Annual Report

KINGSFORD LEGAL CENTRE

1996

MISSION STATEMENT

To be a community service agency which promotes access to the legal system and works towards a fairer society whilst fostering critical analysis of the justice system

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TABLE OF CONTENTS

Introduction ____ 1

Staff ____ 3

Secondments ____ 5

Policy day 1996 ____ 9

Clinical legal education ____ 10

Students comments on the course ____ 13

Social work/Law ____ 15

National clinical legal education work ____ 17

Education and Policy work ____ 18
- The community education work of the Centre
- Students education/policy projects
- Policy

Legal aid cuts ____ 25

KLC Consultative Committee ____ 28

Volunteer Lawyers ____ 30
- Pro bono barristers
- Pro bono solicitors

Students attending the Centre ____ 34

Case work ____ 36

Domestic violence ____ 43

Other work within the Law School, UNSW ____ 45

Statistics ____ 47

Publications ____ 49

Committees ____ 50

Financial report ____ 52

INTRODUCTION

1996 has been a year of significant successes for the Centre against a background of uncertainty for both universities and Legal Aid organisations. Taking the good news first, the Centre continues to run significant cases and advice services, policy and education work both in discrimination and other areas. The clinical program for students at the University of New South Wales is as usual highly successful and more and more students at the Law School are getting involved in the Centre's work for the community. We also received a great boost by being allocated extra recurrent funding through the Community Legal Centre funding program to allow for the appointment of a Community worker at the Centre. Obtaining this funding has been a long term project of the Centre and would have allowed the Centre to markedly increase the amount of community legal education and assistance provided to local community organisations and establish even better working relationships with community organisations working in related fields. Unfortunately this position is to be abolished as at June 1997. We were also successful in obtaining funding from the Legal Aid Commission to employ a solicitor to work full time on a large scale consumer credit matter which is being prepared for hearing in 1997. Freehill Hollingdale and Page, continue their placement of a solicitor at the Centre which allows us to assist hundreds more clients than we would otherwise be able to.

Volunteer solicitors at the Centre have continued their excellent work in running the evening advice nights for clients and were awarded the State Bank Australia Day award for community service through Randwick Council in 1996. Our clients have also benefited from pro bono work by many others in the profession.

On the other hand the Centre lost one administrative position during the year which has caused problems and even more work for remaining staff and we have of course been required to devote time and energy to work to reduce or prevent cuts to the Commonwealth government legal aid funding programs. At the time of writing these threatened cuts to funding appear to be leading to a crisis in legal aid in Australia which will inevitably result in huge demands on this Centre. The Bondi Junction Legal Aid Office was closed at the end of 1996 and the Centre is now the only source of free general legal advice in the Eastern Suburbs area.

We look forward to meeting the challenges of 1997 with the aim of creating a more just and accessible legal system and we thank all those who have supported the Centre this year.

Frances Gibson
Director

STAFF

Frances Gibson
Frances has been the Director at Kingsford Legal Centre since August 1995 and is a Lecturer in the Law School UNSW. She is responsible for the Clinical Legal Experience course undertaken by students in the Law Faculty of UNSW, management of the Centre and is a casework solicitor. Frances' previous experience is in private practice, the Aboriginal Legal Service, the Legal Aid Commission, the Independent Commission against Corruption and she was at Redfern Legal Centre as Principal Solicitor for over six years.

John Godwin
John has been a solicitor at the Centre for the past five years. John has continued to develop the Centre's speciality in discrimination law. He is also a teacher of the Clinical Legal Experience course conducted at the Centre. His work involves a mix of casework, community legal education, policy development and law reform advocacy.

Anna Cody
Anna has been a solicitor at the Centre since March 1995 and is a teacher of the Clinical Legal Experience course. During her time at the Centre she has increased the amount of domestic violence work undertaken by the Centre both in policy, education and casework. She also runs discrimination cases, another focus area of the Centre.

Zoe Matis
Zoe is the Centre's administrator. Zoe is responsible for the financial management of the Centre's funds. She is also responsible for for the Centre's trust account.

Kym Bedford

Kym is the Centre's administrative worker. Kym is responsible for managing student enrolments and rosters and supervises the performance of students in their administrative duties. Kym also supervises work experience students and maintains the volunteer lawyers roster. Kym coordinates work on the KLC Newsletter, the Clinical Legal Education (Australia) Newsletter and the Annual Reports.

Mick Houlbrook

Mick started as a community worker at the Centre in August 1996. He came to the Centre with extensive experience as a educator/organiser in trade unions and training and development in community services. Prior to coming to KLC he was the National Training coordinator with the Public Transport Union. Mick developed and implemented a programme for community legal education working with staff, volunteer lawyers and students at the Centre.

Jason Parry

Jason began at the Centre in 1994 on a part time basis. He maintains the library and advises us of reference material which would benefit the work of staff and students at the Centre.

Vedna Jivan

During 1996 Vedna was employed as Anna's locum for six weeks while Anna took a well earned holiday. The Legal Aid Commission made available funding for six months for a solicitor's position to work on the Garendon timeshare case (which has been running since 1991). Vedna was appointed and has been at the Centre since November 1996. Vedna has worked previously at Redfern Legal Centre and Campbelltown Legal Centre.

SECONDMENTS

FREEHILL HOLLINGDALE & PAGE

As part of the Freehills commitment to pro bono work they provide a solicitor on secondment to the Centre. These solicitors spend four months here then return to Freehills. The service provided by these solicitors is invaluable to our clients. Two of the solicitors on secondment during 1996 have written about their experience.

Melinda Donohoo
In 1996 I had the opportunity to do a secondment at Kingsford Legal Centre from January through April. Emerging from working primarily on a large case of a kind typically run by a commercial litigation section in a large firm, I looked forward to life without voluminous chronologies, documents and research requiring its own "War Room", complex facts, no time sheets and no stuffy suits. Proximity to Coogee Beach was also enticing.

What I found at Kingsford were clients just as ready to divulge voluminous chronologies of events, documents, research tasks and complex fact situations - but I did go to the beach and I did get to wear jeans! At Freehills I had led a sheltered life as the junior solicitor, comfortably buffered from the decisions by at least a partner and a barrister or two. At Kingsford I became the one solely responsible for my cases. This chance to take responsibility for the whole case, to make the decisions and give the advice, was one of the most rewarding aspects of the work.

The diversity of matters at Kingsford had me constantly reaching for the Lawyers Practice Manual and as a result I have developed a much broader knowledge of many aspects of law ranging from discrimination, sexual harassment, family law, debt and bankruptcy, personal injury, tenancy problems, victims compensation and unfair dismissal. I appeared in the Local Court, Industrial Court, Family Court and the Equal Opportunity Tribunal. I especially enjoyed assisting at Waverley Local Court as part of the Domestic Violence Assistance Scheme. It was also great experience to represent clients at mediations at the Industrial Relations Commission and Anti-Discrimination Board. I soon learned that I was more than capable of the advocacy and negotiation required on behalf of my clients. Understanding and running a case well did not require a wig, robes and 20 years of submissions from the Bar.

Thankfully I was constantly supported by the other solicitors at Kingsford who answered my many many questions. One of the other advantages of Kingsford was the aid of a willing team of law students. Their sometimes novel ideas (why can't we destroy that document? Who'd know?) and lateral thinking (we should just go to his place and sit on him till he talks) combined with legal skills and enthusiasm reminded me that I needed to think less like a lawyer and just try thinking!

The most challenging aspect of working at Kingsford was dealing with my clients. I was all too used to working for commercial clients and companies with a financial rather than an emotional investment in the case. At Kingsford I soon learned that my clients could be very demanding, and usually with good reason. Often the most basic aspects of life such as housing, safety and welfare were at risk. The emotional aspects often made the cases difficult and stressful but rewarding too. Other things my clients taught me were: always expect the unexpected (never think your instructions can't be completely changed just before you stand up in court); "lost in the translation" has a whole new meaning if you get the Spanish and Fijian interpreters mixed up; the pitfalls of becoming a client's personal champion will have you harassing the police on nightshift at midnight for a week (but I did get a rose on Valentine's day); never underestimate the value of a house call and a good chat over a cup of tea; and finally don't be offended when your client no longer wants to talk to you because you can't change the advice to something they'd rather hear.

Kingsford opened my eyes to how often the legal problem is only a small part of the true difficulties facing a client. I soon realised that much of the work at Kingsford involves ensuring support and assistance for a range of problems and finding your way around the network of community services and agencies.

One of the greatest things I gained at Kingsford was the knowledge that my legal skills, limited as they had been to the commercial world, could be used to help people with real problems. The only problem I have now is when cornered by family and friends at parties to give advice I can no longer plead complete ignorance!

Melinda Donohoo

Sally Barber

I arrived at Kingsford Legal Centre as the Freehills Solicitor at the end of April 1996 and worked at the Centre until the end of August 1996.

My previous experience was, mainly, as a commercial litigation solicitor at Freehills. I had also worked as a Judge's Associate in the Federal Court.

During my time at Kingsford I was exposed to a great variety of matters and areas of the law to which I had previously been unfamiliar and to a client base which was also unfamiliar to me. Luckily, my litigation experience was very helpful.

Highlights of my time at Kingsford Legal Centre, in relation to specific case types are as follows:

- involvement in a mediation and settlement in the Equal Opportunity Tribunal
- involvement in the settlement process in an unpaid wages claim before the Chief Industrial Magistrates Court
- acting in several divorce proceedings
- settlement of a personal injury claim
- the drafting of a number of wills
- acting in relation to an allegation of social security fraud
- acting for a number of clients with credit related problems, including referral to and liaison with financial counsellors and negotiation with debt collectors
- victims compensation matters, including a matter relating to the sexual assault of a minor

All of these cases were interesting, the clients were varied and the experience was invaluable regarding the management of client relationships and in promoting lateral thinking to find solutions to problems with legal and non-legal aspects.

A valuable part of the learning experience at Kingsford Legal Centre was learning how and when to make appropriate referrals and how to deal with interpreters.

The direct contact with a wide variety of clients was demanding, but very enjoyable.

