





# CONTENTS

<b>DEAN'S FOREWORD</b> .....	2
<b>DIRECTOR'S REPORT</b> .....	3
<b>VALUES, AIMS AND OBJECTIVES</b> .....	4
<b>AIMS AND OBJECTIVES</b> .....	5
<b>SERVICE PROVISION</b> .....	6
<b>EDUCATING FOR JUSTICE</b> .....	7
<b>WORKING WITH OUR COMMUNITY</b> .....	15
<b>CASE WORK</b> .....	16
<b>PEOPLE &amp; PARTNERSHIPS</b> .....	21
<b>POLICY WORK</b> .....	22
<b>COMMUNITY INVOLVEMENT</b> .....	24
<b>COMMUNITY LEGAL EDUCATION</b> .....	26
<b>STAFF</b> .....	30
<b>THANK YOU</b> .....	34
<b>FINANCIAL REPORT</b> .....	35
<b>MISSION STATEMENT</b> .....	back cover





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# SERVICE PROVISION

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

- **GENERAL ADVICE**

Evening advice sessions: Tuesday and Thursday

Daytime appointments: Tuesday to Friday

- **EMPLOYMENT ADVICE**

Daytime appointments: Wednesday afternoon

Evening advice sessions: alternate Thursday 6:00 pm to 8:00 pm

The Centre also provides a statewide discrimination law service.

Other Services provided by KLC include:

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

KLC also hosts specialist outreach advice, which is provided by

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



## **AIMS & ETHOS**

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

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

The objectives of the courses are:

1. To develop students' critical appreciation of the law and legal system in Australia through participation in a legal practice working for clients who are financially or otherwise disadvantaged.

2. To enhance students' contextual understanding of the law and legal process by exposing them to real clients with legal problems.
3. To provide students with a detailed understanding of the legal aid system and develop students' understanding of issues of access to the legal system for the Australian community.
4. To develop students' awareness of the role of lawyers in practice in the legal system.
5. To develop students' understanding of ethics and responsibility in a workplace setting.
6. To introduce students to the importance of developing basic lawyering skills to a high level of proficiency including communication, interviewing, drafting and negotiation.
7. To develop students' ability to see beyond a casework approach to legal problems by providing opportunities to participate in campaign and education work.
8. To encourage students to see the law as a vehicle which can be used to protect and develop human rights.

**INDIGENOUS STUDENTS-FOUNDATIONS ENRICHMENT COURSE**

In 2003 we ran the first course at UNSW for first year indigenous students.

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

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

**GUIDE TO INDIGENOUS LEGAL EDUCATION IN AUSTRALIA**

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

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

## INDIGENOUS LEGAL EDUCATION IN AUSTRALIA

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

# EDUCATING FOR JUSTICE

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## STUDENT ADVOCACY PROGRAM

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## STUDENTS

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# EDUCATING FOR JUSTICE

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**ADVICE STATISTICS**

In 2003 Kingsford Legal Centre provided advice to 1555 people

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

193 New Cases were opened in 2003:

Criminal Law, including DV.....	25
Civil Law.....	102
Discrimination.....	32
Employment.....	32
Family Law.....	2

**OUR CLIENTS**

Sex:

Male.....	47%
Female.....	53%

**AGE**

Under 18.....	1%
18 – 34.....	30%
35 – 49.....	32 %

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

Both the Commissioner and the Governor refused to allow Mr Middleton to use his desktop, citing NSW Department of

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

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

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

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

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

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

the consultative process of drafting the Disability Action Plan. Our client did not seek any monetary compensation for himself and his sole interest was to achieve an outcome that will advance the rights of people with disabilities and their families, friends and carers to be able to participate equally with other members of the community in community activities.

- KLC agreed to run a social security matter in the AAT testing the definitions of in the AATan. Our client he welminatethaavinuiCclirch nk ftudily to ,not
- Kil hay assisttwoOur client in

# CASEWORK

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

Over the last few years CLCs' have been swamped with people who have received enforcement orders from the State Debt Recovery Office. The enforcement orders relate to outstanding fines. Some fines date back almost 20 years, and in one KLC client's situation, he received an order 13 years later requiring him to pay approximately \$1,500. Our client is a 73 year old NESB pensioner with severe health problems and he could not afford to pay this amount. He was also certain he had already paid the fines and after such a long time had elapsed had not seen the need to keep his receipts. The SDRO could not prove that the fines still

