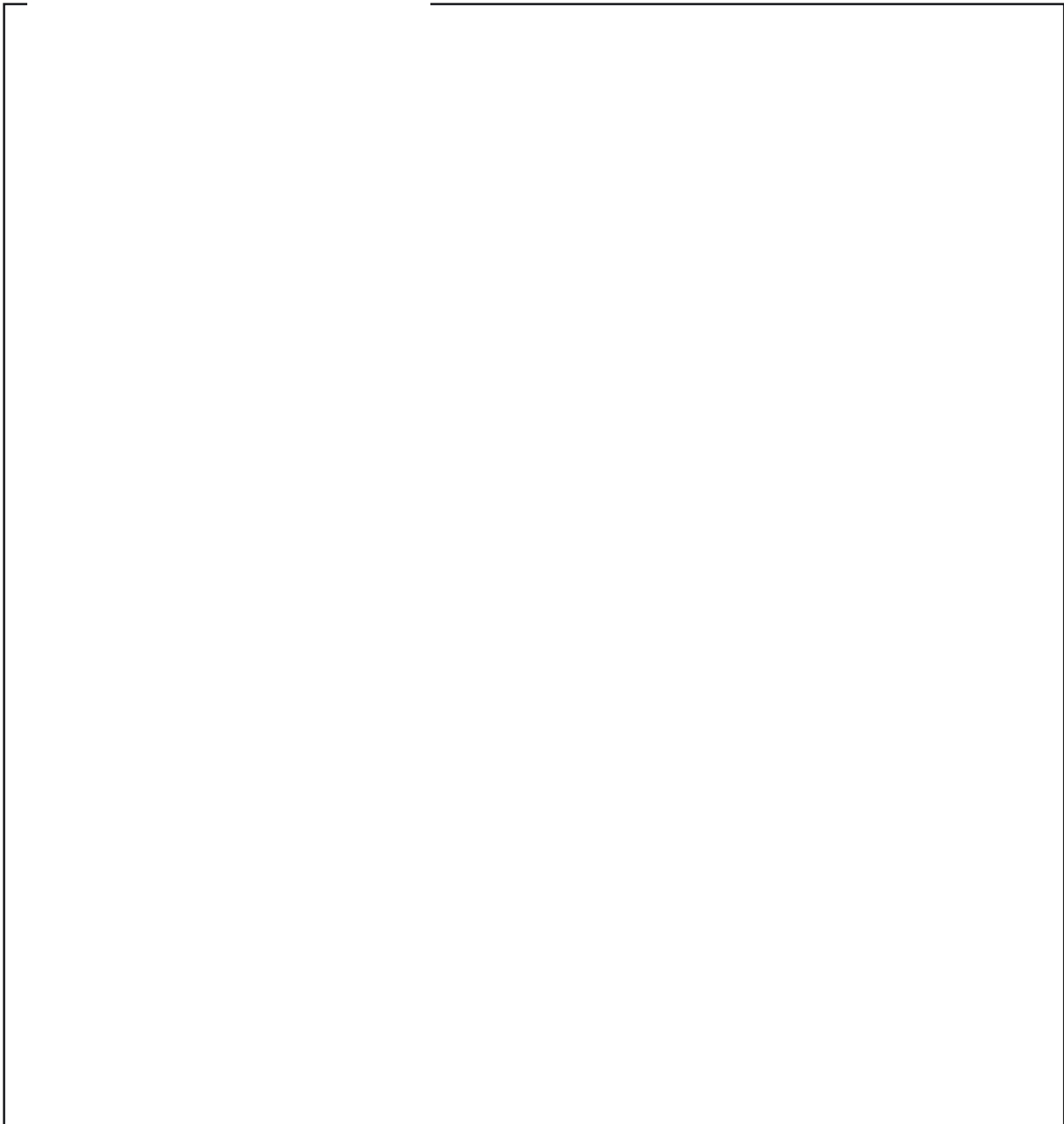




KINGSFORD LEGAL CENTRE  
ANNUAL REPORT 2002

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# HIGHLIGHTS OF 2002

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The legal work the students undertake may be in the form of casework – drafting letters, interviewing clients, planning the strategy on a file, negotiating with the other side or appearing in tribunals/courts. It can also be through community legal education, for example running a session for residents of a nursing home on wills. It can also be in law reform, for example students planning and working on a campaign to change a particular law or government policy that is unjust.

How this actually works in practice is that we have 33 students at the Centre most of whom spend approximately two days a week at the Centre per session. They have a weekly lecture of two hours and daily tutorials of one hour. They also attend evening client interview sessions with volunteer lawyers. This interaction between students and clients offers an opportunity to significantly change students' views of how our society functions. The interaction is a window into another world. Within this context, the clinical educators' best practice is to assist students in grappling with the many questions that



will come before them.