Another enjoyable aspect of my time at Kingsford Legal Centre was participation in daytime client advice sessions twice a week, which required sometimes quick thinking and careful use of interpersonal skills.

Urgent matters sometimes arose and I once responded to a call from the Prince of Wales Hospital to urgently draft a will for a patient who was extremely ill.

Supervising the volunteer advice night once a fortnight was also a great experience, as it allowed interaction with the volunteer solicitors who are such an important part of Kingsford Legal Centre's function.

Another good experience was involvement in the decision making processes for the centre through staff meetings.

Finally, my involvement with the students was one of the great pleasures of the experience at

Kingsford Legal Centre, including a minor foray into the teaching role via conducting some student morning meetings.

Many thanks to the staff, both legal and administrative, for helping me to find my way around KLC. Overall, my experience at Kingsford Legal Centre was rich and rewarding and provided me with invaluable knowledge and experience for future legal practice, as well as an appreciation of the vital role of legal centres in the community.

I have now returned to Kingsford Legal Centre as a volunteer solicitor one evening per fortnight.

Sally Barber

PHILLIPS FOX

Carolyn Bowra
Carolyn was seconded to the Centre for 3 months from Phillips Fox. Carolyn's assistance was invaluable over the summer period 1995/96 and we thank her and Phillips Fox for her work.

POLICY DAY 1996

The Centre's policy day was held on 23 February 1996.The day was used as part of the Centre's planning process for its community work and was well attended. Those participating included:

- all members of staff
- Paul Redmond, the Dean of the Law School
- Christine Gibson from the Social Work School
- Nick Kidd and Mary Rose Garcia, volunteer lawyers
- Fiona Laidlaw, law student
- Jill Anderson, Lecturer from the Law School
- Carol Arrowsmith from Kooloora Community Centre and
- Michelle Hannon from the Disability Discrimination Legal Centre

The day was held in the rather glorious surroundings of the Institute of Administration at Little Bay and was facilitated by Louise King. Following on the planning work done at the 1995 policy day most of the day was spent on developing and refining the Centre's Mission Statement and Goals and Objectives as a basis for a strategic plan.

The Centre's ***Mission Statement***

Our mission is to be a community service agency which
promotes access to the legal system and works towards a fairer society
whilst fostering critical analysis of the justice session

The Centre's ***Goals***

- To improve access to the legal system and to empower members of the community to address their legal issues and concerns

- To provide educational opportunities which enhance the ability of UNSW students to critically evaluate and respond to social justice and legal issues

- To provide a work environment in which students, staff and volunteers are valued and respected

CLINICAL LEGAL EDUCATION

The Centre as part of the Faculty of Law continues its clinical program for 75 later year law students. Students attend in 3 sessions a year including over the summer period either two days or one day a week from 9 to 5pm each day. During this period they are required to attend weekly classes of 2 hours duration, a daily morning tutorial of one hour and four evening public advice sessions from 6pm to 9pm. The course provides substantial benefits to the students' understanding and analysis of our legal system as well as significant legal help to those in the community who cannot afford legal assistance. Students are responsible for a number of client files during their time at the Centre. Legal work done by students for clients is at all times supervised by a practising solicitor or barrister.

The objectives of the course are:

1. To develop students' critical analysis of the law and legal system in Australia through participation in a legal practice working for clients who are financially or otherwise disadvantaged

2. To enhance students contextual understanding of the law and legal process by exposing them to real clients with legal problems.

3. To provide students with a detailed understanding of the legal aid system and develop students understanding of issues of access to the legal system for the Australian community

4. To develop students' awareness of the role of lawyers in practice in the legal system

5. To develop students' understanding of ethics and responsibility in a workplace setting

6. To introduce students to basic legal skills including communication / interviewing / drafting / negotiation

7. To develop students' ability to see beyond a casework approach to legal problems by providing opportunities to participate in campaign and education work

8. To encourage students to see the law as a vehicle for protecting and developing human rights

The weekly classes and morning tutorials allow students a chance to reflect and analyse on legal and policy issues that have arisen during the course of their work. Below is an outline of some of the many matters we aim to cover in the course of a session.

The course aims to:

- To discuss the purpose of legal aid, to identify providers of legal aid and pro bono services in NSW , to discuss the different roles and responsibilities of service providers, to identify and examine policy issues relating to government responsibility for funding

of legal aid, to analyse the way in which legal aid is provided in Australia, to discuss the role of professional practising lawyers in providing pro bono services

- to introduce students to principles of legal interviewing, to examine the role of communication between solicitor and client, to discuss methods of applying legal principles to data collection and discuss the importance of cultural issues in the interviewing process, to identify and analyse the power relationship between the solicitor/client, to recognise any impact a client's disability may have on the interview

- to explain the principles of plain English drafting, to discuss reasons for using plain English, to introduce students to exercises in plain English drafting

- to examine principles of good negotiation, to identify situations where negotiations are commonly used, in legal practice (eg mediation, conciliations, door of the court etc)to consider questions of power imbalances in negotiation and ways to diminish negative effects of these. Students undertake a practical exercise in groups in negotiation to illustrate factors which affect negotiation eg ongoing relationship

- to examine issues of access to the legal system for people from an Aboriginal or non English speaking background, discussion of the principles relating to use of interpreters, to examine how cultural differences may affect the solicitor/ client relationship, to explore ways of facilitating effective communication and relationships

- to examine in detail the role, functions and responsibilities of the Legal Aid Commission and relationship between Commission and community legal centres including decision making in the Commission, rights of appeal, manner of service provision, the Commission's role in law reform and education, examination of the means and merits tests and discussion of the effects of these tests in providing access to the legal system, the role of duty solicitors, examine the arguments for and against in house provision of services versus referrals to the private profession

- to provide an overview of current issues regarding law and practice in areas relevant to the Centre's work, and to work through case examples which demonstrate practice issues which may arise. Discussion of issues including current legislative models for addressing domestic violence/discrimination; the adequacy of legal processes and legal remedies; the range of different approaches (legal and non legal) to addressing domestic violence/discrimination in our community; the role of a lawyer when acting for a client who has experienced domestic violence/discrimination; and proposals for law reform in these areas

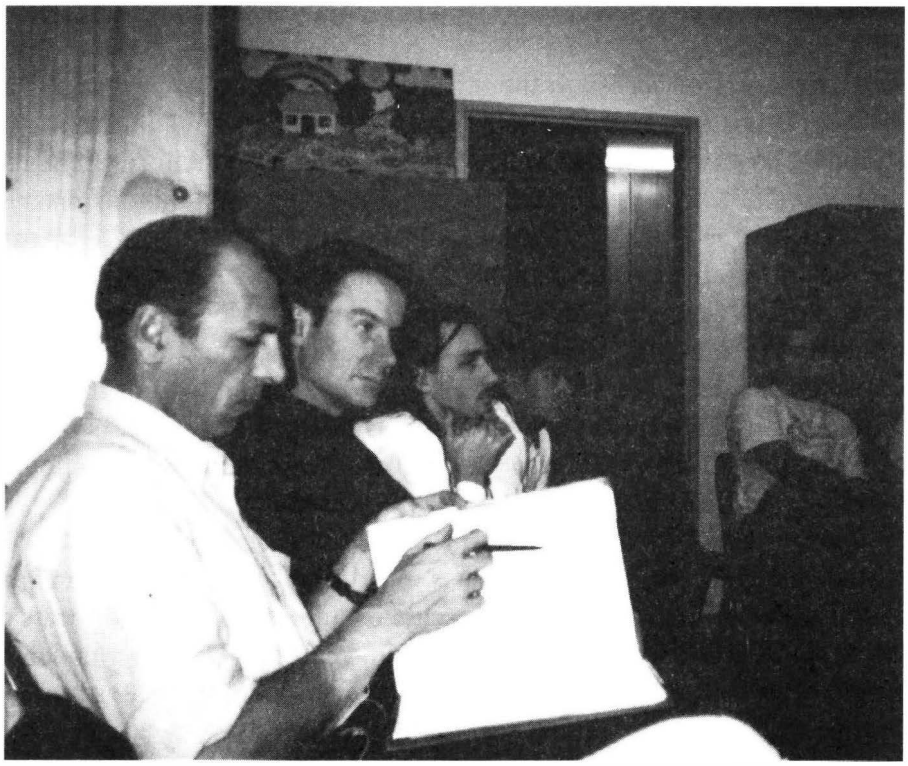
- to discuss the nature of domestic violence and its effects, explore reasons for its existence and societal and legal responses to it

- to examine various modes of law reform activity including submissions, test cases, campaign work, use of media etc, to analyse ways of achieving practical law reform by considering the history and progress of a major law reform campaign, to consider the effect of the political process on law reform, to consider the role and responsibilities of

- legal professionals in law reform activity

- to develop student understanding of the principles of legal ethics, to examine the difference between legal and general ethics, to discuss by way of case studies practical ethical dilemmas frequently arising in practice

Students are required to prepare and present a presentation on ethical, jurisprudential or social aspects of their legal casework and have an extensive formal assessment process to go through during the course.



Students in Class

STUDENTS COMMENTS ON THE COURSE

(originally published in Poetic Justice 1996)

"... I think the best thing about being at Kingsford is having the responsibility for your own files. This helps you to take initiative, build up a rapport with your client and learn how to manage your time. Everything you do is supervised by one of the solicitors at Kingsford. This supervision really helps you to keep on track and shows you how a practising solicitor works. There is no better way to get very good practical legal experience than by doing a placement at KLC."

Kate Cooney

"... Being at Kingsford Legal Centre has been the most valuable legal training I have had so far. It is "law on the ground". Here there are real people (not just names in text books) with real life problems (not summarised neatly by a judge in the first paragraphs of an otherwise lofty judgment) with genuine needs (viable and imminently concerning). It has allowed me to see quite clearly law as a helping profession. Legal knowledge is put into perspective. I am reminded that what otherwise seems quite sterile and mundane finds application in a manner which is pressing in the most serious sense."

