Kingsford Legal Centre

Annual Report 1993

THE UNIVERSITY OF NEW SOUTH WALES

KINGSFORD LEGAL CENTRE

Legal Assistance for our Community

A Learning Centre for Students of Law and Social Work

Annual Report 1993

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The Centre's Objectives

Kingsford Legal Centre is a community legal centre and a centre for clinical legal education.

The Centre's principal *teaching* objectives are:

- to teach students to learn independently;
- to increase cooperation and contact between social work and law students;
- to foster an appreciation of law as an institution, and an appreciation of the place of law in the social order;
- to develop individual student responsibility;
- to give students the opportunity to understand aspects of legal practice, legal reasoning, legal skills and to examine law in context;
- to give attention to individual student needs with regard to their capability, knowledge and skill.

The Centre's principal *community service* objectives are:

- to comply with and to fulfil to the fullest extent possible the objectives and evaluative criteria set for community legal centres both by Legal Aid and Family Services and by the Legal Aid Commission of New South Wales;
- to encourage and develop cooperative referral and working arrangements between the Centre and other community organisations;
- to engage in community legal education, law reform and community development while extending legal students' clinical experience.

The Centre's Staff and Management

Simon Rice has been the Centre's director since 1989. He is a tenured lecturer in the Faculty of Law, and principal solicitor of the practice.

Solicitors **Paul Batley** and **John Godwin** have been with the Centre since 1990 and 1991 respectively. Between them they manage the bulk of the Centre's legal caseload, and with Mick Hillman they take responsibility for developing and supervising the Centre's community projects. An integral part of managing the caseload is the supervision and education of law students.

Zoe Matis has been a staff member of the Centre since 1985. She has been the Centre's administrator since 1990.

Kym Bedford and **Graciela Buzy** are the Centre's full-time legal secretaries. Kym is responsible for maintaining the Centre's client records and database, and providing administrative support to the director. Graciela manages the volunteer lawyer roster, and interprets for our many Spanish speaking clients.

Mick Hillman continues as the lecturer from the School of Social Work who is the clinical supervisor of social work students on placement at the Centre.

Megan Hodgkinson is our librarian while in her final year of law studies.

Anne Healey worked at the Centre as Paul's locum for the second six months of the year, after working at the Western Aboriginal Legal Service and the NSW Director of Public Prosecutions.

Kate Eastman was a locum for John for six weeks, by arrangement with Allen Allen & Hemsley.

As part of our continuing arrangement with Freehill Hollingdale & Page, Alison Page, Luke Hastings, Sue Donnelly, Michelle Hannon and Sue Roberts were each at the Centre for consecutive periods of two and three months).

Management

The Centre is managed by the director, in consultation with the Centre's staff, with the senior administrative officer and the Head of School at the Law School, and with the Law School's Curriculum and Teaching Committee. The Centre's staff meet weekly.

The **Kingsford Legal Centre Advisory Committee** is a committee of the Law School. It provides the opportunity for the Centre to consult with its local community and for the local community, through various service providers who are represented on the Committee, to give guidance and direction to the Centre.

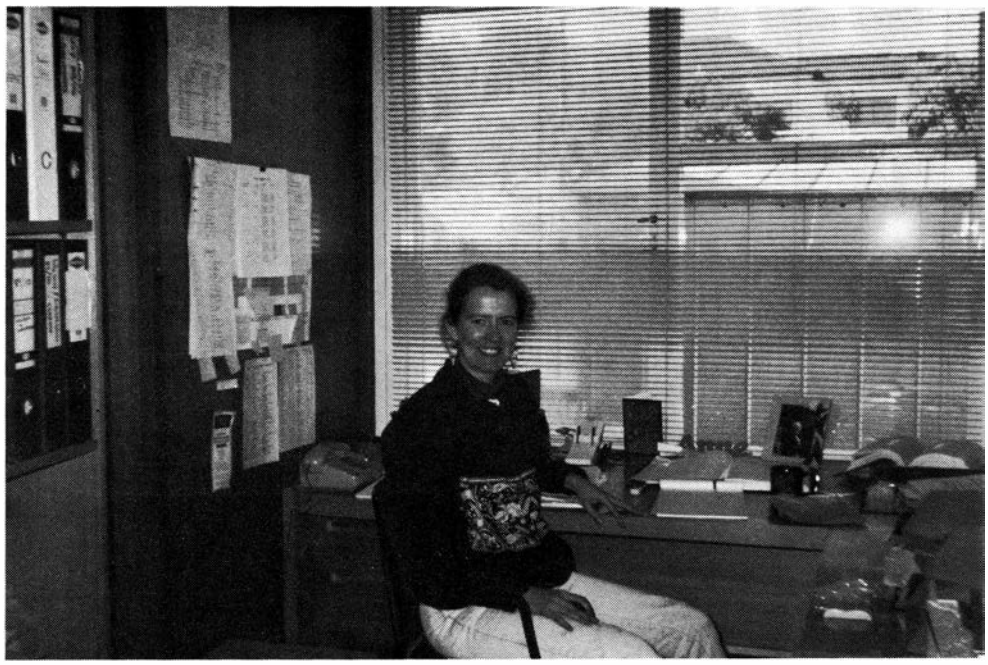
The Committee's members are:

- **Mary-Anne Veliscek** from Randwick City Council
- **Carol Krikorian** from Botany Family and Childrens Centre
- **Cassie Hatton** from The Shack at Maroubra
- **Julie Spies** from Kooloora Community Centre
- **Rosa Loria** from Botany Multicultural Resource Centre

