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ANNUAL REPORT
1995



KINGSFORD LEGAL CENTRE

Legal Assistance for our Community
A Learning Centre for Students of Law and Social Work



Kingsford Legal Centre
Operated by the Faculty of Law
of the University of New South Wales

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THE CENTRE'S OBJECTIVES

Kingsford Legal Centre is a community legal centre and a centre for client education. The Centre's principal objectives are:

The Centre's principal teaching objectives are:

- (a) provide accessible legal services (advice, duty lawyer, case management, community legal education and law reform)
 - (b) promote and undertake legal education strategies which enable community individuals to develop an understanding of the legal system and engage in legal service activities
 - (c) advocate for legal and social changes which redress injustice and inequity and assist through all legal service activities
 - (d) facilitate community participation in the legal system to make it accessible
- to ensure students learn independently:
 - (a) to foster a respect for the constitution of law as an institution, and a critical appreciation of the place of law in the social order
 - (b) to develop individual student responsibility
 - (c) to give students the opportunity to understand aspects of legal practice, legal reasoning, legal skills and to examine law in context
 - (d) to give attention to individual student needs with regard to their capacity, knowledge and skill

THE CENTRE'S STAFF

The staff at the Centre during 1995 were:

Simon Rice was the Director of Kingsford Legal Centre up until June 1995. In July 1995 Simon took up the position of Director of the Law Foundation of New South Wales.

Frances Gibson was appointed the Director of Kingsford in August 1995. She was previously the Independent Commission Against Corruption. Prior to that Frances was at Redfern Legal Centre for six years and has worked at the Aboriginal Legal Service and the Legal Aid Commission.

Paul Lantry, took twelve months leave without pay to live in Bellingen on the north coast. Paul has now resigned and is working at the Legal Aid Commission in Cronulla.

John Corwin was a deputy director of the Centre for the period between Simon's departure and Frances' commencement. While acting as case work as well as supervising and educating law students. Towards the end of 1995 John took a well earned break of three months and travelled to

Africa.



Centre staff (L to R)
Paul Giugni (FHP), [Name], [Name], [Name], [Name], [Name] and Kim Bedford

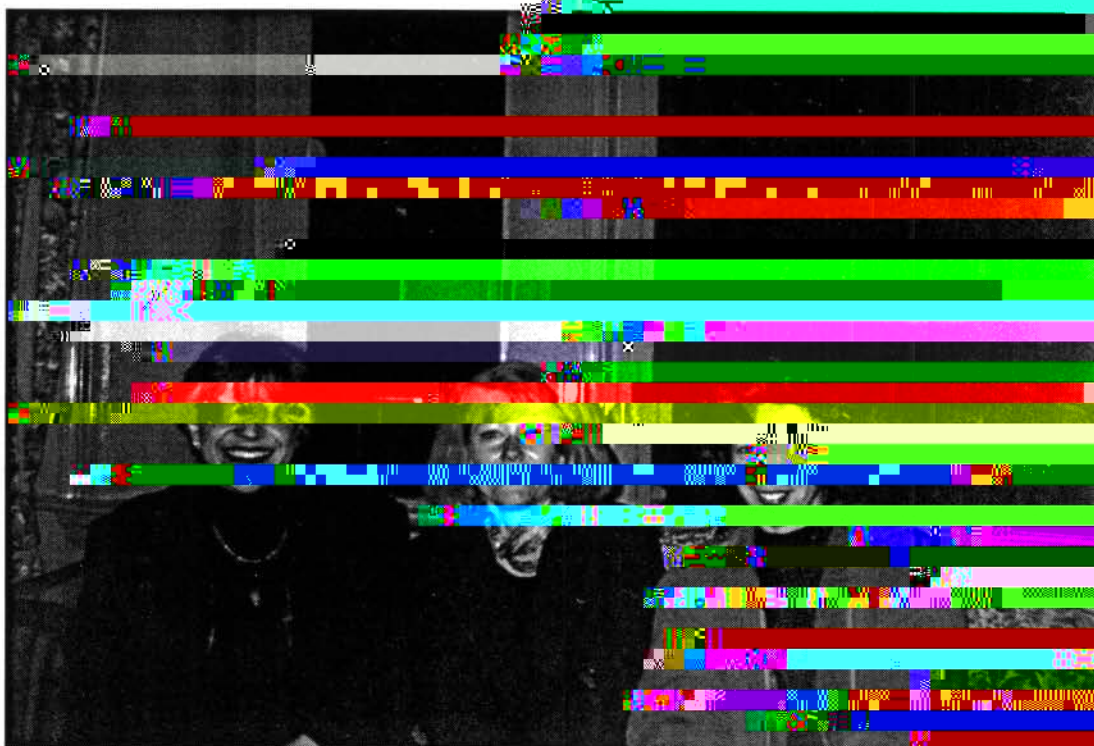
Ann Cadv was appointed for twelve months as Executive Director. She worked in El Salvador in community legal education and Alice Springs in a domestic violence legal service before coming to Kingsford. Prior to this she was a volunteer at the Immigration Advice & Rights Centre and the Advice & Casework Service.

Christine Gibson is the social work placement supervisor at the Centre. The social work/law students usually attend the Centre over the summer session. Prior to taking employment with the UNSW School of Social Work earlier this year, Christine was the community worker at the Marrickville Legal Centre and then the coordinator of the Immigration Advice and Rights Centre.

Zoe Matis, the Administrative Director, is the Centre's legal secretaries, went for the first time to the National Conference of Community Legal Centres held in Queensland. Graciela Buzy left the Centre in 2011 to start a new firm.

Jason Parry is the Centre's librarian. Jason is a fourth year student at the University of New South Wales.

Shirli Kirschner, a freelance solicitor and **Scott Charaneka** from Miller Ellison assisted the Centre's solicitors in maintaining client files until Frances took up her position.



Administrative staff (L to R)
Zoe Matis, Kym Bedford and Graciela Buzy

MANAGEMENT

The Centre is managed by the director, in consultation with the Centre's staff, with the senior administrative officer and the Dean and the Head of School at Law and with the Law School's Curriculum and Teaching Committee. The Centre staff meet weekly.

- KRIKOBIA** ...
- MASON** *Caroline*, Randwick Information and Community Centre
- ROSENFELD** *Colin*, Community Services, Randwick City Council

The Kingsford Legal Centre Advisory Committee provides guidance on the Centre's policy goals through local community representatives who are represented on the Committee. The Committee provides guidance and direction to the Centre staff and students.

The Committee met four times during 1999.

In 1995 the Committee's members were:

- ANDERSON** *Jill*, Law Faculty, University of New South Wales
- ARROWSMITH** *Carol*, Keelera Community Centre
- BEESELY** *Elizabeth*, Community Services, Botany Council
- COSSINS** *Annie*, Law Faculty, University of New South Wales
- GIBSON** *Christine*, School of Social Work, University of New South Wales
- GIBSON** *Frances* and **REDFORD** *Kym*, Kingsford Legal Centre

- provide feedback with respect to service delivery
- networking and promotion of the Centre in each Committee member's particular community and feeding back into the Centre information on what is happening in their community
- input into formation of policy
- discuss training that may be of interest to law students and social work students who attend the Centre

LAW FIRM SECONDMENTS

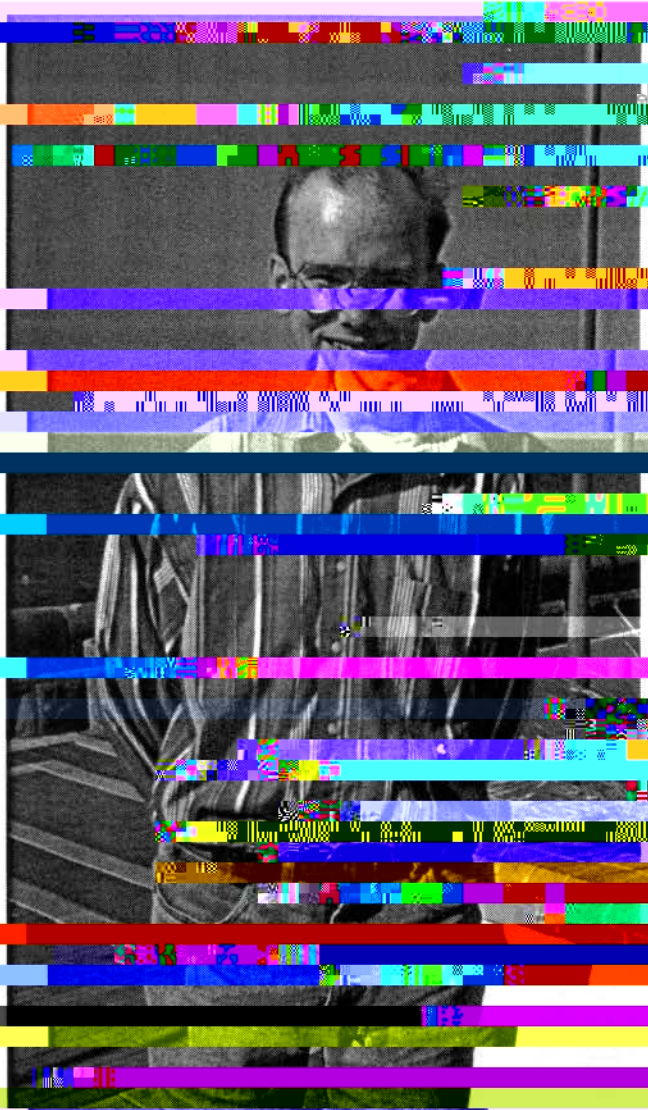
Paul Giugni was the first seconded solicitor from Freeman, Holligate & Page for a 5 month secondment to the Centre. Paul writes:

During my five month secondment, I quickly realised that the UNSW law students were not the only ones who were learning to deal with the daily challenges that Kingsford Legal Centre has to offer.

