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**We gratefully acknowledge  
the financial assistance of:**

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Frankston City Council  
Mornington Peninsula Shire

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**Service to the Community  
since 1977**



## Legal Organisation of the Year

**Peninsula Community Legal Centre was honoured to be named the 2011 Legal Organisation of the Year in the prestigious Law Institute of Victoria Legal Awards. The awards celebrate the outstanding achievements and leadership of Victorian legal practitioners and legal organisations.**

Victoria Campbell, President of Peninsula CLC, said, "Winning the award is an incredible achievement for all of the Centre's staff, volunteers and committee. Our organisation is one of the largest legal centres in Victoria, providing free legal services to the community from our offices at Frankston, Cranbourne, Rosebud, Bentleigh and Frankston North, as well as providing visiting services to Mornington and Hastings.

In the last financial year alone, Peninsula CLC received 25,851 telephone enquiries and provided information and referrals to 13,137 individuals. In 2010, Peninsula CLC provided 9,744 client activities, which include provision of legal advice and ongoing casework assistance, as well as undertaking a range of education and law reform activities. We are thrilled that the Victorian legal community has recognised these contributions to the advancement of justice in Victoria".

Peninsula CLC's philosophy of client empowerment and recognition of the inherent dignity of all people, which underpins all service delivery, translates in casework to a focus on informed decision-making by clients and supported self-help wherever appropriate, so that clients achieve the confidence and skills to navigate the legal system. Most of the Peninsula CLC's clients could not afford a private lawyer and would not qualify for legal aid assistance. Their right to equality before the law might be meaningless if not for the work of Peninsula CLC in resourcing and directly assisting them to uphold their rights.

It is a great honour to receive this peer recognition for our contributions to the community and to the legal profession.



**Pictured Left to Right: Back row:** Vicki Holmes (Administration Worker, Peninsula CLC); George Erlichster (Management Committee, Peninsula CLC); Paul Bradley (Management Committee, Peninsula CLC); **Front row:** Gillian Wilks (Manager Projects and Development, Peninsula CLC); Elaine Pierson (Management Committee, Peninsula CLC); Jackie Galloway (Deputy CEO, Peninsula CLC); Helen Constas (CEO, Peninsula CLC); and Victoria Mullings (Principal Lawyer, Peninsula CLC).

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# Week Without Violence

**Peninsula Community Legal Centre acknowledged Week Without Violence by hosting a community information stall in Frankston together with its partner agencies in the Frankston and Mornington Peninsula Family Violence Network and promoting the event in local media.**

Week Without Violence is a world-wide initiative recognised in over 100 countries each October, which aims to encourage the community to identify sustainable alternatives to violence. Week Without Violence puts violence against women on the public agenda.

Violence against women is one of the most pervasive human rights violations in the world. It does not respect geographic boundaries, affluence, race or ethnicity. In every corner of the globe, tragically, we observe violence, which can be psychological and/or physical, where women are subjected to terrible forms of violence that leave them damaged and also prevent the realisation of their full potential and their participation in public life. Statistics show that one in three women will experience physical violence and one in five women will experience sexual violence over their lifetime<sup>1</sup>.

During Week Without Violence Peninsula CLC invited the community to think about what it would be like if there was just a moment that was completely free from violence. This challenges us to consider that if it is possible for a moment to exist without violence, then it is possible to have a minute without violence, and if we can have a minute, it may lead to an hour and an hour may lead to a week and so on.

Week without Violence is also a celebration of the extraordinary work that is done to eliminate violence. In the last financial year alone, Peninsula CLC provided legal assistance in more than 1200 family violence matters. Working together with our partner agencies in the Frankston and Mornington Peninsula Family Violence Network to provide information to the community during the week demonstrates the commitment of each of the partner

agencies to speak out for justice and to challenge violent ways of life. As a community, Week Without Violence enables us to consider the impact of violence and abuse on the lives of women and to contemplate the possibilities for peace, security and dignity.

Week Without Violence is a precursor to the International Day for the Elimination of Violence Against Women – White Ribbon Day on November 25. White Ribbon Day is a male-led campaign to end violence against women through the creation of respectful relationships with women.

<sup>1</sup> General Assembly. In-Depth Study on All Forms of Violence against Women: Report of the Secretary General, 2006. A/61/122/Add.1. 6 July 2006.



