KINGSFORD LEGAL CENTRE

ANNUAL REPORT 2003

THE UNIVERSITY OF
NEW SOUTH WALES

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DEAN'S FORWARD

The KLC combines the highest quality of legal education with dedicated community service. Established 22 years ago as a centre of academic and professional excellence, KLC remains Australia's leading university legal service provider. Its remarkable achievements lie in its capacity to combine legal theory with professional practice. A distinguished part of the University of New South Wales, it teaches about social justice as a matter of principle. Dedicated to improving access of the socially and economically disadvantaged to legal services, it promotes social justice as a matter of legal practice.

2003 has been another year of outstanding accomplishments for KLC in both in the global community and across Australia. It has assisted in securing status with the United Nations Economic and Social Council on behalf for 160 Legal Centres in Australia. It has commenced an important new program for first year indigenous law students. It has won landmark decisions before the courts, such as on the meaning of "casual employee"; and on the rights of a prisoner denied access to a computer.

KLC has also excelled as a centre for alternative dispute resolution. It has negotiated successful settlements: on behalf of a disabled client denied goods and services under the Disability Discrimination Act of 1992 and a pregnant woman seeking a severance package. It has mediated race discrimination cases and cases involving client redundancy packages. KLC students have continued to provide invaluable advocacy and related services to clients.

December 2003 has seen the departure of KLC Director, Fran Gibson who has returned to her native Victoria to develop a law program at the Bendigo campus of La Trobe University. Fran has made an enormous contribution, not only to KLC, but to community legal centres across Australia and beyond. She will be sorely missed.

KLC is highly regarded by the Faculty of Law at the University of New South Wales for its deep devotion to teaching and learning. Its fulltime and volunteer staff teach about social and legal responsibility; they practice what they teach; and they fulfil their important social tasks with dedication and also, distinction. On behalf of the Faculty of Law, I wish KLC every success in continuing this remarkable work in the future.

Leon Trakman - Dean, Faculty of Law

DIRECTOR'S REPORT

2003 was another successful and challenging year for the Centre. One of the big challenges came from going about our business in front of documentary cameras and though the results will no doubt be a long lasting memorial and insight into the valuable work of the Centre, the process and its effect on staff and students was not without its difficulties. The final program is expected to go to air on television in mid 2004.

We lost outstanding members of staff in Michelle Burrell and Kalliope Christos. We welcomed Sinead Eastman as Employment Lawyer and Joanne Moffitt into the Principal solicitor role and this restructure is hoped to strengthen the Centre's casework profile. The volunteer lawyers continue to serve the clients by their long lasting dedication and contributions to the Centre and there is nothing we can say that will thank them enough.

As this is my last Director's Report I would like to thank UNSW Law School, the staff of the Centre, the students (well 99% of them anyway!) and of course the clients for offering me the wonderful opportunity to work at Kingsford Legal Centre for eight years. I couldn't have asked for a better job and I am sure the Centre will go from strength to strength in the future.

Frances Gibson

VALUES, AIMS AND OBJECTIVES

The following are the values that underpin the work of Kingsford Legal Centre:

- The value of clinical legal education as a means of educating law students. We will provide a positive learning environment for students, encouraging them to gain first hand experience of delivering legal services in a community setting;

- Providing the best quality service to our clients whilst encouraging them to do as much as they can in regard to their legal problems. We aim to empower our clients rather than adopt a paternalistic approach to advice and casework;

- Undertaking law reform work and advocating for the development of a fair and non-discriminatory legal justice system;

- Working with other relevant organisations, including the legal profession to provide a broader range and better quality of services to the community.

- Self determination, respect and privacy with regards to service provision;

- We recognise that many people are unable to gain access to justice due to discrimination and poverty. We are committed to providing legal services to people who would otherwise be unable to gain access to justice.

- Providing equal access to justice for everyone in our target community. We recognise that a positive, practical approach to access and equity issues is needed if the Centre is to fulfil its commitment to equality of opportunity. We actively encourage an access and equity approach to all aspects of our organisation including service delivery, communications, physical environment and human resources;

- Team based decision-making. We value the commitment and experience students, staff and volunteers bring to the Centre. We encourage positive criticism and ideas generated by all members of the Centre and our local community.

AIMS AND OBJECTIVES

1. To educate tomorrow's lawyers by:
   - giving students an opportunity in a clinical supervised setting to work for disadvantaged clients;
   - developing student understanding of how the legal system works, and its impact upon disadvantaged clients;
   - providing students with an opportunity to reflect upon social justice issues, the legal system and the role of lawyers within it, including the values and objectives underpinning the work of community legal centres;
   - assisting students to understand the integral role that policy and community legal education play in legal service provision.

2. To improve access to justice for residents of the Botany and Randwick area by providing free legal advice and assistance including specialist employment advice;

3. To reduce discrimination through the provision of specialist legal advice and representation on discrimination matters to residents of NSW;

4. To enhance people's knowledge of, and access to, appropriate legal services through the dissemination of information and by making and receiving referrals

5. To promote access and equity in all areas of the organisation including service delivery, legal education, community education and policy work.

6. To ensure Kingsford Legal Centre is respectful of Indigenous cultures and people.

7. To improve the community's knowledge of the legal system and the capacity of people to enforce their legal rights, by delivering community legal education;

8. To undertake policy work, including law reform, and to represent the interests of clients and the local community on social policy and administration of justice issues;

9. To create partnerships with other community organisations on legal issues

10. To maintain an efficient infrastructure for the Centre to provide support for staff, volunteers and students and outcomes for clients.

SERVICE PROVISION

KLC provides services to people who live and/or work in the local government areas of Botany Bay City Council and Randwick City Council. This includes the staff and students of the UNSW.

- **GENERAL ADVICE**
  Evening advice sessions: Tuesday and Thursday
  Daytime appointments: Tuesday to Friday

- **EMPLOYMENT ADVICE**
  Daytime appointments: Wednesday afternoon
  Evening advice sessions: alternate Thursday 6:00 pm to 8:00 pm

The Centre also provides a statewide discrimination law service.