Ryan Kalinko

"... The Centre also runs advice nights two nights a week to give local residents legal advice; some of these people are taken on by the Centre as clients. This is where legal problems start off. You get to see the clients' first contact with the law. It is often a struggle for the lawyer to extract what they need from the client as the interview is sometimes clouded by emotion. Further, the client does not know what the solicitor is after; dealing with the client and doing the law. In law school you only see one half. At KLC you see the other half as well. It is amazing how far you can go with a minimum of technical expertise in the first half interviewing skills, drafting skills are more important. The advice nights also give you the opportunity to reflect on how you deal with people generally."

Richard Khoe

"... A placement at KLC also involves work on a project that contributes back to the community. I have been involved in the project to map the KLC community and client base. The aim of the project is to foster greater awareness in the community about KLC and to assess the role that KLC plays in the local community over indicia of areas of law, how people find out about KLC, and the places to which we refer people for further advice. This will enable a greater presence of KLC in the network of other community service organisations generally, and will aim to increase the utility of KLC to the community."

Lindsay Hall

"... Clinical legal education has to be the best method of undertaking practical legal training. Students are given a great range of responsibilities; client contact and the running of the files by

students with the supervision of solicitors is very valuable in the last stages of any legal training. UNSW students should be grateful of having such a wonderful opportunity to have real `hands on' experience and to be able to contribute to the community by providing legal assistance to those who are unable to afford it.

Lillian Rodriguez-Ajuria

SOCIAL WORK/LAW

Many of the changes foreshadowed in last year's annual report came to pass during 1996. A surge of excitement was felt when hard work and persistence were rewarded by the receipt of funding for a four day per week Community Worker position. This was followed by further efforts which went into the recruitment process. Again positive results were achieved with the appointment of Mick Houlbrook (see elsewhere in the report). Mick's position has primary responsibility for developing KLC's community legal education programme within which it is likely that Social Work/Law students will play a valuable role.

The UNSW Law Faculty offers, in conjunction with the School of Social Work, a six year combined degree: Social Work/Law. One of the combined course requirements is that Social Work/Law students attend KLC fulltime for around 11-12 weeks. In this way these students fulfil the requirements of their final social work subject, Social Work Practice - Third Placement, whilst concurrently fulfilling the requirements of the Clinical Legal Experience subject. This is quite different from other law students' experience of KLC who attend for either one or two days per week throughout one session.

Mick's appointment to KLC means that the Social Work/Law students have an on site Community Worker to assist them to meet their learning goals. These students also have ongoing if less frequent contact with their social work supervisor, Christine Gibson who juggles this task along with her other commitments as a lecturer within the School of Social Work.

Social Work/Law students have continued to demonstrate their competent approach to KLC clients with psychiatric difficulties. During her time at KLC Fiona Laidlaw developed practice guidelines for use by staff and students when advising psychiatrically affected people seeking legal and other assistance. Jenny Lock used her skills to develop up to date referral information for staff and residents of B Miles Womens' Housing Scheme. B.Miles is a local, community managed medium term supported accommodation provider for psychiatrically affected women which maintains links with KLC. Jenny's contribution to B. Miles complemented the continuing role of Christine as a member of the management committee. The restructuring of B. Miles was finalised during 1996 with the appointment of permanent staff, implementation of organisational policies and procedures and improved strategies for the rolling refurbishment of the properties used to accommodate around 30 women.

Jenny played an extremely useful role in the Save Legal Aid campaign during her time at KLC. Jenny's involvement in the campaign not only provided valuable learning opportunities but she also gained recognition for her application of knowledge and skills. Glenn Jones began his stint at KLC in November 1996. He plans to research legal problems identified by hospital social workers working in KLC's locality.

The Australian Association of Social Workers approached Christine to address branch members, in conjunction with solicitors from Marrickville Legal Centre and the Mental Health Advocacy

Service. The topic was the legal rights and responsibilities of social work practitioners. The session generated much discussion among the social work practitioners present.

1997 will bring further challenges for the professions of law and social work. Internal changes within university administrations and additional moves towards a competitive market driven society will affect both the context within which students of these professions are educated and the opportunities for them to practice. Kingsford Legal Centre's role as an agent for social justice will continue to provoke students into thinking about the world and the contributions which they can make.

Christine Gibson
School of Social Work
Faculty of Arts and Social Sciences

NATIONAL CLINICAL LEGAL EDUCATION WORK

The Centre is active in working with other clinical educators in Australia in promoting clinical legal education in law courses. Work has included:

- Putting out the Clinical Legal Education (Australia) newsletter
- Participating in the new National Association of Clinical Legal Educators
- Developing a Guide to Clinical Legal Education courses in Australian universities
- Attendance at the National Conference for Clinical Educators in Adelaide
- Running a session at the 1996 National Community Legal Centres Conference in Melbourne on clinical legal education

EDUCATION AND POLICY WORK

The Community Education Work of the Centre

Community Legal Education (CLE)
KLC took a significant step towards re-affirming its community focus in 1996 by appointing a community worker to a part-time position of four days per week. The position is funded through Legal Aid Commission funding and is the first substantial allocation of resources to a community work position since Mick Hillman left the Centre in 1994. Mick Houlbrook joined the Centre as the new community worker on 5 August 1996. His role included developing community education for the Centre, community liaison work and working with students on placement at KLC on community based projects.

A substantial part of the role of the community worker is the development of community legal education (CLE) for the Centre. This takes place at two levels; education for other community workers/activists in the area and education for members of the community itself. In 1996 a number of CLE sessions were delivered at both levels.

Sessions for the public included:

The role of KLC
Law for social change
Discrimination law
HIV/Aids discrimination law
Youth rights
Arrest, DV and legal services
Environmental issues
Neighbourhood disputes
Legal Aid

Sessions for community workers and people active in community work included:

Domestic violence training on the DV court assistance scheme for support workers
Helping people with legal problems
Discrimination law
General information about the work of the Centre
Information sessions related to the campaign against legal aid cuts

The kinds of organisations involved were many and varied:

Schools
Commonwealth and State government departments
Randwick and Botany Councils

Local community groups and organisations including:
- Barnardo's
- Kooloora Community Centre
- Bondi Cottage
- Botany Neighbourhood Centre
- Randwick Information and Community Centre
- Randwick Family Support Services
- Glen Mervyn Young Women's Health Centre
- The Shack Youth Services
- local radio and
- other media outlets

Evaluation and feedback on the education has been positive. Information and ideas exchange from workshops for community workers has also provided ideas for education projects for 1997 including legal issues for social workers in hospital settings, youth rights information as part of youth week activities, family law sessions for women involved in Kooloora Community Centre and domestic violence and family law sessions for women's groups in the Maroubra area.

In addition to delivering education sessions KLC completed a Training Needs Analysis (TNA) of local community groups and organisations to establish ongoing CLE into 1997. This survey was sent out to over forty organisations in October and formed the basis of the CLE program which will continue throughout 1997.

Discrimination

The Centre also presented a 3 hours training for case workers of the Commonwealth Rehabilitation Service on the nature of discrimination law. The session was successful in giving case workers a working knowledge of how discrimination law functions and the basic tenets of the law.

Volunteer lawyers

The education work of the centre also includes training for volunteer lawyers and a TNA was completed in the first half of 1996 for KLC's volunteer lawyers. The feedback provided has enabled training sessions to be run in Family Law and Employment Law in the latter part of the year which were well received. Further sessions are planned for 1997 using the information from the TNA.

Community Legal Education Workers group (CLEW)

At a broader level the community worker has input into CLE development through the Community Legal Education Workers group (CLEW). This is a sub committee of the Combined Legal Centres Group (NSW). The CLEW group develops legal centre policy on CLE and acts as a conduit for information and resources through such avenues as the National CLE Newsletter and the Strengthening CLE project commenced in December 1996 which will run through to March 1997. Policy and resources developed through CLEW assist the educational work of KLC.

Visiting "friends"

In discussing the needs and expectations of the community it has been important to have KLC go out and meet its "partners in progress" in their own back yards. Much of the liaison work has been done through visits to centres and organisations in the area and through numerous interagency groups such as the Randwick Interagency Group. A notable example is the invitation of KLC to attend the Eastern Suburbs Aboriginal Interagency Group. It is hoped that this involvement will strengthen KLCs ability to serve the local Aboriginal community.

Students Education/policy Projects

Radio Project

KLC students Emile Sherman, Elizabeth Tserdanis, Madeleine Savva and Annette Kurdian got the Centre's radio project off the ground and on the air.

The project's goal was to preach the good news about community legal centres, legal rights, other advice services and help lines. In all, Sydney Educational Radio (2SER-FM 107.5) gave Kingsford Legal Centre a five minute slot every day over a week and Radio Eastern Sydney (2RES-FM 89.7) gave us a 15 minute time slot every Monday over four weeks.

Madeleine interviewed Sgt. Hornigold for 2RES on arrest. She followed up with Redfern Police on 2SER. Police were asked about how much force is allowed in an arrest and the frequency of strip-searches.

Elizabeth gave a story of a 14 year old heroin addict/prostitute/street kid [convincingly] for a follow up true story on life experiences with arrest. The right to silence and not to go with the police unless under arrest were drawn out by Emile, who role-played the stunned interviewer. Elizabeth then wore a different cap on 2SER for a chat with the Environmental Defender's Office about protests, arrest and illegal banners on buildings.

Emile did an interview of his own with Chris Puplick, the President of the Anti-Discrimination Board (no acting skills required). They discussed the remedies for discrimination, positive discrimination and Chris was asked whether he thought Australia was becoming less discriminatory.

Annette tackled domestic violence on 2SER with KLC's own solicitor, Anna Cody, discussing AVO's and the benefits of domestic violence court assistance schemes. Josi Mazaraki spoke to John Godwin about the illustrious work of places like our own community legal centre.

Jo Mostyn prepared an information sheet for radio specifically for the Aboriginal community on common law rights when faced with the prospect of arrest.

Sexual Assault Counsellors Kit

In conjunction with the Women's Legal Centre and the Working Party on the Confidentiality of Counsellors Notes, student Jill Gatland was involved in preparation of a kit which allows counsellors in sexual assault centres to make objections and attempt to prevent the disclosure of confidential counselling notes to defence counsel in criminal cases - without necessarily having to get expensive legal representation.