Clinical educators assist students in seeing the client within a broader social context. Students learn first hand that the law and the legal system are not isolated sets of rules operating without prejudice. The clinical educator's role is to help students navigate these questions and work through the many dilemmas they face.

### **EMPLOYMENT LAW CLINIC**

Since its launch in March 2000 the Employment Law Clinic has provided law students with a unique opportunity to undertake a specialist clinical course and provide the community

with a much needed employment law advice service.

Similarly to previous years there was a high level of demand in the community for free employment law advice due to the low level of trade union membership, the fact that Legal Aid funding is rarely available for employment matters and the prohibitive cost of private legal advice for people on low incomes. The demand for free employment

law advice continues to be overwhelmingly disproportionate to the availability of services equipped to meet it.

This year the Employment Law Clinic continued to provide advice and representation to people in the Randwick and Botany municipalities and a statewide service for legal advice on discrimination matters arising out of employment and elsewhere.

The Clinic also focused on casework



**U DE AD CAC A**

subject, Law Lawyers and Society and is presented by three of the Centre's clinicians. The class draws on the experiences of a wide variety of public interest lawyers from the Legal Aid Commission, the bar, government departments, community legal centres, the judiciary, trade unions and international aid organisations.

Our thanks to the public interest lawyers who shared their experiences with our students in 2002:

**Jennifer Burn**,  
Principal Solicitor,  
Immigration Advice  
and Rights Centre

**Nick Eastman**,  
former KLC student and  
Tenant's advocate

**Jackie Finlay**, Principal Solicitor,  
Welfare Rights Centre

**Harriet Grahame**, Barrister, former  
Legal Aid Commission and community  
legal centre solicitor;

**Alicia Gray**, Solicitor,  
NSW Aboriginal Land Council;

**Jennifer Giles**, Local Court Magistrate  
and former community legal centre solicitor

**Michelle Hannon**, pro-bono  
Coordinator, Gilbert and Tobin Lawyers and  
former Disability Discrimination Legal  
Centre solicitor, Executive Member of  
Australian Lawyers for Human Rights

**Roger Harper**, Barrister and former Legal  
Aid family law specialist

**David Hillard**, pro-bono Director,  
Clayton Utz

**Warren Kalinko**,  
Solicitor, Environmental  
Defender's Office

**Donna McKenna**,  
Commissioner, Industrial  
Relations Commission

**Amie Meers**, former  
KLC student and Tenant's  
advocate

**Shane Neagle**,  
Solicitor, Disability  
Discrimination Legal Centre

**Alison Peters**, Deputy Assistant Secretary,  
Labor Council of NSW

**Gordon Renouf**, Director, National Pro-  
Bono Resource Centre

**Louise Sutherland**, Solicitor, Macquarie  
Legal Centre

**Justine de Torres**, Solicitor,  
Environmental Defender's Office

**Anthony Townsden**, Inner City Local Courts



KLC Director, Frances Gibson and Gilbert and  
Tobin Centre of Public Law Project Worker, Sean Brennan