Other Services provided by KLC include:

- Law reform work and campaigning
- Community legal education sessions
- KLC Newsletter and other publications

KLC also hosts specialist outreach advice, which is provided by

- Eastern Area Tenants Service (EATS) who provide specialist tenancy advice each Monday afternoon
- Legal Aid Commission who provide specialist child support advice, once a month at the Centre.

AIMS & ETHOS

Clinical legal education is a methodology of teaching law, legal procedure and ethics. In Australia when we talk about clinical legal education we mean a style of teaching where students are engaged in legal work for real clients – often known as "live clients".

In the Clinical Legal Experience courses, the compulsory Law Lawyers and Society course and the clinical program in Employment Law, students develop their understanding of issues of social justice as well as developing interviewing, negotiation, drafting, submission writing and advocacy skills. They are introduced to the fundamentals of office management and explore ethical issues such as how to select potential clients when demand for legal services far outstrips the Centre's ability to assist.

The objectives of the courses are:

1. To develop students' critical appreciation 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 the importance of developing basic lawyering skills to a high level of proficiency including communication, interviewing, drafting and 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 which can be used to protect and develop human rights.

INDIGENOUS STUDENTS-FOUNDATIONS ENRICHMENT COURSE
In 2003 we ran the first course at UNSW for first year indigenous students.

The program is designed to assist first year indigenous students acclimatise to university studies and develop graduate attributes of oral and written communication skills in a legal setting. Through engaging law students in the day to day operation of the legal system and lawyering, the clinical placement bridges the gap between the theory and practice of the law. Students are given the opportunity to assist people in our community while simultaneously acquiring valuable communication skills.

The course was a success and we hope it enabled these indigenous students not only to feel a sense of achievement in interviewing a real client so early in their degree but furthered their sense of belonging in the Law School as well as having links with later year students.

GUIDE TO INDIGENOUS LEGAL EDUCATION IN AUSTRALIA
Kingsford Legal Centre has been working on producing a 'Guide to Indigenous Legal Education in Australia'. In recognition of the particular challenges which many Indigenous law students face to commence and remain in law studies, many educational institutions offer special courses, programs and services for Indigenous students to help address many of these barriers and support them in their studies. By producing a Guide to these courses and programs it is hoped that law faculties around Australia can learn from initiatives implemented by other faculties and be encouraged to develop and foster initiatives in their own faculties. Furthermore, potential Indigenous students will have access to a Guide to the different courses offered around Australia when choosing the institution they wish to study at.

The Guide will be published and distributed to legal educational institutions around Australia and abroad as well as to Indigenous communities and organisations by the end of 2004.

LITERATURE REVIEW OF INDIGENOUS LEGAL EDUCATION

Kingsford Legal Centre is also producing a small publication which brings together a number of studies and articles written on Indigenous legal education in Australia and abroad. The publication is designed to complement the 'Guide to Indigenous Legal Education'. It aims to provide law schools with an understanding of the challenges that Indigenous students face in commencing and remaining in law school as well outline some of some of the ways in which law schools can assist Indigenous students in their studies. The publication will be distributed to law schools along with the Guide by the end of 2004.

EMPLOYMENT LAW CLINIC

It has been a busy year for the Employment Law Clinic, which again provided advice and representation to local clients in an area of law where there is high demand and few free services. The Clinic also continued to focus on casework involving public interest issues and again provided UNSW law students with a unique opportunity to undertake a specialist clinical course.

In March 2003, Joanne Moffitt became the Centre's Principal Solicitor and, consequently, vacated her position as the centre's Employment Law Solicitor. While Joanne continues her great work for the centre in her new role, we acknowledge Joanne for the wonderful job she did as the inaugural Employment Law Solicitor. Joanne established the Employment Law Clinic in 2002 and, in a relatively short time, developed a strong service that provides a high volume and standard of advice and representation to clients who would not otherwise be able to obtain legal assistance. Joanne devoted much time and energy to establishing a clinical teaching program in the area of employment law and developing valuable links with barristers and private solicitors who specialise in employment and industrial law. In her time as the Centre's Employment Law Solicitor Joanne also ran a number of significant public interest test cases in the area of discrimination in employment. Our thanks go to Joanne for establishing and developing such a unique and important Clinic.

From March 2003 until mid April 2003 Tatiana Lozano was locum Employment Law Solicitor and from mid April 2003 to July 2003 former student Tom Brennan filled this role. We thank both Tatiana and Tom for their respective contributions to the Employment Law Clinic during this time.

Our new Employment Law Solicitor, Sinead Eastman, joined the centre in July 2003 and was soon drafting a Notice of Appeal from a decision of Commissioner Harrison preventing a client of the Centre, Yasemin Cetin, from pursuing an unfair dismissal claim. At first instance, the Parkview Hotel (Ms Cetin's employer of 11 months) successfully objected to Ms Cetin pursuing her unfair dismissal claim on the ground that she was a "casual employee" engaged for less than 12 months and was therefore one of the class of employees excluded by

the Regulations to the Workplace Relations Act 1996 (the Act).

Thanks to the groundwork of Session 1 student Alison Barnett (under Tom's supervision), pro bono Barrister Claire Howell and Sinead and the Session 2 students prepared an important test case for hearing by the Full Bench of the Australian Industrial Relations Commission (AIRC). In September 2003, our client was delighted to receive news of the Full Bench's decision that (despite the employer's classification of her employment as 'casual') she was not, at law, a 'casual employee', and was therefore entitled to pursue her unfair dismissal claim against the Parkview Hotel (see Yasmin S B Cetin v Ripon Pty Ltd t/as Parkview Hotel, PR938639, 25 September 2003). The decision has great significance, because it provides access to the unfair dismissal regime to many employees whose work is described as 'casual' but, in reality, is either a permanent or permanent part-time employment.

