KINGSFORD LEGAL CENTRE

ANNUAL REPORT 2008

www.kingsfordlegalcentre.org

THE UNIVERSITY OF
NEW SOUTH WALES

CONTENTS

Dean's Foreword....04
Director's Report....05
Values....07
Aims and Objectives....08
Educating for Justice....09
Service Provision....15
Aboriginal Access Project....17
Casework....18
Statistics....20
Employment Clinic....21
Secondees'Reports....22
Human Rights....24
Chinese Delegation....25
Community Legal Education....26
Policy Law Reform Work....27
Working with our Community....29
Volunteers & Management Committee....31
Students....32
Staff....33
Financial Report....36
Acknowledgements....38

DEAN'S FOREWORD

I'm very pleased to report that 2008 was another strong and productive year for Kingsford Legal Centre. The Centre's commitment to social justice and human rights was expressed not only locally, with an increase in advice and casework for our community, but with submissions and campaigns at both national and international levels.

At an international level, KLC staff have coordinated and co-authored NGO Shadow Reports for submission to the United Nations on the International Convention on Economic, Social and Cultural Rights and the International Convention on Civil and Political Rights.

The Law Faculty has worked hard in 2008 to find sustainable funding for the Centre and has been successful in raising donations from a number of sources, including alumni. This will continue to be a priority for 2009.

Thanks must go to Shirley Southgate, who was Acting Director of the Centre in the second half of 2008 whilst Anna was on Sabbatical in South America. Shirley's professionalism, calmness and experience are a great asset to the Centre.

KLC is an essential part of this Faculty's distinctiveness. I am delighted to see even stronger links in education, research and public engagement growing between KLC, the Law School, and the Faculty's other centres, and look forward to these developing further in 2009. On behalf of the Faculty of Law I wish KLC every success in continuing its important work in the future.

Professor David Dixon
Dean, Faculty of Law

DIRECTOR'S REPORT

2008 was a very full and exciting year for Kingsford Legal Centre.

We continued to provide high quality legal services to our community and excellent clinical legal education to our law students.

During the year some of our key successes were:

- Coordinating and writing the NGO report to the United Nations committee monitoring Australia's performance under the International Covenant on Economic, Social and Cultural Rights
- Coordinating and writing the NGO report to the United Nations committee monitoring Australia's performance under the International Covenant on Civil and Political Rights
- Providing a 2 day training to employment lawyers in China about legal aid services in Australia
- Employing a new Aboriginal Access worker
- Writing numerous submissions on human rights issues including the need to reform the Sex Discrimination Act
- Linda Tucker receiving the inaugural International Development Scholarship for developing innovative approaches to clinical legal education in community development and policy work
- Developing and producing a human rights training module for Australian Lawyers for Human Rights

The year was a very productive one for the quantity and quality of the law reform work we engaged in. KLC was instrumental in coordinating and writing 2 significant reports to UN treaty monitoring committees. We also gave evidence to the Productivity Commission's Public Inquiry into Maternity, Paternity and parental leave and to the Inquiry into Stolen Generation Compensation Bill. KLC also wrote a comprehensive submission into the review of the Sex Discrimination Act and appeared before the Inquiry.

We also ran some great cases, around employment law and discrimination. We have noticed an increase in the number of women approaching us for advice and representation in pregnancy and return from maternity leave discrimination at work issues. Many of our employment and discrimination law cases settle on good terms which is great for clients but means we don't have as many cases going to litigation. Our student advocacy scheme continues with numerous students representing clients in pleas of guilty in minor criminal cases at Waverley Local court.

DIRECTOR'S REPORT cont'

KLC is also proud of the efforts we have made in the area of service provision to the Indigenous community and to improve Indigenous legal education at UNSW. Most recently, due to the assistance of the Berg Foundation and the generosity of alumni we have employed Keith Ball, the Aboriginal Access Worker. He is working 3 days/week staffing the outreach at La Perouse and coordinating law reform projects. We continue with our 1st year course for Indigenous students and participation in winter school for high school Indigenous students and pre-law program for prospective Indigenous law students.

Most staff members participated in the annual National Association of Community Legal Centres conference in September with Teena Balgi giving a plenary on "social inclusion" and Shirley Southgate presenting a workshop on reform to discrimination law. Shirley Southgate and Anna Hartree presented a paper at the Global Alliance for Justice Education conference in the Philippines on "clinical legal education in a community legal centre environment". Kingsford Legal Centre, through its work nationally in the Human Rights Network and Employment law networks, and convening various NSW community legal centre committees, plays a key leadership role within the community legal centre movement.

I was fortunate to be on Special Studies leave for the last 6 months of 2008. During this time I gave presentations to the National University of Mexico on the work we do with communities and to the ITAM (Autonomous Technological Institute of Mexico) about clinical legal education initiatives. I also had the opportunity to work with 2 nongovernmental organisations on human rights issues in Oaxaca, Mexico. I hope to publish some of my research later this year. A huge thank you to Shirley Southgate who was Acting Director in my absence and to all the staff for their support in enabling me to take this period of leave.

Kingsford Legal Centre continues to be a challenging, inspiring place to work and study with committed staff ensuring excellence in our teaching and service to the community.

Anna Cody
Director

The following values underpin all of 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 students' 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 systemic advocacy 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 and those who are discriminated against in 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 for people to enforce their legal rights, by delivering community legal education

8. To undertake systemic advocacy, 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

AIMS AND 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 and the Foundations Enrichment 2 course, 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.

EDUCATING FOR JUSTICE cont'

Clinical Legal Experience (Intensive and non-intensive)

The Clinical Legal Experience courses are run over 3 sessions (Session 1, Session 2 and Summer Session) taking 25 students in each session. Most students spend 2 days per week at the Centre where they are responsible for client files (under solicitor supervision) and working on community legal education and law reform projects. They have a weekly seminar of 2 hours and daily tutorials of one hour. They also attend evening client interview sessions with the Centre's volunteer lawyers.