# STUDENTS 2002

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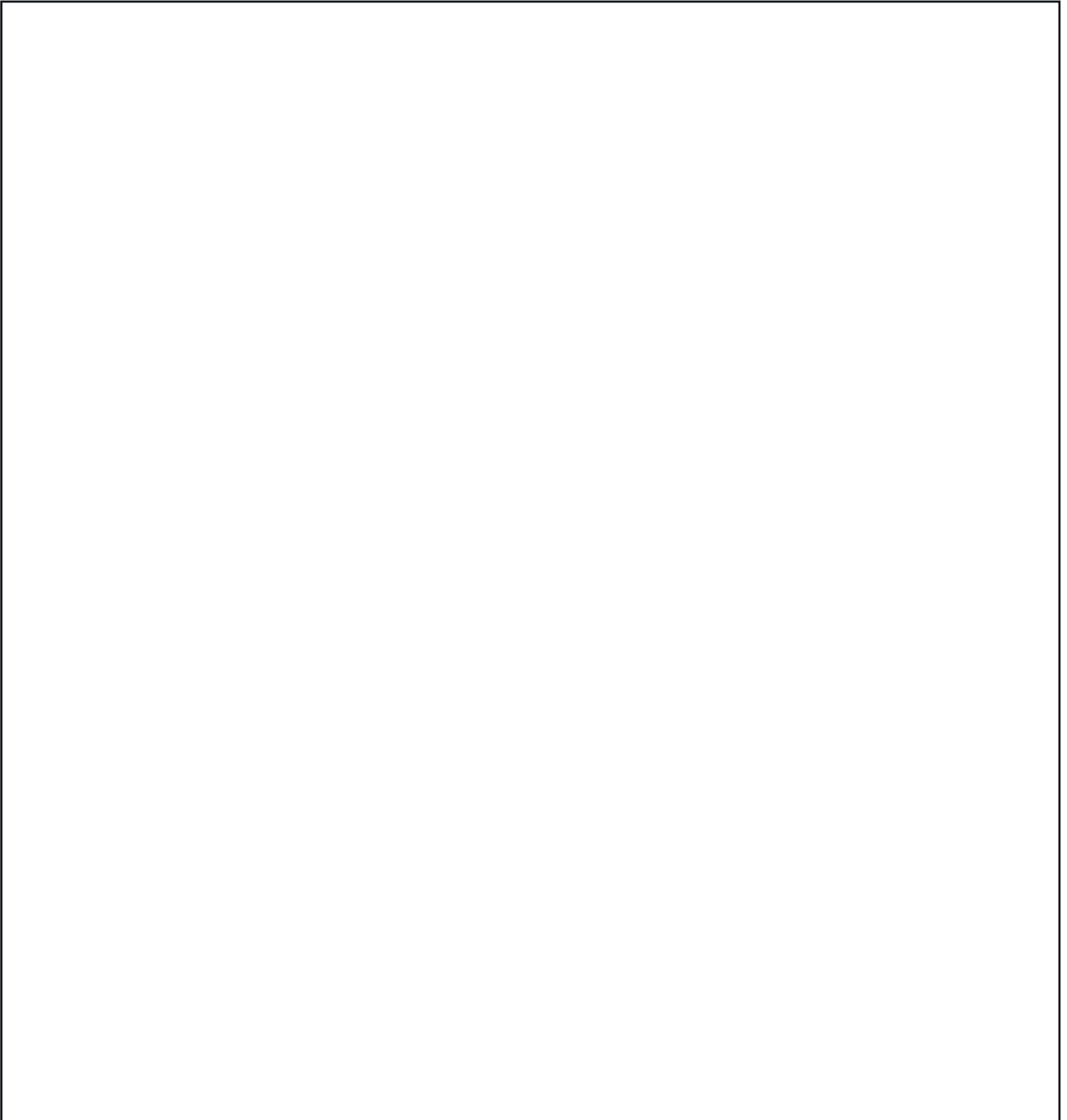
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STUDENTS 2002





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## EMPLOYMENT LAW CLINIC

This year students in the Centre's Employment Law Clinic had the happy experience of seeing their hard work come to fruition when two of the Centre's clients won their discrimination cases in the Federal Magistrate's Court of Australia. These cases significantly advanced the rights of working women seeking flexibility in the workplace to assist them in balancing their work and family responsibilities.

### Key Cases

The first case was; Cathy (Qi) Song v Ainsworth Gaming Technology Pty Ltd [2001] FMCA 31. Cathy Song was an engineer support technician who had her full-time hours reduced to part-time because she wished to continue to leave work for 20 minutes each day to transfer her young son from a nearby school to child care. Ms Song's case was a test case on whether the reduction of her hours of employment and pay constituted a dismissal pursuant to s14(3A)

