she was driving. The student explained the effect of the son's mental illness to the Court, and the fact that the client had a very good driving record overall. The Court decided to dismiss the charge without conviction.

Visa cancellation cases

Students play an integral role in preparing submissions and statements for all of the visa cancellation matters we take on. KLC has recently received two favourable decisions in visa cancellation matters:

- 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. The Department decided in March that that client's visa would not be cancelled.
- A woman born in England, who migrated to Australia with her family when she was two years old, came to KLC after receiving a notice of intention to cancel her visa for the second time. We wrote submissions on her behalf and after a very long wait of eight months were notified that her visa would not be cancelled.

Social security case success

KLC recently received some very good news in a 'compensation preclusion period' appeal to Centrelink. Our client was refused Disability Support Pension on the grounds that he had received a lump sum payment of workers compensation, and on this basis was precluded from receiving social security payments until November 2013. The client lived with a mental illness for which he did not receive compensation, and had already spent all of his compensation lump sum. Through submissions, Centrelink 'waived' the compensation preclusion period and the client can now receive social security payments.

Employment law clinic

Employment Law continues to be one of KLC's key areas of strength, as we achieve success on unfair dismissal, general protection and underpayment matters.

General protection matters

KLC is starting to undertake more general protections matters under the Fair Work Act. We represented a client at the Fair Work Commission and the Federal Circuit Court in relation to a general protections complaint. The client's employer threatened her with dismissal unless she agreed to change from her permanent part-time position to a contractor role. We asserted that adverse action was taken against our client as a result of her asserting her entitlements. The matter was successfully settled for the amount of $6,600.00, which was equivalent to 11 weeks of the client's (part time) wage. The client was very happy with the result.

Case work highlights

KLC successfully resolved a number of matters over the past few months:

- Our client had her offer of permanent employment

revoked (she was working on a six month contract) after she told her boss she'd been diagnosed with breast cancer and would need to take unpaid leave for chemotherapy. The matter settled for a payment equivalent to six months of lost wages.

- Our client, who worked as a dental receptionist, was significantly underpaid – receiving a flat rate of $10 per hour – despite regular evening and weekend work. Her employer also failed to pay her any superannuation. We were able to recover the full amount of underpayment.

- Our client was dismissed from her job as a waitress after she complained about being underpaid on Saturdays. We acted for her in an unfair dismissal conciliation. The matter settled for $4000 (about eight weeks' wages) and we are still negotiating the back pay of underpaid wages.

Employment Law Solicitor Liz Meyer with the Semester 1, 2013 Employment Law Clinic Students

Community legal education

KLC delivered CLEs on a range of matters to social workers, tenancy advocates, community legal staff and the elderly community on discrimination, employment and tenancy law.

CLE roundup

- Community Workers Series – KLC has continued its monthly community workshop series, and has had good attendance at the workshops in 2013, on Legal Basics (February), Social Security (March), Power of Attorney and Guardianship (April) and Tenancy (May).

- CLE on Discrimination Law and Tenancy at TAAP network meeting – We presented on how to use discrimination law to assist in tenancy matters to a group of tenants advocates at their network meeting.

- CLE about Power of Attorney and Enduring Guardianship - 55+ - KLC presented to a group of women aged 55+ who meet weekly at Eastlakes Community Centre.

Employment law solicitor Liz Meyer presenting at a CLE seminar

Working with our community

Redevelopment of social housing stock in Randwick local government area.

KLC met with Department of Housing staff who are consulting with the community about the proposed planning law changes to the Randwick LGA. The State Government has announced that they will be rezoning Anzac Parade from Maroubra Junction to La Perouse to allow for high rise development which may be up to 30 stories. This 'growth corridor' veers off Anzac Parade to include the sale and redevelopment of all of the large social housing estates including South Maroubra, Bilga, Namitjira, Mirrabooka and Soldiers Settlement. Social housing residents have been very concerned by the announcement. KLC's focus at this stage is to:

- work with the community and community organisations to ensure that we get the guarantees that no residents will be moved out of the area

- reiterate that this is an opportunity to increase the number of social housing tenants in the area

- work with residents on capacity building to participate in the planning process.

Getting off the Referral Roundabout DVDs available

We have sourced additional copies of the Kingsford Legal Centre produced DVD on making legal referrals called *Getting Off the Referral Roundabout*. The DVD is an excellent resource for new clc staff as well as for volunteers and students. If you would like a free copy of the DVD email Denise at: d.wasley@unsw.edu.au and we will pop it in the mail for you.

Aboriginal Access Program

Welcome back Keith Ball

KLC's first Aboriginal Access Worker, Keith Ball, has come back on board to help us out by staffing our Yarra Bay Outreach for the next month or so. Keith will be out at Yarra every second Tuesday at the Aboriginal Community Health Centre and generally at Yarra Bay and La Perouse catching up with the community. Welcome back Keith!

Daceyville Social Housing (Image: Grace Ip)

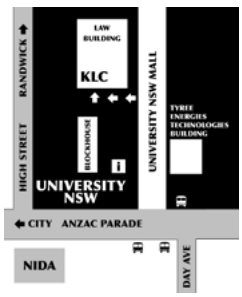
Family law and domestic violence clinic

KLC makes podcasts for Cantonese and Mandarin communities

A new approach to CLE has been trialled this semester in the form of podcasts. Two podcasts have been produced by students in a language other than English; one in Cantonese and the other in Mandarin. The podcasts will initially be posted on to KLC's website. We aim to further promote these podcasts to the relevant culturally and linguistically diverse communities in the second half of the year. The students enjoyed developing lasting educational resources in their own language and learnt a lot from the experience, taking pride in delivering information to their own communities in a non-traditional style and in a language that is understood by the listeners.

Family Law Clinic Solicitor Dolun Teoman and the Semester 1, 2013 Family Law students planning for the podcast recordings

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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