KLC students

Interestingly, within a month of the Cetin decision the Act was amended. Some suggest that those amendments may again make it difficult for employees whose employment is labeled 'casual' to access the Federal unfair dismissal regime. We are following the law's development in this area with great interest.

In addition to test case litigation, the Employment Law Clinic continued in 2003 to provide employment law advice and representation to people who live, work or study in the Randwick and Botany areas. The Clinic also provided a statewide service to clients in the area of discrimination arising out of employment.

In maintaining its weekly daytime advice clinic and fortnightly evening advice session, the Clinic receives the support of private solicitors who provide their time on either a pro bono or volunteer basis. Again this year eight private law firms provided solicitors on a pro bono basis to provide advice to clients at our Wednesday afternoon advice clinic. We also continued

to receive the support of volunteer solicitors from private and government practice, and the Bar, who volunteer and give advice on both general and employment law matters on a fortnightly advice roster. We thank all of these participants for their continued support.

As well as providing advice to many clients, the Clinic represented clients in employment law matters in the AIRC, the New South Wales Industrial Relations Commission and the Chief Industrial Magistrate's Court and in discrimination in employment matters in the New South Wales Anti-Discrimination Board and the Human Rights and Equal Opportunity Commission. The majority of these matters were successfully settled. We extend our thanks to the barristers who provided pro bono assistance to us in representing clients in employment law matters in 2003.

In providing law students the opportunity, where appropriate, to appear as advocate for clients in the Industrial Commissions, the Clinic continues to provide a unique opportunity for students to obtain 'hands-on' experience in litigation. This opportunity invariably results in reflection by the students on the effectiveness of the court system in achieving just outcomes for clients and on the challenges faced by those clients who represent themselves in the court system.

In 2003 the students of the Clinic again participated in a seminar program that has continued to provide high quality presentations on a range of employment law topics, both theoretical and practical. As part of this program, the students enjoyed the opportunity to appear as advocate for a party in a mock conciliation that focuses their minds on a number of the jurisdictional and substantive issues that arise in an unfair dismissal application. The seminars and presentations benefit both the students and staff of other legal centres and organisations who attend the seminars, when possible. We extend our thanks to all lawyers who have provided their valuable time to present seminars to the students of the Clinic.

STUDENT ADVOCACY PROGRAM

During 2003, KLC students continued to appear before Waverley Local Court magistrates as part of the Student Advocacy Program. The Program enables clients who are pleading guilty to minor criminal charges, where there are mitigating factors, to be represented in Court, and is available to clients who would have difficulty representing themselves, cannot afford a private lawyer and are not eligible for legal aid. Students interview the clients, research the charges, prepare submissions, and present their submissions to the Court. Feedback from KLC students involved in the Program has been very positive and KLC students consistently achieve good results for clients. Thanks to Louise Byrne, Anne Cregan, Lester Fernandez and Gabrielle Bashir for supervising the students in 2003.

STUDENTS

Session 1 2003

Joseph Abehouse
Reshma Bargon
Kristen Beckhaus
Janet Cechanski
Harris Cheung
Karl Chong
Jeremy Chung
Janet Eastman
Shameela Karunakaran
Michelle Koch
Marco Lee
Raymond Lee
Miranda Li
Donald Mitchell
James Morton
Sian-Lee Ooi
Cindy Pang
Stephanie Saill
Shellee Smith
Felix Tse
Allison Weaver
Anna White
Trevor Yang

EMPLOYMENT LAW

Alison Barnett
Penelope Fischer
Emily McCarron
Takashi Toyoshima

Session 2 2003

Chak Man Chow
Waldheim Hong Chow
Nicole Davis
Dean Kelly
Sue Kim
Samuel Lee
Anita Mani
Nicholas Mench
Fabienne Metz
Carolyn Morris
Matthew Payne
Eric Ribot
Stephanie Shek
Heon Shin
Ruby Surendran
Susan Wan
Kathleen Wong

EMPLOYMENT LAW

Harris Cheung
Francine Johnson
Raymond Lee
Bradley Melman
Trudy Sheehan

EDUCATING FOR JUSTICE

SUMMER 2003/04

Stella Boyages
Bourn Collier
Julia Emerton
Steven Fung
Karen Gayle
Clare Gollege
May Guo
Fiona James
Joseph Kim
Christina Kwak
Fiona Lin
Pilar Lopez
Claudine Lyons
Hugh Norris
Carolyn Odgers
Julie Porteous
Ellen Sefton
Gary Segal
Sarumathy Storer
MichaelWalton
Julie Werda
Viven Yong
Bill Zahr
Samara Zeitsch

EMPLOYMENT LAW

Lillian Chan
Margaret Grace
Vanessa Mak
Oonagh Richardson
Jean Wang

ADVICE STATISTICS

In 2003 Kingsford Legal Centre provided advice to 1555 people

1427 people received this advice in face to face interviews and 103 people received the advice by telephone, mail or email.

193 New Cases were opened in 2003:
Criminal Law, including DV.....25
Civil Law.....102
Discrimination.....32
Employment.....32
Family Law.....2

OUR CLIENTS

Sex:
Male.....47%
Female.....53%

AGE

Under 18.....1%
18 – 34.....30%
35 – 49.....32 %
50 – 64.....21%
Over 65.....15%

INCOME SCALE

High.....2%
Medium.....21%
Low.....77%

2% of our clients identified themselves as Aboriginal or Torres Strait Islander

MIDDLETON V COMMISSIONER OF CORRECTIVE SERVICES NSW & ANOR [2003] NSW SC 136

- KLC won a landmark case in the Administrative Law list of the Supreme Court on 10 December 2003, for a client who is a maximum-security prisoner in NSW. Mr Middleton was initially incarcerated in QLD and was half way through two degree courses that he hoped would result in better job prospects on his release. He managed to keep up with the workload by purchasing and using a desktop computer (which had been cleared of internet capabilities) and specialist software and studied in his cell in the evenings during lockdown periods. On his transfer to NSW Mr Middleton applied to the NSW Commissioner for Corrective Services and the Governor of the prison for access to his own desktop computer to use in his cell during lockdown periods as he had in QLD. Although some computers are available in the prison library the time restrictions made it impossible for him to complete his study units.