Having very little legal experience in matters other than commercial litigation, I was forced to come to terms very quickly with what must be one of the most diverse legal practices in Australia. On a typical day I would be called upon to act in matters ranging from possession of prohibited drugs to the applications under the disability discrimination provisions of the Anti-Discrimination Act to professional negligence.

Kingsford Legal Centre's breadth of practice is a reflection of the many different people that come to Kingsford Legal Centre for assistance. It is probably stating the obvious, but the same people for whom Kingsford Legal Centre almost invariably achieves positive outcomes would have little assistance (and probably very little success) without Kingsford Legal Centre's intervention. This is just one aspect of Kingsford Legal Centre's activities which seems to give staff a very noticeable degree of satisfaction.

My secondment to Kingsford Legal Centre provided me with opportunities which Freehills could not offer. For instance I doubt that I would have the experience of being



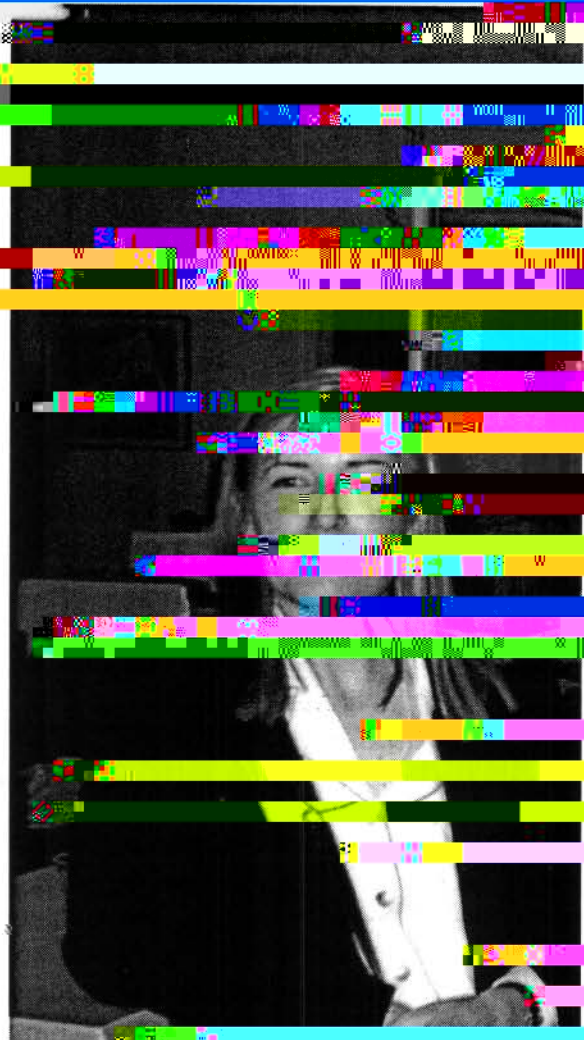
Paul Giugni (FHP seconded solicitor)

dismissed by a client while addressing the Administrative Appeals Tribunal. I not worked at the Centre. Nor would I have been able to go on picnics to Coogee or Bronte Beaches and make it back to the Centre in time for the 2.00pm appointments.

Probably the most educative aspect of my time at Kingsford Legal Centre was making plea and bail applications at Waverley Local Court on Monday mornings. This gave me the opportunity to observe that the Legal Realism theory of law was alive and well in the Long Bay Remand Centre, as invariably when interviewing clients prior to appearing in Court, the most important piece of advice I was able to give to the client was "Who is the Magistrate sitting in the Top Court?"

Finally, I note that in addition to Freehills, Minter Ellison and Phillips Fox seconded to the Centre in 1995. I have little doubt that both Minter Ellison and Phillips Fox would have benefited from having such an association with Kingsford Legal Centre, and that these additional

opportunities for development and provision of pro bono services to the centres.



Michelle Wright (FHP Secretary/Coordinator)

Scott Chernoke was a leaver at the Centre for a period of six weeks from July 1995 and he writes:

The Final Rotation?

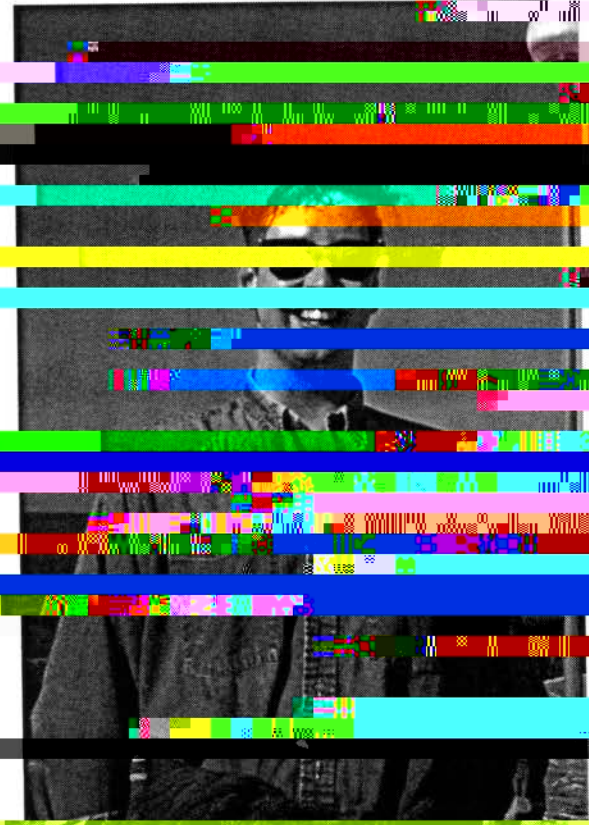
In July 1995 I was offered the opportunity to take a short term secondment at Kingsford Legal Centre. My assignment was a simple one. I was to help a group of former solicitors at Kingsford Legal Centre for a period of six weeks. The reality was that this secondment proved to be anything but simple.

As a junior lawyer in the commercial litigation department of a large city law office I believed that I had tried experienced the outer limits of pressures on my time management skills. My experience at Kingsford Legal Centre forced me to re-examine this and many other beliefs which I held about my own legal practice.

The experience that struck me about the experience was the "rapid fire" nature of the work. Often through ignorance or poor advice, people approach Kingsford Legal Centre at the last minute to address significant legal problems. This coupled with the diversity in legal problems and the large numbers of complaints brought to Kingsford Legal Centre each day, produced a need to be able to provide effective legal services in an efficient manner. It also provided me with an insight into what is a very real problem confronting our society, namely the escalating difficulty in obtaining access to legal resources.

The experience was an invaluable

not only in terms of providing me with practice but also in becoming a lot more sensitive to the needs and expectations of clients and in providing appropriate legal services in any particular circumstances. For many clients at Kingsford Legal Centre, their legal problems are often the result of lives; such as abuse, unemployment



Scott Chernoke (left) and Minister Ellison (second solicitor)

and drug dependency. It was rewarding however to be able to provide legal assistance with financial resources.

I hope that I will become more appreciative of these

The most confronting aspect of the experience was acting for people who had so often been on the "other side" of matters which I was involved with at Minter Ellison. More often than not I encountered significant discrepancies in the client's levels of education, understanding of legal issues and

Finally, I would like to thank the solicitors, staff and students at Kingsford Legal Centre for making my experience a learned and enjoyable one, and continuing to provide legal assistance to those most in need.



Chris Sheehan (FHP seconded solicitor)

SOCIAL WORK

Amongst the many changes that saw a change to the Social Work presence at KLC, Mick Hillman vacated the position of Social Legal lecturer at the UNSW School of Social Work at the end of 1993. The duties of this position were varied as foreshadowed in the 1994 KLC Annual Report, before the position was filled by Christine Gibson. Christine has many years experience in community legal centres, as did Mick. The current lecturer's position has responsibility to supervise the final placements of Social Work/Law students as required to do at KLC as part of their studies. The placement usually lasts for 4 days. During this time students undertake a variety of community legal activities at the KLC.

A Social Work/Law placement unit under Christine's supervision in mid December. The major projects she undertook were 1) the development of information and practice guidelines for use by KLC staff and students when advising psychiatrically affected people and 2) the development of materials to be used to inform the public of the services and operation of the Discrimination Legal Centre. Not only did these projects provide many learning experiences for the student but it is anticipated that the resulting materials will be well used.