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

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

- an elderly woman was charged with transporting waste to a place that cannot lawfully be used as a waste facility, after she left various household items outside her DOH complex thinking that a council clean up had been organised. The client is from a Spanish speaking background and speaks little English. KLC explained the circumstances to the EPA and Botany Council but they refused to drop the charge against the client. KLC represented the client in the local court, where the Magistrate agreed to make an order dismissing the charge. The client was relieved and very happy with the outcome;
- making representations to DOH on

behalf of a client who originally came to Australia with her husband from the Philippines and who had been living in a domestic violence situation with him. Following our representations in support of our client's application to move away from her husband, DOH promptly relocated our client and her children to another accommodation which the client was very happy with;

- helping a client negotiate with a finance company in relation to an alleged credit card debt. This particular client lived in DOH accommodation, had been in an accident which resulted in a brain injury and various physical disabilities and had as his sole source of income the disability support pension. We argued that the finance company had lent money to our client in circumstances where it knew that he could not repay the loan in accordance with its terms or not without substantial hardship, and the finance company agreed to waive the client's debt;
- representing a client in her dispute arising out of her purchase of a \$3,745 vacuum cleaner on finance

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

- a client whose DOH flat was infested

**PARTNERSHIP WITH FREEHILLS SOLICITORS**

As part of a secondment arrangement between Freehills and KLC, Freehills solicitors and former KLC students Emily Sunman and Jinny Chaimungkalanont worked at KLC during 2003. Emily s and

## **BEST PRACTICE COMMUNITY LEGAL CENTRE MANAGEMENT COMMITTEES**

Joanne Moffitt co-organized a workshop at the National Association of Community Legal Centres conference in Hobart with Patricia McDonogh of the NSW Working Women's Centre on the topic of community legal centre and community management. The workshop was a attended by community legal centre workers from all other Australia. Joanne reported on the results of a survey of NSW legal centre workers conducted last year and the results of focus group conducted with management committee members this year by Michelle Jones, former KLC acting co-ordinator. Both the survey and focus group confirmed that there is an ongoing helming need for training for community management committee meeting.

## **ADB FUNDING CUTS**

KLC lead the charge on opposition to the Carr Government's proposal to cut funding to the Anti-Discrimination Board. The Legal and Police Commission has done some excellent work addressing the economic effects of discrimination and has been the proactive arm of the ADB, in recognition of the limitations of the individual complainee system.

## **SUBMISSION TO SENATE INQUIRY INTO LEGAL AID**

Kingford Legal Centre made detailed submission to the Legal Aid Commission in respect of a review of the Civil Legal Program run by the NSW Commission. The submissions were prepared by France Gibson and were on behalf of the Combined Community Legal Centres of NSW.

## **THE LEGALITY OF THE WAR ON IRAQ DEBATE – MARCH 2003**

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

## **NSW CLC LEGAL AID COMMISSION COMMITTEE**

France Gibson was elected to the NSW community legal centre representative on a Legal Aid Commission committee to develop the Integrated Service Delivery Model. This is a proposal to coordinate regional delivery of legal services between organizations in a more efficient and comprehensive manner, ensuring that the wide range of legal services is delivered to clients in particular rural areas and that gaps can be identified and action proposed.



## C J A E A J ED A

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

## GE B A D F BE E B E

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

# COMMUNITY INVOLVEMENT

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

**A D C A C**

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

**C B D A C**

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

addition Frances Gibson and Vedna Jivan sat on the board of Combined Community Legal Centres' Group NSW.

**D C C DA**

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

**C DA**

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





## CITIZEN EDUCATION

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

## ADVICE

2MCE (Bathurst/Orange)

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

## ABC 702

Kingsford Legal Centre was recently invited as guests on Simon Marnie's ABC talkback radio program. The program aired live on 27 July at 10am and Centre solicitor Vedna Jivan and Michelle Hannon (KLC volunteer solicitor and Pro-bono solicitor at Gilbert & Tobin) gave an overview of discrimination law and discussed current

issues, such as the proposed funding cuts to the Anti-Discrimination Board. Vedna and Michelle also answered callers' enquiries. The radio appearance is part of the Centre's attempt to raise awareness of discrimination issues through the media.

## AMNESTY

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

## 2003 ANTI-DISCRIMINATION CONFERENCE

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

## ISSUES

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

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# STAFF

## **FRANCES GIBSON**

*Director*

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

The high quality of Frances' teaching was recognised in 2001 when she was awarded the Quality Teaching Award from





# STAFF

## **MURRAY MURRAY MCILLIAM**

### *Librarian*

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

## **FRANCISCO FISHER**

### *Publications Worker*

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

## **BRIDGET M DERMOTT**

### *Acting Administrator (until April 2003)*

Bridget was acting administrator from July 2002 to April 2003. Bridget has worked in a number of community organisations including Redfern Legal Centre and The Settlement at Redfern.