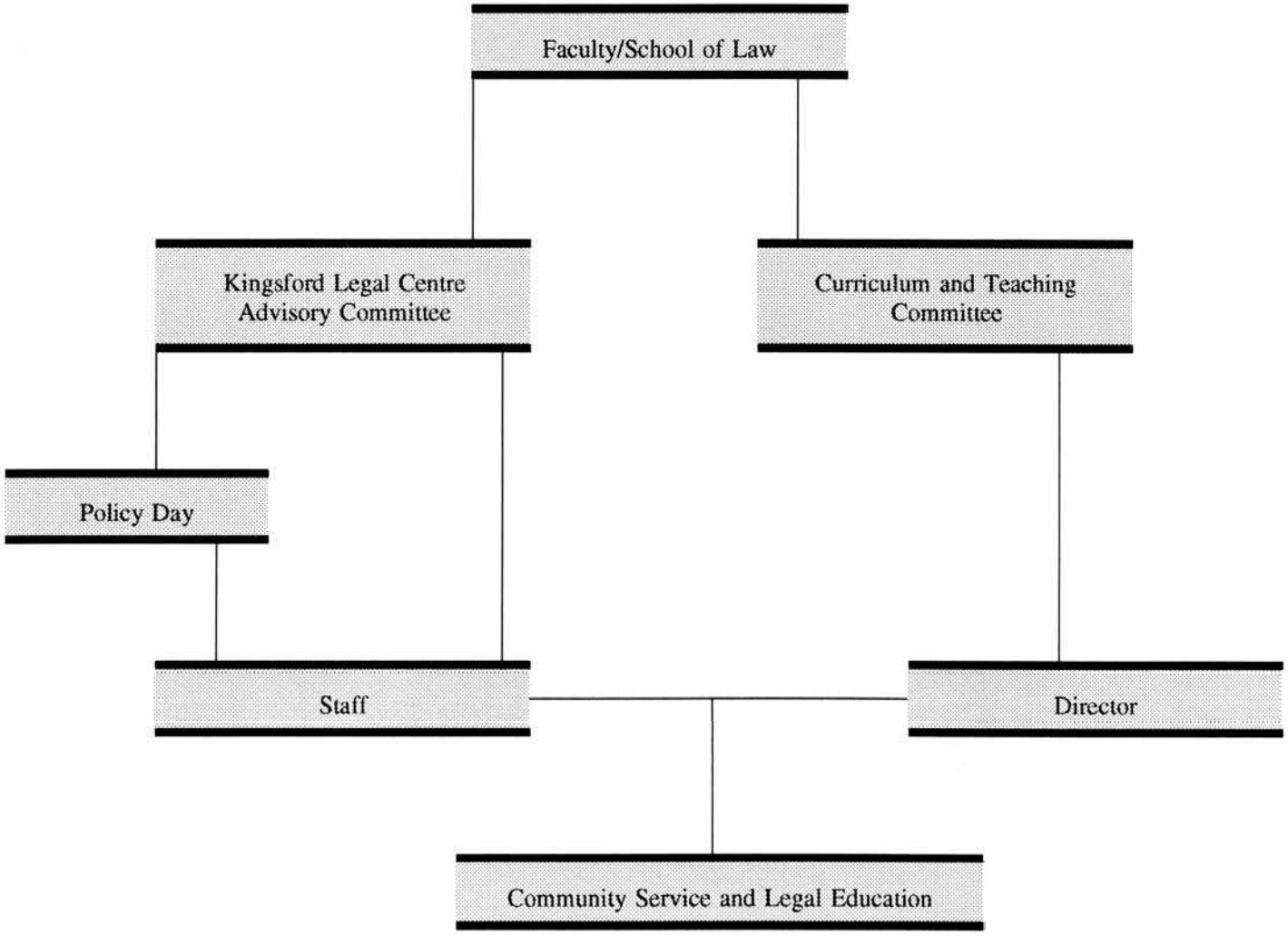
- **Ross Ramsay** from the Law Faculty of the University of New South Wales

- **Mick Hillman** social worker and **Kym Bedford** from the Kingsford Legal Centre.

The Committee meets 4 times a year. The Committee sees as its objectives to provide comments and feedback on current issues in the community, and topics that may be of interest for law students and social work students who attend the Centre. A network exists among the agencies which assists the Centre in informing the local community of what services are available from the Centre.



1. Anne Healey seconded from the DPP (NSW) for six months


Faculty/School of Law
Kingsford Legal Centre Advisory Committee
Curriculum and Teaching Committee
Policy Day
Staff
Director
Community Service and Legal Education

Law firm secondments

As had been the case in 1992 the Centre had the invaluable support of **Freehill Hollingdale and Page**, and of **Allen Allen & Hemsley**. The secondment of experienced and able litigation practitioners to the Centre is an important resource and a valuable contribution to the community.

A particular feature that may well be developed by other centres in association with law firms to assist in the difficult question of managing centre staff within financial and time constraints is the secondment of locum solicitors. One of the great challenges facing legal centres is "burn-out" and consequent loss of experienced staff. It is expensive, and administratively difficult, to ensure that all staff can take regular and full annual leave. Too many people work too long and too hard in legal centres to ensure that long-term continuity can be maintained.

The availability of secondments from the large firms, as part of the enhanced *pro bono* profile of the private legal profession, has the potential to address this concern. In 1992 and again in 1993 the availability of a secondment from Allen Allen & Hemsley enabled legal staff at the Centre to take substantial and deserved leave. It is foreseeable that such an arrangement could be reached for administrative staff as well.

The Law School of the University of New South Wales, and the staff and students of the Centre are grateful to the firms for their willingness to assist us maintain an experienced and periodically revitalised service.

[Adapted from a speech given by Luke Hastings at a luncheon to celebrate the first anniversary of Freehill Hollingdale & Page's pro bono program]

"It is common when considering pro bono programs to describe the benefits to the community. What is not so commonly examined is the benefit to those solicitors fortunate enough to participate in these programs. While such an examination is inevitably personal, I am sure that my comments will not seem so alien to any of those who have given up their harbour view and suit for the thrill of Waverley Local Court and jeans.

"So, what are some of the benefits to pro bono solicitors?

"Perhaps the most obvious is the exposure to a breadth of practice that extends far beyond the areas in which large commercial firms such as Freehills practise. From neighbourhood disputes to marital breakdowns to minor criminal matters, the work could not have been further removed from my day-to-day office job. My ignorance of these matters was clearly evident, and it was not long before one of the students explained to me that an "AVO" was not the latest derivative under scrutiny from Australian Securities Commission, but rather a protective order commonly sought by our clients. Needless to say, it was some weeks before I felt even mildly competent to manage the many files entrusted to me.