The report on research into socio-legal practice and its recommendations

provided the reason for Christine's participation in the work of the Law Faculty examining ways to address the recommendations of the 1994 Annual Report of Mick Hillman and Jane Harraves.

The nature of the relationships between the Law Faculty, School of Social Work and KLC demanded a collaborative approach already in place.

The concerted efforts of many over a long period culminated in KLC applying for funding from a number of sources including the Community Legal Centre funding program, the Employment Community Worker. It is hoped that the

appointment of a Community Worker will hopefully make the reduction in the

workload less noticeable!

The time spent at KLC during 1995 involved participating in staff and planning meetings plus the administration of specific tasks such as providing input to model policies developed by the community legal centres

the NSW OIC Secretariat

of the implementation of the NSW administrative arrangements for the Ageing and Disability Services of the NSW government. Christine also contributed to a review and renewal of the KLC Consultative Committee

(formerly Advisory Committee). Several community agency at B Miles students, Christine and Anna staged a stall at the Women's Day. This provided an opportunity to provide both written and verbal information about relevant legal services to local women. Christine addressed the NSW Community Legal Centre in a session on community development which provoked some, hopefully, useful debate.

Early in the year Christine undertook a research project involving an examination of two years' worth of KLC files on Motor Vehicle Accidents (those involving property damage) to ascertain whether any common patterns existed and if so, whether there were efficient ways of using those KLC resources devoted to MYA matters. Many of the recommendations arising from the research findings have been or are being considered by KLC.

The continuing use of KLC's services by people affected by psychiatric conditions provoked Christine's enlistment to the management committee of a local agency. B Miles Womens' Housing Scheme provides medium term supported accommodation for psychiatrically affected women. In 1995 the ten year old agency undertake a major review and begin a process of restructuring to take account of changes in legislation and governmental administration. It is anticipated that 1996 will consolidate as an efficiently operating



Christine Gibson, Part time social worker through the UNSW School of Social Work

POLICY DAY

The Centre held its annual Policy Day at the UNSW Institute of Administrative Studies on 23 June 1995.

A wide group of interested participants attended the day. All the staff of Kingsford Legal Centre and Disability Discrimination Legal Centre were in attendance. The Advisory Committee was represented by Annie Cossins and Jill Anderson, lecturers within the Law School. 50L students enrolled in the clinical legal experience course during Session 1, 1995, were represented by Claudia Green, Billy Seidler and Kelly Muirhead. The volunteer lawyers were represented by Duncan Inverarity. There were criticisms and suggestions for amelioration that could be put in place to lift the profile of the Centre as well as enhancing the education side of the Centre. Everyone participated enthusiastically on the day and the day was significant as it marked the first step in a structured approach to developing a formal strategic plan for the Centre's work. The day focused on identifying broad goals for the Centre, more specific objectives and possible strategies for meeting these objectives.

The emphasis was on a brainstorming approach: we were encouraged to think out loud, to articulate our wildest dreams (for the Centre) and to do some creative brainstorming. By the end of the day, after much deliberation, division into groups and liberal butchering of paper, it became abundantly

clear that our efforts were but the first of a long term project.

The meeting agreed on three broad goals of the Centre:

- ✓ to enhance access to legal services
- ✓ to expand the international presence of the Centre

Important **strategic objectives** were identified to include:

- ✓ to provide an integrated service
- ✓ to enhance non-case work activities
- ✓ to enhance quality of volunteer services
- ✓ to reach out to the community
- ✓ to enhance case work services
- ✓ to improve community links

Some of the priority **strategies** nominated by the meeting included:

- ✓ target services to youth, women and people of non-English speaking backgrounds
- ✓ conduct outreach programs
- ✓ train staff and students on working with people with disabilities
- ✓ conduct services
- ✓ establish a social work presence at the centre
- ✓ engage in joint projects with the Disability Discrimination Legal Centre
- ✓ translate legal educational materials into community languages
- ✓ promote research on disability law school subjects

- ✓ introduce a clinical law reform policy development subject
- ✓ target casework to specific areas
- ✓ engage bilingual volunteer lawyers
- ✓ provide cultural training to volunteer lawyers
- ✓ provide a telephone advice service
- ✓ create student sites in areas of high client need
- ✓ use the Consultative Committee to guide project work priorities

Many more strategies were listed for further debate and discussion, some controversial, such as allocating one day per week clinical subject to reviewing legislation law specialty, restructuring the Director's position to exclude casework responsibilities, provision of child minding facilities for clients, allowing solicitors to rotate into the faculty, allowing administrative staff to rotate into the faculty.

There was a general agreement on devoting future policy days to refining a formal strategic plan to guide our work.



Kelly (left) and [Name] (right, Committee member)

ANTI-DISCRIMINATION LAW

The Centre acted for a child with an intellectual disability who received what we regarded as below standard treatment at Delta Hospital in that she was left till last to be treated and had to be compulsorily taken because it was assumed that she had Hepatitis C. The Centre brought a discrimination claim against the hospital which was settled on the basis that the child received an apology, there was a change in training procedures for Delta Hospital staff and a monetary compensation of \$7,500.00

The Islamic faith

The Centre is acting for a client in relation to a claim of race discrimination and harassment on the grounds of Islamic faith. This matter has been referred to the Equal Opportunity Tribunal for hearing in June 1996. The discrimination took the form of references to her Islamic dress and wear of the head scarf as well as "tea towel/tablecloth". We are continuing to prepare for the hearing and hope to establish that the Islamic faith will be brought within the definition of race under the Anti-Discrimination Act.

Pregnancy discrimination

The Centre acted for a nurse in a private nursing home who was told she was not allowed to continue working after she had told her supervisor that

she was pregnant. The nurse claimed that they were concerned that she would injure herself in that she had an earlier miscarriage and that heavy lifting of the job made it impossible for her to continue work. The Anti-Discrimination Board of its own motion issued an interim order at the Equal Opportunity Tribunal to ensure that the nurse in question was continued to be paid however the employer would still not allow her back to work. The Centre brought the matter on and the matter was listed for a hearing. Following negotiations the matter was settled on the basis that the client returned to continue her job up until she was no longer able to work and she was granted all annual leave and sick leave that she had been forced to take while she was home from hospital on long term leave.

The Centre was successful in a claim of "pregnancy" discrimination brought in the Human Rights Commission. The Centre claimed that the employer had acted in a discriminatory way when they dismissed her from her job as a machinist and she had informed them of her pregnancy. The matter was successfully settled and compensation by instalments was paid together with a reference.

Coogee Women's Club

In March the Equal Opportunity Tribunal heard a complaint that a man had been discriminated against because of his sex when he refused access to McIvers Baths at Coogee. Since at least 1925 the baths have been reserved for women and children only.

Kingsford Legal Centre appeared on behalf of the Randwick and Coogee Ladies Swimming Club which operates the baths. The complaint named the Randwick Council as the Respondent. The Club was joined as a third party to the inquiry.

The Club applied for the Tribunal to dismiss the complaint as frivolous, vexatious and lacking in substance. The Tribunal agreed to dismiss the complaint on the grounds that it was a legally misconceived complaint and that it was factually frivolous and vexatious. The Club's campaign to save the baths has become a rallying point for women in the local community. Kingsford Legal Centre is proud to have been part of the campaign which brought together women to fight a common cause and by which forged lasting links between women of diverse ages and backgrounds in our community.

HIV test requirements

The Centre acted for a gay man who claimed that his doctor refused to refer him to a surgeon for urgent treatment unless he had an HIV test. The man pointed out to the doctor that he had an HIV test only two or three months previously and that the result was negative. He said that he was not happy

to have a second test because he had been told that it was argued that the refusal of his doctor to refer him to a surgeon was based on his homosexuality. A complaint was lodged in the Anti-Discrimination Board. The complaint was referred by the Board to the Equal Opportunity Tribunal for hearing. The complaint was settled on the first day of hearing on terms that the Respondent pay \$22,500 to the Complainant and acknowledge

- that it is unlawful to refuse to provide medical services on the ground of homosexuality;
- that the homosexuality of the patient was a significant reason for the doctor's decision to require the Complainant to submit to an HIV test;
- that refusal to provide medical services to the complainant unless he submitted to an HIV test in the circumstances of the complaint constituted discrimination within the meaning of the Anti-Discrimination Act 1977;
- that the practice of universal infection precautions is preferable to the practice of testing patients for HIV as a means of infection control in surgery.

The case was run by Kingsford Legal Centre in conjunction with the HIV/AIDS Legal Centre.

Health insurance for gay couples - The Centre acts for a gay couple who

are seeking approval for health insurance cover for themselves and a dependent child. The hearing officer refused to accept the application for insurance at the time of the hearing. NIB claimed that under the family cover was only available to heterosexual spouses and dependents.

Our clients claimed that this aspect of the insurance policy was a form of discrimination against gay and lesbian couples.

The couple succeeded in their appeal before the Equal Opportunity Tribunal. The couple approached the Centre for representation in responding to a Supreme Court appeal against the Tribunal's decision.

The Centre will appear in the appeal which is expected to proceed in mid 1996.