Both the Commissioner and the Governor refused to allow Mr Middleton to use his desktop, citing NSW Department of Corrective Services Policy that only minimum-security inmates are permitted to purchase a laptop to use in their cell during lockdown periods for educational purposes. Counsel Kate Richardson, instructed by KLC solicitor Susan Winfield, submitted that, if the Commissioner did not misapply the policy to our client's application (and if that policy is valid), then in refusing our client permission to use his own computer in his cell, and also refusing him permission to use a borrowed computer in his cell, the Commissioner and the Governor failed to:

- give proper genuine and realistic consideration to the merits of our client's particular case; and
- acted unreasonably in failing to consider the merits of our client's particular case; and
- by inflexibly applying the policy to our client, denied him natural justice.

His Honour Justice Dowd found in favour of our client, and made Court Orders to:

- quash the decisions made by the Commissioner and the Governor and
- require the Commissioner to reconsider the making available of the appropriate computer and computer

program facilities to our client. KLC was also awarded costs.

- KLC successfully assisted a client in negotiating a settlement of his complaint against Botany Council in which he alleged it discriminated against him on the grounds of his disability (quadriplegia) in the provision of goods and services. Our client alleged that he was prevented from attending three public functions due to the fact that they were held in venues which were not wheelchair accessible. One of the most important terms of the settlement is Council's agreement to prepare and adopt a disability action plan, in consultation with the Human Rights and Equal Opportunity Commission, which complies with the Disability Discrimination Act 1992 by 31 December 2004. An effective Disability Action Plan should include measures which eliminate discrimination in mainstream services and ensure equal access in the provision of goods and services to the community for people with disabilities by addressing all barriers to equal access including physical, information, communication and attitudinal barriers. Council has also agreed that our client will participate in the consultative process of drafting the Disability Action Plan. Our client did not seek any monetary compensation for himself and his sole interest was to achieve an outcome that will advance the rights of people with disabilities and their families, friends and carers to be able to participate equally with other members of the community in community activities.

- KLC agreed to run a social security matter in the AAT testing the definitions of impairment and continuing inability to work in disability support matters. However the matter settled the day before it was to be heard in the AAT. Our client was elated at having Centrelink finally acknowledge the gravity of her disability, which she has endured for 45 years.

- KLC has assisted two clients in negotiating with the German Forced Labour Compensation Fund. During World War II our clients had been used as slave labourers in various German factories. Our clients applied for compensation to the fund and both were successful in receiving the first instalment of their compensation payments. Unfortunately German law prevents applicants receiving the second instalment

payment before all applications have been processed and the fund identifies how many claimants exist. The fund is still investigating the many thousands of applications and hopes to provide our clients with their second instalment by December 2004.

- Over the last few years CLCs' have been swamped with people who have received enforcement orders from the State Debt Recovery Office. The enforcement orders relate to outstanding fines. Some fines date back almost 20 years, and in one KLC client's situation, he received an order 13 years later requiring him to pay approximately $1,500. Our client is a 73 year old NESB pensioner with severe health problems and he could not afford to pay this amount. He was also certain he had already paid the fines and after such a long time had elapsed had not seen the need to keep his receipts. The SDRO could not prove that the fines still existed, as there were no records to substantiate the payment or non-payment. This did not however deter the SDRO from pursuing the alleged fine. Submissions to the Attorney General's Department were ultimately successful, and our client was delighted. KLC worked with other CLCs to raise awareness of the injustices the new law has been causing.
- A race discrimination case our Centre was involved with for 6 months successfully settled. Our client, is of an Indigenous background and worked in local government prior to the termination of his employment. He was subjected to racial vilification and harassment by his co-workers, which eventually led to his termination. Our client lodged a complaint with the Anti-Discrimination Board of NSW which failed to settle and was refered to mediation at the Administrative Decisions Tribunal of NSW where KLC represented the client. The mediation took 6 hours and settled successfully. The client was very happy and relieved at the prospect of finally putting the incidents behind him. The settlement was also beneficial as it ensured that anti-discrimination training for all local government employees in the shire would be carried out, thus attacking the structural or systemic cause of the discrimination.

- KLC recently represented a young woman with a pregnancy discrimination claim. Ms X applied for, and was successful in, her application for a receptionist position with a medium sized chartered accountancy firm. However, when she informed them

of her pregnancy and tried to reassure them that she was eager to begin work with them, she was told that she was no longer needed. KLC assisted Ms X in her conciliation in the Federal court which was successful. The client was very happy with the outcome, and the monetary compensation she received, which she will use to help raise her child.

Some of the KLC clients assisted by our Freehill's seconded solicitors are as follows:

- an elderly woman was charged with transporting waste to a place that cannot lawfully be used as a waste facility, after she left various household items outside her DOH complex thinking that a council clean up had been organised. The client is from a Spanish speaking background and speaks little English. KLC explained the circumstances to the EPA and Botany Council but they refused to drop the charge against the client. KLC represented the client in the local court, where the Magistrate agreed to make an order dismissing the charge. The client was relieved and very happy with the outcome;
- making representations to DOH on behalf of a client who originally came to Australia with her husband from the Philippines and who had been living in a domestic violence situation with him. Following our representations in support of our client's application to move away from her husband, DOH promptly relocated our client and her children to another accommodation which the client was very happy with;
- helping a client negotiate with a finance company in relation to an alleged credit card debt. This particular client lived in DOH accommodation, had been in an accident which resulted in a brain injury and various physical disabilities and had as his sole source of income the disability support pension. We argued that the finance company had lent money to our client in circumstances where it knew that he could not repay the loan in accordance with its terms or not without substantial hardship, and the finance company agreed to waive the client's debt;
- representing a client in her dispute arising out of her purchase of a $3,745 vacuum cleaner on finance

from a Turkish speaking door to door salesman using high pressure sales tactics and making various misrepresentations. Our client spoke only Turkish and no English, and came to us after the vendor would not let her return the vacuum cleaner during the 10 day cooling off period. The matter settled following lodgement of a claim in the Consumer Trader & Tenancy Tribunal – the vendor and finance companies agreed to release our client from any obligations under the sale and finance contracts, and our client was allowed to return the vacuum cleaner to the vendor;

