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the financial assistance of:**

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Mornington Peninsula Shire

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are tax deductible**

**Service to the Community  
since 1977**



## A New Head Office Just Down the Road, but a Whole New World!

Peninsula Community Legal Centre relocated its Head Office to 441 Nepean Highway, Frankston, in February this year.

Just a few doors down from the Centre's previous location, the new premises have been fully refitted, and the benefits are already flowing for clients, volunteers and staff. Additional interview rooms are reducing waiting times and increasing the capacity for volunteers to see more clients at evening advice sessions. Staff and volunteers are also enjoying their vastly improved work spaces and the new Board Room has already been utilised for training of volunteers and staff, workshops and community meetings.

Chief Executive Officer, Helen Constatas, says, "This is a great leap forward for Peninsula CLC, which had its origins in a shared building (now demolished) which boasted a tin roof, frequently flooded floors and a host of other challenging

features! I am delighted that the Centre now has facilities that promote client dignity and privacy, as well as being a safe and pleasant working environment for staff and volunteers.

It was an incredible stroke of luck that our landlord appreciates the work of community legal centres and was willing to negotiate terms that brought the impossible within our reach.

We are very grateful to have received donations from Frankston City Council, Slater & Gordon Lawyers and Clayton Utz which were essential in enabling the Centre to relocate. We also thank Russell Kennedy for their pro bono legal assistance."

A formal launch will be held later this year, to coincide with Peninsula Community Legal Centre's celebration of its 35th anniversary.



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*This newsletter was produced with pro bono support from Russell Kennedy*

# Law – What is it Good for?

Peninsula CLC rose to the call of the Victoria Law Foundation in Law Week 2012 (May 14-20) to challenge the myths about the law and legal system, and encourage all Victorians to think differently about the role of law in our community.

In the Centre's experience, many clients have a negative perception about the law, believing that their situation is hopeless, or that their rights are meaningless because they cannot afford a lawyer. It is the Centre's mission to ensure that is not the case.

Peninsula CLC aims not only to help clients with their current legal issue, but to educate and empower them so that issues are less likely to arise or escalate in the future. The Centre also works closely with other community organisations to help address the

non-legal issues that clients may be facing, such as financial problems or relationship issues.

The Centre's message to the community is clear: "Be proactive about seeking legal help. Just as you would see a doctor if you had medical symptoms, seek legal advice early – don't wait until the situation worsens! Our services are free, and dealing with the issue early could save you a lot of time, money and stress."

**In 2012, Law Week coincided with National Volunteer Week, so Peninsula CLC is taking this opportunity to thank its team of 140 lawyer and paralegal volunteers who help more than a thousand clients each year.**

Alex Wilson is a law student and paralegal volunteer at Peninsula CLC. He says, "I have thoroughly enjoyed my 3 years of volunteering at PCLC and I have learnt more than I could have ever hoped for and have made some great friends along the way, not to mention the countless number of clients I have assisted."

## Youth Justice: Debunking the Myths

Peninsula CLC has welcomed a recent report by the Victorian Sentencing Advisory Council, 'Sentencing Children and Young People in Victoria'. The Report found that most criminal matters in the Children's Court are non-violent and relatively minor – more than a third relating to low-level public transport matters, such as ticketing or having feet on seats. Sanctions imposed on young offenders were relatively low level, principally undertakings, bonds or fines.

Principal Lawyer of Peninsula CLC, Victoria Mullings, says, "We are aware of a community perception, often heightened by negative media coverage, that young people are trouble-makers and pose a risk to public safety. Time and again we find that perception to be exaggerated or unfounded. We hope that these findings will encourage community members to rethink their perceptions about young people and the criminal justice system.

Criminalising young people in this manner would appear to be an inefficient use of the limited resources of the justice system. These resources may be better used educating and engaging with young people at risk, many of whom come from

backgrounds of abuse and disadvantage."

Peninsula CLC supports the *Smart Justice* campaign which aims to debunk myths about crime and sentencing, as well as promote understanding of criminal justice policies that are effective, evidence-based and human rights compliant. *Smart Justice* is led by the Federation of Community Legal Centres (Victoria) and supported by a coalition of organisations, including the Law Institute of Victoria, the Victorian Bar, VCOSS and the Victorian Council for Civil Liberties. We encourage community members to find out more about the *Smart Justice* campaign by visiting [www.smartjustice.org.au](http://www.smartjustice.org.au).

## Biggest Morning Tea

Volunteers and staff of Peninsula CLC had a cuppa together on May 24 to help raise funds for the Cancer Council.



# CASE STUDY: Duty Lawyer Service helps Clients, Court and Community

Peninsula CLC operates a Family Law Program, funded by the Commonwealth Government. Key features of this program include a duty lawyer service at Dandenong Family Law Courts, as well as advice and casework from the Centre to help clients avoid going to, or returning to, Court. The Centre prioritises matters where children are at risk of harm and the client is unable to afford a lawyer.

Our client was the mother of young children who lived with her. The father had poor parenting skills, as well as alcohol and anger management issues. He ran a profitable business, and was told he would have to pay more child support to help the mother care for the children. To try to reduce the amount of child support he would have to pay, the father applied to the Court to spend equal time with the children. Due to her mistaken belief that the law required the children to spend equal time with both parents, the mother filed a Response with the Court agreeing to the father's application.