Pre-employment health testing in the fire brigades

The Centre acts for a man who was refused employment in the NSW Fire Brigades because of a knee injury caused him to fail a pre-employment medical. The Fire Brigades refused to allow our client to sit for further tests which were designed to assess his capacity to do the actual tasks of a firefighter's job. The Centre argued that the Fire Brigades discriminated against our client on the grounds of his disability. In a hearing in the Equal Opportunity Tribunal in August 1995, the Tribunal found that

our client was an active and healthy person who was still protected by the *Anti-Discrimination Act* as a person with a disability. The Tribunal said that the definition of disability in the Act was broad enough to import notice of severity of

impairment. The Fire Brigades consented to our client completing the pre-employment tests, which put it at risk of a finding of unlawful discrimination, had been made.

The Centre provides advice and referral to many woman who have experienced sexual harassment in the workplace.

The Centre may act in such matters on an individual basis.

The Centre appeared in several sexual harassment matters in the Equal Opportunity Tribunal. One matter, involving allegations of repeated serious sexual assaults was heard in Tribunal proceedings which were closed to the public for a number of days before a consented settlement was reached for our client. Two other matters were settled favourably in pre-employment mediation in the Equal Opportunity Tribunal. One matter was heard to completion but was dismissed on the evidence available.

Day.

Release of Eileen Waugh

The Centre was the first to submit an application to have Eileen Waugh granted a pardon. Eileen Waugh was imprisoned after killing her husband in 1987. Evidence of the years of severe domestic experiences produced at her trial. The jury found her guilty of murder and in Queensland there is a mandatory life sentence on a finding of guilty in a murder trial. Accordingly she was sentenced to life imprisonment. Kingsford Legal Centre prepared an extensive application to have Eileen Waugh granted a Conditional Pardon. In August 1995 Eileen Waugh was granted a pardon and released from gaol.

Eileen Waugh's release. Kingsford Legal Centre coordinated the various media appearances which Eileen made and produced a media release which focussed on the inadequacy of the experiences of domestic violence. Eileen participated in a press conference, an interview with the 7.30 Report, various interviews with various newspapers and some of the most extensive coverage of her release and the family violence issues. Eileen's experience of domestic violence from being brought up during her childhood was highlighted. Eileen was interviewed on the Radio National PM show in relation to gender bias within the criminal law.

PROJECTS

During 1995 the students undertook the following projects in relation to the Centre's community education

information sessions at local schools on a number of legal issues.

Youth Card

Students produced a card informing young people of their rights when dealing with the police. A small grant from the Law Foundation of New South Wales made this possible.

YOU & THE LAW

You are an important person who lives in. You are also an individual with many rights.

With rights come obligations. Try to remember:

- the police are there to help, not to be the enemy; and
- you have the right to remain silent.

If you are questioned by the police:

- COOPERATE by giving your name, age and address;
- You DO NOT have to answer questions;
- you DO NOT have to go to the police station unless you are arrested.

If you are arrested by the police:

- DO NOT resist;
- ASK what you are being charged with;
- DO NOT swear as you can be charged with offensive language;
- you DO NOT have to answer any questions;
- ASK the police for a lawyer.

If you believe the police have used excessive force:

- WRITE DOWN the officer's name and badge number;
- see a DOCTOR as soon as possible;
- take a PHOTOGRAPH of the injuries;
- seek LEGAL advice.

REMEMBER

OBTAIN LEGAL ADVICE.

For help in doing this, call:

- Legal Aid Help Line for Young People008 806 913 (Free Call)
- Legal Aid Commission Children's Legal Service025 3133
- Kingsford Legal Centre398 6366
- The Community Legal Centre closest to you

Young Aboriginal people can also call:

- Aboriginal Community Liaison Officer800 000 000
- Aboriginal Legal Service000 000 000

This card was put together by the staff at Kingsford Legal Centre, 1995 and is endorsed by the Law Foundation of N.S.W.

Elderly rights

The students from the Centre have visited a number of local nursing homes to give information to older people about making wills and powers of attorney. These sessions have been extremely well received.

In October, students Anne Warner and Malcolm Langford presented elderly rights workshops at Randwick Older Women's group and Botany Family Centre. A highlight was a performance by one of the students of a will-related song.

Students also conducted regular

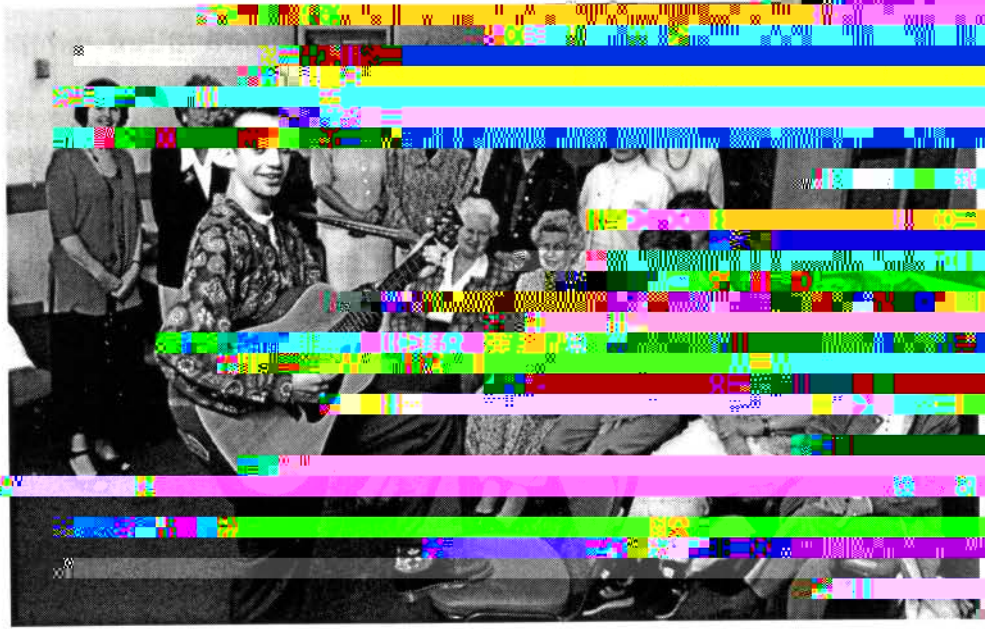


Photo by Ross Willis, Courtesy of Southern Cross University
Malcolm (left) performing his presentation at Glen Mervyn.

Glen Mervyn Workshop

The students presented a participative workshop on appearing in court for community workers/social workers at Glen Mervyn. All the workers had a chance to feel what it is like to go through the process box to help them know what to expect when they are asked to give evidence.

Domestic Violence Workshop

The students from the Centre have prepared information sheets for workers involved in the Domestic Violence Court Assistance Scheme at Waverley court. One session was for current workers and covered such matters as victims compensation, custody and access. The other session was for new workers and involved an outline of the domestic violence legislation.

Two other students from the Centre are working on producing a chapter for the Medium Legal Centre Lawyers Practice Manual on complaints against solicitors.

Arrest rights talks for young people

Students Sharon Gardner, Amy Amos, Souha Korbathieh and Kevin participated in talks on police procedures, arrest rights and police obligations. These presentations to over two hundred students were made at Randwick Girls High School, Randwick North High School and J.J Cahill Memorial High School in August-September. A local police officer participated in the presentations.

Racial discrimination and vilification

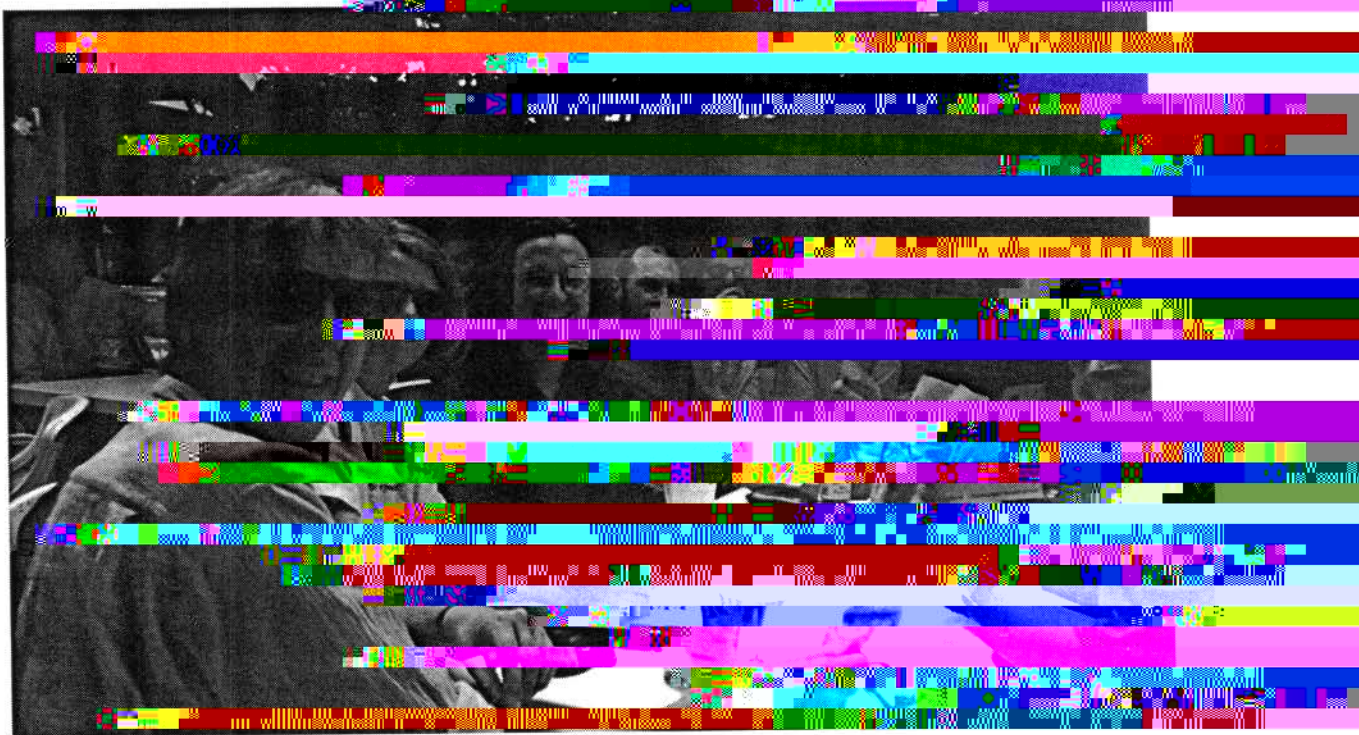
Students Souha Korbatiéh and Darren Gardner presented articles on racial vilification and the law to over 500 students at two Community Day School