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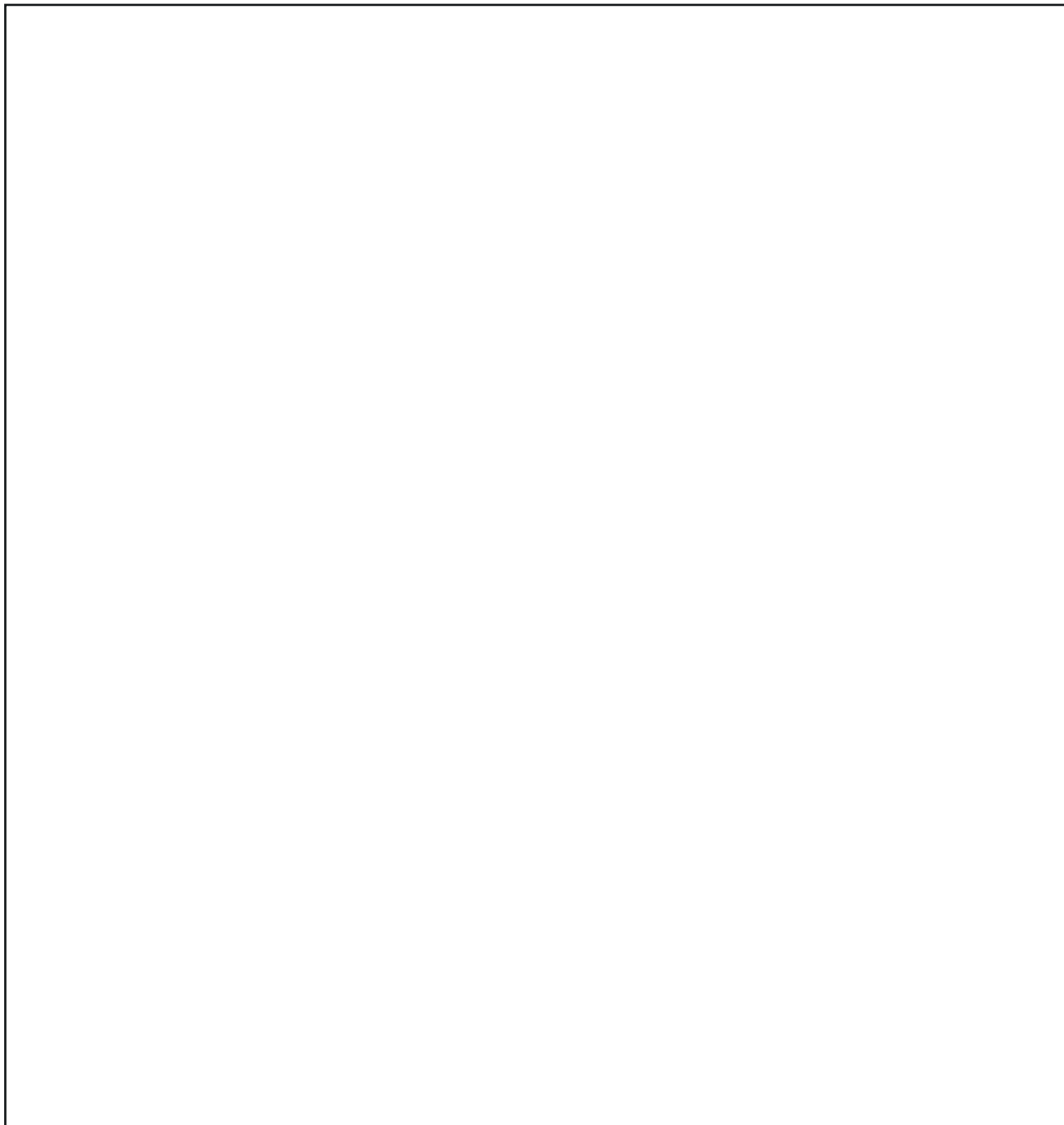
# CASEWORK - CASE STUDIES

## **Immigration**

Ms G has no relatives in Australia and requires a full-time carer. She sought KLC's assistance in sponsoring her niece from China on a carer's visa to look after both herself and her son. Student David Bull worked tirelessly on this application, volunteering well past his placement at Kingsford to ensure Ms G's niece arrived as soon as possible. Ms G's application was successful and her niece is due to arrive early next year. Our thanks to the Immigration Advice and Rights Centre for their assistance in supervising David whilst Vedna Jivan was on leave.

## **Credit**

KLC was also successful in assisting Ms G with her financial hardships. Ms G had a car loan, which the finance company expected her to repay despite her difficult situation. Ms G's only source of income was



# COMMUNITY INVOLVEMENT

## **NACLC**

Michelle Bell chaired the committee which developed the community legal centre. She had a wide range of digital technologies. This included the use of the Federal Government's Service Satisfaction Performance Indicator. She also chaired the committee which developed the community legal centre.

