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Parade, Kensington.

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The day was a great success and both the delegation and KLC benefited from the visit. The members of the delegation were extremely friendly and showed great enthusiasm. Thank you to all staff and students for their contributions!

iCESCR reporting

KLC along with the National Association of Community Legal Centres and the Human Rights Law Resource Centre have been undertaking a joint human rights project. The project involves the preparation of two NGO reports to the UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Human Rights Committee, which are responsible for monitoring the implementation of the ICESCR (International Covenant on Economic, Social and Cultural Rights) and the ICCPR (International Covenant on Civil and Political Rights) respectively.

The first of the two reports, entitled Freedom, Respect, Equality, Dignity: Action, was submitted to CESCR in April with support in whole or in part of over 100 local, national and international NGOs. The Report is a comprehensive and constructive analysis of the state of ESC rights in Australia and makes a range of targeted recommendations to address disadvantage and poverty. The Report was very well received by CESCR

and has been invaluable to the formulation of CESCR's "List of Issues" it would like Australia to look at. The CESCR will officially review Australia's performance under the ICESCR some time next year.

submission to the inquiry into stolen generation Compensation bill 2008

In the 1990s KLC ran the first litigation in Australia on behalf of a member of the stolen generation, Joy Williams. Subsequently, Anna Cody made a written submission into the above inquiry on behalf of the Centre as well as appearing before the Committee. Senator Bartlett has proposed a draft Bill to establish a scheme for payment of compensation to members of the Stolen Generation. KLC's key recommendations were that it is important that the concept of "reparation" be used in any Tribunal, that a majority of the Tribunal members be Indigenous people, and that "removal" encompass a wider meaning than what the draft bill proposes.

submission to productivity Commission's public inquiry into maternity, paternity and parental leave

Director, Anna Cody and Law Student Clerks, Jenessa Rabone and Shana Krishnan prepared a submission for the Productivity Commission's Inquiry into Maternity, Paternity and Parental Leave in May.

Commissioners Robert Fitzgerald and Angela MacRae were particularly impressed with the Centre's expertise in employment and discrimination law and their experience with pregnancy-discrimination cases. KLC has encountered an alarming number of discrimination in employment cases which highlight the difficulties women experience, when they attempt to strike a healthy work-family balance.

KLC recommended that a government funded scheme of 26 weeks paid parental leave be introduced with additional voluntary top-ups by employers. Additional paid leave should also be provided for fathers and other parents on a "use it or lose it" basis. Resources must be allocated to support the combination

of motherhood with employment if the government is to address the disadvantage that women experience as the result of their maternal role. The Productivity

suCCessful outCo me at the soCial seCurity appeal sTribunal

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.

suCCessful outCo me in Cemetery matter

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.

Since the Tribunal's decision, Mrs Fridland has become aware of a number of other families in the same situation. KLC recommends that anyone else in this situation should seek advice immediately.

empl oymen t Clinic news

botany Council matter

The clinic has had a recent success following the relatively unusual event of taking a matter to hearing. Given the high settlement rates for our matters, it has been a long time between drinks at the bar table. Our client, Ray Bull, worked for Botany City Council and was the driver for Botany Mayor, Ron Hoenig. Mr Bull worked Monday to Friday in the mayor's office, however, his work involved significant overtime, driving the mayor to events at night and on the weekend.

Mr Bull was sacked after calling in on a Saturday to inform the council he was unwell and would not be able to drive the Mayor to Carols by Candlelight on the Sunday night. Although still on sick leave on the Monday, he was called into work and sacked on the spot on the basis that he had failed to work the overtime shift on the Sunday. Mr Bull brought a medical certificate with him on the Monday meeting but was told it was not relevant. There was no investigation by the

Council as to Mr Bull's illness and it was the Council's evidence that the decision to terminate him was made before he was called in on the Monday morning.

Commissioner Ritchie found Mr Bull had been unfairly dismissed and awarded him \$16,500 which took into account ongoing workers compensation payments. Bull & City of Botany Bay [2008] NSWIRComm 1041

unlawful Dismissal

- pregnancy

An unlawful dismissal mentioned in the last bulletin as having almost settled is now back on. This is one of three unlawful dismissals the clinic currently has in the Federal Magistrates court – all three are pregnancy-related. Our fourth current pregnancy-related matter has gone to the Anti-Discrimination Board.

DisCrImination in employment matter

In another discrimination matter, which was with HREOC, we have reached a favourable settlement for our client, a male nurse from Port Macquarie. He is Aboriginal and has been working as a nurse for 27 years. His complaint to HREOC included allegations of serious racial discrimination in the

workplace. The client is now in new work and happy to have settled the matter.

l o b b y i n g

Apart from casework, the students are working on compiling statistics from our unfair dismissal advices to keep a tab on those clients who are excluded from the remedy by the WorkChoices amendments. We will be using the figures as part of broader political lobbying by the CLC employment network.

mCl e s s i o n

In March Shirley Southgate and Linda Tucker provided an MCLE session on employment law and recently Linda also gave a talk on employment law to a group of volunteers who act as work mentors for refugees.

CCl Cg state Co n f e r e n C e **– Justice, Cl Cs celebrating change & connecting communities**

KLC staff made significant contributions to the 2008 CCLCG conference. Anna Hartree was involved in the committee organising the conference as well as chairing the session, 'Guide to Publishing'. Anna Cody made a presentation on KLC's ALAP grant in the "Aboriginal Legal Access and CLC's" session; Anna Cody and Teena Balgi organised

and presented in the "CLCs Working with Human Rights Session"; Shirley Southgate presented in the "Anti-Discrimination Law – New Models" workshop; and the multi-talented Linda Tucker chaired the session on "Current Issues in Administrative Law" as well as hosting the conference dinner. The Conference is an important opportunity for CLC workers to share their experience T

for dealing with them. The topic prompted

Out thanks are extended to Blake Dawson who provided a fantastic venue and yummy sustenance to keep us going.

women's Day at Kooloora

KLC shared an information stall with Eastern Area Tenants Service and Wurringa Baiya Aboriginal Women's Legal Centre at the annual International Women's Day fair at Kooloora Community Centre. Lots of pamphlets and information about the centre were handed out and our thanks to our students, Edwina and Michelle who staffed the stall. It wasn't all work and no play as they had the opportunity to watch and listen many talented women from the local area perform line dancing, singing, Tai Chi and Chinese dance.



KLC 2007 annual report

The 2007 KLC Annual Report is now completed. If you would like to receive a copy please email us on legal@unsw.edu.au or follow the links on the KLC website at www.kingsfordlegalcentre.org.

Domestic Violence forum

In March Anna Hartree, KLC Coordinator was involved in the organisation of the Domestic Violence Forum, a project of the Eastern Suburbs Domestic Violence Network. Maria Kissouri presented the results of the very positive evaluation of the

Staying at Home Leaving Violence Project which has been operating in the Eastern Suburbs for nearly 2 years. Mark Butler, the DVLO at St George LAC and Alicia Jillard, a solicitor with Women's Legal Services NSW, both spoke about the new NSW Domestic Violence Legislation which is soon to be enacted. Dr Michael Flood, Lecturer in Sociology at the University of Wollongong spoke about involving men in efforts to reduce violence against women. Zoe Sharman from the Benevolent Society spoke about the impact of domestic violence on children and presented a range of strategies and considerations when working with children. The evaluations from the forum were extremely positive with requests for further forums.

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On 1 April some KLC staff members attended