victims compensation pamphlet for women

A pamphlet on rights to compensation for victims of domestic violence. The pamphlet will be translated into community languages and published in 1996.

Consumer complaints

Students researched consumer complaint rights in a range of areas including insurance, superannuation, media, health and legal services. Locum solicitor Chris Grant drafted a chapter on complaints against lawyers for publication in the Lawyers Practice Manual.



Staff:
(L) Christine Gibson, Ky. P. 16 and Chris M...
(R) Frances Gibson

NSW DISABILITY DISCRIMINATION LEGAL CENTRE

About the NSW Disability Discrimination Legal Centre

The NSW Disability Discrimination Legal Centre (the DDLC) is a community legal service, funded by the Commonwealth Attorney General's Department to maximise the use of the Disability Discrimination Act 1992 (Cwth) through the provision of community legal education and advice, advocacy and representation for people with disabilities, their associates and disability organisations.

Association with Kingsford Legal Centre

The end of 1994 marked the second year of the successful and supportive association between Kingsford Legal Centre and the DDLC. As well as a member of Kingsford's Management Committee, we also regularly attend Kingsford's staff casework meetings, policy days, interview skills student training days, social events. The Centre's speciality in discrimination law has also led to many productive discussions on law and policy and sometimes referral of cases.

Staff and Volunteers

A major staff change in 1995 saw Robin Banks appointed as Co-ordinator, joining Michelle Hamman, Sam Jenkins and Yvonne Jones. Jane King and Rachel François worked part-time at the start of 1995 taking up

some of the duties that previously was without a Co-ordinator. Volunteers

It is during 1995 we have had Stephen Fagg, Sam Hamman, Sam Jenkins, Glen Jones, Fiona Laidlaw, Fiona Mak, Jane Reid, Jose Singer, Odeeth Good, Gerson Good and Stephen Yen.

Major Cases

The Disabled Peoples International (Australia) Ltd v Telstra Corporation Ltd

We represented Disabled Peoples International (DPI) and the Australian Association of the Deaf (AAD) who brought a complaint against Telstra in a class action on behalf of all people in

These people made up a class for the purpose of this complaint. This was the first representative complaint to go to the Federal Court under the DDA. We claimed that Telstra did not supply telephone typewriters (TTY) to the class members but they did supply standard handsets to hearing people.

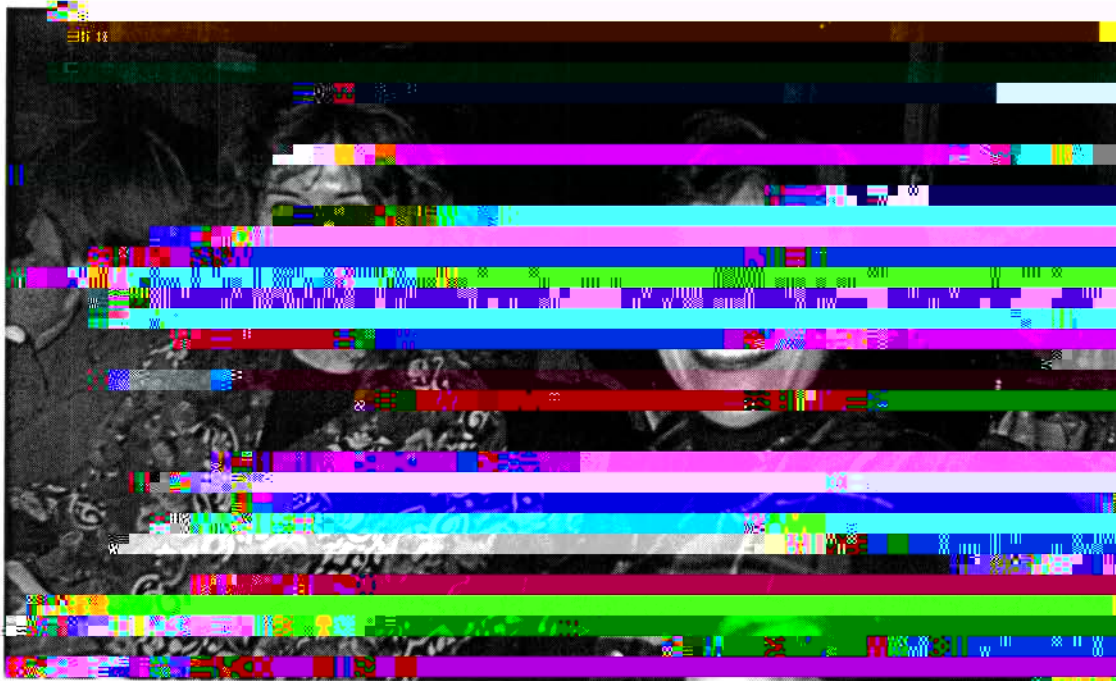
The Human Rights and Equal Opportunity Commission decided in favour of DPI and AAD in July 1995. A hearing was held in August 1995 to decide what Telstra would be ordered to do. Telstra was ordered to provide

vouchers to class members and do not receive vouchers under any other government scheme. The vouchers are valued at \$655.00. PWD applied to the Federal Court for review of the decision but has now withdrawn the application and will not receive the vouchers.

Cases Against the State Transit Authority

People With Disabilities (NSW) Inc (PWD) and Steve Magró (a person with quadriplegia) each brought complaints against the State Transit Authority in October 1994. DDC acted for PWD and Mr Magró. PWD's complaint was a representative complaint on behalf of all

people in NSW who use wheelchairs or similar mobility devices. Under an existing STA contract for 300 buses, none of which were accessible, half of these buses had already been sold and PWD's complaint concerned the remaining 150 buses. Mr Magró's complaint was about the requirements for the supply of 125 new buses, which did not include specifications for wheelchair accessibility.



Michelle Hannon (DDC solicitor) and

COMBINED COMMUNITY LEGAL CENTRES AND OTHER COMMITTEES RESPONSIBILITY

Simon Rice up until his resignation continued to convene the Practical Issues Sub-Committee, was the Legal Aid Commissioner, a member of the CLCs and the *ex officio* member of the Funding Resources Group. In his capacity as director of Kingsford Legal Centre, he was also on the Management Committee of the Disability Discrimination Legal Centre.

Frances Gibson is a member of the Combined Legal Centres Funding Resource Group and Funding Committee which deal with the legal centres going on both a State and National basis. She is also a member of the newly formed Combined Legal Centres Criminal Justice Committee as well as the Law Society's Criminal Justice Committee and on the Management Committee of the Eastern Suburbs Tenants Service.

John Isaacs is a member of the Record and Lawyers Practice Manual editorial committees, president of the HIV/AIDS Legal Centre Management Committee, member of the Australian Federation of AIDS Organisations Legal Working Group and a member of the Privacy Advisory

Privacy Commissioner.

Anna Oddy is a member of the National Domestic Violence Sub-Committee, a member of the Management Committee of the Disability Discrimination Legal Centre, the Waverley Domestic Violence Court Assistance Scheme Sub-Committee.

CLINICAL LEGAL EDUCATION

Working in a community legal centre is an excellent way to further students' understanding of notions of social justice, equity, how justice works in which law reform occurs and can be achieved. Students are encouraged daily to renew law and government policy critically and examine the role of a lawyer in a conservative legal system. Students often for the first time are meeting clients whose lives, backgrounds, expectations and interests are vastly different from their own.

This course provides practical skills though some training in drafting, interviewing and negotiating to ensure that students have the basic skills to carry out the work they are required to do.

In the course of their studies students are faced with ethical dilemmas and are encouraged to discuss their own prejudices and beliefs about the legal system. The course also exposes students to an alternative to the commercial side of legal practice which they would not otherwise have.