Fortunately, the mother then approached our duty lawyer service for advice and we helped her to file and serve an Amended Response, as well as negotiating with the father and representing the mother at the interim hearings. The Court ordered that a family report be obtained. That report recommended the children continue to live with the mother and have limited time with the father. Final orders

were obtained in those terms and the father agreed to attend an anger management course. The mother was greatly relieved and would never have thought this positive outcome was possible.

This case study demonstrates the value of Peninsula CLC's duty lawyer service in providing accurate advice, assistance with documentation and process and negotiating outcomes. The duty lawyer service saves court time and resources and provides significant benefits to individual clients and, in this case, the children.

Access to duty lawyer services can also prevent further cost to individuals and the community. Had the mother not sought advice and unsuitable Orders been made, there may have been increased police, court or protective services involvement with the family, dealing with disputes over neglect, family violence and child support payments.

## Pro Bono Relationships Thrive

Now in its third year, the pro bono partnership between Russell Kennedy and Peninsula CLC continues to flourish. Some of the key features of the partnership include an annual disbursement fund for clients; professional development training for Peninsula CLC staff; mentoring by RK lawyers; legal advice for the Centre; design and printing of newsletters; printing brochures and Volunteer Manuals; and sponsorship of an annual Staff Award.

Peninsula CLC is very grateful for its pro bono partnership with Russell Kennedy, as well as pro bono support provided by other legal firms, including Maurice Blackburn and Sparke Helmore. As mentioned on page 1, the Centre was delighted to receive donations from Slater & Gordon Lawyers and Clayton Utz that assisted with the relocation of its Head Office.

***Pictured from left:** Saskia Weerheim (Deputy General Manager, Volunteers & Education, Peninsula CLC), the Hon. Robert Clark (Victorian Attorney General and Minister for Finance) and Victor Harcourt (Pro Bono Principal, Russell Kennedy) at the Attorney-General's Community Law Pro Bono Partnerships Roundtable, hosted by Russell Kennedy in 2011.*



## Family Violence Help

Peninsula CLC is pleased to be included in the **ask someone** initiative of the Southern Metropolitan Region Integrated Family Violence Executive. This innovative family violence referral pathway system includes a smart phone app and a website [www.asksomeone.org.au](http://www.asksomeone.org.au) to help people who have experienced family violence seek free professional support and information 24/7.

Peninsula CLC was an active member of a subcommittee of the Frankston & Mornington Peninsula Family Violence Network that developed a wallet-sized Help Card for women and men experiencing family violence, launched in 2010. With the support of Victoria Police, copies have been provided at family violence call-outs in Frankston and the Mornington Peninsula to ensure that people affected by family violence can find the help they need. The Help Cards are also available at PCLC and other community agencies.

# Law Reform Highlights

Peninsula CLC's law reform and policy activities are informed by justice concerns arising from its casework practice, as well as issues likely to affect clients and vulnerable community members.

Recent activities included:

- Submission to the Commonwealth Attorney General's Department on the Exposure Draft of *Australia's National Human Rights Action Plan 2012*. Peninsula CLC considers that human rights provide the foundation for a fair, just and inclusive society. As such, the protection, promotion and fulfilment of human rights should be a key priority for the Australian Government. The Centre broadly endorsed the Action Plan in promoting human rights in Australia, but submitted that the most appropriate way to protect human rights is through legislation, which could take the form of a Charter, such as that in Victoria, or a more comprehensive Bill of Rights. PCLC specifically commended the Action Plan's inclusion of access to justice and actions aimed at preventing violence towards women and children.
- Submission to the Commonwealth Treasury responding to the *Review of Not-for-Profit Governance Arrangements Consultation Paper, December 2011*. The Centre agreed with much of the Consultation Paper, but noted that any regulatory framework should cater for the diversity of the not-for-profit sector and avoid being so detailed that it unnecessarily reduces the autonomy of not-for-profits. The Centre noted the importance of risk management strategies, membership

and grievance procedures and recommended a single point of contact, which would be helpful for many of the small not-for-profits who are often entirely volunteer-based and struggle to understand and meet regulatory and governance requirements. The Centre encouraged an education campaign about new procedures and requirements to avoid confusion and non-compliance.

- Submission to the Victorian Department of Human Service's Office of Women's Policy on the *Action Plan Consultation Framework for Addressing Violence Against Women and their Children*. Peninsula CLC supports family violence being considered in the context of a human rights framework and supports a holistic approach that incorporates prevention, early intervention and response. The Centre encourages greater focus on police responses, particularly in relation to reported breaches, as well as education and training on the dynamics of family violence and cultural issues. The Centre's submission also highlighted the importance of free legal services provided by community legal centres, including duty lawyer services, in facilitating access to justice.

Copies of public written submissions are published on the Centre's website, [www.pclc.org.au](http://www.pclc.org.au).

Each year, Peninsula CLC conducts a *Client Satisfaction Survey*. From April 23 – May 4 2012, clients were invited to complete an anonymous survey to reflect on free legal services provided to them. The survey revealed a high level of satisfaction with services provided. 99% of clients reported that they understood the legal advice they were given and found it helpful. All clients reported that it was either "easy" or "okay" to make contact with the Centre and all reported that they were treated "very well" or "quite well".

Clients made the following comments:

- "Is a wonderful service – the phone advice was patient and constructive – their personal advice ditto";
- "Always appreciate your service being available to the community, especially on the cost of representation prohibits some of us from being able to see justice. Thank you."
- "In my case, it was 'legal gold'. The centre had my file... and my advisor was well informed. Despite the legal matter I had, I was offered a 'creative' legal approach for which I am grateful for."
- "I was treated with respect and confidentiality."

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 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.*



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