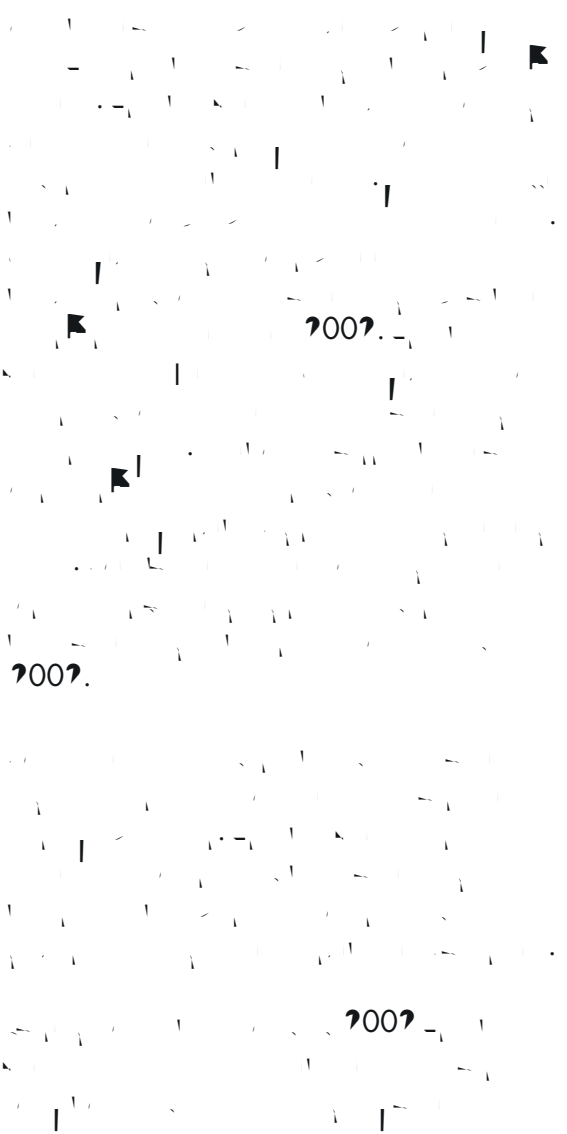
## **NCOSS**

Michelle Bell was a Board member of the NSW Council of Social Services, until her resignation in May 2002. NCOSS is the national peak body for the



# COMMUNITY INVOLVEMENT

## **NATIONAL AND STATE WIDE WORK COMBINED COMMUNITY LEGAL CENTRES**



## **Community Legal Centres and Employment Issues – state conference workshop**

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# COMMUNITY INVOLVEMENT

In September at the state conference, Joanne Moffitt and Michelle Jones presented a workshop discussing the aims of the project and the results of the survey. The most significant result of the survey was that community legal centres reported an overwhelming need for management committee training. Michelle outlined the responsibilities of community management and stressed the importance of providing training to ensure that committees comply with the relevant legislation and carry out their role effectively. The workshop stimulated discussion on ways community legal centres can address these issues and achieve the aims of this ongoing project.



KLC Principal Solicitor, Joanne Moffitt (3rd F L) at NACLCL Conference, Melbourne

# COMMUNITY LEGAL EDUCATION

The Center continues to be an active

## **PROJEC**

Other community legal education initiatives undertaken by the Centre in 2002 included:

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## INTERNATIONAL WORK

### GLOBAL ALLIANCE FOR JUSTICE EDUCATION (GAJE)

KLC staff donated \$10,000 of their Australian Teaching Award money to the Global Alliance for Justice Education (GAJE) Conference, held on the 9-11 December 2002. The conference brought together legal academics, law students, community workers, jurists, advocates and legal practitioners from the Asia-Pacific region with the common goal of achieving justice through legal education.

The conference focused on three main streams which were:

- Refugees;
- HIV/AIDS and access to justice in developing countries; and
- Indigenous justice.

KLC staff were instrumental in organising the conference and were active members of the steering-committee, along with David Williams a KLC volunteer.

The GAJE conference enabled participants to share their ideas, policies and experiences and establish a basis for future collaboration and co-operation as well as foster tolerance and understanding between

Australian citizens and the rest of the region. The conference was a unique opportunity to attend a forum where these crucial issues were discussed from a legal and social perspective.



GAJE Conference Steering Committee

Keynote speakers included:

- Aniceto Guterres Lopes - Chairperson, Commission for Reception, Truth and Reconciliation, East Timor
- Leah Whiu - Lecturer, University of Waikato, New Zealand
- Monica Morgan - Yorta Yorta Cooperative
- Amelia McLoughlin - Convenor, Centre of Women's Portfolio of National Association of People Living with HIV/AIDS
- Nan Lao Liang Won - Women's Action Network and Migrant Assistant Program, Burma

- Larissa Behrendt - Professor of Law and Indigenous Studies - Director, Jumbunna Indigenous House of Learning, University of Technology, Sydney
- Dr Mary Crock - Senior Lecturer in Law, University of Sydney

## **CHINA PROJECT**

Frances Gibson visited Beijing, China in July to gather further information about the

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### UK CLINIC VISITS

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which arguably has some drawbacks for service delivery, but on the other hand, the clinical programs are well established in the law schools and form an integral part of university life. This increases the involvement of students and enhances the value of clinical work within the universities generally.

Overall, the clinical visits were a great success in facilitating a mutual exchange of ideas and experiences and in establishing new clinical networks. There is no doubt that the knowledge gained from ventures of this kind is invaluable in shaping the future directions of clinical practice.



In 2002, Vedna Jivan travelled to Thailand, India and Sri Lanka to visit university legal clinics and human rights organisations, specialising in community legal education.

The possibilities of linking and integrating community legal education and clinical legal education is an area that KLC has been researching. Involving students in community legal education, as evident from student feedback is an invaluable means of allowing students the freedom to consider non-litigious strategies in dealing with legal problems and increasing people's access to

the legal system.