**Pictured Left to Right:** Saskia Weerheim (Assistant Manager Volunteer and Education Program) and Helen Conostas (Chief Executive Officer)

## Child Support Program

**Peninsula Community Legal Centre operates a Child Support Program to assist parents with a range of child support related issues, which not only assists parents, but is crucial to ensuring that children are able to share in the financial resources of both of their parents.**

In particular, Peninsula CLC recognises the importance in promoting and protecting the rights of children and provides assistance in relation to paternity testing to identify a child's father. It is a right of a child to know who their parents are and it is something that many of us take for granted. The Child Support Program at Peninsula CLC has assisted hundreds of mothers over the last 10 years to prove the identity of the father of their child. Simply knowing who both their parents are can make a huge difference in the lives of children, as well as ensuring that children are financially provided for by both parents.

DNA testing is currently the most advanced and accurate technology to determine parentage. In a DNA parentage test, the result, which is called the 'probability of parentage', is 0% when the alleged parent is not biologically related to the child and typically greater than 99.9% when the alleged parent is biologically related to the child.

The right of a child to know their parentage is recognised at international law, in the United Nations Convention on the Rights of the Child, which commenced in 1989. This Convention

represents a major milestone in the historic effort to achieve a better world for children. As a binding treaty of international law, it codifies principles that countries of the United Nations agreed to be universal – for all children, in all countries and cultures, at all times and without exception, simply through the fact of their being born into the human family.

The treaty has, amongst other things, inspired changes in laws to better protect children and has been incorporated into family law legislation in Australia to reflect decision making concerning the best interests of children and the rights of the child. This treaty has achieved near-universal acceptance, having been ratified by 193 parties, which is more than the number of nations who belong to the United Nations, or that have signed up to the Geneva Conventions, and therefore demonstrates the universal concern and need for the protection of the rights of children every where.

Peninsula CLC's Child Support Program provides advice on child support matters including in relation to child support payments, change of assessments, and paternity testing.

# 2010/2011 – The Year in Review

The AGM of Peninsula CLC was held on 25 October 2011 and the key note speaker for the evening was His Honour Ross Betts, Co-ordinating Magistrate of the Frankston Magistrates' Court. Mr. Betts gave an entertaining presentation of his involvement with the law and his aspirations for his forthcoming retirement. He paid tribute to the work of Peninsula CLC, and in particular the duty lawyer services provided to the Magistrates' Courts at Frankston and Dromana and praised the calibre of the Centre's lawyers.

A review of the Centre's statistics shows that 9,744 client activities were undertaken during 2010/2011, which represents a further increase in the number of client activities than those undertaken in the previous year. The tables below provide a basic overview of the main areas of law for which advice was sought and the number of enquiries made to the Centre. For many clients, Peninsula CLC is the only option available for them to obtain legal assistance, as these clients cannot afford a private lawyer and are conflicted or ineligible for assistance from Victoria Legal Aid. Peninsula CLC remains steadfast in its resolve to respond to and address community need in the coming year.



*Pictured: His Honour Magistrate Ross Betts*

## SNAP SHOT 2010-2011

Telephone Enquiries	25,851
Information & Referrals	13,137
Website Visits	3,648
Advice Type	5,701 Face to Face 1,363 Telephone Advice
Interpreter Usage	40 % Telephone 31% Onsite 29% Other

Top 10 Referrals From			
Child contacts or contact orders	1,608	Divorce	517
Family or domestic violence	1,232	Motor vehicle accident	342
Child residency	1,169	Wills/Probate/Powers of Attorney	294
Property in marriage	904	Credit and debt owed by client	274
Civil violence / restraining orders	531	Tenancy termination by lessor	266

## HACCI Award Winner

Helen Conostas, Chief Executive Officer of Peninsula CLC, has been presented with an Hellenic Australian Chamber of Commerce and Industry (HACCI) Award for Community Service for her work with the Centre.

The HACCI Award for Community Service recognises the outstanding achievement by an individual for the community. Under Helen's leadership, Peninsula CLC has become one of the largest and most highly respected community legal centres in Australia. Congratulations Helen on this outstanding achievement!



*Pictured: Helen Conostas with the 2011 HACCI Award for Community Service.*

## 2011 International year of Volunteers

To commemorate the 10th anniversary since the inaugural International Year of Volunteers, 2011 was proclaimed by the United Nations again as the 'International Year of Volunteers'. Peninsula CLC is fortunate to have a dedicated team of volunteers, who are committed to helping the Legal Centre and the community that we serve.

Over the past financial year 149 people volunteered with Peninsula CLC, supporting the Centre to provide up to 8 additional free advice sessions each week. Lawyer volunteers provided 1,645 free legal advices, whilst non-lawyer volunteers provided paralegal and administrative support. Peninsula CLC extends its warmest thanks to all of its volunteers.