## **TATIANA LO ANO**

### *Locum Solicitor*

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

**LISA PUSEY***Indigenous Legal Education Project Worker*

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

**EMILY SUNMAN***Freehills Secondee*

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

**JINNY CHAIMUNGKALANONT***Freehills Secondee*

Jinny was seconded to KLC from Freehills in October 2003 for six months. She graduated from UNSW in 1999 and was a student at Kingsford Legal Centre during that time. Jinny started at Freehills in 2001 and has wteirt4a8M1mYnvtbank durent 001

# THANK YOU

## **CONSULTATIVE COMMITTEE**

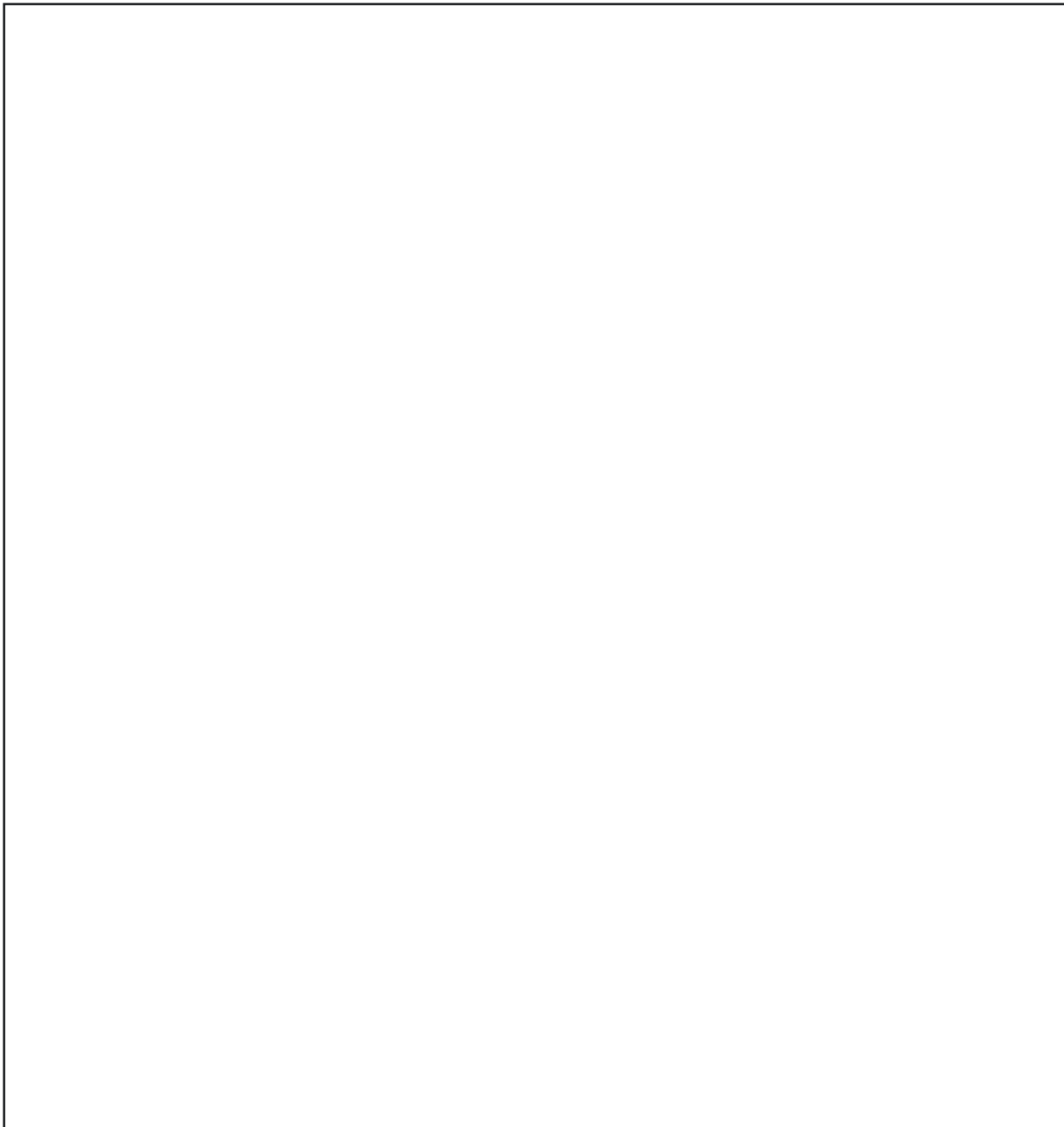
The Consultative Committee ensures that KLC provides a quality service that meets the needs of the local community. The Consultation Committee is made up of representatives of local agencies, the Law Faculty and law students. During 2003 the committee once again provided support, advice and feedback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

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

**Barbara Kelly**

# FINANCIAL REPORT

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