Two of the legal clinics visited are part of the Law Faculty of Chulalongkorn University in Thailand and the ILS Law College, University of Pune, India. These clinics were particularly interesting as they engage students in intensive legal literacy camps. Chulalongkorn University, for example has a program where students prepare for a visit to a rural village, by researching the issues relevant to that particular village and then spend six weeks in the village providing information to villagers about their rights in relation to the issues researched.

The visit to Chulalongkorn University proved to be a mutually fruitful exchange in several respects. The Dean of the Law School was interested in setting up a legal clinic for street and stall vendors in Bangkok, who cannot afford access to legal services and requested KLC's assistance. The Centre was able to share some of its resources with the University on different models of legal clinics and ways of setting them up within the faculty.

The ILS Law College, University of Pune was similarly very interesting because students are involved in developing creative means of providing legal advice and information.

This involved developing scripts and performing in street theatre projects on issues pertinent to that community, eg corruption and bigamy. The opportunity to see the projects being developed and performed in rural villages outside Mumbai was invaluable and also provided an opportunity to share with social workers, teachers and students, some of our experiences and issues in Australia.

One of the human rights organisations Vedna worked with in Asia has, as a central component of its programme, a community legal education program for Burmese community leaders and activists. This organisation was particularly interesting as it provides education to refugee communities which in turn provides a better understanding of the challenges and opportunities that exist when providing community legal education in differing environments. The contrasting situations of teaching provide an invaluable opportunity for identifying best practice in terms of methodology which can also be applied to community legal education in Australia. The opportunity also allowed the observation of community educators from the Asia-Pacific region, as well as visiting educators from North America, an invaluable source for

developing teaching skills further. The teaching experience involved developing and teaching an intensive course on introduction to law, government and constitutions. The course allowed students to develop their skills and knowledge in areas of law, which they used in negotiations and constitutional drafting committees they were involved in, on behalf of their communities.

Vedna commented on her return that,  
*My time in Asia provided me with invaluable learning opportunities as well*

The collaborations with Asia have continued to flourish. KLC, for example is researching legal clinics in the Asia Pacific, with a view to expanding the current Australian *Guide to Clinical Legal Education*, to include universities in the Asia Pacific region. Another such collaboration is with a regional human rights NGO, the Asia Pacific Forum on Women Law and Development, on a project to produce a case law digest on women's rights. This digest seeks to examine how Convention on the Elimination of all Forms of Discrimination Against Women has advanced women's human rights in the Asia Pacific region. The book is a joint project with UNSW lecturer, Christine Forster and will be published mid next year.

## **UNITED NATIONS**

An application prepared in 2001 by the Centre, on behalf of 160 community legal centres Australia-wide, for consultative status with the UN Economic and Social Council, (ECOSOC) is progressing through a two year process.

The impetus for seeking consultative status with ECOSOC lies in the fact that community legal centres are well placed as non-government organisations to take up the concerns of their communities at the local

and national level and to integrate this at the international level. This application consolidates and contributes to the work already initiated by the sector in the national and international human rights arena with the creation of such fora as the National Human Rights Network.

## **WORLD CONFERENCE AGAINST RACISM UPDATE**

In August 2001 Vedna Jivan travelled to South Africa to attend the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), the International Youth Summit and NGO Forum. Vedna attended the conference on behalf of the Womens Rights Action Network Australia (WRANA) and the KLC. Whilst at the conference Vedna participated in workshops addressing the intersectionality of all forms of discrimination, particularly race and gender. The information and knowledge gained was of particular relevance to a Discrimination Roadshow which she and the students organised for Broken Hill in February 2002. The Roadshow gave the Centre the opportunity to feed the knowledge gained at the Conference on discrimination issues through regional networks, which are sometimes overlooked or neglected in the dissemination of information.

# POLICY & LAW REFORM INITIATIVES

Policy and law reform work is an important feature of the Centre's work and its commitment to social justice and human rights. The Centre works at a local, regional, state and national level on policy and law reform issues. Students are actively involved in these projects. Each session, students also attend seminars on the practicalities of undertaking policy and law reform work. In this way we hope to build upon the broad aims of the teaching programme to provide for justice education as well as legal education.