- a client whose DOH flat was infested with thrips. We helped the client settle this matter, following lengthy negotiation and an unsuccessful conciliation in the Consumer Trader & Tenancy Tribunal. At the time this was a great outcome for the client – in addition to DOH agreeing to pay her compensation and to arrange for pest control treatment of her flat, DOH also agreed to relocate the client (something that the Tribunal could not have ordered). Unfortunately, DOH has failed to deliver on its obligations in accordance with the settlement deed. The client's matter was referred to the Eastern Area Tenancy Service and the Tenants Union, who are representing a number of similarly affected applicants in the Tribunal in a group action against DOH.

Student Advocacy cases:

KLC represented a number of clients as part of the Student Advocacy Scheme. Examples of these cases are:

- KLC represented an NESB client who was charged with shoplifting goods to the value of approximately $100. The magistrate agreed with our submission that no convictions should be recorded against our client due to her age, health issues and financial circumstances and granted the client a Section 10;
- another client was charged with a total of 3 driving offences, including driving whilst unlicenced and whilst uninsured in an unregistered vehicle. The magistrate agreed with our submissions that due to his medical condition which gave our client no choice but to drive on the occasion that resulted in the charges, he should not receive a disqualification period, and she fined our client a nominal amount of $200.

PARTNERSHIP WITH FREEHILLS SOLICITORS

As part of a secondment arrangement between Freehills and KLC, Freehills solicitors and former KLC students Emily Sunman and Jinny Chaimungkalanont worked at KLC during 2003. Emily and Jinny found life at KLC to be significantly different from Freehills and had this to say about their KLC experience.

EMILY: I returned to Freehills late last year after a 6 month secondment at KLC. I found working at KLC to be a rewarding, challenging and enjoyable experience, but sometimes it was also confronting and eye-opening. One aim of a community legal centre like KLC is to provide clients with the resources to confront the legal challenges that they face, some of which are outlined below. My experience at KLC was that the staff and students rise to this challenge and assist clients confront their legal problems. Working at KLC lived up to all my expectations, the enthusiasm, excellence, energy and dedication of the staff and students at KLC, sometimes in the most trying of circumstances, was fantastic to be a part of. Fortunately I'm still volunteering at the Centre so I can continue my contact with the staff, students and clients of KLC.

JINNY: As I write this, I am nearing the end of my secondment to KLC and I am sad to be leaving the friendly and supportive KLC environment, the new bunch of students who have been great to work with, the clients that I have gotten to know, and most of all the KLC staff who have inspired me with their commitment and enthusiasm, shared with me their experiences and expertise, and also been my friends. My KLC time has been a challenging and rewarding one, both professionally and personally - constantly learning new areas of law, helping and getting to know my clients, learning to deal with difficult situations, working with great lawyers, and otherwise getting involved within the local community. I am grateful to have had the opportunity to be part of this unique workplace, and thanks to everyone who was at KLC during my time there – it would not have been the same without you!
Emily and I worked with KLC students on a variety of cases, ranging from general consumer disputes and disputes with government organisations, to victims compensation, domestic violence and other criminal matters. Many of the clients we assisted were at a particular disadvantage in dealing with the legal system, all were from culturally diverse backgrounds, and all, we hope, benefited in some way from our assistance.

BEST PRACTICE COMMUNITY LEGAL CENTRE MANAGEMENT COMMITTEES

Joanne Moffitt co-presented a workshop at the National Association of Community Legal Centre conference in Hobart with Pat McDonough of the NSW Working Women's Centre on the topic of community legal centres and community management. The workshop was attended by community legal centre workers from all over Australia. Joanne reported on the results of a survey of NSW legal centre workers conducted last year and the results of focus groups conducted with management committee members this year by Michelle Jones, former KLC acting co-ordinator. Both the surveys and focus groups confirmed that there is an overwhelming need for training for community management committees meetings.

ADB FUNDING CUTS

KLC leads the charge on opposition to the Carr Government's proposal to cut funds to the Anti Discrimination Board. The Legal and Policy section has done some excellent work addressing systemic causes of discrimination and has been the proactive arm of the ADB, in recognition of the limits of the individual complaint system.

SUBMISSION TO SENATE INQUIRY INTO LEGAL AID

Kingsford Legal Centre made detailed submissions to the Legal Aid Commission in respect of a review of the Civil Law Program run by the NSW Commission. These submissions were prepared by Frances Gibson and were on behalf of the Combined Community Legal Centres of NSW.

THE LEGALITY OF THE WAR ON IRAQ DEBATE – MARCH 2003

In March 2003 Kingsford Legal Centre in partnership with the UNSW Law School held a forum on 'the Legality of the War on Iraq'.

NSW CLC LEGAL AID COMMISSION COMMITTEE

Frances Gibson was selected as the NSW community legal centres representative on a Legal Aid Commission committee set up to develop the Integrated Service Delivery Module. This is a proposal to coordinate regional delivery of legal services between organisations in a more efficient and comprehensive manner, ensuring that the widest range of legal services is delivered to clients in particular rural areas and that gaps can be identified and solutions proposed.