CLINICAL LEGAL EDUCATION

LAW FACULTY OF UNSW

The Director of the Centre, as an academic member of staff, regularly attends and participates in committees of the Law Faculty Curriculum and Teaching Committee of the Law School deals with issues that "challenge the status quo" and is a member of the Law School.

The Director attends School and Faculty meetings and is a member of the Dean of Law's Advisory Committee.

the UNSW Law School has often, in its elective subjects, embraced the practical importance and relevant of law to issues of social justice and power. Such issues are very much concerned with legal practice, with the practical skills of practice. The clinical program at the Centre can be seen as an extension of this agenda at the Law School, especially when it is understood that the first cases taken on at the Centre were anti-discrimination cases, and that they have continued to predominate in the Centre's practice.

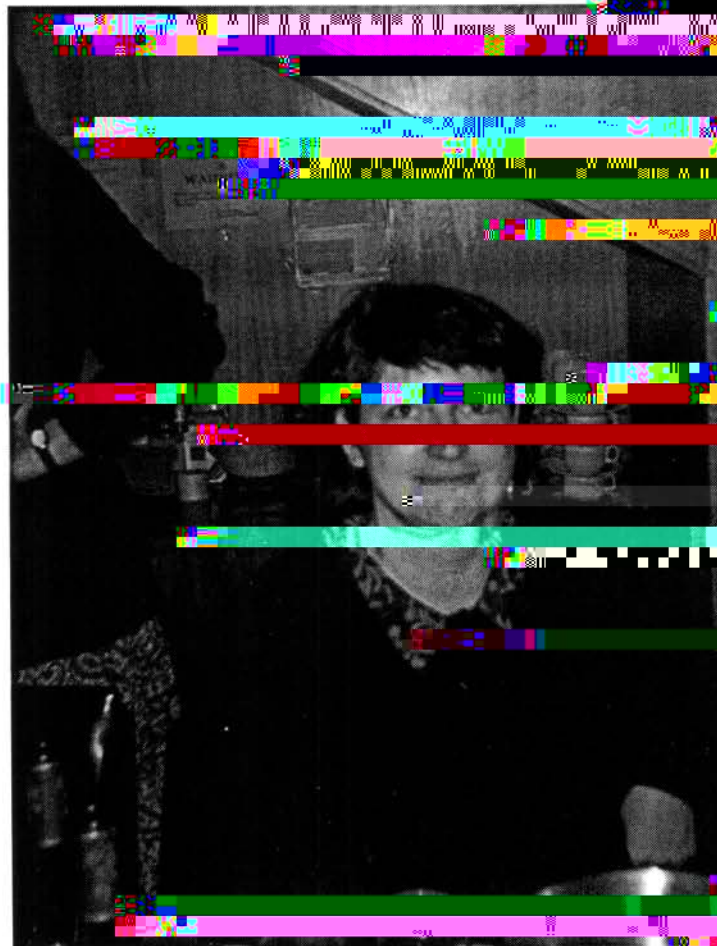
Clinical Legal Experience at the Law School is a practice-based subject. It is about legal practice, but not about the practicalities of legal practice. It is about the structures and implications of legal practice, the values and dynamics of systems of justice.

NEWSLETTER

During 1995 our newsletter has gone from strength to strength with new members locally and internationally wishing to be placed on our mailing

The information that is being contributed is proving to be informative and is enabling comparisons to be drawn between clinical legal education

sources. The newsletter contains details of developments in clinical legal education in Australia and overseas. The material for the newsletter is provided by those working in the clinical legal education field in



Frances Gibson
KLC Director

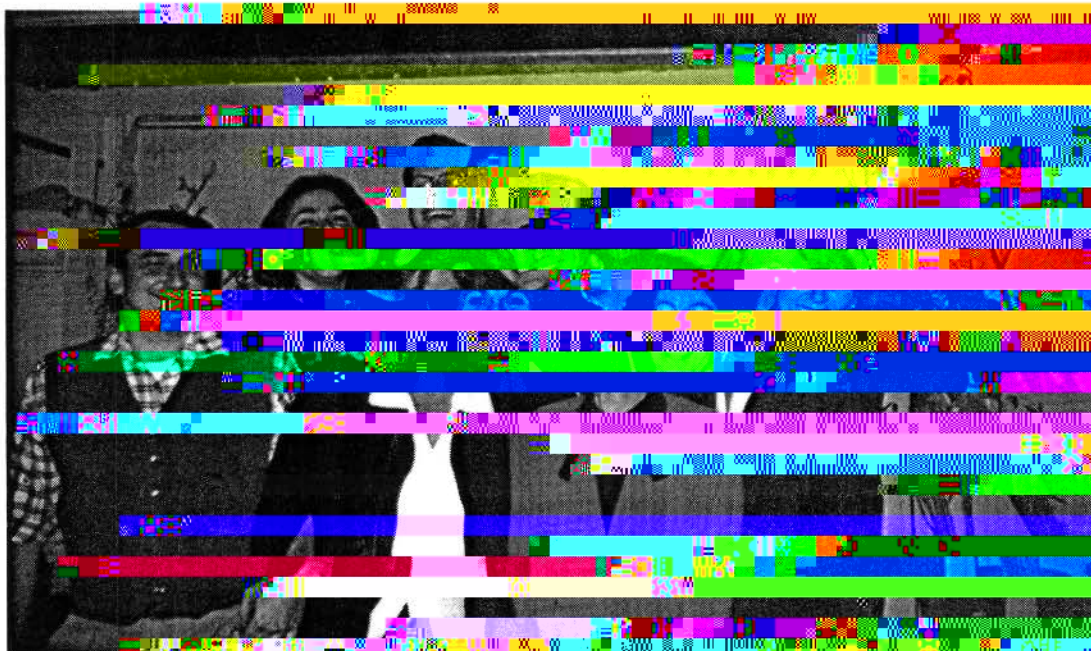
PUBLICATIONS /SEMINARS/ MEDIA WORK

Simon Rice presented a seminar on liability of community workers and volunteers at a Law for Non-Lawyers seminar in April, a seminar to University of NSW staff on anti-discrimination law in June and a seminar to community legal centre workers on anti-discrimination law in June.

John Godwin presented a training seminar to volunteers of the **HIV/AIDS Legal Centre** on discrimination law in February; and presented and participated in a hypothetical panel at **Paddington Women's Hospital** on an Information Day on domestic violence and the **Crimes Act 1995**.

Anna Cody presented a talk to a local violence law and family law in April, and a talk to women at **Bonur Beach Cottage** in July on domestic violence law and family law.

Clare presented a continuing legal education seminar on the Bail Act. **Clare** and staff of the Centre supervised numerous educational activities.



Centre staff at beginning of 1995

(L to R) Paul Batley, Anna Cody, Simon Rice, John Godwin, and Graciela

LAW REFORM

In 1995 the Centre made a number of law reform submissions including a submission to the Royal Commission into the NSW Police Service on complaints against police mechanisms; the Legislative Council's Standing Committee on Law and Justice Inquiry into the Criminal Amendment (Mandatory Life Sentences) Bill 1995; the Coroner's inquiry on gun laws; the Commonwealth Attorney General's Department on the draft regulations in relation to mediation in family law matters.

During March 1995 Simon Rigg submitted a law reform submission to Australian Law Reform Commission re the Costs inquiry.

John Godwin worked on the campaign to legalise voluntary euthanasia in NSW with a coalition of community organisations. He assisted in drafting a Euthanasia Bill, the AIDS Council of NSW and distributed state pamphlets.

In the run up to the March 1995 state election, Centre staff with other legal centre workers lobbied several candidates to secure a commitment from the ALP to match the coalition's pre-election commitments in relation to domestic violence. This resulted not only in a guarantee to ensure interim relief funding of the Waverley Court assistance scheme, but also the promise of \$1.5 million to fund domestic violence court assistance schemes across NSW.

represented Community Legal Centres reference group chaired by the NSW Department for Women which met approximately 5 times to decide how the \$1.5 million state wide funding should be spent. The representatives in the Reference Group included the NSW Court Administration Department for women, Department of the Attorney General, the Police, the Refuge movement, Family Support Services, rural womens service, NSW Womens' Legal Resources Group and the Legal Aid Commission. The

guidelines for schemes to be funded under the Project. The process was very time consuming and demanding as the participants had a wide variety of views on how and why schemes should be funded. Ultimately a report was written which reflected the views of the Reference Group on how the funding should be used. The funding is now administered by the Legal Aid Commission.