The seminar program is coordinated and presented by Centre staff with contributions from guest speakers. In 2008 the subject matter of the seminars ranged from practical clinical skills such as plea making, interviewing, plain English legal writing and running conciliations in anti discrimination law, to subjects focussed on key issues such as law reform, community legal education, human rights and working with Indigenous communities and clients. All of the seminars aim to encourage critical debate of the legal system and the role of lawyers within it. The style of teaching is based on a range of techniques using role plays, small group exercises, simulations as well as some lecturing.

All the work of the centre is undertaken as part of the clinical program – and is outlined in more detail throughout this report. Some of the highlights of the course during 2008 were:

Student Advocacy Program

During 2008, KLC students continued to appear before Waverley Local Court magistrates as part of the Student Advocacy Program. The Program allows clients who are pleading guilty to minor criminal charges, to be represented in Court. It is available to clients who would have difficulty representing themselves, cannot afford a private lawyer, and are not eligible for legal aid.

About 6 students participated in the Scheme during 2008. The sorts of cases in which pleas were entered for clients were speeding, drink driving matters, shoplifting, negligent driving and driving on a suspended license. Feedback from KLC students involved in the program has been very positive and KLC students consistently achieve good results for clients frequently having convictions not recorded under Section 10. Students enjoy the opportunity to stand on their feet and advocate for clients, frequently having to deal with Magistrates asking them questions and questioning their submissions. A big thanks to Linda Tucker for supervising the students in 2008.

Employment Law Clinic

This year the Clinic has advised and represented many employees who live, work or study in KLC's catchment area. We assisted clients in relation to unfair dismissal proceedings, redundancies, underpayment of wages and entitlements and unlawful dismissals. Throughout the year we obtained favourable settlements of disputes for

many of our clients. For details on some of these matters, see the casework section of the annual report.

The Clinic – which was established in March 2000 – provides free and confidential initial advice to clients on employment law issues such as unfair dismissals, unpaid wages, workplace harassment and redundancy. The Clinic also provides ongoing assistance and representation where appropriate, with appearances for clients in the State and Federal Industrial Relations Commissions and also in the Federal Magistrates court and Chief Industrial Magistrates Court.

We have two objectives: to provide legal advice to employees and to provide a clinic for UNSW law students to gain experience in the area of employment law. Students have the opportunity to develop their understanding of substantive and procedural law and ethical issues facing the legal profession through their work on case, education and policy files. The clinic offers 5-6 places to UNSW law students per semester. They have the opportunity to conduct interviews with clients, assist in making strategic decisions about the conduct of case files, undertake research, draft documents, and, where appropriate, appear as advocates in the Industrial Relations Commissions.

Linda Tucker was the clinical supervisor in the Clinic throughout 2008.

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.

In providing law students the opportunity, where appropriate, to appear as an 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. With the changes to industrial relations law with WorkChoices, there have been fewer unfair dismissal cases in the Industrial Commissions however we have noticed the increase in discrimination cases and unlawful dismissal claims.

In 2008 the students of the Clinic again participated in additional seminars that included visits to the Chief Industrial Magistrate and Australian Industrial Relations Commission.

EDUCATING FOR JUSTICE cont'

Collaboration with UNSW Academics -

Project on Character Evidence in Criminal Jury Trials

During 2008 various KLC students worked on a study with Professor Jill Hunter, Professor and Dorne Boniface, Senior Lecturer, School of Law at UNSW to examine the impact of character evidence in criminal jury trials. The project is looking at how jurors actually use evidence of an accused's character and to what extent jurors understand the permissible use(s) of such evidence. The project also involves judges and counsel's perceptions of the impact of character evidence on these trials will be compared assessing how they view juries to use character evidence.

Classes on Domestic Violence in Family Law

Staff presented 2 classes on the social and legal aspects of domestic violence in the subject Family Law throughout 2008.

Indigenous Access Initiatives

During 2008 KLC continued to make a significant contribution to the Law Faculty commitment to increasing the numbers of Indigenous students studying law. KLC is an active participant in the Indigenous Legal Education Committee. The Centre undertook the following:

Winter School Program for Indigenous High School Students

KLC hosted Indigenous high school students during the Winter School program. Year 10, 11 and approximately 20 students came to the Centre to learn a bit more about the law and what happens at law school. They enjoyed meeting other students and staff as well as puzzling over a legal problem.

Indigenous Students-Foundations Enrichment course

In 2008 we ran for the sixth time the Foundations Enrichment course 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 continued to be a success and we hope enables these Indigenous students not only to feel a sense of achievement in interviewing real clients so early in their degree but furthers their sense of belonging in the Law School and having links with later year students.

Indigenous Pre-Law visits

Kingsford Legal Centre hosted a visit by 20 pre-law Indigenous students during December. The students came from around Australia and were a mix of school leavers and mature age students. The pre-law program has grown and developed over the years. Nura Gili Centre is key to improving Indigenous access to, and retention, in tertiary studies in the University. The Faculty of Law pre-law program is a well developed program with an introduction to various areas of law and excursions to expose students to a wide variety of University activities. We enjoyed the visit and are happy to be part of the program to increase Indigenous participation in law courses.

Classes on dealing with Indigenous clients and communities

The seminar program for students has included a class on dealing with Indigenous clients and communities in order to provide greater insight and skill for students. This class was presented by a range of presenters including Sue Green of Nura Gili Centre and Brad Welsh a previous students of the Centre. The students found it challenging and interesting.

Pre-law students

EDUCATING FOR JUSTICE cont'

Law, Lawyers and Society: Classes and interviewing experience

Throughout the year KLC provides an experience of interviewing a real client to most Law, Lawyers and Society students. The Law, Lawyers and Society course is about the ethics of being a lawyer and the role of lawyers in society and it incorporates a class given by KLC staff to all students. The class is on the skill of interviewing. In preparing for the advice session, Law, Lawyers and Society students are also given a tutorial by the intensive clinical students about the Centre and aspects of interviewing.