"In addition to being exposed to many different practice areas, the solicitor seconded to Kingsford Legal Centre is also likely to find himself or herself hurriedly recalling the rules of evidence when having to act not only as the

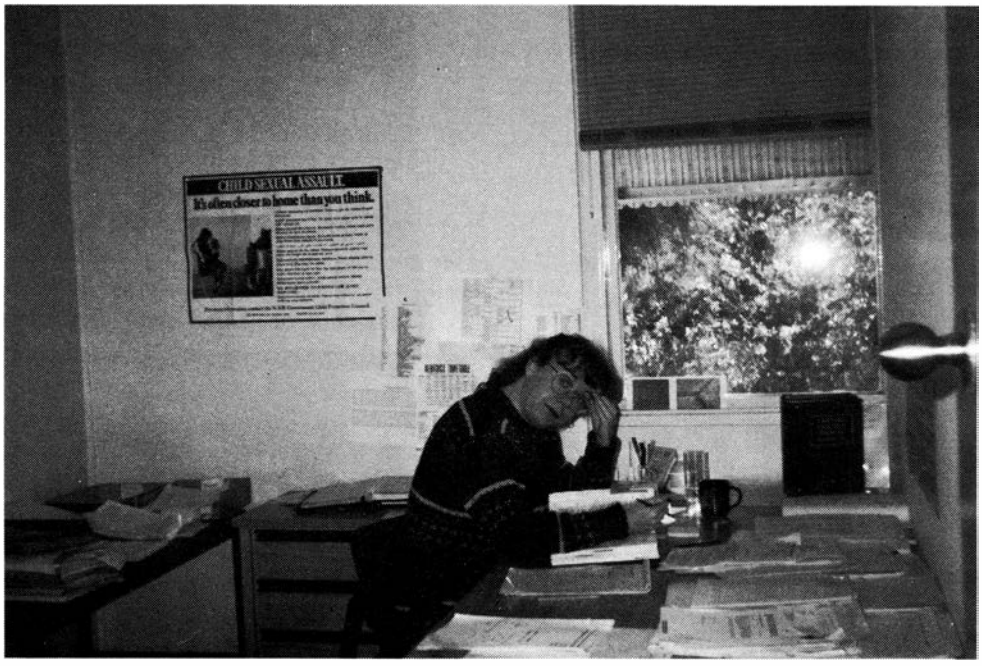
client's solicitor but also as his or her advocate. This is perhaps the greatest challenge to many solicitors whose previous advocacy experience may not have entailed much more than appearing at a directions hearing or in relation to a return of subpoenae. Preparing 10 bail applications in 2 hours at Waverley cells is a confronting experience for those who are more accustomed to briefing than appearing. Suddenly complex chronologies, litigation support databases and the most expensive silk in town are far from your grasp. Seeking bail for clients, cross-examining police, and making submissions to magistrates were all novel experiences for me, as I think they are for most pro bono solicitors. The challenge is very positive and may often reshape or at least crystallise a solicitor's view of his or her future career path.

Kingsford Legal Centre is associated with the University of New South Wales, and at any time has approximately 25 students in attendance who are enrolled in a course known as Clinical Legal Experience (a particularly inappropriate title given that the experience is anything but "clinical"). One of the roles of the pro bono solicitor at the Centre is to assist and supervise these students in the running of their files. In supervising students a relationship arises analogous to that of partner and solicitor, though much less inhibited. The benefits of being able to impart your knowledge, however limited, is particularly satisfying. I found working with the students, watching their confidence grow and their legal skills develop, to be one of the most enjoyable aspects of my secondment. As I mentioned earlier, it was regularly the case that students were educating me about the many areas of law in which I had not previously practised.

"Working for corporate clients often restricts the opportunity for a lawyer in a large commercial firm to make a positive contribution to the wider community within his or her line of work. The secondment to Kingsford Legal Centre was an ideal chance for me to make a real contribution to the community within my occupation. The opportunity to help people gave rise to some very emotional and rewarding experiences, restoring my faith in the legal "profession". For a brief period I was able to direct my energy and legal skill to the resolution of problems which played a tangible and significant part in my clients' lives and could not be simply factored in to next year's business plan. As you can imagine, this was a very positive experience. It was also a powerful realisation that community legal centres are the sole access that so many people have to the legal system.

"I suspect that all solicitors who have undertaken community legal work in its many forms will be aware of the general impact that such work can have on your outlook. This can manifest itself in all areas of your life. In particular, it can have a very significant impact upon the way in which you approach your legal tasks when you return to, for example, Freehills. It can be a very sobering experience to realise that the vast majority of our community are unaware of the practice of law in large commercial firms. It placed my career in context to recognise that what we do at Freehills impacts upon such a minor segment of our community. This is not to suggest that we should be dismissive of what it is that we do, but merely that we honestly appreciate its place in the community.

"Of course, there are numerous other benefits to be had from a secondment to Kingsford Legal Centre or any other community legal centre. Each solicitor who has been fortunate enough to undertake such a secondment will be acutely aware of these benefits. For those who haven't, I recommend that you find out for yourself. I guarantee you will be changed by the experience."



2. Freehills seconded solicitor Michelle Hannon

Social Work

As in previous years the Centre continues to be limited in its community service by the absence of an employed social worker. Funding submissions to the Community Legal Centres Funding Program, administered by the Legal Aid Commission of New South Wales, were again unsuccessful, as were approaches to Randwick City Council and Botany Municipal Council.

Space constraints at the Centre are such that it would not be feasible to employ a full-time social worker; a part-time social worker would nevertheless considerably enhance the Centre's service.

In the meantime however the Centre's social work needs are well served by the social work student placement unit.

The presence of the social work student unit at Kingsford Legal Centre reflects the importance of the Centre's commitment to providing a broad based community legal service and a multi-disciplinary learning environment. The social work unit is funded through a half time lecturer position in the School of Social Work at UNSW. Mick Hillman has been in this position since 1991 and also teaches legal aspects of social work practice to students in the School. His duties at the Centre are officially limited to the supervision of social work and social work/law students. However, the effective creation of learning opportunities for students requires considerable additional work in community liaison and with other legal centres which would normally be carried out by a 'staff' social or community worker. As suggested, this work could be strongly enhanced by the funding of such a position, as could the range of casework services provided to Centre clients.

Social work students under supervision provide a range of services, including :

- participating in advice sessions;
- counselling, information and referral in a wide range of areas including domestic violence, crisis housing, social security, family law and mental illness. This may require working with a solicitor or law student on particular aspects of a client's situation. Such work is generally of a short to medium term nature, with longer term or specialist counselling being referred to other agencies;
- information and advice to law students on community resources and services such as support groups and education programs. Advice is also given on dealing with particular client groups, such as people with a psychiatric or intellectual disability and those facing loss or bereavement. Social work students have also run workshops for law students on these areas.
- work on the Centre's non-casework program and a range of community education and development projects. In 1993 these included:
  - running of workshops for local resident groups on obtaining information relating to industrial developments and hospital closures;
  - development of access and equity policies for the Centre;

conducting a survey for the Youth Justice Coalition on contact between young people and police, to be released in early 1994;

assisting with the establishment of the new Waverley Court Domestic Violence Support Scheme and its evaluation