## Family Law Act Amendments

Peninsula CLC has been campaigning for many years to improve protections for family members experiencing family violence and more recently a number of submissions have been made in relation to the need for urgent amendments to the existing family law legislation.

Peninsula welcomed the passage of the proposed family law legislation amendment Bill by Federal Parliament on 24 November 2011. These laws place greater emphasis on the need to protect children from harm and include an expanded definition of family violence.



# Human Rights

International Human Rights Day is recognised on 10th December and provides an opportunity to reflect upon the status of human rights and human rights practices generally. Peninsula CLC welcomed the opportunity, earlier this year, to make a submission to the Victorian Scrutiny of Acts and Regulations Committee with regard to the Review of the *Charter of Human Rights and Responsibilities Act 2006* (hereinafter referred to as “the Charter”). Peninsula CLC believes that the implementation of the Charter was an important step forward to promote human rights considerations in government decisions and actions. The Charter preserves the sovereignty of Parliament but requires legislation to be interpreted, and government departments to act, in accordance with legislated human rights.

The Charter cannot, however, be a static document. It is imperative that it be reviewed and refined to ensure the best possible human rights outcomes for Victorians. Ultimately the first years of operation of the Charter have highlighted both the potential and the limitations of a dialogue model of human rights protection and the Review provides a great opportunity to discuss possibilities for enhancement of the Charter.

Whilst Peninsula CLC supports the Charter, it also believes that the legal protections entailed therein could be strengthened and therefore advocates for further amendments and initiatives to enhance the Charter and the effectiveness of the legislation for the practical realisation of human rights in Victoria.

Peninsula CLC believes that the Charter should be expanded to include additional human rights within its ambit. The inclusion of all rights contained in the *International Covenant on Economic, Social and Cultural Rights*; *the Convention on the rights of the Child*; and *the Convention on the Elimination of All forms of Discrimination against Women*, would in Peninsula CLC’s opinion contribute to the creation of the necessary conditions for all members of our community to participate fully and equally.

The Charter seeks cultural change to ensure that all people live with dignity and recognises that public authorities and the Parliament have a crucial role in the effectiveness of the protection of human rights. The Human Rights Committee of the United Nations has commented that enunciation of human rights through legal protection is an important factor in their realisation in practice.<sup>1</sup>

A further factor impressing the importance of the inclusion of economic and social rights in particular, is that rights such as the rights to the highest attainable standard of health, adequate

housing and education “matter most to Australians, and they matter most because they are the rights at greatest risk, especially for vulnerable groups in the community”.<sup>2</sup>

Beyond the inclusion of these rights within the Charter, it is imperative that they are legally enforceable. Whilst those opposed to the inclusion of economic, cultural and social rights may argue that many of these rights cannot be legally enforced, the State could be obliged to ensure that reasonable steps have been taken to ensure that the right can be progressively realised within the resources available. The legal test could then be regarding whether the administrative action was reasonable or not.

Peninsula CLC believes that the most imperative change that could be made to the Charter to improve access to justice, would be to include a free standing cause of action for human rights breaches and provide remedies through both non-judicial and judicial pathways. The predication of human rights protection is that the individual can enforce their right, and this cannot necessarily be achieved at present in the absence of a free standing cause of action within the Charter.

Over the years, Peninsula CLC has campaigned for the protection and promotion of human rights both in Victoria and federally. As Peninsula CLC provides legal assistance to some of the most marginalised and vulnerable members of our community, Peninsula CLC will continue to advocate for meaningful and justiciable human rights protection.

1 Human Rights Committee, *General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, UN Doc CCPR/C/21/Rev.1/Add.13 (2004), [13].

2 National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009), 344.

## SEASON’S GREETINGS AND BEST WISHES FOR THE NEW YEAR

Peninsula Community Legal Centre law reform submissions and media releases are available on [www.pclc.org.au](http://www.pclc.org.au).

*Peninsula Community Legal Centre is an independent, not-for-profit organisation that has been providing free legal services to Melbourne’s south-eastern communities for almost 35 years.*

*The Centre helps people use the law to protect and advance their rights, offering free advice on most legal issues. Ongoing assistance is targeted to assist clients who are experiencing disadvantage. In addition to its general services, the Centre operates Family Law, Child Support, Family Violence, and Tenant and Consumer Advocacy Programs.*

*Community legal education, special projects and participation in law reform are also important aspects of the Centre’s work.*