UNSW is unique in being able to offer its students the opportunity of clinical legal education at a relatively early stage of their studies. Students who come to the Centre and who interview clients are generally inspired and awed by the importance of the legal services provided by volunteers at KLC. Many comment on the importance of seeing law in practice, putting theory into use after time spent studying law.

Students were given the option of watching a DVD on interviewing developed by staff at the Centre. This DVD uses students at the Centre, interviewing clients, played by actors, based on real clients. Students then reflect on the interviewing skills of the interviewer and critique it.

KLC students

KLC students

Services provided by KLC

Kingsford Legal Centre provides a free legal service to people who live, work or study in the local government areas of Randwick City Council and Botany Bay City Council including staff and students of UNSW. Kingsford Legal Centre also provides a specialist state-wide discrimination service and a specialist employment advice service.

The majority of the legal advice is provided by appointment at face to face interviews. However some advice is provided by telephone for clients who are unable to access the centre due to locality or mobility problems. In special cases home and hospital visits are undertaken. The drop in service at Yarra House, La Perouse was continued.

General legal advice was provided on:

- most days at KLC, either in the morning or afternoon
- Friday mornings at the South East Neighbourhood Centre
- Tuesday evenings at KLC
- Thursday evenings at the Junction Neighbourhood Centre

Discrimination advice was provided during daytime appointments.

Employment advice was provided on:

- Wednesdays during the day
- Thursdays by telephone
- alternate Thursday evenings at the Junction Neighbourhood Centre

Other services provided by KLC included:

- referrals to a wide range of legal service providers
- contributions to law reform
- community legal education to both community workers and members of the public
- information on a range of legal issues

Outreach services are an important part of the service delivery and KLC is extremely grateful to the organisations that provide the venues.

South East Neighbourhood Centre Outreach (SENC)

The outreach at SENC continued throughout the year every Friday morning and like the other outreach venues, proved to be very popular with our clients. Our thanks to the staff of SENC for their continued support and promotion of the outreach service.

SERVICE PROVISION cont'

Junction Neighbourhood Centre Outreach

In February 2007 an outreach service commenced at the Junction Neighbourhood Centre which is located on Anzac Parade, Maroubra Junction. The Junction Neighbourhood Centre has shopfront premises making it very accessible to our clients. The outreach is held every Thursday evening and many thanks to the staff and management committee of neighbourhood centre for providing their premises to our clients and for bending over backwards to help meet our needs.

Yarra Bay House

The drop-in service at Yarra Bay House, La Perouse was continued throughout 2008. This service is one of the strategies that we have implemented to increase and improve the access to KLC by the local Aboriginal community. We would like to thank Guriwal Aboriginal Corporation and the La Perouse Local Aboriginal Land Council for their assistance in providing the venue and promoting this service.

Providing legal advice at Yarra House

ABORIGINAL ACCESS PROJECT

In November KLC was very pleased to welcome Keith Ball to the team as the Aboriginal Access Worker.

Keith is a member of Wadi Wadi people from the Wollongong & Illawarra region, but was raised in the inner city and inner western suburbs of Sydney. Keith has started working with the local Aboriginal community assisting them in their access to legal advice and assistance.

The main aims of the Aboriginal Access Project are to:

- develop, maintain and extend links between KLC and the local Aboriginal community, organisations and service providers;
- provide support to Aboriginal clients;
- provide legal information and referral to appropriate legal and non-legal services;
- advise and assist in the promotion of KLC to the Aboriginal community;
- provide cultural awareness training for KLC staff, students and volunteers.

The project has been funded by a very generous donation from the Berg Foundation and grants from Randwick City Council and the NSW Combined Community Legal Centres Group Aboriginal Legal Access Project.

Keith Ball, Aboriginal Access Worker

CASEWORK

Client work at Kingsford consists of a mix of 60-80 open case files, a smaller and more variable number of minor assistance files, and the constant daily one-off advice, information and referral work. In 2008 we maintained our specialist areas of discrimination law and employment law, as well as advice, assistance and representation in relation to victims compensation claims, domestic violence, apprehended violence orders, motor vehicle accidents, debt, consumer complaints, neighbourhood disputes, guardianship, powers of attorney, fines, traffic and other minor offences, police complaints, social security, housing, and administrative law.
The following snapshot of the 2008's casework provides the flavour of our work:

Discrimination Law Casework

KLC has achieved two significant discrimination settlements in the March 2008. Parties in both matters had been a long way apart and both matters had been listed at the ADT for multiple day hearings prior to settlement. These cases had been a lot of work for the practitioners involved and settlement before hearing was a very pleasing result, saving our clients from the stress of lengthy hearings, and providing remedies for the discrimination suffered.

Tenancy

KLC has had some success in assisting clients to negotiate with the DOH to achieve more appropriate housing, and to avoid eviction. Until they had assistance from KLC in advocating their matters the affected clients had been unsuccessful in negotiating with the DOH. The clients were very pleased with the results.

Social Security

KLC was successful in an appeal against a decision made by Centrelink at the Social Security Appeals Tribunal (SSAT) on 27th March 2008. Centrelink has not appealed the decision to the AAT.

The case was concerned with the statutory interpretation of the phrase "a course" in s 541B(1) of the Social Security Act 1991 (Cth). This section relates to whether a student is classified as "full-time" so they can qualify for Youth Allowance. This case has set a strong precedent for students enrolled in two courses studied concurrently at the one institution which is not formally recognised as a combined degree. The SSAT added the study loads of the two separate university courses studied concurrently to conclude that the student was a "full-time student". Centrelink will have to back-pay the student as they should not have cancelled her entitlement to Youth Allowance.