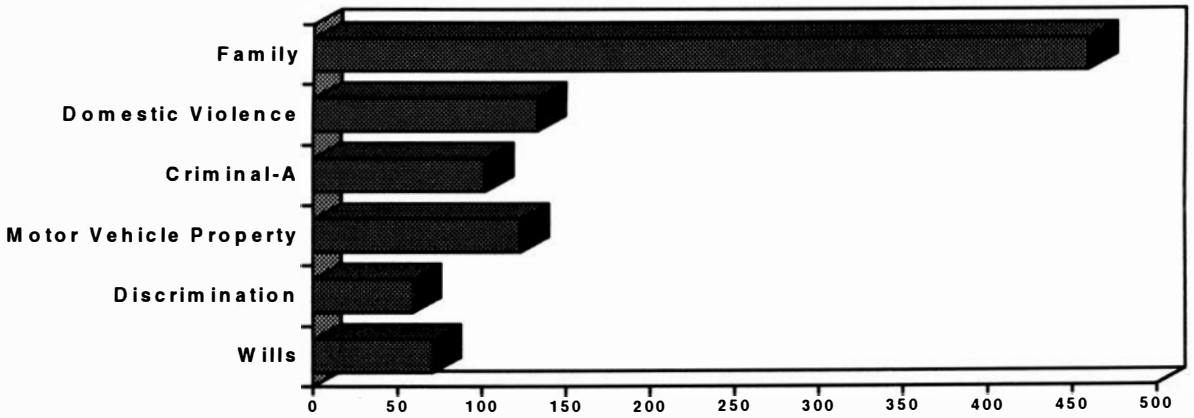
In all these tasks, there is strong emphasis placed on collaboration between social work and law students and their ability to learn from each other. This collaboration is virtually unique in its extent and variety. The increased mutual understanding and respect which results from this setting is apparent, as is the breaking down of stereotypes between the two professions. The tensions which sometimes arise in this context are used to enhance learning and awareness of each group of students and is a valuable source of material for problem based learning in classroom settings. This aspect of the Centre's activities is being further explored as part of a research project on socio-legal practice funded by the Law Foundation of New South Wales being conducted by Mick Hillman and Jane Hargreaves from the Social Work School with support from Simon Rice and Jenny Bargen from the Law School.

Students nearing completion of the Social Work/Law Degree continue to undertake concurrent placements at the Centre and contribute significantly to an understanding of the relationship between the two disciplines.

3. Policy Day June 1993:
(L to R): John Godwin, Mick Hillman and Zoe Matis

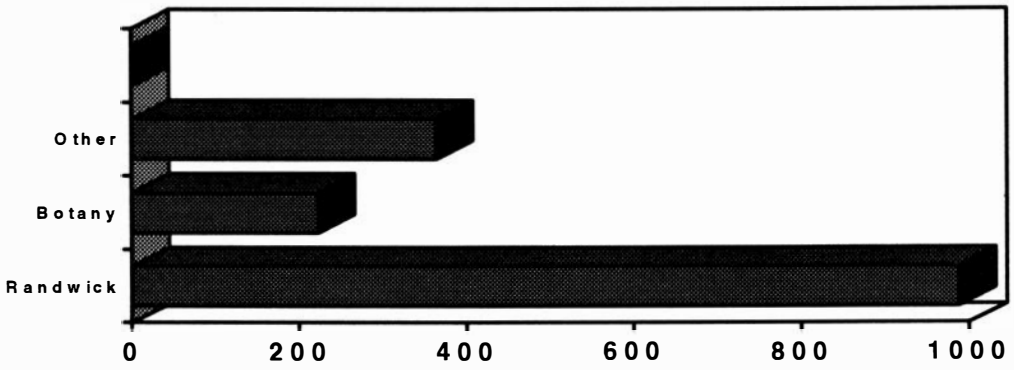
Clients Seen During Advice Sessions 1993

By type of matter



Family	Divorce, Custody, Access, Maintenance and Property
Domestic Violence	Matters involving apprehended domestic violence orders
Criminal-A	Adult criminal matters
Motor Vehicle Property	Motor vehicle matters involving property damage

By geographic area



Anti-Discrimination law

The Centre continues to maintain its high profile in advising in the area of anti-discrimination law, and running cases in the Equal Opportunity Tribunal and in the Human Rights and Equal Opportunity Commission.

Commentary

In addition to running cases the Centre takes a leading role in policy debates and in project initiatives. A note from the editor of the Australian Law Journal ((1993) 67 ALJ 401) questioned the need to strengthen existing anti-discrimination laws. Space precludes republishing that note, but the nature of it is reasonably apparent from the responses later published by the Australian Law Journal ((1993) 67 ALJ 943-944) from barrister and Kingsford Legal Centre volunteer lawyer David Robertson, and from the Centre's director, Simon Rice.

David Robertson wrote:
"I refer to your comment in the "Current Topics" section of the June 1993 issue of *The Australian Law Journal* in relation to the Law Reform Commission Discussion Paper on the *Anti-Discrimination Act.*

"I recognise that the note is deliberately slanted to reflect a different perspective from that of the Discussion Paper. However, there are two respects in which I would respectfully suggest the note may mislead someone not familiar with anti-discrimination law.

"First, the discussion of the two bowling club cases fails to mention the provisions of s34A(3) of the *Anti-Discrimination Act.* That provision expressly preserves the existence of single-sex registered clubs. It is not correct that women 'have a statutory right to become a member of a man's social club'. The Umina Beach Bowling Club was not an all-male club. What the Court rejected in that case was an attempt to preserve the situation where women were permitted only second class membership.

"Provisions equivalent to s34A(3) are present in s25(3) of the *(Sex Discrimination Act)* (Cth) and in the Discrimination Legislation of the Australian Capital Territory, South Australia and Western Australia. (See *Discrimination Act*) (ACT) s40; *(Equal Opportunity Act)* (SA), s35(1); *(Equal Opportunity Act)* (WA), s22(3)).

"In Victoria and Queensland the prohibition on discrimination by clubs is limited by a much narrower definition of "club" than that adopted in other States and in the *Sex Discrimination Act.* (See *Equal Opportunity Act* (Vic), s31(1); *Anti-Discrimination Act* (Qld), s4).

"Secondly, the note refers to cases in which 'homosexual people have deliberately chosen to gather in or around property owned by a religious association which is against homosexuality'. The note does not identify these cases. I have been unable to identify any.

"The only reported case remotely resembling this circumstance is *Pearce* v *Glebe Administration Board* ([1985] Equal Opportunity Cases 92-131). The report of that case indicates that the complaint arose out of the refusal of an application to use certain land (Sydney Square which is the open space to the south of Sydney Town Hall) as an assembly point for a demonstration and rally. It is also apparent that such use of the Square by other groups was not uncommon. The complainant alleged that the refusal was unlawful discrimination against him and his group

on the ground of their homosexuality. The complaint was dismissed on the ground that bare access to a place is not a 'service' within the meaning of that term in the *Anti-Discrimination Act.*

"It is clear from the report that the application was made without knowledge that most of the land belonged to the Anglican Church. The application was made to the Sydney City Council in conjunction with an application to use part of Hyde Park. There is not the slightest suggestion in the report that the proximity of St Andrew's Cathedral or the attitude of the Anglican Church to homosexuality was a motivating factor in the application to use the square".