Code of practice for community radio
A community radio station approached the Communications Law Centre for advice about what the presenters of the program can and cannot say over the air. Michael Kadoury, Kate Cooney and Elisabeth Maryanov, students in second session 1996, have compiled an easy to read Code of Practice that sets out the law for community radio presenters. The types of laws that affect these presenters are defamation, discrimination, confidentiality, contempt of court, copyright and the Broadcasting Services Act.

Law and Social Change
Kingsford presented a talk on the potential of law as an instrument of change and as a future career option for students of Rosebay College. All the students attended the talk and thus about 600 girls were involved. The talk was well received and provoked some discussion about responsibility to the broader community.

Kingsford also presented a talk on the role of Kingsford within our local community to staff of Our Lady of Sacred Heart School Kensington. The talk gave staff some awareness of the current legal issues in the local community as well as some understanding of what the Centre provides.

Chinese community press
Student Fiona Mak published an article on race discrimination issues in the major Sydney Chinese community newspaper. The article, which focused on practical remedies for people who have experienced discrimination, was written in Chinese and prompted requests for further material from the paper's editors.

Barnardo's workshop
A workshop was held on 3 May 1996 for staff of Barnardo's at Waverley. The workshop was presented by law students and covered a range of issues regarding family law, juvenile crime, domestic violence and foster care issues.

Rights when arrested: information for Aboriginal youth
In first session 1996, student Jo Mostyn prepared material for broadcast by Koori radio programs. The material comprised a plain English language guide to your rights when arrested and was designed to be included in pre-recorded broadcasts during programs targeting youth. The project required liaison with the National Indigenous Media Association and the department of Aboriginal Affairs.

Lawyers Practice Manual
The Centre has provided support for this 2 volume loose leaf publication since it was originally conceived as a joint project of the Redfern and Kingsford Legal Centres. The Centre is represented on the Manual's editorial committee and Centre staff author chapters relating to legal aid, anti-discrimination law and domestic violence and consumer claims. The Manual maintains a unique focus on practical guidance for lawyers whose work involves representation of people.

Policy

Review of Racial Discrimination Act

Student Georgina Legoe conducted a research project in 1996 on the review of the Commonwealth *Racial Discrimination Act* 1975 for the Centre. Legal practitioners with expertise in discrimination law were surveyed on their views of the operation of the Act over the last 20 years. The Centre aims to use this research material to prepare submissions to the Human Rights and Equal Opportunity Commission and the Commonwealth Attorney-General on a Bill to reform the Act.

Links with HIV/AIDS Legal Centre

As a well established centre, Kingsford Legal Centre recognises that it has a responsibility to foster new centres which have common areas of interest. The Centre is represented on the management committee of the HIV/AIDS Legal Centre (HALC) and provides occasional supervision of volunteers on HALC's rostered advice nights. HALC, a relatively new centre, has benefited from the provision of planning and management advice provided by Kingsford Legal Centre. We also provide advice to HALC on discrimination law and accept referrals in discrimination matters from HALC. As HALC develops expertise in its specific specialist areas such as superannuation, estates and insurance, Kingsford Legal Centre will in turn benefit from its close relationship with HALC through cross referral and joint project arrangements.

At the National Community Legal Centres Conference held in Melbourne in August, John Godwin co-presented a workshop with HALC on provision of legal services to people with HIV.

Sexuality law reform submission

The Centre made a comprehensive written submission to the Sexuality Discrimination Inquiry of the Senate Legal and Constitutional Committee. The submission drew on the Centre's extensive experience in homosexual discrimination matters and recommended the introduction of a national law to protect people from discrimination on the grounds of homosexuality and transgender status.

Privacy Advisory Committee

John Godwin is the community representative on the statutory committee which advises the Commonwealth Privacy Commissioner. Issues dealt with by the Committee in 1997 included the drafting of national laws to regulate privacy in the private sector, privacy implications of the restructuring of the Department of Social Security and Commonwealth Employment Service, genetic testing, video surveillance and internet regulation.

Legal Assistance Needs Study

The Office of Legal Aid and Family Services (Cwth) have undertaken a "Legal Assistance Needs Study" to determine how legal aid funds should be distributed between the States on the basis of need. The method used was to collect data about all applications for legal aid received by the Legal Aid Commissions and then apply regression analysis to attempt to determine what factors affect demand for legal aid in different areas of law.

Frances Gibson from the Centre was the National Community Legal Centres Representative on the Steering Committee for the project along with Professor McDonald, Professor of

Demography at ANU and Directors of ACT and NSW Legal Aid Commissions. The final report is due early in 1997.

In 1996 the Centre made a number of other policy submissions including:

- submissions to the NSW Minister for Fair Trading relating to rent increases under the Residential Tenancies Act relating to the Olympic Games
- submissions to the Queensland Department of Families Youth and Community Care relating to the Aborigines Welfare Fund
- participated in forum at the Law Society of New South Wales on 15 November 1996 aimed at improving the Community Assistance provided by the Law Society
- to the Australian Democrats regarding changes to the Commonwealth/State Housing Agreement
- assisted Inner City Legal Centre in submissions to the Law Society regarding assistance from the Lawyers Pro Bono Disbursements Fund for Victims Compensation Tribunal matters
- submissions to the Legal Process Research Centre on future directions for pro bono legal services in New South Wales
- submissions to the Minister for Health and Aboriginal Affairs (NSW) and Minister and Shadow Minister for Housing on Protecting Confidential Communication from Disclosure in Court Proceedings
- submissions to the Department of Urban Affairs and Planning (NSW) on the effect of the proposed changes to the Commonwealth/State Housing Agreement
- submissions to Royal Commission into New South Wales Police Service on reform of the Police Service
- submissions to Police Service on Police Services Criminal Records System
- submissions to New South Wales Government on Crimes Amendment (apprehended violence orders) Bill 1996
- submissions to Attorney General's Department (Cwth) on Draft Regulations for Mediation in Family Law Act
- submissions to New South Wales Government on gun control
- submissions to Attorney General's Department (NSW) on current issues with the Anti Discrimination Act

- submissions to NSW Government on governments decisions to dissolve the Domestic Violence Advisory Council
- submissions to National Inquiry into Separation of Aboriginal Children on Aborigines Welfare Board, trust monies
- submissions to National Inquiry into Stolen Children

LEGAL AID CUTS

The Centre had a significant involvement in the campaign to prevent proposed cuts to funding of Legal Aid Commission. In 1996 the Commonwealth Government announced that there would be severe cuts to the funding of the legal aid system. The Centre was involved in the campaign to stop the cuts at a local, state and national level. This involved a great deal of ongoing work by staff and students of the Centre.

Cuts to justice system

A press conference was called at the Bar Association offices on 11 November 1996 on the basis that the drastic cuts announced threatened to cripple the NSW justice system. Representatives of different legal and community groups expressed all aspects of the problem to the media.

President of the NSW Bar Association, David Bennett:

... "legal aid in a civilised society is a necessity, not a luxury. These cuts will lead to serious social problems. They are discriminatory, unfair and totally misguided cuts."

President of the Law Society of NSW, Norman Lyall:

"Slashing Commonwealth funding for legal aid is a broken promise by the Federal Government. It is hard to imagine a more blatant breach of promise. It is a case of further disadvantaging the disadvantaged."

Director of Public Prosecutions, Nick Cowdrey:

"The withdrawal of legal aid funds for appeals means there will be one sided arguments placed before the Court of Criminal Appeal and the High Court and the quality of justice will be seriously impaired".

... "The cuts create the potential for abuse of the criminal justice system by those who have an interest in escaping from it. The cap placed on aid for trials is a boon to criminals. Accused will spin out trials, creating delays, to exhaust legal aid funds so they can argue for their case to be stopped. The unavailability of aid for a retrial after a hung jury invites accused to manufacture jury disagreements wherever possible. We will possibly see an increase in attempts to both threaten and bribe one member of a jury to bring in a decision which disagrees with the rest of the members of the jury. Altogether, these cuts create the potential for disaster."

Senior Public Defender, Martin Sides:

"If you take cuts out of the defence side, cases can be stayed and don't go on so people will be in gaol for a long time and people who are guilty will be released into the community; trials will take longer as procedures must be explained to individuals and judges must get more involved; the risk of errors will be increased, and the prison population will be increased. About 30 odd appeals in the Court of Criminal Appeal are successful, mostly achieved through legal aid. Those people will no longer be able to pursue justice.

We cannot claim to be a caring and compassionate society if this goes ahead."

General Secretary, Uniting Church (LAC Commissioner, Rev. Harry Herbert):
"The cuts to legal aid funding are a disaster ... a national disgrace ... Ordinary Australians who have been treated badly by banks, insurance companies, and superannuation funds need the Legal Aid Commission to support their rights... Disabled people are particularly vulnerable... It is outrageous that the Federal Government, with no consultation, has unilaterally pulled the plug on legal aid funding. If they wished to renegotiate the merger agreement, it should have been done in the context of improving legal aid, not smashing it."

Aboriginal and Torres Strait Islander Social Justice Commissioner, Michael Dodson:
We will be in breach of human rights obligations if this goes ahead (Convention on the Rights of the child, various criminal codes, Declaration on the Rights of Mentally Retarded Persons and Disabled Persons). People who fall within these categories have a right to the full process of the law and the availability of legal aid. The obligation is on the NSW and Federal Governments to meet these obligations.

President, NSW Council of Social Services, Garry Moore:
"To argue that Commonwealth law is limited to State people is an act of criminal negligence ... I wonder if the Federal Government has much understanding of disadvantaged people in the community."

Legal Aid - Rally for Justice

President, Vietnam Veterans Federation, Tim McCombe:
Without legal aid, Vietnam veterans at the Administrative Appeals Tribunal would not receive justice. People who served their country come back with disabilities and other problems. Without legal aid, they would not get looked after."