Consumer and contract

In June 2005, our client, Mrs Victoria Fridland, bought a single grave in the Jewish section of the Eastern Suburbs Memorial Park ("the Cemetery"). She bought the lot with the agreement that both her and her husband could be buried there. In May 2007, Mr Fridland passed away and was interred in the grave. However, on visiting the Cemetery office to arrange for a headstone, Mrs Fridland was advised that under Jewish rules the burial of two bodies in one grave was not permitted in the Jewish section. Exhuming Mr Fridland's body and re-interring it in the general area of the cemetery was not possible as it later became clear that exhumation was also not permitted in the Jewish section. The Cemetery advised Mrs Fridland that she should purchase another plot for herself for $11,000. As an aged pensioner with cancer, she was unable to afford this exorbitant amount. Written negotiations with the Cemetery failed to produce a fair outcome. With assistance of KLC, Mrs Fridland filed a claim with the Consumer Trader and Tenancy Tribunal. On 7 May 2008, nearly a year after Mr Fridland's death and much distress, the Tribunal found that Mrs Fridland had not been properly informed by the Cemetery and she should not be required to pay for their mistake. The Member ordered that the Cemetery provide Mrs Fridland with a "Right of Burial" in the grave adjacent to Mr Fridland, at no cost to Mrs Fridland.

KLC students

KLC students

STATISTICS

In 2008 Kingsford Legal Centre provided 1575 advices to the community.

1465 of these advices were delivered in face to face interviews and 110 advices were delivered by telephone, mail or email.

230 New Cases were opened in 2008:

Criminal Law, including DV	8
Civil Law	113
Discrimination	37
Employment	72

Our Clients

Sex:

Male	50%
Female	49 %

Age:

Under 18	1%
18 – 34	29 %
35 – 49	30%
50 – 64	21%
Over 65	13%

Income Scale:

High	3%
Medium	26%
Low	58%

3.5% of our clients identified themselves as Aboriginal or Torres Strait Islander

Country of birth percentage

Australia	40%
China	5.2%
England	3.1%
Indonesia	2.5%
New Zealand	2.2%
Russian Federation	2.2%
Hong Kong	2%
Peru	1.7%
Philippines	1.5%
Viet Nam	1.5%

EMPLOYMENT CLINIC

The Employment Clinic has had another busy year for casework, taking on many matters for unfair and unlawful dismissal as well as discrimination in the workplace. A particular concern was the number of pregnancy and parental leave-related matters that came to KLC. The existence of remedies in both employment and discrimination law does not appear to have deterred some employers, causing great distress to our clients.While most of these matters settled relatively quickly we went to hearing in several cases and were still awaiting decisions at the end of the year.

We settled one unlawful termination matter on the first day of a two day hearing in the Federal Magistrates Court. Our client had been terminated after been absent when complications arose from a miscarriage and she was dismissed by an email to her home.

Another unlawful termination matter went to hearing over three days in the Federal Magistrates Court in October and we are still waiting on the decision. In that case our client was dismissed a week before going on maternity leave.

We had a success in the NSW Industrial Relations Commission acting for the former driver of the Botany City Council mayor. Our client had called in sick but was then summoned into work and dismissed on the spot, despite having a medical certificate. Our client's application was upheld and he received a substantial award from the Commission.

We were not so fortunate in another unfair dismissal application where our client had been in the same workplace for 17 years but new owners had taken over five months prior to her dismissal. Our client was excluded from the unfair dismissal remedy because of the 6 month qualification period required by the Workplace Relations Act. This exclusion, which was introduced by the WorkChoices amendments, was particularly detrimental for long term employees when there had been a change of ownership as the qualifying period applied unless there is written agreement between the employer and employee to set it aside. This case highlighted the vulnerability of employees continuing in a business with new owners. We lobbied the federal government on this issue and were pleased to see that, in its amendments to workplace legislation, this provision has been amended in favour of continuing employees.

Apart from casework, Linda Tucker continued to convene the NACLC employment network which provided submissions to the federal government on amendments to workplace legislation.

SECONDEES AT KLC

Freehills Secondees Lila Oldmeadow and Lucinda Flanagan

Freehills (since 1992) and Allens Arthur Robinson (since 2007) have provided full-time solicitors as secondees to KLC. Each solicitor has a 6 month stint at the Centre, with Freehills providing two solicitors per year and Allens Arthur Robinson providing one solicitor per year.

In April 2008, Mahreen Hasan from Freehills passed the baton to Lucinda Flanagan, who was followed by Lila Oldmeadow in October 2008. Laura Brown came to the Centre from Allens Arthur Robinson in October 2008.

The secondees work closely with the permanent staff and students in the Centre and take on casework in general areas of law. A significant part of the work relates to contract matters, debt recovery, fines, motor vehicle accidents, powers of attorney and disputes with government departments. The secondees also conduct daytime outreach services at the South-East Neighbourhood Centre in Eastlakes.

The secondees have had the privilege of working on many interesting cases. One such case involved a client with a schizoaffective disorder which was left untreated for a number of years. During periods of illness, he accrued numerous parking

and speeding fines, which were enforced. Our client paid the fines by borrowing from family and friends but had trouble repaying because he was unemployed.

KLC assisted by applying for the fines to be annulled. Some fines were withdrawn entirely, but our client had to attend court for a hearing on the remaining fines. KLC appeared for him, and successfully had the fines either waived or reduced under s32 of the Mental Health (Criminal Procedure) Act (this provision allows the court to deal with charges outside of the usual guilty/not guilty plea if the accused has a mental illness and can demonstrate an ongoing treatment plan, which our client could). As he had already paid the fines, he got his money back which made him very happy with the outcome.

