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Kingsford Legal Centre
The Law Building
University of New South Wales
Kensington campus
Building F8, Union Road
Ground Floor

- Turn left into University Mall (big wide footpath)

• Walk past the new law building which is on the right (trees out the front)

- Turn down the footpath between the Law Building and The Blockhouse

- KLC is on the right opposite the Roundhouse

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At different times of the day, on street parking is available in High Street, Anzac Parade and in the streets off Day Avenue.

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The following buses, including the express buses, all stop outside UNSW:

- To and from the city: 392, 394, 396, 397, 394
- To and from Central Railway: 391, 393, 395
- To and from Bondi Junction: 40 9

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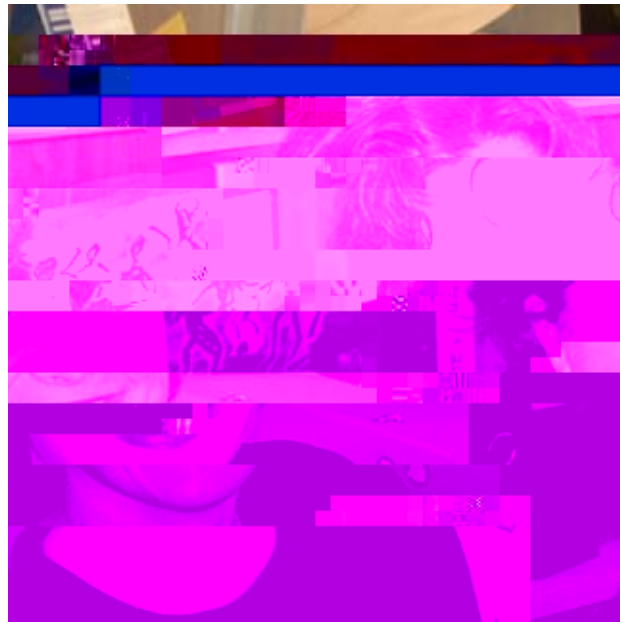
Employment Law; Dismissal Fairness

The Employment Clinic has had some ups and downs in recent months. A good win for our client who was subject to an unfair redundancy – subsequently also found to be a sham following cross examination of the employer in the hearing – has now turned sour. The employer has not complied with the NSW Industrial Relations Commission's order for compensation and we are now seeking to enforce the judgment in the Local Court [2006] NSWIRComm 1099.

Another client had a much better outcome when the clinic quickly settled her matter against a well known property developer. A claim for unfair dismissal in the Australian Industrial Relations Commission was favourably settled before the matter went to conciliation.

We have also had a significant win in the AIRC with a long running matter against Qantas Holidays. Belinda Morley came to us in May of last year in relation to her dismissal but, owing to significant personal difficulties, did not pursue her matter at the time. Several months later Ms Morley was able to instruct us again and we lodged a late application with the Commission which was challenged by Qantas

for being out of time. We succeeded in this challenge and the matter, after many further delays, was heard by SDP Hamberger in June this year. Ms Morley had suffered a serious illness then a serious injury which caused her to be absent from work from February to May 2005. She was then dismissed for her absences and 'failure to provide appropriate documentation'.



KLc's employment solicitor Linda Tucker.

There had also been some lengthy absences in recent years which Qantas cited as further reason for the dismissal. We considered the matter had merit given the reasons for Ms Morley's absence at the time of

the dismissal and that she had in fact provided documentation. Ms Morley sought reinstatement and compensation. As she has recently had a baby, we asked that any reinstatement take into account that, if she had not been terminated, Ms Morley would have been on maternity leave and any return could not be until early next year. The Commission upheld the application and ordered that our client be reinstated in February 2007 and awarded 21.2 weeks remuneration.

(PR

973333 31 August 2006).

The clinic has also recently dealt with an application for costs by a respondent employer following a matter in which our client's unfair dismissal application was dismissed. The initial application turned on whether a period of probation applied to our client at the time of his dismissal. While the clinic was unsuccessful in this matter, it successfully defended the costs application. [2006] NSWIRComm 1123.

In policy work, Linda Tucker from the clinic appeared before the NSW Legislative Council's Social Issues Committee's hearing into the impact of Work Choices. Linda appeared with three other CLC solicitors and the hearing provided plenty of fodder for the committee concerning the adverse impacts on our clients and the difficulties arising from practising under

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The DVD is finally finished, copied and ready to be distributed.

It is a training kit that KLC has produced on how to make a good referral. The kit includes a DVD and a workbook and looks at many of the important issues that need to be considered when making an effective referral. Although the information is specifically in regard to making a referral to a legal service, the issues are relevant for making a referral to any service provider.

The DVD costs \$30.00 (includes GST and post and packaging) and is available from Federation Press.

Phone: (02) 9552 2200

Email: sales@federationpress.com.au

Online: www.federationpress.com.au

The DVD was made possible by a grant from the Law and Justice Foundation.

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Recently KLC has been very fortunate in being invited to several events in the La Perouse community. In July we attended the NAIDO

Week celebrations at Yarra Bay Oval. It was a beautiful day and the children had a great time decorating paper plates as a gift to give to mum and dad. At the beginning of August we attended the Tenancy Expo at Yarra Bay Sailing Club and later in the month, the Indigenous Interagency meeting.

All these events provided us with the opportunity to distribute information on KLC, inform the community about our move to UNSW and distribute some brochures on some important legal issues. In addition we met with local members of the community and had a chance to meet with other service providers.

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We are very happy to announce the beginning of a new phase of pro bono collaboration with Allens. Since late July we have been lucky to have an additional seconded solicitor Sonya Oberekar from Allens working full time at the Centre. This has increased our capacity to offer legal advice and casework and staff our outreach services.

Sonya joined Allens Arthur Robison in 2005 and spent her first twelve months working in their Commercial Litigation Department. Prior to that she attended the University of Newcastle. In her free time, she enjoys going

to the cinema, cooking, and playing piano. She looks forward to working with KLC's staff, students and clients.

KLC would like to take this opportunity to thank Allens for their generosity and look forward to a long partnership with them.



ALLENS' SECONDEE SONYA OBEREKAR

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KLC series of free monthly legal workshops for community workers is up and running again. The workshops are held on the first Tuesday of each month and from 9.15am to 12.30pm.

The next workshop in the series is on Tuesday 5 September. The topic of the workshop is 'Powers