CONSULTATIVE STATUS WITH UNITED NATIONS

In 2001 students of KLC drafted an application on behalf of 160 Legal Centres in Australia to gain consultative status with the United Nations Economic and Social Council. The aim is to link our work at local, state and national levels and to advocate for our communities at an international level. During 2003 we were advised that the application was successful. The approval had immediate impact. Within weeks of receiving the news, the Disability Discrimination Legal Centre was invited to a UN forum in New York to advocate for people with disabilities on a proposed convention on the rights and dignity of people with disabilities.

GET ON BOARD FOR BETTER BUSES

Two Kingsford Legal Centre students, Anita Mani and Fabienne were involved in the "Get On Board For Better Buses" campaign, an initiative of the South Maroubra Tenants Action Group. The campaign sought to improve bus services in the Maroubra area. The students were responsible for creating a campaign website. They also produced and distributed a petition to local businesses and assisted in the preparation of a response to the Ministerial Inquiry on public transport.

COMMUNITY INVOLVEMENT

RANDWICK INFORMATION AND COMMUNITY CENTRE INC.

Michelle Jones and Michelle Burrell on behalf of the Kingsford Legal Centre, played an active role on the Randwick Information and Community Centre (RICC) board of management. RICC provides a wide range of services to the residents of Randwick LGA and participating on this board is one strategy that KLC uses to gauge the needs of the local residents.

RANDWICK INTERAGENCY

Kingsford Legal Centre continued to participate in the Randwick Interagency, a coalition of over 50 community groups, residents and statutory agencies concerned with community development issues in the Randwick LGA.

NSW COMBINED GROUP OF COMMUNITY LEGAL CENTRES

Kingsford Legal Centre continued to be active with the network of NSW community legal centres. Frances Gibson convened the Legal Aid sub-committee. Joanne Moffitt and later Sinéad Eastman convened the Employment Law sub-committee and Vedna Jivan convened the Community Legal Education Workers sub-committee. In addition Frances Gibson and Vedna Jivan sat on the board of Combined Community Legal Centres' Group NSW.

STOP DOMESTIC VIOLENCE DAY

KLC had an information stall at the Stop DV Day – an initiative of the Eastern Suburbs Domestic Violence Committee at Bondi Junction mall. We joined representatives of many agencies from Eastern Sydney to raise awareness of and provide information about domestic violence.

CEDAW

During 2003 Kingsford Legal Centre was involved in a publication entitled, *A Digest of Case Law on the Human Rights of Women (Asia Pacific)* which examines the impact of the *Convention on the Elimination of All Forms of Discrimination Against Women* has had on women's human rights, through case law. The publication was a joint project of the Asia Pacific Forum of Women, Law and Development, Vedna Jivan and Christine Forster, and is the first of its kind for the region.

Waverley DVCAS

Students from KLC have the opportunity to observe how the Waverley Domestic Violence Court Assistance Scheme operates and the opportunity to witness the process for applying for an Apprehended Violence Order at Court

COMMUNITY LEGAL EDUCATION

KLC E-BULLETIN

In July 2003, Kingsford Legal Centre released the first issue of the *Kingsford Legal Centre E-Bulletin*. The purpose of the e-bulletin is to keep our colleagues, community partners and stakeholders up to date on the work we are doing, both casework and non-casework. The e-bulletin is distributed to the UNSW Law Faculty, community organisations and Community Legal Centres. The e-bulletin is sent by email at the beginning of each month. Feedback has been very positive.

UNSOLICITED

KLC published its edition of *Unsolicited*, a collection of student articles reflecting on their experiences at KLC. *Unsolicited* has a print run of around 400 and is distributed to local law faculty colleagues, local community groups and community legal centres.

LAW SOCIETY JOURNAL

Frances Gibson contributed an article in the *Law Society Journal* on the potential effect of the High Court case of Dietrich in civil cases (May 2003)

CLINICAL LEGAL EDUCATION COURSES IN AUSTRALIA FOR 2002/03

KLC published the *Clinical Legal Education Guide*. A listing of clinical legal education courses in Australia for 2002/2003

SYDNEY MORNING HERALD & AUSTRALIAN FINANCIAL REVIEW

There was a lot of media interest in KLC's successful jurisdictional appeal before the Full Bench of the Australian Industrial Relations Commission, in Cetin v Rubon Pty Ltd and/as Parkview Hotel (see pg 11). On Friday 24 October, the *Australian Financial Review*, reported on this case as the lead in an article on Clinical Legal Education. The article highlighted the opportunity CLE provides for law students to gain invaluable practical legal experience in a supervised environment.

Students, volunteers and staff presented talks on several topics, including the following, to the local community:-

- Privacy Law & its Applicability
- Domestic Violence
- Discrimination
- Privacy Responsibilities
- Neighbourhood Disputes
- Guardianship

COMMUNITY LEGAL EDUCATION WORKERS NETWORK

Vedna Jivan convened the Community Legal Education Workers Network, a coalition of the educators of 39 community legal centres. The group looks at ways to improve access to the legal system, through innovative community programs and both local and state projects. The Network ran three sessions at the National Conference of Community Legal Centres held at Hobart in September.

RADIO INTERVIEWS

2MCE (Bathurst/Orange)
Frances Gibson did a radio interview with Sheena Frost, Media Officer at Charles Sturt University for 2MCE in Bathurst /Orange. The interview outlined sources of free legal advice and issues relating to discrimination law.

ABC 702

Kingsford Legal Centre was recently invited as guests on Simon Marnie's ABC talkback radio program. The program aired live on 27 July at 10am and Centre solicitor Vedna Jivan and Michelle Hannon (KLC volunteer solicitor and Pro-bono solicitor at Gilbert & Tobin) gave an overview of discrimination law and discussed current issues, such as the proposed funding cuts to the Anti-Discrimination Board. Vedna and Michelle also answered callers' enquiries. The radio appearance is part of the Centre's attempt to raise awareness of discrimination issues through the media.

AMNESTY INTERNATIONAL NSW LEGAL NETWORK SEMINAR

KLC Director Fran Gibson, spoke at the Amnesty International NSW Legal Network Seminar on "So you want to be a human rights lawyer?".