Mahreen Hasan (Freehills)
Lucinda Flanagan (Freehills)
Lila Oldmeadow (Freehills)
Laura Brown (Allens Arthur Robinson)

Allens Secondee Laura Brown

Human Rights Collaboration to support Migrant Workers lawyers in China

KLC Director Anna Cody went to China in January 2008 on behalf of the Human Rights and Equal Opportunity Commission (HREOC) to deliver an address on community legal centres in Australia and Kingsford Legal Centre's services and teaching program. The aim of the 2 day training was to skill lawyers who work with migrant workers in China. Anna spoke on the structure of Legal Aid in Australia and the development of community legal centres and their role in not only providing direct services for the more disadvantaged members of our community but also in community legal education and law reform and policy work.

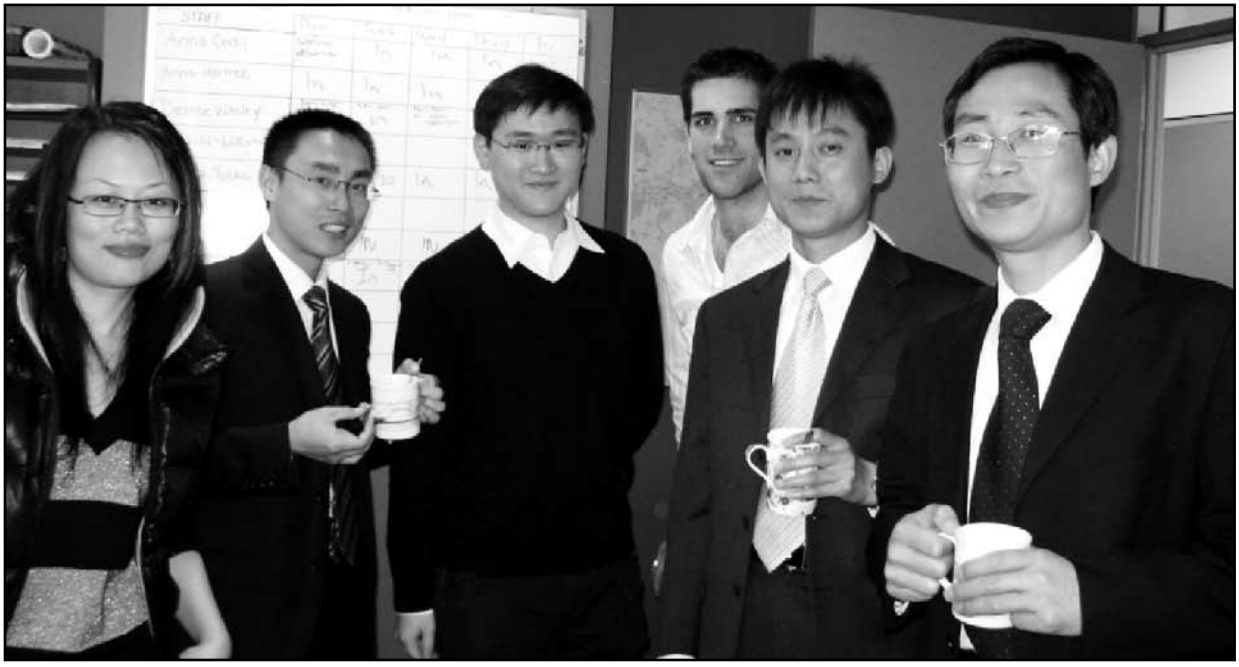
The conference was attended by over 70 delegates who work with Chinese migrant workers. This is a huge issue within China with over 200 million migrant workers facing issues of injuries at work, unpaid entitlements and unfair dismissals.

Anna Cody addressing the conference in China

CHINESE DELEGATION'S VISIT

In Early May KLC was visited by a delegation from the Beijing Legal Aid Office for Rural Migrants (BLAORM). BLAORM is a non-profit organisation providing legal advocacy for migrant workers in China. The visit was coordinated by HREOC and forms part of the dialogue between the Federal Government and China on human rights.

Throughout the visit the delegation was given presentations by both staff and students relating to how KLC operates and how it helps to service the community. The presentations were formulated to be interactive enabling the individual members of the delegation to make comments and to highlight both the similarities and differences of the Chinese Legal system.



KLC students with BLAORM delegates

COMMUNITY LEGAL EDUCATION

CLE with the Local Aboriginal Community

In 2008 KLC decided to start a CLE program targeted at Aboriginal people in the local area. We had contact with a number of services in the area, including the Wanderers Outreach Service, Malabar midwives, Youth Haven youth service, and the Aboriginal Community Liaison Officer at the Maroubra Police. Out of these relationships evolved a number of CLE opportunities, including a workshop with the young people at Youth Haven youth service on the police, their powers, and bail; and a workshop on KLC, discrimination and employment at a women's group at the Wanderers, the project is an ongoing one and we look forward to conducting more workshops and other CLEs in the area in 2009.

Radio Segments

KLC staff also featured on the radio in 2008. On 16 May 2008, Teena Balgi and Michaela Alhadeff, a KLC student, featured on Eastside radio. We were also on 2SER twice, to discuss our service, and the employment rights of ex-prisoners.

Community Workers Series

Since 2005, KLC has conducted monthly workshops for community workers from the local area and beyond. The 2008 series was a success, with workshops being conducted on family law and child protection, privacy, powers of attorney and enduring guardianships, credit and debt, domestic violence, social security, victims compensation; the legal system. The workshop series was very popular and is a great opportunity for KLC to work with community workers, and other legal service providers.

Employment Law CLE

Employment law workshops were provided to job seekers at WAYS, a youth service in Maroubra, and to a group of new migrants at Pro-links Refuge Services. Two mandatory continuing legal education sessions were also held for CLC solicitors and volunteers.

General CLE

We also conducted a number of successful ad hoc CLEs over the year. These included a talk in Bowen Library during Law Week on the "Law and You" and a workshop during Seniors Week called Scam Busters. We also went to Dolores Women's refuge and conducted a CLE, followed by an advice clinic.

POLICY AND LAW REFORM WORK

2008 saw a resurgence of law reform work at the Centre, partly due to a refocussing on this area of work at the Centre and assisted by a new Federal Government which sought the views of the community in a range of areas.