State Secretary, Combined Pensioners & Superannuants Association, Olwyn MacKenzie:
Mr Howard said no Australian would be worse off under his government. That is the worst lie. This cut is going to affect those sections of the community that have the least voice. It will impact badly on old people, disabled people, Aboriginal people and immigrant communities. Mr Howard has broken many promises and this is one of the worst. We must send a message to Canberra about the harm they are doing."

National Association of Community Legal Centres, Frances Gibson:
"These cuts are a nightmare for those of us working with disadvantaged people. The Commonwealth Government is abandoning these people. If these cuts go ahead justice will be a myth, not a reality."

The work on legal aid cuts will continue through 1997. It is clear that these cuts will have an significant effect on the Centre as people will have nowhere else to turn to for help. Legal centres across Australia will have to develop strategies to have these cuts reversed, and ensure those affected are not abandoned by government.

KLC CONSULTATIVE COMMITTEE

Although KLC is part of the University of New South Wales the work of the centre is significantly informed by our Consultative Committee. The Committee has representatives from a wide range of organisations who have an interest in the work of the Centre. The 1996 members of the Committee are:

Christine Gibson
Social Work School UNSW

Carol Arrowsmith
Kooloora Community Centre

Shauna McIntyre
Randwick Information & Community Centre

Carol Krikorian
Botany Family & Children's Centre

Cassie Hatton
The Shack Youth Services

Jill Anderson
Law School UNSW

Caroline Mason
Randwick City Council Community Services

Annie Cossins
Law School UNSW

Colin Rosenfield
Randwick City Council Community Services

Rosa Loria
Botany Migrant Resource Centre

Jenny Broadbent
Botany Council Community Services

The input of the Committee is sought on policy issues, materials written and distributed by the Centre and strategic planning of the Centre. The Committee also played a role in 1996 in the development of the Community Worker position. Several members of the Committee attended the policy day for KLC in March which set the directions for the Centre's work.

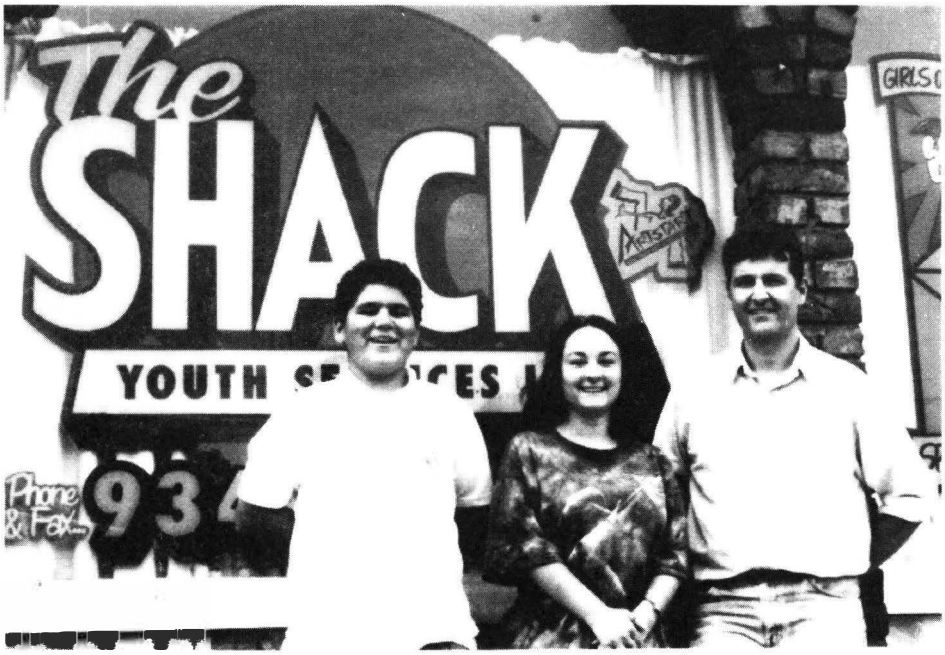
Involvement in wider community work

The notion of community work has a reciprocal quality and as with all staff at the Centre the community worker participates in wider activities. This includes involvement in management committees such as Botany Neighbourhood Centre and The Shack Youth Services. It also includes other activities for example, youth week preparations, various community centre AGMs, contributions to newsletters, attending meetings on specific community issues and being supportive of other community initiatives and campaigns such as public housing, childcare and re-zoning of Commonwealth land in the area.

The expectation is that this kind of work will not only strengthen the contribution that KLC can make to the wider community, but also help collaborative work prevent some issues falling into "gaps" between specialist agency service provision.

The coming year?

The re-introduction of a substantial community work focused position has allowed KLC to consider its work in a broader community context. This will, no doubt, continue into 1997 and should see the emergence of a consolidated approach to our community work which supports the advice and casework of the Centre. It will hopefully allow us to refine our proactive activities in the community through our education and liaison work.



Cassie Hatton and Mick Houlbrook
outside The Shack Youth Centre, Maroubra

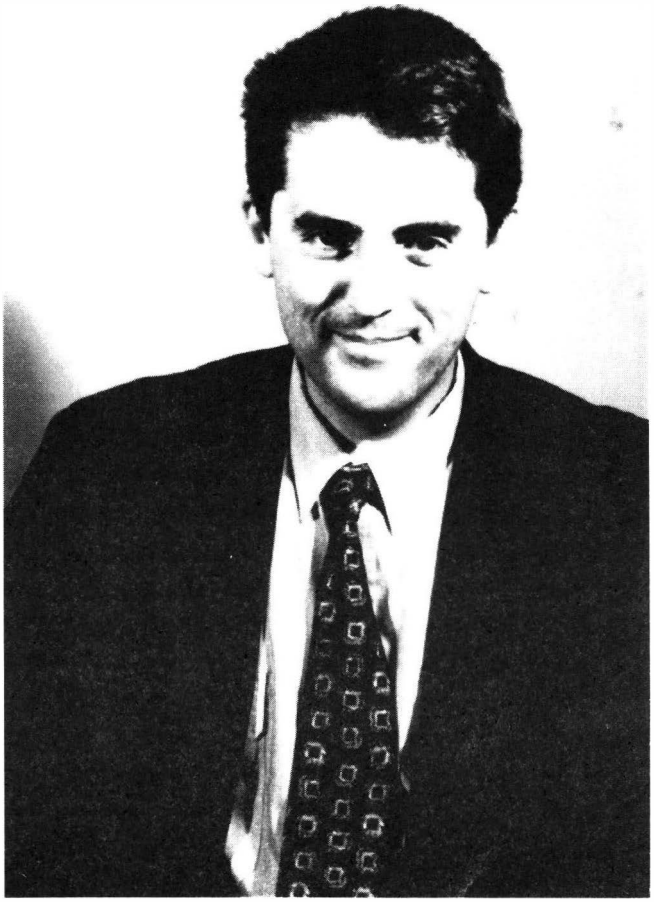
VOLUNTEER LAWYERS

Over the year clients of the Centre have received considerable assistance from other members of the profession. Apart from the contribution made by Freehills, we need to note as usual, the extraordinary efforts of our volunteer laywers who provide the bulk of the Centre's advice service.

Abadee, Nicole
Alexander, Eleanor
Bowra, Carolyn
Carroll, David
Donohoo, Melinda
Farrell, Anne-Maree
Graff, Christine
Hannon, Michelle
Hopkins, Sarah
Adler, Roxanne
Anstee, Mark
Burke, John
Donnelly, Sue
Eastman, Kate
Garcia, Mary Rose
Gross, Michael
Harper, Roger
Inverarity, Duncan
Kaplan, Anna
Katz, Sharon
Kennedy, Aileen
Kennedy, Erin
Kidd, Nick
Kirschner, Shirli
Livingstone, Paul
Longworth, John
McMillan, Dav
Mordaunt, Sue
Nicholls, Mark
Ogle, Lisa
Packer, Howard
Rice, Simon
Robertson, David
Schwartz, Abe
Seaton, Andrew
Soon, Pamela
Steinfeld, Mike
Tomlin, Anthea
Tucker, Anne
Turnbull, Graham
Whelan, Shawn
Worner, Michelle

Mary Rose Garcia
Volunteer Lawyer

Lisa Ogle
Volunteer Lawyer



Roger Harper
Volunteer Lawyer

PRO BONO SOLICITORS

Adamson, Christine
Boccabella, Lorenzo
Flannery, Leonie
Godwin, David
Healey, Anne
Masterman QC, George
Morris QC, Linton
Neil, Ian
Rudland, Noeline
Tharganaj, Marugan
Winters, Sylvia

PRO BONO BARRISTERS

We especially appreciate the efforts of Mike Steinfeld who took on a number of personal injury cases from the Centre on a pro bono basis and provided invaluable assistance on personal injury generally. Shirley Kirschner and Duncan Inverarity also took on matters outside their normal roster.

Duncan Inverarity
Volunteer Lawyer

We also note with gratitude the offer by Clayton Utz to take on cases where the Centre has insufficient resources to handle the matter.