2003 NATIONAL COMMUNITY LEGAL CENTRE CONFERENCE

Kingsford Legal Centre facilitated several workshops at the national conference in Hobart. Frances Gibson ran a session on ways CLCs could assist indigenous law students and Joanne Moffitt co-presented a workshop on the topic of community legal centres and community management.

VISITORS TO KLC

In July we welcomed a delegation of Vietnamese government human rights officials to the Centre. The visit organised by HREOC was part of a week long

program arising from the Australia-Vietnam Dialogue on International Organisations. The objective of the visit was for the Vietnamese delegates to become familiar with the methods used and institutional structure in Australia for the promotion and protection of human rights.

KLC also hosted a delegation of the Islamic Human Rights Commission of Iran, on behalf of HREOC. The delegation were provided with insights into Australian systems for providing legal services to disadvantaged members of the community and strategies for advancing systemic reform in relation to discrimination and other social justice issues.

The local State member for Heffron, Kristina Keneally, visited the Centre during 2003. Ms Keneally was shown around the centre and briefed on our work, both in terms of clinical education and community services. In particular we discussed how best to facilitate referrals from the MP's office to KLC for constituents with legal problems.

Frances Gibson and several students ran a seminar for 30 Chinese government officials from Wuhan on 9 October. The session covered the roles of community legal centres, government legal aid offices and the work of Kingsford Legal Centre and its clinical programs.

VOLUNTEERS

The Centre would like to thank the following people who have regularly volunteered at the Centre providing legal advice and assistance to our clients:

Andrew Jungwirth
Anna Cody
Bassina Farbenblum
Catrina Donellan
Claire Carrol
Claire Parfitt
Danni Hartman
Danny Grynberg
Dave McMillan
Emily Sunman
Emma Maple-Brown
Guy Donnellan
Helen Tot
Jeremy Lucas
John Longworth
Julian Miller
Julian Miller
Kate Burns
Katie Kemm
Krasa Bozinovska
Krishni Goonesena
Margaret Faux
Margot Morris
Mary O'Connell
Michael Swan
Michelle Fernando
Michelle Hannon
Mike Steinfield
Miriam Ziegler
Naomi Reiner
Nicholas Georgeopoulos
Peter Katsoolis*
Rachel Francois
Rebekah Gay
Richard Beasley
Rob Davies
Ross Buchanan
Roxanne Dunkel
Sally Barber
Sharon Katz
Sherene Daniel
Sue Mordaunt
Susan Winfield
Trish Ryan
Wendy Pan

FRANCES GIBSON

Director

Frances left Kingsford Legal Centre in December 2003 after working as Director since 1995. Frances has been an outstanding director, teacher and social justice campaigner. As a teacher she has inspired generations of law students, and she has demonstrated by example that 'educating for justice' is more than an ideal to aspire to but something achievable.

The high quality of Frances' teaching was recognised in 2001 when she was awarded the Quality Teaching Award from the NSW Minister of Education and Training and Australian College of Education. Similarly Frances' commitment to social justice has also been outstanding and her contribution invaluable. Frances has worked in community legal centres for 15 years. Amongst her many notable achievements is her ongoing work to preserve and expand the current provision of legal aid and the establishment of pro bono services, including her involvement in setting up the Law Society pro bono scheme. In 2002 she was a very worthy nominee in a very competitive field for the Justice Medal.

Frances has taken up a position establishing the Law and Legal Studies Department of Latrobe University's Bendigo Campus.

ANNA CODY

Acting Director (until February 2003)

Anna Cody was Acting Director from August 2002 until February 2003. Anna returned to KLC after two years in the US working with the Centre for Economic and Social Rights in New York.

JOANNE MOFFITT

Principal Solicitor

Joanne was appointed to the position of principal solicitor in March and took over the responsibility for the Centre's legal practice. Joanne had been responsible for the employment law clinic since January 2000. Before joining the Centre, Joanne worked at South West Sydney and Campbelltown Legal Centres and the NSW Working Women's Centre.

VEDNA JIVAN

Solicitor/Adjunct Lecturer

Vedna joined KLC in 1996. Vedna is a discrimination lawyer and a registered migration agent and is responsible for the Centre's community legal education program. Vedna left the Centre in early 2004 to take up an academic position at the University of Technology Sydney.

SINÉAD EASTMAN

Solicitor/Educator

In July 2003 Sinéad returned to KLC as the new employment law solicitor. Sinéad (nee Campbell) was a solicitor at Freehills from 1998 – 2002 and was last at KLC for 9 months in 2001 as the Freehills secondee. Before joining the centre, Sinéad was a solicitor at the Legal Aid Commission for 9 months.

MICHELLE BURRELL

Coordinator (until October 2003)

Michelle has worked in the community sector in Australia and Britain since 1984. Michelle worked at Kingsford Legal Centre from January 1999 to October 2003. Michelle has been responsible for many of the great innovations at KLC over recent years and contributed her tireless hard work, exceptional policy skills, community networking and financial wizardry. Michelle has left Kingsford Legal Centre to take up the position of Deputy Director, Policy at NCOSS.

MICHELLE JONES

Acting Coordinator (until June 2003)

Michelle was acting coordinator from July 2002 to June 2003. Michelle has a long association with community legal centres and the community sector. Michelle is now the Executive Officer of the Tenants' Union of NSW.

DENISE WASLEY

Administrator

Denise returned to the KLC in April 2003 after 7 years in London. She has worked in the community/trade union sectors for over 15 years, principally in community legal centres; in Australia and the UK. As Administration Officer, Denise helps with the financial management of the Centre's funds. She also works on student enrolments and supervises the performance of students in their administrative duties.

MURRAY MCWILLIAM
Librarian
Murray maintains the KLC Library, working mostly weekends. Murray began his involvement with the centre through his participation in the Clinical Legal Experience course, summer session 1997-1998.

FRANCISCO FISHER
Publications Worker
Francisco is the Centre's publications officer. Cisco works five hours a week and is responsible for all the Centre's publications.