Simon Rice wrote:
"In Volume 67, No 6 (1993) you commented (at 401-403) on anti-discrimination laws, and, as you said there, you deliberately put arguments that suggest that existing legislation needs no strengthening. You go further in fact, and suggest that the legislation is in many circumstances wrong or misguided.

"You see the need for anti-discrimination laws to defend people against assault, citing *Cox & Cowell.* Your own assault on anti-discrimination laws attacks laws that address structural, insidious and entrenched bias - a phenomenon which is at the root of the more apparent abusive discrimination of the *Cox & Cowell* type.

Your suggestion that anti-discrimination laws impinge unduly on freedom of association disregards the exemption available to voluntary associations. Further, your conclusions as to club membership, based on your analysis of the *Tullamore* and the *Umina Beach* cases, seems in ignorance of the recognised right to lawfully establish and maintain single-sex clubs.

"I can divine no intention in the legislation, the cases or any knowledge of principles of anti-discrimination law that would properly found your presumption that individual 'rights' are to be preferred to those of groups or associations.

"To suggest that anti-discrimination laws come dangerously close to criminalising certain thoughts is, I presume, said only to be provocative. The suggestion is not borne out in the Act or its implementation; the suggestion, if taken seriously, only undermines community acceptance of legislation intended to negate unfair differential treatment.

"Your 'reverse discrimination' argument is, on one view, an argument against fair competition: if in fact a woman can do a job a 'strong' man can do, then the strong man will just have to realise that he cannot keep the field to himself for no sound reason. As this is the case for a man who is in fact no more able than a woman but has been protected by social norms from this competition, so it is the case for able-bodied people, heterosexual people, intellectually-able people, among others. We are all asked by the legislation to accept that people's abilities should be recognised, without regard to factors irrelevant to the abilities. It is something akin to the Court's undoubted view that all people appear equally before it.

"In summary, you characterise anti-discrimination laws as being about protecting some rights at the expense of others. Yes, this is a slanted view as you say, and I suggest its slant miscasts the purpose of anti-discrimination laws. That purpose is to balance all rights, not merely to protect a few.

"Economic considerations are integral to any anti-discriminatory measures: the long-term cost to our economy of persistently denying the abilities of all people in the community is far grater than the cost of immediate measures that can be taken to advance equality of opportunity."

Reform

There were a number of initiatives in the area of anti-discrimination law during 1993. New grounds of complaint in relation to age discrimination (to a limited degree) and homosexual vilification were added to the New South Wales Anti-Discrimination Act. While the Centre welcomed both measures, certain concerns were brought to the attention of the Attorney-General for NSW, and of other members of Parliament.

Any increase in the jurisdiction of the Anti-Discrimination Board and the Equal Opportunity Tribunal will have resource implications: it was not clear that the extra burden on the Board and the Tribunal flowing from the increased jurisdiction would be sufficiently compensated for by increased funding. The Centre made representations on this issue. No doubt as a result of a number of such representations being made, and strong calls being made by staff of the Board and the Tribunal, the Government has since announced increased staffing for both organisations to enable them to deal with the likely increase in their workload from the extension of the Anti-Discrimination Act.

The Centre also raised with the Attorney and members of Parliament concerns regarding the drafting of the homosexual vilification legislation. The drafting has followed the form of the existing racial vilification provisions in the Anti-Discrimination Act. The Centre is currently acting for a complainant in the first complaint before the Equal Opportunity Tribunal under the racial vilification provisions (see cases below). As the matter remains for decision by the Equal Opportunity Tribunal, and the Centre has adopted a particular stance for one of the parties, it is not possible for the Centre to take a definitive stand on the issue.

Nevertheless, it is clear that serious questions do arise as to the way in which the racial vilification legislation should be interpreted and given effect to; it was the Centre's concern that the Government take account of these issues when drafting its homosexual vilification legislation. Regrettably, in the Centre's view, the legislation has been passed with the same problematic drafting as the racial vilification provisions.

One of the issues had been raised by Mr Aquilina MLA during the second reading debate of the racial vilification amendments (Hansard: 10 May 1989 page 7930): "Lawyers at the Public Interest Advocacy Centre have expressed concern to me about the word incite and the difficulty of showing that incitation has taken place. I asked the Minister to clear up any problems in that area. I am assured that the implementation of the Act will be reviewed and that those words will not preclude its effective operation. I have received a number of representations on that aspect of the Act and I asked the Minister to comment in relation to it."

Unfortunately the then Minister, Mr Dowd, did not comment in relation to the issues raised by Mr Aquilina, and they remain unaddressed. The difficulty that the Centre has in commenting freely on the issue is exacerbated by the extensive delay on the part of the Equal Opportunity Tribunal in deliberating on

the racial vilification case now before it.

Cases

Racial Vilification

On 19 February 1993 the Equal Opportunity Tribunal reserved a decision on the Tribunal's jurisdiction to hear Mr Harou-Sourdon's complaint of racial vilification. (*Harou Sourdon* v *TCN 9*) The issue for determination was the extent to which the Anti-Discrimination Act is inconsistent with the Commonwealth licensing provisions for broadcasters. This threshold question must be determined before any consideration of the merits of Mr Harou-Sourdon's complaint. In brief it has been argued for Channel 9 that because the Australian Broadcasting Authority regulates broadcasts with reference to racial vilification, and the broadcasting legislation is Commonwealth legislation, the Commonwealth has "covered the field" in this area and there is no room for the State Anti-Discrimination Act to deal with complaints of racial vilification in relation to broadcasting.

This is a difficult issue, but not one which warrants the delay to date in the Tribunal making a decision. The decision, reserved on 19 February 1993, was still not available at the end of 1993. The substance of Mr Harou-Sourdon's complaint, which may or may not be considered depending on the result of the jurisdictional question, is that Channel 9 broadcast comments made by a newsreader that reflected adversely on the French as a people. The comments related to the televising in France of the execution of Ceaucescu in Romania. If and when the matter does proceed to a hearing it will be the first matter determined by the Tribunal under the racial vilification legislation. At this stage the only precedent that can be relied on are cases under similar but not identical provisions in New Zealand, Canada and the United Kingdom.