Law reform submissions

One of the areas which KLC focussed on was making a submission to the Productivity Commission's Public Inquiry into Maternity, paternity and parental leave in April 2008. The Centre relied on its extensive employment and discrimination law practice to propose 26 weeks of paid maternity leave and greater options for parents to return to part time work and flexible work conditions after parental leave. Since this submission and the appearance before the Commission, the Commission has recommended that the Government introduce paid maternity leave of 18 weeks. We are still awaiting Federal government action in this area.

Another area of expertise in which the Centre made a submission was to the Inquiry into the Stolen Generation Compensation Bill 2008 proposed by Senator Bartlett. Some of the Centre's recommendations included that compensation be available to children who were forcibly removed from their communities and that other *Bringing Them Home Report* recommendations be followed. It appears unlikely that a scheme for paying reparations will be introduced in the short term.

KLC coordinated and drafted a submission to the "Senate Inquiry into the effectiveness of the Commonwealth Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality." This was a joint submission from KLC, the Combined Community Legal Centres Group of NSW and the National Association of Community Legal Centres. The submission contained 45 recommendations for significant reform to the Sex Discrimination Act 1984 to better protect women and men from discrimination, and to facilitate systemic change to discriminatory policies and practices.

Human Rights Reporting

KLC was involved in a project to document the state of human rights in Australia, and ultimately to contribute to the effective protection of human rights standards in Australia, primarily through the production of NGO reports for the UN. In April 2008, in conjunction with the National Association of CLCs and the Human Rights Law Resource Centre, the Centre submitted a report on Australia's implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to the UN Committee on Economic, Social and Cultural Rights (CECSR). The Report, which was prepared with contributions from over 30 NGOs and was supported by over 100 local, national and international NGOs, was very well received by CESCR. In October 2008, we submitted a NGO Report on Australia's implementation on the

POLICY AND LAW REFORM WORK cont'

International Covenant on Civil and Political Rights (ICCPR) to the UN Human Rights Committee (HRC). The ICCPR Report was contributed to by over 50 NGOs and supported by over 200. Our ICESCR and ICCPR Reports, which are known together as Freedom, Respect, Equality, Dignity: Action are a comprehensive analysis of human rights in Australia and include a range of targeted recommendations to address disadvantage.
The CESCR and HRC will review Australia's implementation of ICESCR and ICCPR next year.

KLC students hard at work

WORKING WITH OUR COMMUNITY

Throughout 2008 Kingsford Legal Centre continued to work closely with the local community. These activities provide the Centre with the opportunity to promote its services, make enquiries as to the legal issues of the local community, provide legal information to both the community and service providers and to ensure that the information KLC has on other service providers is current.

Kingsford Legal Centre Consultative Committee

The Centre would like to thank the representatives from the following community organisations who participated in the KLC Consultative Committee during 2008: The Deli Women and Children's Centre, the Junction Neighbourhood Centre, Randwick City Council, Eastern Area Tenants Service and South East Neighbourhood Centre. The consultative committee provides KLC with the opportunity to discuss the services provided by the Centre, issues facing our community and clients and to assist with the planning for new projects.

Presentations

In addition to presentations at staff meetings of local organisations, presentations were made to the Optimist Group, a group of Russian speaking seniors and to The Wanderers Aboriginal Women support group at La Perouse. During Anti-Poverty week KLC participated in a forum titled 'Crime and Poverty' organised by students of the UNSW Social Justice Project. During Law Week students also designed and organised displays at most of the libraries in the catchment area.

Community Events

Kingsford Legal Centre participated in several community events including the 2008 Yabun Festival, Women's Day celebration at Kooloora Community Centre, open day at the Junction Neighbourhood Centre and the UNSW Indigenous Showcase.

Information stall at South Point Shopping Centre

KLC stall at Kooloora Women's Day event

WORKING WITH OUR COMMUNITY cont'

Interagency Work

Kingsford Legal Centre continued to be an active member of several interagency groups. These included the Eastern Suburbs Domestic Violence Network, La Perouse Indigenous Community Interagency Group and the Botany Interagency Group. The Centre was also a member of the steering group which organised the Joint Domestic Violence Network Forum and chaired the forum which was held in February.

Kingsford Legal Centre also continued its commitment to supporting local organisations by staff participating in management committees. During 2008 staff were members of the management committees of the following organisations: Eastern Area Tenancy Service, the Junction Neighbourhood Centre, the Deli Women and Children's Centre, South East Neighbourhood Centre and the advisory committee for the Staying Home Leaving Violence Service. KLC also continued to participate in the Waverley Women's Domestic Violence Court Support Service roster for the safe room at Waverley Local Court.

NAIDOC celebrations

In partnership with The Deli Women and Children's Centre, KLC participated in the NAIDOC celebrations held at La Perouse. In addition to the information stall, activities such as making stress balls and necklaces were provided for the children.

KLC display at the UNSW Indigenous Showcase

Display at Randwick City Library

NAIDOC celebration at Yarra Bay

VOLUNTEERS & MANAGEMENT COMMITTEE

Volunteers

Without the generous donation by volunteer solicitors of their time and skills, many of the people in our community would be left without access to legal advice. Volunteering at KLC also has the added challenge and delight of working with students who are often having their first experience of working with clients.

We would therefore like to extend our sincere gratitude to the following solicitors who volunteer at the evening advice sessions.