BRIDGET McDERMOTT
Acting Administrator (until April 2003)
Bridget was acting administrator from July 2002 to April 2003. Bridget has worked in a number of community organisations including Redfern Legal Centre and The Settlement at Redfern.

TATIANA LOZANO
Locum Solicitor
Tatiana was the locum in the employment law clinic from March to April. Tatiana has a long history working in community legal centres and left to take up a position as a solicitor at Northern Rivers legal centre.

TOM BRENNAN
Locum Solicitor
Tom was a locum in the employment law clinic from April to July 2003 supervising students undertaking employment law. Tom was a former student at KLC and also completed his practical legal training at the Centre.

NICK EASTMAN
Locum Solicitor
Nick worked part-time at KLC supervising one of KLC's evening advice sessions. Nick is the full-time Litigation Solicitor at the NSW Tenants' Union

SUSAN WINFIELD
Volunteer Solicitor/Locum Solicitor
Susan is a volunteer solicitor and worked at KLC two days plus one afternoon a week. Her time was divided between casework and community legal education. Susan was previously a student at KLC and also undertook her practical legal training at the Centre. Susan has also done a number of locums at the Centre over the last year.

LISA PUSEY

Indigenous Legal Education Project Worker

Lisa joined Kingsford Legal Centre on a part time basis in May 2003. Lisa worked on a number of Indigenous Legal Education Projects the Centre has developed in the last year as well as doing some administrative work. Lisa was a former student at Kingsford Legal Centre and in November 2003 returned full time to complete her practical legal training.

EMILY SUNMAN

Freehills Secondee

Emily started at KLC at the beginning of April 2003 on a 6 month secondment from Freehills. Emily had been a student at KLC during 2000 and has been a volunteer solicitor at evening advice sessions. Emily has worked at Freehills since 2001 in the Environment and Commercial Litigation groups.

JINNY CHAIMUNGKALANONT

Freehills Secondee

Jinny was seconded to KLC from Freehills in October 2003 for six months. She graduated from UNSW in 1999 and was a student at Kingsford Legal Centre during that time. Jinny started at Freehills in 2001 and has worked mostly in the Banking and Finance section doing Consumer Credit and Stamp Duty work.

DAVID WILLIAMS

Admin. Volunteer

David has been a weekly volunteer at KLC for several years. He provides assistance to the Coordinator with administrative such as organising the student bus tour, updating the referral manual and compiling show bags for displays.

THANK YOU

CONSULTATIVE COMMITTEE

The Consultative Committee ensures that KLC provides a quality service that meets the needs of the local community. The Consultation Committee is made up of representatives of local agencies, the Law Faculty and law students. During 2003 the committee once again provided support, advice and feedback on the services provided by the centre.

The centre would like to thank the following community members who participated in the Consultative Committee throughout 2003:

Barbara Kelly
Randwick Information and Community Centre
Melinda Leves
Randwick City Council
Keilly Russell
Botany Family and Children's Centre
Rosa Loria
Sydney Multicultural Community Services
Liz Ayres
Kooloora Community Centre
Jessica Ngoy
UNSW law student

FUNDING BODIES

Kingsford Legal Centre would like to thank all of its funders, donors and supporters. In 2003 these included:

Attorney-General's Department

Legal Aid New South Wales

Law & Justice Foundation of New South Wales

The University of New South Wales

Friends of Kingsford Legal Centre

Randwick City Council

Kingsford Legal Centre would also like to thank the generous support of the University of New South Wales for its financial support and the support provided by members of the Law Faculty.

INCOME & EXPENDITURE PERIOD ENDING 31 DECEMBER 2003

INCOME	
AG's Clinical Legal Initiative	108,933.03
Community Legal Services Program	144,887.32
Williams Legal Costs and Disbursements	0.00
Donations	1,627.89
Investments	2,079.14
Reimbursements	5,857.42
KLC generated income includes legal costs and disbursements (1)	3,609.94
TOTAL	**266,994.74**
EXPENDITURE	
Salaries	226,280.13
CLSP Salaries	133,949.35
AG'S Clinical Legal Initiative Salaries	92,565.47
Disbursements and Costs	5,434.27
Materials and Running Costs	107,331.14
AG'S Clinical Legal Initiative Materials and Running Costs	0.00
Equipment and Maintenance	37,357.55
AG'S Clinical Legal Initiative Equipment and Maintenance	0.00
Travel and Conferences	16,305.13
AG'S Clinical Legal Initiative Travel and Conferences	0.00
Williams Legal Costs and Disbursements	0.00
TOTAL	**619,223.04**
Net Result Surplus/(Deficit)	–352,228.30
UNSW Contributions Law School (2)	308,352.64
UNSW Contributions Central Super and Other Overheads 2002	23,015.44
Result for the Period Surplus/(Deficit)	**-20,860.22**
PRIOR YEAR ACCUMULATED FUNDS	121,934.67
ACCUMULATED FUNDS	**101,074.45**

CERTIFIED BALANCING TO THE LEDGER
Maggie Ghali
Senior Management Accountant Faculty of Law
Financial Services Department
30 June 2004

CERTIFIED CORRECT
Anna Hartree
Coordinator
Kingsford Legal Centre
30 June 2004

NOTES

(1) Legal Costs and disbursements are an abnormal item which vary considerably from year to year.

(2) KLC is a unit of the Faculty of Law at the University of New South Wales. As such all its accounts operate within the financial structure of the Law Faculty. The faculty's position in respect of KLC since its inception has been that it provides "deficit funding". That is, the faculty meets the shortfall required to provide an appropriate level of resources to ensure the continuing viability of the Centre.

MISSION STATEMENT

Kingsford Legal Centre is committed to human rights, social justice and promoting access and reform of the legal system. We aim to provide quality legal services including: providing community legal education to the community, promoting excellence in clinical education and fostering a critical analysis of the legal justice system.

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