Sexual harassment

Considerable publicity was given to two sexual harassment complaints run by the Centre in the Human Rights and Equal Opportunity Commission in 1993. As is so often the case it was the identity of the complainants and the nature of the alleged facts that attracted the publicity, rather than any importance that the case may or may not have had for the better understanding of sex discrimination laws. The cases, *Maritato* v *Pakistan International Airlines*, and *Bartzios* v *Pakistan International Airlines* were settled only after the complainants had given evidence and been cross-examined. During the case Commissioner O'Connor ruled on an application by the Respondent to have its identity suppressed. He was asked to weigh up a number of factors which will often arise in cases of this nature relating to reputation, but held in the circumstances that a suppression order was not warranted.

Physical impairment

In *Hurley* v *Electricity Commission of New South Wales* in 1992 the Equal Opportunity Tribunal found that our client was "physically handicapped" as a result of his high blood pressure (hypertension). Having succeeded in this threshold issue we were engaged over a number of hearing days in 1993 in an effort to show that ELCOM had unlawfully discriminated against Mr Hurley in refusing him employment because of his high blood pressure. ELCOM argued that Mr Hurley failed to meet their fitness standards and that it would be unreasonable to penalise them for failing to employ someone about

whom they had formed the honest belief that he could not perform the job. A particular irony in the evidence in this case was that Mr Hurley was employed by sub-contractors to do work for ELCOM of a substantially similar nature to the kind of work that they refused to employ him to perform. The Tribunal has yet to hand down its decision on this issue.

We also took up a few days in the Tribunal in *Day* v *MSS Guard Services* in another physical impairment claim raising quite interesting legal issues. Was a security guard who suffered a permanent 30% reduction in the normal capacity of his left leg as a result of a fractured pelvis while pursuing bank robbers, physically handicapped? If so, was he entitled to a remedy under the Anti-Discrimination Act if he was dismissed from his work because of his disability? Should the "protection of injured employees" provisions of the Industrial Relations Act apply to the exclusion of the Anti-Discrimination Act? These and other interesting issues will remain a mystery. The matter settled after a number of days of hearing on terms not to be disclosed.

HIV/AIDS discrimination

On 18 January 1993 the Sydney Morning Herald published the following report:

"Sydney's St Vincent's Hospital has admitted that it refused heart surgery in 1988 to a HIV-infected patient who died just months later.

"In the resolution of the landmark discrimination case of Mr Reginald Ray, who died at the age of 43 on January 11, 1989, from his heart condition, the hospital acknowledged that Mr Ray would be treated differently if he presented for surgery today.

"Mr Ray, who had not suffered any complications from the HIV, took his case to the Anti-Discrimination Board late in 1988 and friends pursued it after his death.

"In a statement issued by the hospital and a solicitor for the late Mr Ray, a hospital spokesman said: 'Clearly our knowledge of the AIDS virus has advanced in the last few years.

"'We have better information now about safety procedures and post-operative complications.

"'While the potential benefits of major surgery must always be weighed against possible adverse results of no intervention the better information we now have would in retrospect have made a difference to the decisions in Mr Ray's case'.

"Mr Ray's solicitor, Mr Simon Rice, of the Kingsford Legal Centre, said Mr Ray had not died in vain.

"St Vincent's has demonstrated to representatives of Mr Ray's estate that HIV patients do receive medical treatment on the same terms as any other patient, Mr Rice said.

"The AIDS Council of NSW welcomed the resolution of the case, saying St Vincent's Hospital's statement showed medical commonsense had prevailed over irrational fear and prejudice.

"This is a significant and timely step with Australia's leading AIDS hospital in effect underlining that the risk of transmission of HIV in health care is remote, and not a cause for discrimination or over-reaction", said the council's executive director, Mr Don Baxter.

"Mr Ray was diagnosed in mid-1988 with aortic stenosis, which involves constriction of the arteries leading to the heart.

"He approached the Anti-Discrimination Board of NSW when he was unable to have an operation at St Vincent's.

"After he died, the Anti-Discrimination Board case was put on hold temporarily while one of Mr Ray's friends sought permission through the Supreme Court to be administrator of his case.

"The friend said he was pleased the case was made public".

Supreme Court Test Case

Williams v The Minister, Aboriginal Land Rights Act

From the turn of the century until 1969 the assimilationist policies of various New South Wales Governments resulted in the taking of thousands of Aboriginal children from their parents and their communities and their placement under the control of the Aborigines Welfare Board in orphanages, childrens homes, foster placements and detention centres. One of the "lost generations" is Joy Williams, a client of Kingsford Legal Centre since 1987. The Centre acted for Joy in her application to the Supreme Court for an extension of the limitation period in order to permit her to bring an claim for damages against the legal successors of the Aborigines Welfare Board as compensation for the losses and injuries she suffered as a result of her removal and institutionalisation. Joy's claim was unsuccessful.

Her appeal to the New South Wales Court of Appeal will be heard in late 1994.

Domestic Violence

The Centre has maintained a significant profile around the issue of domestic violence. The Centre is involved in policy formulation and community legal education on domestic violence issues, as well as carrying a significant domestic violence case load.

The Centre is represented on the Legal Issues Sub-committee of the NSW Government's Domestic Violence Advisory Council, the Eastern Suburbs Domestic Violence Committee, and the Combined Legal Centres Domestic Violence Sub-committee.

The Centre has played a major role in establishment of the Waverley Domestic Violence Court Support Scheme. The Scheme was launched in August 1993. The Scheme provides legal and non-legal support for women who are applying for Apprehended Domestic Violence Orders from the Waverley Local Court.

The Centre co-ordinates legal services for the Scheme and assists in ongoing management and evaluation of the Scheme. Other legal agencies currently involved with the Scheme are Inner City Legal Centre, and law firms Segal, Litton and Chilton and Lyons and Lyons. Legal agencies work in conjunction with a number of community agencies such as health centres and women's refuges in operating the Scheme. Financial support is provided for participating law firms from the Legal Aid Commission.

Law and social work students have been involved in the Scheme since its inception. Students attend Court to observe operation of the scheme and have assisted in evaluation of the scheme and training seminars. The Centre provides training of support workers in law and court procedures. Four training seminars have been conducted, focusing

largely on new Crimes Act provisions relating to domestic violence.

Projects

The following projects under the Centre's community development, education and law reform program continued or commenced in 1993:

Local environment
The major area of work during 1993 was on a proposal by Skymill Pty. Ltd. (a subsidiary of Elgas) to construct caverns under Botany Bay for the storage of Liquid Petroleum Gas. Students worked with resident groups in Randwick and Botany, running workshops on freedom of information and environmental law. The Centre also assisted in the preparation of responses to the environmental impact statement on the development. One of the major problems has been the lack of attention given in the planning process to cumulative risk factors as more and more hazardous industry is located in the Botany area. Students are now working on a plain English document which outlines the steps taken by residents in opposition to the Elgas proposal as a 'blueprint' for future action.