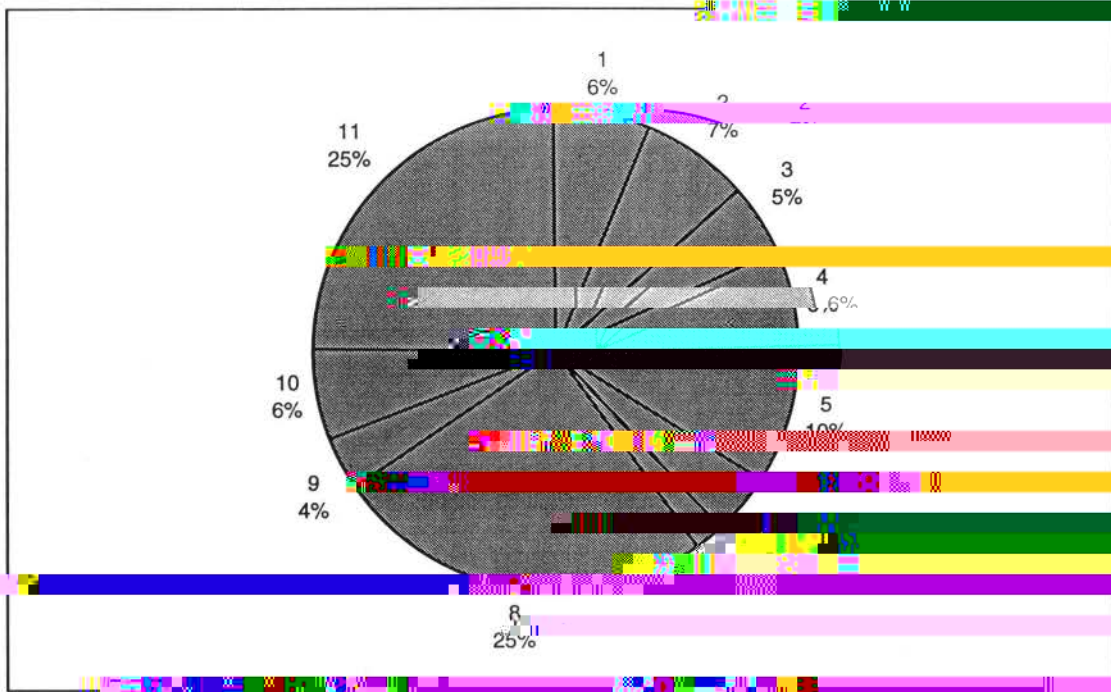
On behalf of the Combined Community Legal Centres Group (NSW) a submission was made to the Attorney General's Department regarding amendments to the Family Law Act and the use of mediation within the new framework as a primary dispute resolution mechanism. There were various concerns because of the problems associated with mediating any legal dispute between a couple where there has been or is domestic violence.

The coroner's inquest was a substantial inquiry into the liability of guns to the State Coroner inquiring into the shootings at Green Centre regarding the availability of guns. Subsequently the Coroner has made findings that reflect broad concern within the community about the easy availability of guns and lack of registration scheme. The NSW Government has since passed legislation which restricts the sale of guns and the possession of guns.

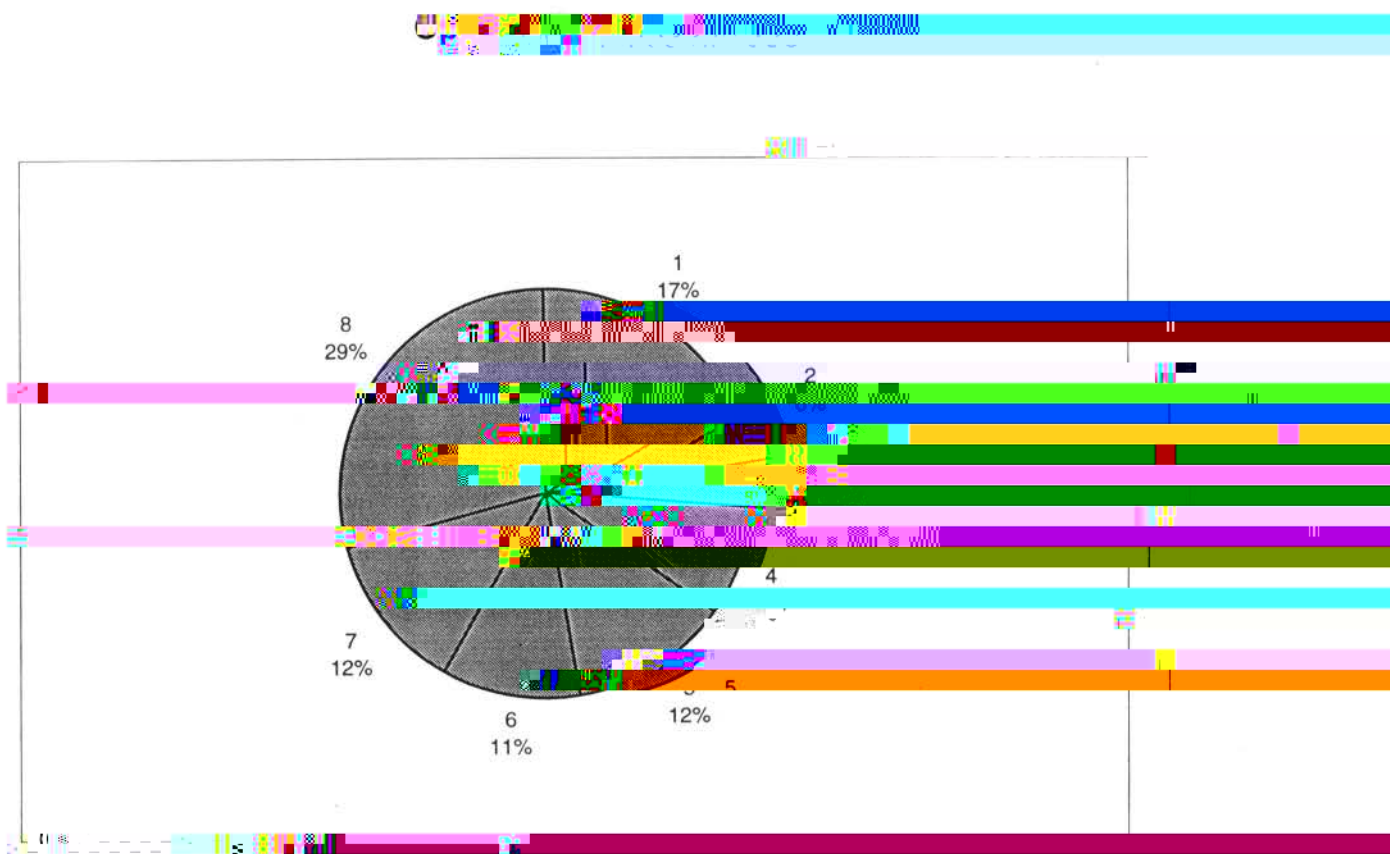


John Gartin
KLC solicitor

Advice given by matter type ... 1995



- | | | |
|-------------------------|---|---|
| 1. Discrimination | 2. Domestic Violence | 3. Motor vehicle accidents |
| 4. Employment | 5. Motor vehicle accidents | 6. Family (divorce, custody, access, Maintenance, property) |
| 7. Victims compensation | 8. Family (divorce, custody, access, Maintenance, property) | 9. Immigration |
| 10. Wills | | 11. Other matters |



- 1. Discrimination
- 2. Domestic violence
- 3. Motor
- 4. Divorce
- 5. Maintenance and property
- 6. Wills
- 7. Other matters
- 8.

Outlined below is the Centre's income and expenditure for the period 1 January 1995 to 31 December 1995:

Income \$
 Community Legal
 Funding Program

UNSW Salaries and
 Non-Salaried Items 218,786.00

TOTAL 311,154.00

Expenditure \$

Salaries and Associated
 Costs 208,955.00

Operational costs 102,599.00

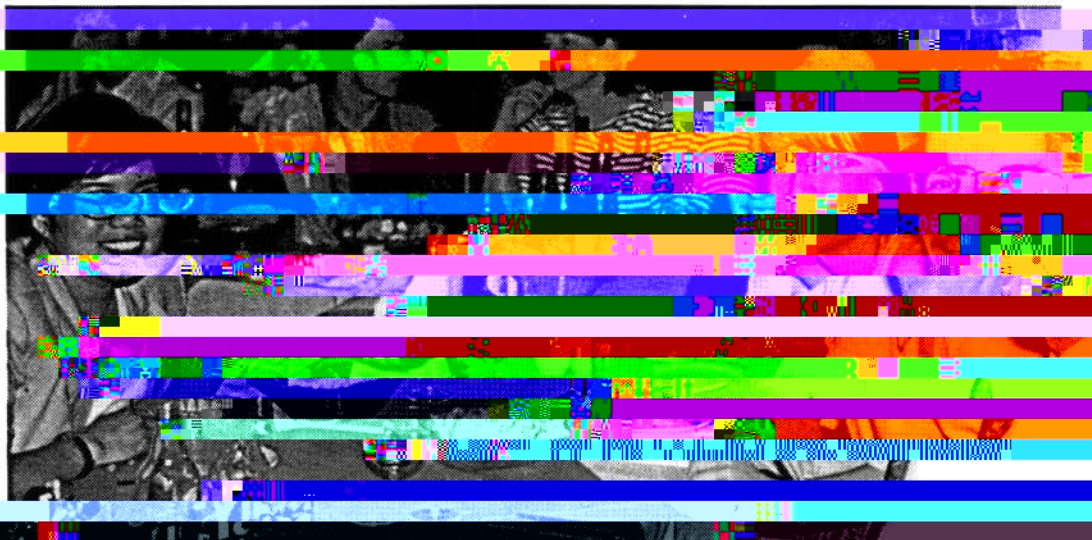
TOTAL 311,154.00

**VOLUNTEER
LAWYERS**

- Anstee, Mark
- Adler, Roxanne
- Brown, Joanna
- Clark, Ross
- Eastman, Kate
- Farr, Nick
- Garcia, Mary-Rose
- Hamilton, Chris
- Hannon, Michelle
- Hopkins, Sarah
- Inverarity, Duncan
- Katz, Sharon
- Kidd, Nick
- Kinross, Shirli
- Longworth, John
- McIntyre, D
- Mordaunt, Sue
- Nicholls, Mark
- Ogle, Lisa
- Packer, Howard
- Robertson, David
- Ross, Bernadette
- Rusanow, Greta
- Schwartz, Abe
- Seaton, Andrew
- Turnbull, Robert
- Turnbull, Grana
- Wallman, Melinda
- Worner, Michèle
- Young, Susan