Some of the law reform initiatives the Centre has worked on in 2002 include:

- Rights to legal representation in international conventions
- Human Rights Register liaison
- Australia's human rights policy regarding Burma
- Submission regarding *Anti Discrimination amendment/Drug Addiction Bill*
- Police Powers (ICD) Act Submission
- Submissions regarding social security

- and 'Proportional Portability'
- Model Criminal Code
- Conflict policies at Legal Aid Commission
- Legal rights to education for asylum seeking children
- Privacy Act - Impact of changes
- Research into use of Exclusion Orders in DV matters at Waverley Court
- Research into compensation awards in unfair dismissal matters
- Joint project with Immigration Advice and Rights Centre regarding major political party's immigration policies

- Domestic Violence Court Support Conference
- GAJE Regional Conference organisation and participation
- Reporting Race Alliance
- NSW CCLCG Law Reform Committee
- Australian Lawyers for Human Rights
- Partner in successful tender for National pro-bono Resource Centre
- NSW Industrial Relations Commission User's Group

# PEOPLE & PARTNERSHIPS

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# PEOPLE & PARTNERSHIPS

- Working to have crippling debts waived for clients who were unable to argue for their rights because of their language background, a disability or lack of awareness of their legal entitlements, including:
- A woman who had entered into contracts only because of the pressure placed on her in a domestic violence situation by her abusive partner;
- A woman who did not speak English who had been charged for a series of “1900” telephone calls she did not make, despite having been told by the telephone company before the calls were made that a bar had been placed on all such numbers on her telephone account;
- A man who had been paid an amount of money by mistake and who was being pursued by the company who paid him that money over two and a half years after the payment had been made. In this case our client had spent the money only after having been told the money belonged to him by the company itself;
- A man from a non-English speaking background who was defrauded when he entered into a finance contract for a car for more than twice the amount he

had agreed to, and another contract with a separate finance company of which he was completely unaware; and

- Providing legal advice to a man who was the survivor of a series of child sexual assaults after having been adopted in the 1950s. Our client wanted to know his rights in relation to having his adoption discharged, and in relation to personal injury actions and any potential victims compensation claim he might have.

In addition to the ongoing case work, the experience of providing on the spot face-to-face advice brought me into close contact with a wide variety of people from the community. Being responsible for the home and hospital visits was a valuable way of “getting out there” with the students into the community and learning the importance something like a simple power of attorney can have on somebody’s day to day life.

I would recommend the experience of the Centre to any student or solicitor who is given the opportunity, and encourage solicitors to volunteer at community legal centres as a way of getting in touch with the law in a way that impacts on the day to day lives of people who need it the most.





Michelle has worked in the community sector in Australia and Britain since 1984. Michelle's background is in housing issues as well as community legal centres. Michelle has been at KLC since January 1999. Michelle is employed to coordinate and plan service delivery at KLC. Her duties include supervising social work students at KLC. Michelle took leave from August 2002 to undertake a Masters of Law degree at NYU as a Global Public Service Law Scholar.



KLC Solicitor, Joanne Moffitt, Graduate Law Clerk, Tom Brennan and Acting Co-ordinator, Michelle Jones

Michelle was Acting Co-ordinator from July 2002. Michelle has a long history in community legal centre and the community sector.

Christine commenced with the Centre in

October 2001. Previously Christine was the Office Manager of the National Children & Youth Law Centre for two years prior to setting up her own management and research business. Christine resigned in June 2002.

Bridget has worked in a number of community organisations including Redfern Legal Centre and The Settlement at Redfern.

Diana was the Freehills secondee from October 2001 to April 2002. After graduating from the University of Sydney at the end of 1998, Diana spent a year in the Federal Court as the Associate to Justice Emmett before travelling and then starting at Freehills.

# STAFF

## **NAOMI REINER**

Naomi was the Freehills secondee from April

## CONSULTATIVE COMMITTEE

As part of UNSW Law School, the Centre has a structure different to most community legal centres. A Consultative Committee made up of representatives of local agencies provides the Centre with a direct link to the community, providing advice, feedback and evaluation of the Centre's work. This helps us to ensure that the Centre provides a quality service that meets the community's needs.

The Centre thanks the 2002 Committee members for their contribution and support.



KLC Acting Administrator, Bridget McDermott, Eastern Area Tenants Service's Jo Kwan and KLC Student Law Clerk, Janet Cechanski at the Kooloora Community Centre Open Day

## FUNDERS AND DONERS

KLC would like to thank all its funders, donor and supporters.