Clayton Utz
Kirschner, Shirli
Steinfeld, Mike

STUDENTS

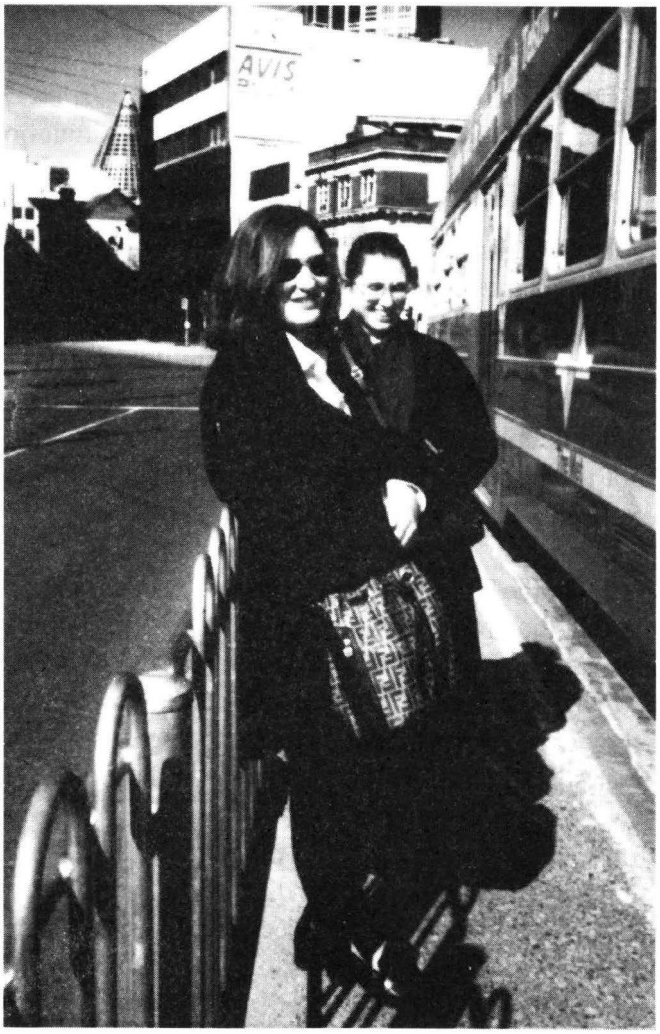
Summer Session 1995/96

Cameron, Jody
Donnelly, Clare
Eckford, Jason
Filippeli, Marie
Finn, Kathy
Gandali, Justin
Laidlaw, Fiona
Lam, Steven
Lonergan, Amber
Merrett, Jacqueline
Mongoba, Carmina
Myers, Mathew
Renshaw, John
Rottenberg, Mirian
Shanahan, Catherine
Squires, Suzanne
Tahir, Azmi-Bin
Thorton, Julian
Travierso, Veronica
Tredinnick, David
Wilkinson, John
Wrobel, Gregory
Yung, Quoc
Zhang, Wei

1st Session 1996

Aguila, Lorenna
Burton, Christine
Deymos, Vernon
Dowd, Michelle
Frommer, Naomi
Gatland, Jill
Hale, Sylvia
Johns, Rowena
Kavnat, Amanda
Klagsbrun, Nicole
Kurdian, Annette
Legoe, Georgina
Mak, Fiona
Mazaraki, Josephine
Meyns, Linda
Mostyn, Joseph
Napier, Andrew
Roberts, Mathew
Savva, Madeline
Sherman, Emile
Singer, Glenn
Szorenyi, Nicole
Thomas, Cathy
Tserdeanis, Elizabeth
Witter, Jane

2nd Session
Allan, Susan
Cooney, Kate
Fagg, Stephen
Fraser, Susan
Goodstone, Alexis
Hall, Lindsay
Ismail, Riza
Kadoury, Michael
Kalinko, Ryan
Kapeleris, Jim
Khoe, Richard
Lee, Christina
Linz, Hayley
Lock, Jennifer
Maryanov, Elisabeth
Mason, Elly
Meadows, Natalie
Nossiter, Sarah
Qu, Charles Zhen
Rodriguez-Ajuria, Lilian
Russell, Michael
Stanley, Alida
Walton, Nina



Lilian Rodriguez-Ajura and Elisabeth Maryanov
Students visiting Melbourne for the National CLC Conference

CASES

DISCRIMINATION

The Centre's specialist discrimination practice continued in 1996. Settlements were reached in a number of matters in both the Human Rights and Equal Opportunity Commission and the Equal Opportunity Tribunal. The Centre was also involved in claims in the State and Commonwealth industrial relations jurisdictions which involved allegations of discriminatory conduct. Some important cases are noted below.

Health cover for gay families: Supreme Court win

In 1995 the Equal Opportunity Tribunal held that NIB health insurers discriminated against a gay couple by not providing 'family' cover to them and their son. NIB appealed the Tribunal's decision to the Supreme Court. Kingsford Legal Centre has succeeded in defeating the appeal.

The Court's decision delivered on 15 November 1996 in *NIB v Hope & Anor* is a significant precedent. It is the first consideration of homosexual anti-discrimination laws by a Supreme Court in Australia.

In a previous case, the Equal Opportunity Tribunal in 1985 considered a complaint by a gay couple employed by Qantas. Qantas had a roster system allowing married or heterosexual de facto couples to be rostered together on flights and in their time off. Same sex couples did not have access to this roster system. The Tribunal found that this was not discrimination on the ground of homosexuality. The Tribunal reasoned that not only gay couples were denied access to the scheme, but also other couples such as 'golfing buddies' or 'brothers'. Therefore, the basis of discrimination was not the homosexuality of the complainants, but rather the fact that they were not spouses or heterosexual de factos.

NIB argued in their appeal that the Tribunal should have taken a similar approach to that adopted in the Qantas case to find that the ground of discrimination was not homosexuality, but rather the fact that the complainants were not spouses. The decision in the NIB case clearly states that the Qantas case was decided wrongly by the Tribunal: "it was precisely because the complainants were homosexual that they could not be legal or de facto spouses ... The Tribunal in that case undertook a wrong comparison....I consider the reasoning (in the Qantas case) ... to be incorrect."

Having dispensed with the Qantas case as a bad precedent, the Court upheld the Tribunal's decision in the NIB case by an examination of the discriminatory impact of the rules of the NIB health fund. The rules allowed 'dependents' to access family cover, and deemed heterosexual couples to be dependents. The rules did not deem same sex couples to be dependents. Therefore the rules were discriminatory and in breach of the *Anti-Discrimination Act 1977 (NSW).*

Occupational health and safety in the funeral industry

The Centre represented a man who was dismissed from his position as a resident officer at a funeral home. He was dismissed on the ground that his artificial foot posed a safety threat. His

job involved the carrying of coffins at funerals and the removal of bodies from place of death to the morgue.

The Centre argued that our client was discriminated against in contravention of the Disability Discrimination Act. The case ran for 7 full days in the Human Rights and Equal Opportunity Commission. Students were heavily involved in pre trial preparation. Student Georgina Legoe made a notable contribution in filming extensive video re-enactments of funeral processions and body removals involving our client. Georgina also gave evidence in relation to the re-enactments. The Centre also thanks Sydney University's engineering department, who weighed a coffin for us free of charge, and the State Emergency Service who provided us with free sand bags for weighting the coffin in a realistic fashion.

The case raises issues in relation to the inter-action of state occupational health and safety laws with federal anti-discrimination laws. A decision is expected from the Commission in early 1997.

Centre's Solicitor
John Godwin

Dismissal of women in secretarial positions
The Centre acted for two women who were dismissed from their secretarial positions by a public authority. The authority was restructuring and dismissed a large number of employees, but the employees in secretarial and support positions (predominantly women) were offered payouts on a less favourable basis than more senior employees.

The authority argued that the women were on short term contracts and not entitled to the redundancy payments that other employees who had been categorised as permanent had received. The women in fact had been employed for over 5 years in their positions, but the authority had adopted the practice of offering them repeated short term contracts.

The Centre lodged complaints of sex discrimination in the Anti-Discrimination Board and unfair dismissal in the Industrial Relations Court of Australia, and argued that their contracts of employment should be revised. The claims settled prior to hearing.

HIV/AIDS and homosexual vilification test case
The Centre acts on behalf of the AIDS Council of NSW, the Queensland AIDS Council and an individual who have lodged complaints against a rural radio station and talkback host. On World AIDS Day in December 1995 and during January 1996 the station broadcast a series of programs which included material which allegedly vilified the homosexual and HIV affected communities by encouraging violence towards and ridicule of those communities. The broadcasts were repeated throughout a network of rural NSW and Queensland radio stations. Complaints were lodged with the Australian Broadcasting Authority and the Anti-Discrimination Board of NSW. The Centre sought to negotiate settlement of the complaints, however the radio station is claiming that the Anti-Discrimination Act 1977 (NSW) is unconstitutional to the extent that it purports to regulate the conduct of broadcasters which is subject to other federal laws. The matter is set to be referred to the Equal Opportunity Tribunal for determination in 1997.

Pregnancy discrimination claim
The Centre acted for a woman in a pregnancy discrimination complaint to the Human Rights and Equal Opportunity Commission. The woman claimed that upon disclosing her pregnancy her boss harassed her, decreased her pay and increased her hours. She left the job upon becoming ill after two weeks of constant harassment. The case has been set down for a hearing in the Commission in early 1997 where we will argue that she was constructively dismissed and seek substantial compensation.

Sex Discrimination
The Centre ran a sex discrimination case about a bistro attendant who was sexually harassed by the General Manager through sexual touching, comments about her appearance and propositioning. After complaining about the harassment she was then victimised through having her bag searched, being forced to work longer hours without pay, having to do extra duties and generally being ostracised at work. She was awarded $11,000 largely in compensation for pain, humiliation and injury to feelings. The case established the precedent of one woman's word being accepted over the word of four men, one of them a police officer. This sets a bench mark of evidentiary proof.

Disability Discrimination

The Centre successfully conciliated a complaint of disability discrimination against Telstra. The Centre's client has a mental illness and was told to go on sick leave when she was well and perfectly able to do her job. After some negotiation she was awarded full sick and income entitlements for the period she was off work. She was also given an amount in compensation for the emotional effects on her of the decision. Telstra also agreed to implement training for staff relating to disability issues and establish some guidelines for similar situations in the future.

Another complainant was offered compensation after protracted negotiations about the reason for his dismissal. The Complainant argued that his physical disability had been the reason that he was never paid at the same level as other equivalent workers and why he was forced to retire early. The company then went into liquidation which made the possibility of settling the case harder. However he was offered compensation for the treatment he experienced.

Homosexuality Discrimination

The Centre successfully mediated a complaint of discrimination in employment on the basis of sexuality. The Complainant endured teasing and threats made to him because he was gay. The Complainant was given some monetary compensation and the government department agreed to implement guidelines on sexuality discrimination.

Race Discrimination

Mrs Lima began her hearing of race discrimination in September 1996. She alleges that she was discriminated against by the Ethnic Affairs Commission and the Department of School Education on the basis of race. Mrs Lima is Brazilian and was forced to undergo testing for her Portuguese speaking ability. Both tests were conducted by Portuguese speakers who tested her for a "standard" Portuguese based on Portuguese spoken in Portugal. Mrs Lima despite being a native speaker with tertiary qualifications in French and Portuguese from a Brazilian University, failed the tests.