Alice Paul
Amy Kilpatrick
Arturo Norbury
Audie Willert
Cherry Siu
Claudia Mitchell
Daniela Hartman
Danny Grynberg
Dave McMillan
David Loonam
Dolun Teoman
Jessica Cruise
Jessica Tan
Joseph Kennedy
Josh Brock
Julia Emerton
Julianna Creswell
Larissa Andelman
Lee Critchley
Libby Brookes
Lyndon Reid
Magdeline Hauw
Margaret Faux
Margot Morris
Mark Gillard
Mary O'Connell
May Yii Sim
Michael Kim
Mike Steinfield
Natasha Case
Patrick Gentile
Rachel Kelly
Rebekah Gay
Richard Beasley
Robyn Gilbert
Ross Buchanan
Sharon Katz Vidor
Simon Kennedy
Sonya Oberekar
Sophia Grieve
Sue Mordaunt
Susan Donaldson
Susan Wan
Sylvia Hobbs
Tim Mitchell
Ting Lim
Ting Tsia
Tom Mithieux

Management committee

The management committee met 3 times over 2008. We are very grateful to the members of the management committee: George Williams (UNSW) Sean Brennan (UNSW), Julie Romanowski (UNSW), Anne Cregan (Blakes), Christine Robinson (Wirringa Baiya Aboriginal Women's legal centre) and Jill Hunter (UNSW) for their input into the Centre's directions. We were lucky to have as our founding Chair Professor George Willliams who gave support and assistance to the Director and Centre. His clear thinking and approachable manner were much appreciated. We also welcomed Professor Jill Hunter to the position of Chair in May 2008.

STUDENTS

Semester 1

Addy Pong
Alex Chong
Alina Souk
Ben Lipschitz
Bernand Kwan
Bianca Tang
Billy Kwan
Cadie Minshall
David Armstrong
David Yang
Duroyan Fertl
Edwina Yu
Garland Cheang
Gosia Bytnerowicz
Grace Siu
Jack Li
Jenessa Rabone
Julia Mansour
Ken Wong
Laura Goodman
Michaela Alhadeff
Michelle Chen
Ozlem Gergerli
Rodney Chan
Sarah Hall
Shana Krishnan
Stephen Woodlands
Susie Wang
Tommy Lim
William Chan

Semester 2

Andrew Sudol
Danny Tan
David Li
Felicia Wong
Fiona Foster
Hassan Salem
Heman Lee
Ipek Buyukbaykal
Jaspreet Singh-Bains
Jemma Hollonds
Jenny Yang
Jimmy Chen
Johnny Zhang
Lydia Mak
Malindi Sayle
Matthew Butt
Michelle White
Newton Lee
Omar Shehabi
Rebecca Jones
Rosemary Grey
Stuart McKenzie
Teresa Lin

PLT students Margo Egan and Liz Snell

Summer Session 2008/09

Ashkan Kebriti
Christine Yoo
Emma Langton
Emmanuel Giuffre
Eustina Zaky
Jaime Lee
James Dorney
Li Yi Gong
Melissa O'Donnell
Moustafa Kheir
Pablo Ramirez
Rheza Tanudihardjo
Sharleen Tran
Susan Lee
Thomas Bowes
Yi-Jen Chan
Yi-Xian Chong

PLT student Tamara Kuppusamy

Anna Cody – Director

Anna Cody joined the Centre as Director in March 2004. Anna has worked at the Centre as a solicitor, senior solicitor and Acting Director since 1995, leaving for periods of study and other work. She has worked most recently with a human rights organisation in New York and also in the area of international development in Australia. Her research interests are in the area of community development, clinical legal education and human rights.

Shirley Southgate - Principal Solicitor

Shirley commenced work at KLC in November 2005. Shirley has previously practised in Western Australia, most recently at Legal Aid WA as the Managing Solicitor – Client Services. She has also worked in four different community legal centres and in private practice. She was one of the founders of Human Rights WA and has a particular interest in policy, law reform and community legal education.

Teena Balgi - Solicitor

Teena was a student at KLC in 2000. She has since worked as a solicitor at the HIV/AIDS Legal Centre and as an editor of the Indigenous Law Bulletin. Teena came to KLC from the civil litigation section of Legal Aid Commission of NSW where she was part of the administrative law team. She is currently co-convenor of the National Human Rights Network of Community Legal Centres.

Linda Tucker – Employment Solicitor

Linda came to KLC in 2004 from the Sydney Bar where she specialised in refugee and employment law. Prior to this she worked in England running appeals for the Refugee Legal Centre. She also has research interests in environmental law, completing her PhD in wildlife trade law at the end of 2007. Linda is convenor of the National Employment Network of Community Legal Centres.

Anna Hartree - Coordinator

Anna has over 25 years experience as a community worker. She has worked for a range of organisations which provide human services such as community housing, women's refuges and family support. Anna came to KLC in 2004 after working at Hunter Community Legal Centre in Newcastle.

Denise Wasley - Administrator

Denise has been the KLC Administrator since 2003, having previously worked at KLC in 1996. Denise has worked in the community sector and in trade unions for over 20 years. Denise is the Centre's OH&S representative, First Aid Officer and NTEU Union delegate and is the Treasurer of the CCLCG Board.

STAFF cont'

Keith Ball – Aboriginal Access Worker

Keith Ball commenced work with KLC in November 2008, as the Aboriginal Access Worker. Keith has completed his Bachelor of Applied Science (Indigenous Community Management & Development) at Curtin University of Technology. Keith is a member of Wadi Wadi people from the Wollongong & Illawarra region, but was raised in the inner city and inner western suburbs of Sydney. He comes to us from the health sector, working in state and national non-government community based HIV/AIDS organisations in Indigenous specific projects.

Murray McWilliam – Librarian

Murray maintains the KLC library. He began his involvement with KLC through his participation in the Clinical Legal Experience Course, Summer Session 1997/98.

Francisco Fisher – Publications Worker

Francisco is responsible for all the layout and production of most of the publications produced by KLC.

Natasha Case – Locum Solicitor

Natasha was a locum solicitor in Kingsford's employment law clinic in 2006. She has worked in native title, litigation and discrimination law. She is currently Senior Solicitor at PIAC and regularly supervises volunteer solicitors at Kingsford.