In 2002 these included:

- Commonwealth Attorney General's Department
- Legal Aid Commission of NSW
- Law and Justice Foundation of NSW
- Friends of KLC

We also acknowledge the generous support of the University of NSW

# FINANCIAL REPORT

## **INCOME & EXPENDITURE PERIOD ENDING 31 DECEMBER 2002**

### **INCOME**

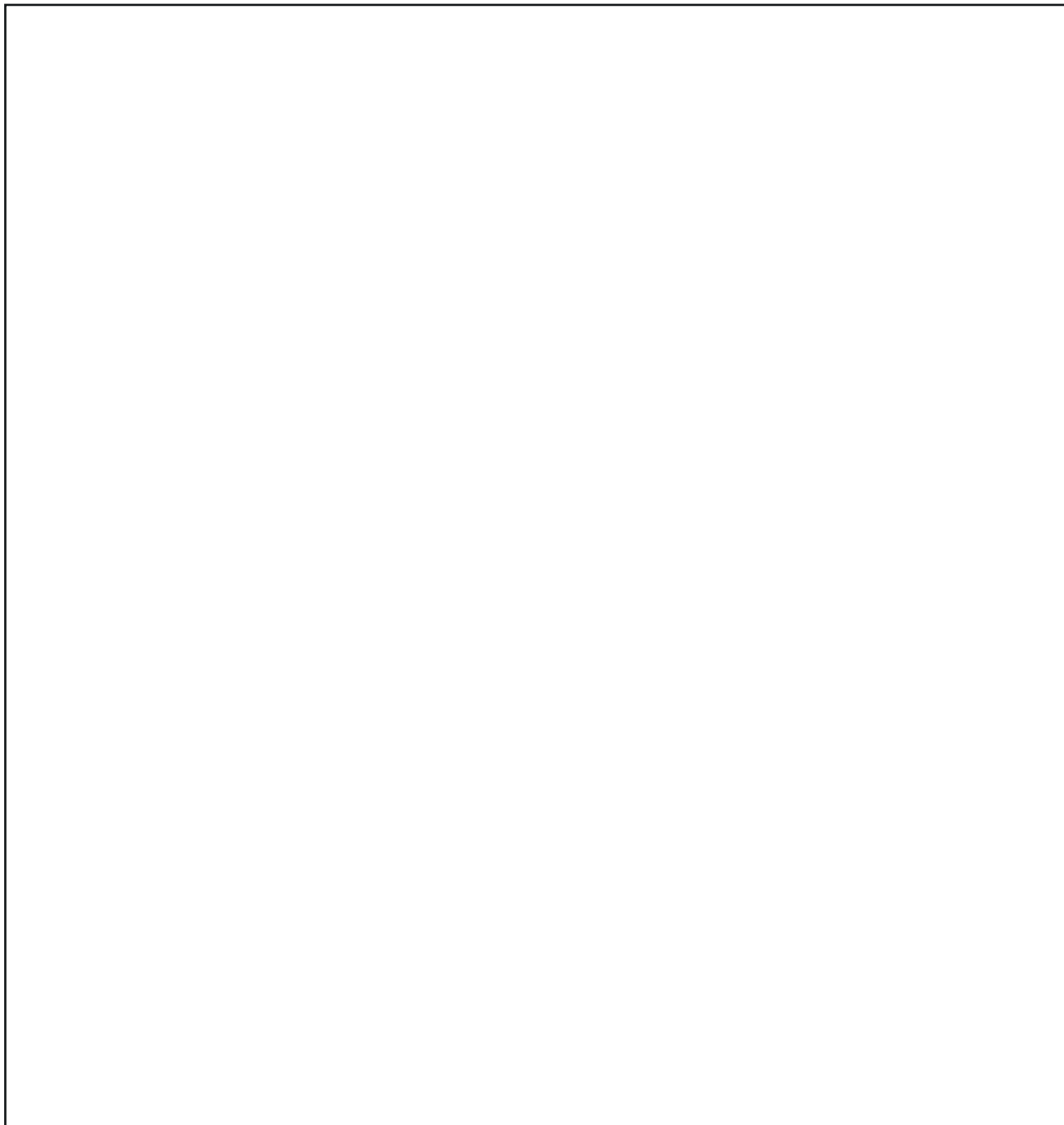
AG's Clinical Legal Initiative	105,851.60
Community Legal Services Program	135,883.30
Williams Legal Costs and Disbursements	0.00
Donations	10,961.48
Investments	1,946.74
Reimbursements	2,093.00
KLC generated income includes legal costs and disbursements (1)	27,676.99

### **TOTAL**

**284,413.11**

### **EXPENDITURE**

Salaries	200,020.21
CLSP Salaries	154,419.57
AG'S Clinical Legal Initiative Salaries	87,661.77
Disbursements and Costs	3,481.70
Materials and Running Costs	92,872.51
AG'S Clinical Legal Initiative Materials and Running Costs	14,264.00
Equipment and Maintenance	22,108.99
AG'S Clinical Legal Initiative Equipment and Maintenance	4,162.05
Travel and Conferences	19,866.32
AG'S Clinical Legal Initiative Travel and Conferences	2,081.73
Williams Legal Costs and Disbursements	0.00





# 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.*