The hearing was adjourned after 3 days of hearing for a further 3 days hearing in April 1997.

Centre's Solicitor
Anna Cody

OTHER CASES

Adoption test case
The Centre acts for a woman who is seeking compensation due to her child being placed for adoption without her informed consent. The woman attempted to revoke her 'consent' to the adoption but authorities failed to advise her of the legal process to revoke her consent. Ten years later, the woman continues to suffer psychological injuries related to the adoption. The Centre has commenced an action on her behalf in the Supreme Court of Queensland with the assistance of pro bono lawyers in Brisbane.

Duty of care to prisoners
The Centre acts for a prisoner who suffers from a psychiatric condition which causes him to repeatedly self harm. He cut himself on numerous occasions with implements to which he had access in the general prison population. The Centre is claiming that the prison authorities should not have placed him at risk of self harm and breached their duty of care to him. The case raises significant issues as to the appropriate standard of care towards prisoners who are suicidal or at risk of self harm.

Refugee cases
The Centre acts in a number of refugee matters. A referral arrangement exists between the Centre and the Refugee Advice and Casework Service and the Immigration Advice and Rights Centre. Clients included people seeking refugee status from the Philippines, Eritrea, Afghanistan, Sri Lanka, Peru and Iraq.

Unfair Dismissal Case
The Centre also successfully represented a client with an intellectual disability in an unfair dismissal case. He had been working at a motor mechanics as an apprentice and was dismissed after injuring his knee. He was awarded 4 months wages in compensation.

Sexual assault - District Court appeal
Kingsford was successful in an appeal to the District Court about an award of victims compensation for a survivor of sexual assault. The amount she was awarded was increased significantly from the amount at the Tribunal.

Complaint Against Solicitor
A client of the Centre who complained of the threat made to her by a solicitor was successful in having her complaint against the solicitor upheld. The solicitor threatened to have her arrested with no legal basis and he was given a formal reprimand for his conduct.

Sexual Assault by Clergy
The Centre assisted a person who was the victim of a sexual assault by a member of the clergy. The victim gave evidence at the Royal Commission into the Police Service. The client was assisted to obtain legal aid for Counsel's advice that there was merit in a claim for damages and specialist legal assistance to run the case was found.

The Centre also runs a number of victims compensation matters for victims of sexual assault.

Employment success

Our client was working at a hotel as a cleaner whilst awaiting permanent residency. She was paid below award wages. After her employment finished, permanent residency was approved, and our client wanted to claim unpaid wages. She had no proper records of what wages she had received or when she had worked.

A claim was filed a claim in the Chief Industrial Magistrate's Court for recovery of unpaid wages and superannuation owed to our client. The amount owing was estimated to be about $24,000.00. The matter settled just before hearing. The terms of settlement were that our client receive $15,000.00 and a contract of employment with her old employer on terms satisfactory to her, to run for a minimum of 12 months. She has now received her $15,000.00 and started work.

Time share

Kingsford Legal Centre's involvement in the Garendon saga continues. This matter has had a long history. The case concerns 2317 loan contracts between various borrowers and Garendon Investments (now in receivership) to finance the purchase of time share options at Port Pacific, Port Macquarie. The case was originally run by Kingsford and Redfern Legal Centres and since 1993 has been run by Kingsford Legal Centre alone.

The proceedings originated in the Commercial Tribunal in 1991, then moved to the Supreme Court on appeal where we were unsuccessful. Kingsford Legal Centre then appealed to the Court of Appeal on behalf of 5 borrowers and won in this jurisdiction. Garendon's application for special leave to the High Court was refused on 8 August, 1995 and the matter was remitted to the Commercial Tribunal for hearing of the substantive issues.

Garendon then changed its argument, claiming that the Court of Appeal decision only applied to the 5 borrowers in whose names it was brought. This change in tactics warranted an application by Kingsford Legal Centre to the Supreme Court, which resulted in consent orders being made in April 1996. These orders confirmed that the Court of Appeal decision did relate to the larger body of claims. This allowed the matter to return to the Commercial Tribunal, where there have been 3 directions hearings since then.

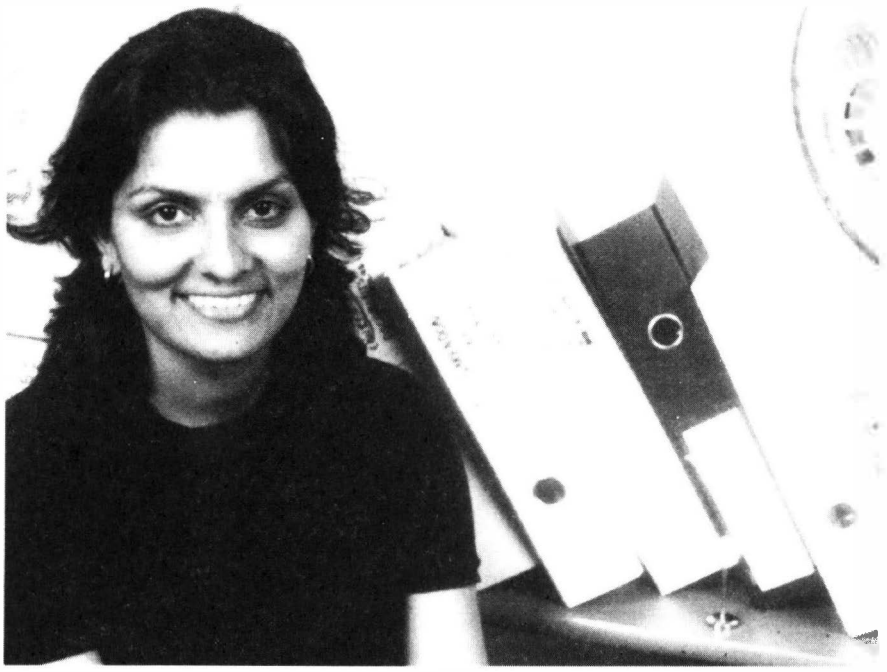
The directions hearings sought to clarify: the number of debtors affected, the assets of Garendon, and the best means of notifying the borrowers of the proceedings. Advertisements were placed in The Telegraph and The Australian newspapers on 6 December 1996.

Submissions for funding to the Legal Aid Commission of New South Wales were successful, and a full-time solicitor was appointed to run the case in October 1996 in preparation for the hearing. At present we are taking affidavits from our 111 clients on their dealings with Garendon. This is a painstaking task for our clients, considering the time that has elapsed since the contracts were executed in the late 1980s.

Students have been involved in taking instructions and drafting affidavits, sifting through copious

pages of contracts, as well as attending directions hearings.

We are expecting a hearing date possibly in October 1997. Meanwhile the saga continues....



Centre's Solicitor
Vedna Jivan

Domestic Violence

The Centre maintained its commitment and work focussing on domestic violence during 1996. The Centre continued to participate in the Waverley Domestic Violence Court Assistance Scheme on a monthly basis when a solicitor from the Centre attends the Court as the legal worker. The Waverley Domestic Violence Court Assistance Scheme has increased its profile within the local community throughout the year and Kingsford Legal Centre has been a key participant in the management of the Scheme. Kingsford Legal Centre has also been an active participant in the Combined Community Legal Centres Group (NSW) Sub Committee on domestic violence and involved in various policy projects.

Waverley Domestic Violence Court Assistance Scheme

The Waverley Scheme continues to run smoothly with a new coordinator, Linno Rhodes. Linno works 3-4 days/week and maintains the high profile of the Scheme within the local community. One of the key achievements of the Scheme is the coordination between local legal profession, police, court staff and magistrates and local community workers. This ensures that women applying for Apprehended Violence Orders are dealt with sensitively and efficiently.

During the year the Coordinator moved premises from the Deli Womens and Children's Centre to the Inner City Legal Centre. Linno now has an office of her own and is located closer to Waverley Court. The *Advisory Committee* which is the management body of the Scheme continues to meet on a monthly basis to provide guidance and support for the Coordinator.

During the year there have been lengthy discussions about whether the Scheme should incorporate separately. The Advisory Committee and Eastern Suburbs Domestic Violence Committee decided that instead the Eastern Suburbs Domestic Violence Committee should incorporate and auspice the Scheme. The Scheme was an initiative of the Eastern Suburbs Domestic Violence Committee and remains ultimately accountable to the Eastern Suburbs community. Accordingly this is going ahead.

Kingsford Legal Centre provided two training sessions for new and current support workers within the Scheme on the law relating to domestic violence. These sessions were given by students at the Centre and supervised by Anna Cody.

Eastern Suburbs Domestic Violence Committee

Kingsford Legal Centre continued attending meetings of this Committee and participating in local activities regarding domestic violence. These included activities for Stop Domestic Violence Day such as a Court forum and police mobile units in the local area. As mentioned above the key issue on which the Committee focussed during the year was the incorporation of the Committee.

Policy projects

Kingsford Legal Centre was also active in lobbying to prevent the abolition of two Domestic Violence Advocacy Service positions. Many community organisations railed to support the importance of the service but due to Federal Government funding cuts one position was cut from

the service.

Anna Cody also was interviewed in relation to domestic violence issues on radio 2SER as a part of the student radio project. The radio station gave its ongoing support for Kingsford Legal Centre presenting legal topics regularly.

Domestic Violence Pamphlet for Department for Women
Anna Cody was approached to update the popular domestic violence pamphlet which was out of date in May 1996. It is a lengthy plain English pamphlet about domestic violence and what happens at court when you apply for an apprehended violence order. The pamphlet has been updated although the Department for Women have still not released the pamphlet. The Centre hopes that the pamphlet will be released shortly.

Killara Women's Refuge
Anna Cody is a member of the Management Committee of the Refuge and attends meetings on a monthly basis. The involvement of Kingsford ensures a closer working relationship with the clients of the Refuge and the Centre. The Refuge during the year produced an analysis of the needs of clients from a non-English Speaking background.