Legal rights and responsibilities of young people
The Centre has now developed a considerable range of resource material in this area which has been used in a number of workshops for schools and community groups. In the second half of 1993 students conducted a survey of young people in conjunction with the Youth Justice Coalition and the Youth Action and Policy Association. This project aimed to obtain a profile of young people's contact with the police and to come up with recommendations for improvements in this area. the project also involved dissemination of information on the legal rights of young people to a wide a range of groups. The report on the project will be released in mid-1994.

Neighbour disputes
This project commenced in 1993 as a result of a number of difficult and time-consuming disputes between neighbours handled by the Centre. Whilst many of these disputes can be dealt with by Community Justice Centres, others can not be mediated and raise conflict of interest problems for a legal practice.

To date students have conducted research on legal and other options available for the resolution of disputes and have consulted with local councils, tenants services and other community groups. The project aims to provide user-friendly information and to develop proposals for a KLC policy on neighbour disputes and for preventive mechanisms based on education, particularly for public tenants.

Access and equity
In the second half of the year students developed a draft policy for the Centre in relation to people with a disability. Many of the recommendations have now been implemented, including the installation of a telephone typewriter. The remaining recommendations will be considered in conjunction with the development of an access and equity policy by the Combined Community Legal Centres Group.

Clients With HIV
Law Student David Fitch prepared material to form a new chapter of the Lawyers Practice Manual on Clients with HIV. The Chapter was published in early 1994. The chapter deals with areas of law relevant to people with HIV and issues such as confidentiality and expedition of proceedings which are particularly significant in the HIV/AIDS context.

The Centre has assisted people with HIV/AIDS in a range of matters, including wills, criminal and discrimination matters.

Domestic violence & victim's compensation
In session 2 of 1993, law students commenced work on developing an information sheet on victims compensation for female complainants in domestic violence matters. The proposal for the project was made by members of the Centre's Community Advisory Committee. The Centre has a significant case load of female complainants seeking domestic violence protection orders through its involvement in the Waverley Domestic Violence Court Assistance Scheme.

Child care centres
In early 1993, a legal information needs analysis of workers at local child care centres was conducted by the Centre. Child care centres responded with requests for workshops on different areas of the law. Students prepared and presented two seminars on law for child care workers in 1993. One seminar was conducted for the Maurice O'Sullivan Centre at Bondi. Another was conducted for trainee workers at Randwick TAFE College. Areas of law considered in the seminars included family law and duty of care issues.

The Law Revue

The 1993 Law Revue at the University of New South Wales was titled *Juristic Perk*. It was a big, witty production, the proceeds of which are being donated to the Centre.

Combined Social Work/Law Student placement

In October 1993 Pia Van de Zandt graduated as the first combined social work/law student from the University of New South Wales. A reception was held at the School of Social Work to mark the occasion. A clinical placement at Kingsford Legal Centre is a requirement for completion of this unique degree.

Pia had completed her placement at the Centre in the summer session of 1991/92. Her time at the Centre was an exciting and challenging development in the continuing analysis of the law and social work dynamic. Pia's own deliberations have contributed substantially to discussion concerning this issue (see Socio-Legal Project at page 11).

Pia's time at the Centre, and her pioneering journey through the social work/law degree generally, has set a high standard for the many social work/law students who follow her.

4. Social Work/Law Student Pia Van de Zandt

Combined Community Legal Centres

The Centre continued to take an active role in various undertakings of the Combined Community Legal Centres of New South Wales.

Simon has for some time been a convenor of the Practice Issues Sub-Committee, concerned with addressing and managing the issues that relate to community legal centre practising certificates and centres' relations with the Law Society.

Significantly in 1993 the Practice Issues Sub-Committee negotiated with the Law Society of New South Wales to incorporate into the Legal Profession Reform Act section 48H which defines community legal centres. In this extract from the Alternative Law Journal ((1994) 19(1)40), Simon describes the effect of the amendment:

"For many years the Law Society has sensibly permitted CLCs to operate without always strictly complying with the *Legal Profession Act* 1987 and its predecessor the *Legal Practitioners Act* 1898. In brief, the anomalies in CLCs' legal practice stemmed from a legal centre being a corporation. The problem was, arguably, not with the novel, useful and effective way in which CLCs are structured, but with the outdated notions of legal practice enshrined in the Acts. The quality and integrity of legal service provision by CLCs was such that the anomalies in their compliance with the Acts were tolerated.

"The effect of s48H is to define a CLC and then to exempt such an organisation from the relevant prohibition sections of the Act. The difficult part of the exercise was the defining of a community legal centre, at least for those centres that conduct a legal practice. The definition is intended to encompass CLCs that give legal advice and/or representation to clients.

"CLCs have not altered their practice to accord with the traditional structures of private legal service. They have formally been exempted from the less relevant aspects of that structure, and are now recognised as having a unique and valid method of operation.

"CLCs in NSW are now more a part of the established legal service structures, but still a distinct part."

Simon is also a member of the Funding Resource Group of the Combined Community Legal Centres, and a part-time Legal Aid Commissioner appointed by the Attorney-General as a representative of community legal services.

Paul is the Community Legal Centre nominee to the Legal Aid Commission's Prisoner's Legal Service Advisory Committee and continues to represent "the consumer interest" as the nominee of community legal centres to the Credit Reporting Code of Conduct Consultative Group established by the Privacy Commissioner. Paul joined the Local Courts Civil Claims Rule Committee on the nomination of the Minister for Consumer Affairs after a recommendation from community legal centres. He continues to be one of the Combined Community Legal Centres Group's delegates to the Management Committee of the New South Wales Community Legal Centres' Secretariat.

John Godwin is a member of the Editorial Committee of the Community Legal Centres Newsletter: *On the Record* and a member of the Community Legal Centres' Domestic Violence Sub-Committee.

Funding

The Centre continues to receive a substantial amount of its funding from the Law Faculty at the University of New South Wales. An invaluable contribution is made by Randwick City Council which provides the premises at reduced rent, and maintenance services to the property.

The Centre continues to receive funding under the Community Legal Centres Funding Program which is managed by the Legal Aid Commission of New South Wales. For some years the Centre has received joint Commonwealth and State funding for one legal centre employee. These funds are used for the employment of a solicitor and as part contribution towards the non-salary expenses of the Centre.