**PROBONO
BARRISTERS**

- Abadee, Nicole
- Basten QC, John
- Buchanan, David
- Flannery, Leonie
- Manuel, Janet
- Murr, David
- Robertson, David
- Winters, Sylvia



Volunteer Lawyers
(L to R) Mary Rose Garcia, Frances Gibson (Director of KLC), Lisa Ogle and Andrew Seaton

STUDENTS AT THE CENTRE

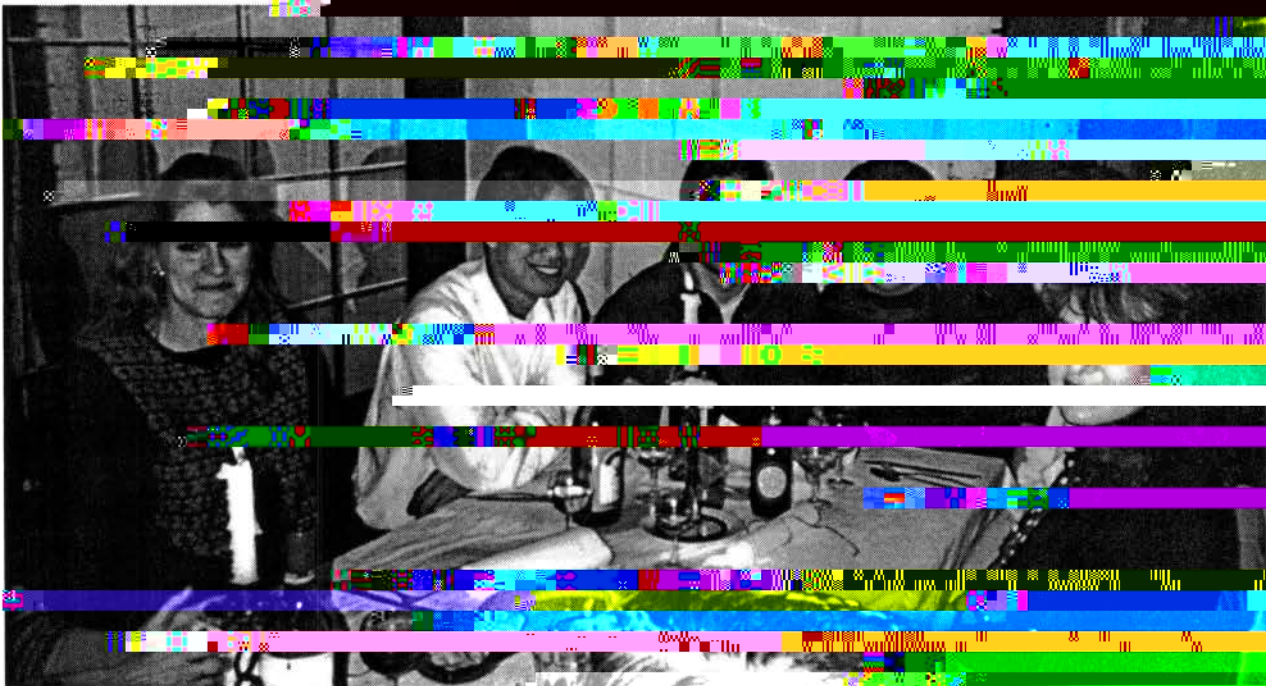
Amos, Richard
Bashir, Gaby
Bateman, Robert
Browning, Mo
Cappee, Julian
Chau-Vo Thu, Cynthia
Chee, Suwen
Choong, Stephen
Delbaere, Nicol
Dinnerstein, Julie
Elias, Jason
Exley, David
Fitzgerald, John
Flax, Gabrielle
Fraser, Lenore
Gardner, Darren
Georgiev, George

Gottschall, Jonathan
Granofsky, Margery
Green, Claudia
Hannaway, Samuel
Hutton, Amanda
Jutsen, Mark
Kalinko, Warren
Karam, Anthony
Korbatieh, Souha
Langford, Malcolm
Lava, Janice
Lee, Katherine
Lynch, Rosalind
Matthies, Christopher
McNally, Brian
Mousquin, Claudine
Muirne, David



Law students dining 1995
 (L to R) Jarred White, George Georgiev, Stephen Choong, Mo Browning and Julian
 Cappee

Radu, Dan	Warner, Anne
Roots, Kim	Wassner, Dani
Russ, Laurel	White, Jarrod
Sachs, Antony	Williams, Kevin
Seidler, Polly	Yano, Kanako
Stewart, Lyndal	
Tang, Lin	



Law students during 1995

(L to R) Margery Granofsky, Stephen Choong, Julian Canney, Dani Wassner, Suzanne Blakey and Nicole Brown

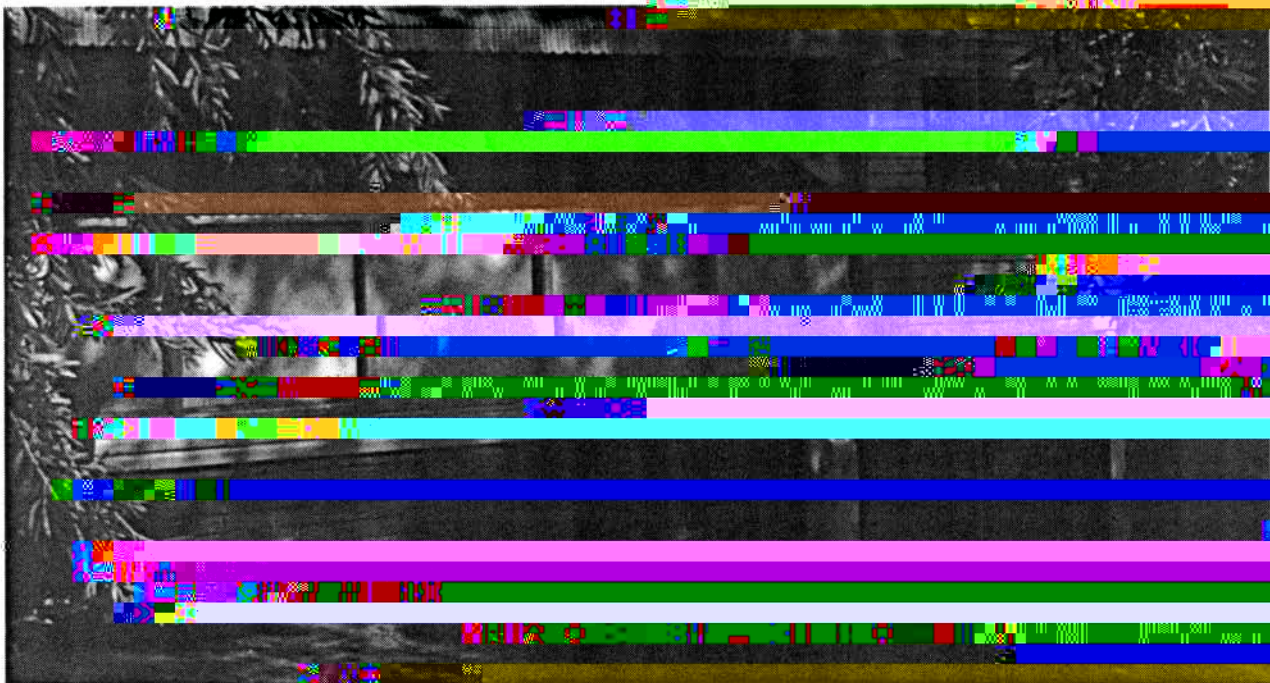
WHERE WE ARE:

11 Rainbow Street
KINGSFORD
DX 22709 KINGSFORD
Telephone: 9398 6366
Fax: 9399 6683
TTY: 99314 6430
Email: legal@unsw.edu.au

Office Hours: Monday - Friday 9.00am -5.00pm

Night time advice sessions Tuesday and Thursday nights 6.00 - 7.00pm
by appointment for residents of the Randwick/Botany municipalities

Day time advice sessions: Monday - Friday 2.00pm and 2.30pm only
These appointments are only for discrimination and immigration advice



Kingsford Legal Centre