Mark Gillard – Locum Solicitor

Mark Gillard is currently the Manager of the Legal Department at the Independent Pricing and Regulatory Tribunal. He first came to KLC in May 2006 as a Freehills secondee and spent 6 months working at the Centre. In 2008 Mark took over the supervision of Anna Cody's Tuesday advice nights. His interests include the All Blacks Rugby team and all things New Zealand.

Kim Healy – Locum Solicitor

Kim was a locum solicitor for Kingsford's statewide Discrimination Law advice service in 2008 and also supervised general legal evening advice sessions. Kim has worked in Community Legal Centres for 6 years and also worked for the Attorney General's Department and the Legal Aid Commission.

Mahreen Hasan - Freehills Secondee

Mahreen is a 3rd year solicitor at Freehills where she works in the firm's Employee Relations practice. She is a graduate of UNSW Law School, having completed her studies in 2003 after a semester on exchange at McGill University in Montreal.

Lucinda Flanagan – Freehills Secondee

Lucinda Flanagan is a solicitor at Freehills and has worked there for 3 years. She works in the firm's banking practice, having also spent some time in the litigation practice. She is a graduate of the University of Sydney. Outside of work Lucinda enjoys playing soccer, reading and catching up with her siblings who live overseas.

Lila Oldmeadow - Seconded Solicitor from Freehills

Lila is a 2nd year solicitor at Freehills in the property group. She studied Arts/Law at Sydney Uni and did an honours year in modern history. Lila went on exchange to Duke University in North Carolina studying American National Security, Environmental and Animal Law.

Laura Brown - Seconded Solicitor from Allens Arthur Robinson

Laura completed her Arts (Honours) degree in English at UNSW in 2003, and completed her graduate law degree in 2006. Laura was on exchange in Aarhus, Denmark, for the final session of her law degree, and then completed an internship at the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia, in the Hague, the Netherlands at the start of 2007. Laura has worked at Allens since July 2007, in the Litigation Department.

Cheerful workers at KLC

FINANCIAL REPORT

KINGSFORD LEGAL CENTRE
Statement of Financial Performance
for the year Ended 31 December 2008

	2008	2007
Income		
AG Clinical Legal Education Initiative	119,533	116,447
CLCP Commonwealth Funding	78,184	42,485
CLCP State Funding	117,022	113,284
Less GST		(13,418)
Combined CLC Group NSW ALAP Grant	3,150	3,000
Law & Justice Foundation of NSW Grant		5,317
UNIFEM Grant		10,730
Fees non Award Student Activity	2,155	
DVD Sales		189
Donations	28,480	443
Legal Costs and Disbursements	8,039	1,925
Randwick City Council Grant	15,000	
Reimbursements	1,156	7,381
Total	**372,718**	**287,783**
Expenditure		
Salaries and on costs	630,379	547,616
Materials and Running Costs	43,333	42,551
Equipment and Maintenance	19,404	16,359
Travel and Conferences	16,797	17,251
Total	**709,912**	**623,776**

Net Surplus/Deficit – KLC	(337,194)	(335,993)
UNSW Contribution		
DEST & UNSW Funded	305,339	306,140
Discretionary		22,000
Total	**305,339**	**328,140**
Result for the period includes UNSW contribution		
Surplus/Deficit	(31,855)	(7,854)
Prior Year Accumulated Funds	117,064	124,918
Accumulated Funds	85,209	117,064
Net Accumulated Funds Unexpended	**85,209**	**117,064**

Notes

1. Legal Costs and disbursements are an abnormal item which can vary considerably from year to year
2. Kingsford Legal Centre is a unit of the Faculty of Law of the University of New South Wales. As such all its accounts operate within the financial structure of the Law Faculty.

Certified Balancing to the Ledger
Rajinder Cullinan
Client Services Accountant – Faculty of Law
Client Services, Management Accounting and Budgeting
UNSW

Certified Correct
Anna Hartree
Coordinator
Kingsford Legal Centre
UNSW

ACKNOWLEDGEMENTS

During 2008 Kingsford Legal Centre received core funding from:

- UNSW Law Faculty
- Federal and State Attorney Generals Departments

Grants were received from the following organisations as a contribution to the Aboriginal Access Project:

- Randwick City Council
- Combined Community Legal Centre Group Aboriginal Legal Access Scheme

We would like to acknowledge and thank the Berg Foundation for their very generous donation to the centre for the Aboriginal Access Project.

Donations were also received from The Eastern Suburbs Law Society, Macquarie Bank and the UNSW Law Society.

Kingsford Legal Centre would like to acknowledge the support provided by:

- Freehills
- Allens Arthur Robinson
- Craddocks Murray Neuman
- The following law firms for their participation in the employment law clinic: Harmer's Workplace Lawyers, Henry Davis York. Ebsworth & Ebsworth. Abbot Tout, Bartier Perry, Clayton Utz , PriceWaterhouseCoopers Legal
- Junction Neighbourhood Centre for use of premises for outreach service every Thursday evening
- Guriwal Aboriginal Corporation for their support of the outreach service at Yarra Bay House
- La Perouse Local Aboriginal Land Council for their support of the outreach service at Yarra Bay House
- South East Neighbourhood Centre for use of premises for the outreach service which is held every Friday morning
- Matthew Butt who volunteered during the mid session break
- Guest speakers for the Wednesday afternoon classes
- Staff of the UNSW Law Faculty and Law School

MISSION STATEMENT

Kingsford Legal Centre is committed to social justice and to promoting access to and reform of the legal system.

We aim to provide quality legal services to the community and to promote excellence in clinical legal education whilst fostering a critical analysis of the justice system.

KLC
kingsford legal centre

Kingsford Legal Centre, F8 – 003, UNSW NSW 2052
T. (02) 9385 9566 E. legal@unsw.edu.au
Kingsford Legal Centre is located on the ground floor of the Law Building (building F8), University of New South Wales, Anzac Parade, Kensington
Design, layout: and retouching: Francisco Fisher for Kingsford Legal Centre