The Centre generates its own funds by performing duty roster work on behalf of the Legal Aid Commission at Waverley Local Court. Every Monday a Centre solicitor attends the Waverley police cells and takes instructions from those people to whom bail has been refused. The Centre is paid for this work on an assignment basis from the Legal Aid Commission to a capped amount. These funds have enabled the Centre to update capital equipment and to manage the expense of the introduction to the Centre of extra student time.

From time to time the Centre's clients are successful in litigation and obtain a costs order in their favour. It is only on such occasions that the Centre recovers fees from clients, and this money too is invaluable in enabling the Centre to maintain a reasonable level of resources.

The Centre continues to receive funds from the Legal Aid Commission on a financial year basis and from the Law Faculty on a calendar year basis. In the 12 months 1 January 1993 - 31 December 1993 the Centre's income and expenditure was as follows:

Income

Community Legal Centres Funding Program:	$ 53,577.00
UNSW Salaries and Non-Salary Items:	$239,709.00
Self-Generated Income:	$ 31,936.00
TOTAL	**$325,222.00**

Expenditure

Salaries and Associated Costs:	$238,909.00
Operational Costs:	$ 83,215.00
TOTAL	**$322,124.00**
NET	$ 3,098.00

Volunteer lawyers

Kingsford Legal Centre continues to enjoy the support of a solid core of committed volunteers from private practice, the public sector and the Bar. Those who took part in our volunteer roster during 1993 were:

ADAMS, Bart
AGIUS, Judson
ANSTEE, Mark
BRADY, Helen
BROWN, Joanna
CUNNINGHAM, Sue
DONNELLY, Sue
EASTMAN, Kate
FLAHERTY, Dennis
GOODMAN, Linda
GUILMARTIN, Fiona
HABIB, Shereef
HAMILTON, Chris
HANNON, Michelle
HASTINGS, Luke
HEALEY, Anne
INVERARITY, Duncan
KIRSCHNER, Shirli
LONGWORTH, John
McMILLAN, Dave
MORDAUNT, Sue
OGLE, Lisa
PAGE, Alison
RICHES, Michael
ROBERTS, Sue
ROBERTSON, David
SCHWARTZ, Abe
SEATON, Andrew
TASSELL, Robert
WHELAN, Jenni
WORNER, Michelle
YOUNG, Suzanne

5. Policy Day June 1993:
(L to R): Graciela Buzy, Paul Batley, Kym Bedford, John Godwin and Mick Hillman

Many of these volunteers are former students in the clinical program at the Centre, and there are many more former students who are waiting to join the roster. The Centre is, as ever, grateful to Abe Schwartz for his supervision of one of the four fortnightly advice sessions.

Pro bono

Quite apart from the pro bono scheme operated by the Law Society of New South Wales, and the Public Interest Law Clearing House operated by the Public Interest Advocacy Centre, Kingsford Legal Centre has had the benefit of considerable assistance from the Bar and solicitors, as well as other professionals.

Ms Peta Solomon of Pattison Hardman Pty Limited volunteered her services to assist on difficult questions about legal fees and Solicitor's accounts. As well as the volunteer lawyers on our roster a number of solicitors and barristers have made their services available to us and our clients throughout the year: solicitors, Robyn Sexton, Mike Steinfeld, Sue Mordaunt (Segal Litton & Chilton), Eve Wynhausen (Lyons & Lyons), Carol Playfair (Gilbert & Tobin), Shirli Kirschner and Kate Eastman (Allen Allen & Hemsley); and barristers Chris Ronalds, Andrew Haesler, Mark Lynch, David Buchanan, David Catterns QC, Lucy McCallum, John Basten QC, David Robertson, David Robinson, Nigel Rein, George Masterman QC, Carol Groenewegen and Janet Manuell.

Access and Equity

One the projects referred to above related to the development of an access and equity policy at the Centre. Law students, Dixon Hearder, Peter Savvas and Jennifer Mah produced a report with a number of recommendations.

Importantly the report identified a number of problem areas for the Centre to target. In relation to people from non-English speaking backgrounds, the following observations were reported:

- Italians make up a significant proportion of the community, yet appear under-represented as users of the Centre. Information sheets to be provided in Italian.
- There is no "plain English" policy

In relation to people with disabilities, it was observed that:

- Access facilities could be improved (eg, signs and doorbell, toilet facilities)
- No statistics in relation to clients with disabilities are kept.
- There is no reference to availability of signing interpreters in Centre student and staff manuals
- Students lack training in issues around intellectual or developmental disability.

Among the recommendations that were made were:

- Information sheets to be provided in Italian;
- Placement of advertisements for the service in Italian language papers;
- Installation of a TTY telephone facility to enable calls to be received from hearing impaired clients;
- Improvements to physical access facilities.

6. Farewell dinner for student law clerks

Students at the Centre

The following students worked at the Centre at different times in the Summer Session 1992-93, and in Sessions 1 and 2 of 1993:

Barnes, Lynne
Bartley, Glynis
Berkley, Wendy
Bickovsky, Rachel
Bloom, Geoffrey
Bolton, Anna
Bratel, Kathryn
Burn, Jennifer
Cameron, Brett
Chen, Edward
Chu, Angela
Conner, Tim
Cordes, Dorothy
Cross, John
Della Vedova, Michael
Devine, Laurel
Doherty, Adele
Fitch, David
Fox, Helena
Gair, Jenny
Galwey, Malcolm
Gordon, Huntly
Gubbay, Ingrid
Gutman, Tara
Harrison, Lynette
Hearder, Dixon
Horniblow, Mary
Houvardas, Paula
Jamieson, Scott
Jayes, Judith
Jowett, Tina
King, Paul
Lenehan, Craig
Lifu, Shirley
Livingstone, Paul
Ludlow, Christa
Ma, Jennifer
Macfie, Gregor
Martin, Pip
Martin, Rachel
McCarney, Catherine
McKenna, Andrew
McLean, Alexander
Mitchell, Louise
Morgan, Julie
Ng, Linda
Nolan, Joanne
Ow, Patrick
Patel, Arthi
Paton, Garth
Perry, Tania
Pickworth, Angela
Pountney, Rick
Rose, Jeffrey
Savvas, Peter
Siely, Monica
Soon, Pamela
Sparke, Michelle
Stuart, Catherine
Suen, Wendy
Tinyou, Kate
Urquhart, Jacqueline
Warner, Cathryn
Wee, Melvin
Whelan, Shawn
Wiedemann, Rolf
Willan, Melissa
Wong, Sammy
Yardy, Ken
York, Lucy
Young, Ken
Zongas, Susan