Anna Cody with DV roster worker
outside Waveley Local Court

OTHER WORK WITHIN THE LAW SCHOOL, UNSW

DV Classes
Anna Cody presented two classes on domestic violence within Owen Jessup's Family Law Class in October 1996. The classes covered the nature of domestic violence and why it exists as well as the law relating to domestic violence. Students were particularly interested in hearing the practical side of domestic violence legal practice as well as the socio-legal aspects. Debate was intense over various issues within the class.

Client Counselling competition
Anna Cody judged various teams of students in their ability to interview clients effectively. As this is a large part of the work we do at Kingsford it was great to be able to share our expertise with law students. The calibre of participants was very high and we were pleased to note that the winners of the UNSW competition had been trained at Kingsford Legal Centre.

Interviewing classes
Frances Gibson took classes in subjects in the Law School's general curriculum on aspects of interviewing clients.

Remedies
Remedies students provided written advices on legal aspects of client's problems.

Immigration
Students taking immigration law worked at the Centre on a number of refugee applications.

Wills Day
On 10 September 1996 the Centre had a Wills Day where over 15 pensioners from the local community attended Kingsford Legal Centre to give instructions for their wills. Students from the UNSW Law School course on Succession were given some initial training in interviewing and then came down to the Centre to take instructions from the clients.

Wills were then drafted for the clients and checked by Succession guru Prue Vines from the Law School. The day was extremely successful both for clients and the law students involved and we hope to make this a regular feature of the Centre's workplan.

Prue Vines
Lecturer

Neighbour disputes forum

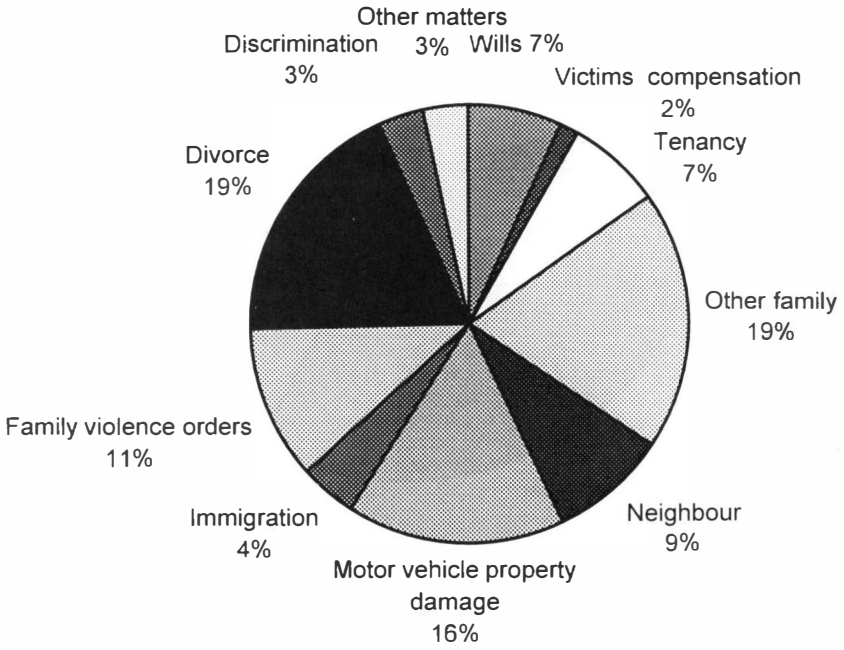
On 13 March 1996 a form on resolving neighbour disputes was held at Kooloora Community Centre at Malabar for residents of the Bilga Public Housing Estate. Students co-ordinated the forum which included speakers from the Department of Housing, Bondi Junction Mental Health Team, the Police Service, the Eastern Suburbs Tenancy Service and the Community Justice Centre. Evaluations conducted by the students confirmed that the well attended forum was a great success. Students produced a handout on practical tips for dealing with disputes which was distributed at the forum.

Discrimination policy work

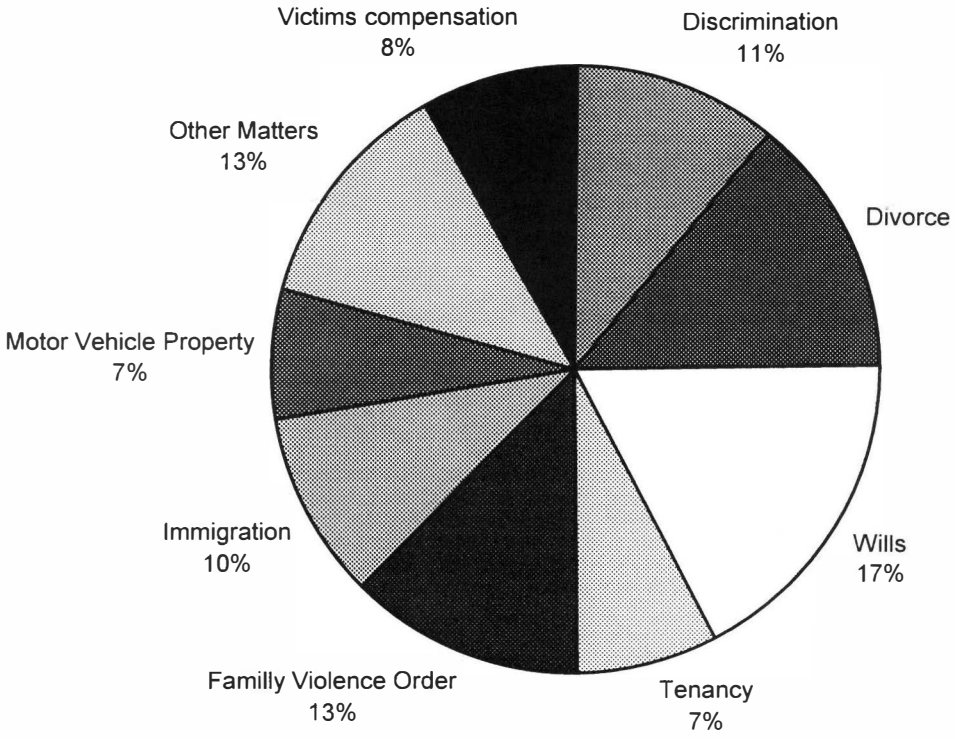
Kingsford also presented a class on discrimination law to Master of Social Policy students. The session was successful in its combination of law and practical issues.

STATISTICS

ADVICE GIVEN BY MATTER TYPE ... 1996



OPENED FILES ... 1996



PUBLICATIONS

Centre staff were involved in producing a number of publications/articles in the last two years. These include:

- Reviewed and updated chapters in the Law Handbook (6th edition) on Representing Yourself in Court and Neighbours
- Updated chapter on Legal Aid in Lawyers Practice Manual (NSW)
- Updated chapter on Domestic Violence in Lawyers Practice Manual (NSW)
- Regular articles to Combined Legal Centres publications On the Record
- Editorial Committee of the Lawyers Practice Manual (NSW)

Cody, A., Domestic Violence, Ronalds, C., (ed), *Lawyers Practice Manual*, Sydney, Law Book Company, 206/1-206/23, 1995, ISBN 0 455 199493, D, 12

Cody, A., Eileen Waugh Free, *On the Record*, 37, 2, 1995, C3, 12

Cody, A., Time Catches Up with Time Share Rip Offs, *On the Record*, 37, 4, 1995, C3, 12

Cody, A., Time Share Saga Continues: Supreme Court Class Action, *On the Record*, 39, 9, 1996, C3, 12

Gibson, F., Representing Yourself in Court, Goulding T., (ed), *The Law Handbook*, 5th ed, Sydney, Redfern Legal Centre Publishing, 85-94, 1994, ISBN 0 947205 51 1, d, 12

Gibson, F., Legal Aid Advice and Assistance in New South Wales, Ronalds C., (ed), *Lawyers Practice Manual*, Sydney, Law Book Company, 1001/1-1001/8, 1995, ISBN 0 455 199493, D, 12

Godwin, J., Gay Discrimination Case, *On the Record*, 35, 2, 1995, C3, 12

Godwin, J., Access to Justice, *On the Record*, 36, 1, 1995, C3, 12

Godwin, J., Coogee Pool to Remain a Women Only Space, *On the Record*, 36, 2, 1995, C3, 12

Godwin, J., Health Cover for Gay Families, *On the Record*, 41, 11, 1996, C3, 12

Godwin, J., Kingsford's Coffin Carrier Case, *On the Record*, 41, 17, 1996, C3, 12

COMMITTEES

As part of the community work of the Centre, staff are active on the management committees of local organisations. These include:

Eastern Suburbs Tenants Service Management Committee

Waverley Domestic Violence Court Assistance Scheme Advisory Committee

Domestic Violence Sub-Committee, Combined Community Legal Centres

Killara Women's Refuge Management Committee

Botany Migrant Resource Centre, Humanitarian and Refugee Worker Reference Group

Implementation Committee of Half Way to Equal

Eastern Suburbs Domestic Violence Committee

HIV/AIDS Legal Centre Management Committee

Disabled Action Committee Group

Eastern Suburbs Aboriginal Interagency Committee

Botany Neighbourhood Centre Management Committee

The Shack Management Committee

Randwick Interagency Meeting

Combined Community Legal Centres
The Centre is extremely active in working on projects at State and National levels with other community legal centres. Staff are represented on:

- the Executive of the NSW Combined Community Legal Centres Group
- Sub committees of the NSW Combined Group including
  - the Domestic Violence Sub Committee
  - the Criminal Justice Sub Committee
  - The Human Rights and Discrimination Sub Committee
  - Funding Committees
  - Access and Equity

The Centre notes with great appreciation the invaluable role played by the NSW Legal Centres Secretariat which enables legal centres to work effectively on collaborative projects. Without the assistance provided by staff of the Secretariat, the numerous achievements of community legal centres in this State would be impossible.

FINANCIAL REPORT

Income

Community Legal Centre's Funding Program	$107,523.00
UNSW salary funding	$206,786.00
UNSW non-salary funding	$ 88,236.00
	$402,545.00
Income transferred by KLC to Law Faculty	$ 20,000.00
	$382,545.00