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Mornington Peninsula Shire

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Service to the Community
since 1977



Centre Responds to Productivity Commission

“Numerous studies show that government funded legal assistance services generate net benefits to the community.”

In April 2014 the Productivity Commission released its draft report into *Access to Justice Arrangements* in Australia. Peninsula CLC made a submission to the inquiry in November 2013 highlighting the huge unmet need for legal assistance services and calling for increased funding for the sector. The Centre made a further submission to the inquiry in response to the draft report.

The draft report recognises the important role played by legal assistance services like Peninsula CLC in increasing access to justice and generating net economic and social benefits to the community. Importantly, the report also said that law reform and systemic advocacy should be a core activity of community legal centres.

Our second submission congratulated the Commission for capturing many of the important issues relating to access to justice for disadvantaged Australians. We urged the Commission to carry out more work to capture the cost-effectiveness and cost-benefits of investing in the legal assistance sector. We also urged the Commission to look at the implications of some of its suggestions, including competitive tendering to allocate CLC funds – a suggestion that Peninsula CLC does not support.

The final report is due to be released in September 2014. Both of our submissions are available on our website www.pclc.org.au. For more information about the inquiry, visit www.pc.gov.au/projects/inquiry/access-justice.

Centre Receives Top Marks for Accreditation

Peninsula CLC is delighted to be one of the first CLCs in Australia to achieve 'Tier 1' accreditation and certification under the National Accreditation Scheme. The Centre has been working towards this goal over the past couple of years, with extensive work undertaken in reviewing, updating and implementing policies and procedures across the Centre's operations.



Pictured (from left): Liana Buchanan (Executive Officer, Federation of CLCs), John Wadsley (Chairperson, Peninsula CLC) and Cate Edwards (Accreditation Co-ordinator, Federation of CLCs).

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From Granny Flats to Wills, Seniors Forum Hits the Mark

During Law Week (May 12-18), over 100 Mornington Peninsula seniors came along to a free forum to equip themselves with information about key legal issues, such as money, ageing and family, wills and powers of attorney.



The forum was a joint initiative of Peninsula CLC, Seniors Rights Victoria, Peninsula Advisory Committee for Elders and the Mornington Peninsula Shire and was held at the Dromana Community Hall.

The forum was opened by Mayor, Cr Antonella Celi, with presentations by Seniors Rights Victoria and Peninsula Community Legal Centre, followed by morning tea and the opportunity for participants to visit information tables around the hall.

Participants gave great feedback about the forum, with many calling for the event to be repeated and requesting further topics. All participants who completed surveys said that they found the event enjoyable and now knew where to go for help. Comments included:

- “Plan ahead. Don’t leave it too late!”
- “I was enlightened about Wills and Powers of Attorney.”
- “Very comforting to know your service / assistance is there.”
- “Very informative. Very clear speakers. 10/10.”

Peninsula CLC also participated in the City of Frankston’s Seniors Concert, marking World Elder Abuse Awareness Day, in June 2014.



Pictured (from left): Saskia Rijfkogel (Peninsula CLC), Saskia Weerheim (Peninsula CLC), Gary Ferguson (Senior Rights Victoria), Carol Stuart (Senior Rights Victoria), Cr Antonella Celi (Mayor, Mornington Peninsula Shire) and Jeanette Lane (Peninsula Advisory Committee for Elders).

“If he was going to shoot her, he would have done it already.”

Our duty lawyers are used to hearing shocking stories when assisting with family violence intervention orders. But our lawyer was taken aback when she raised concerns with police about a respondent’s guns and was told, “If he was going to shoot her, he would have done it already.”

We were assisting “Sarah”, who obtained an interim intervention order against her former partner “Wayne” after experiencing years of family violence. Among other things, Wayne said he hated her, threatened to burn down the house, and had already shot numerous family pets.

We were worried that Wayne could still access his expensive gun collection, which he claimed to have “given away” to a friend. We were surprised and disappointed at the blasé response of this individual police officer, which we do not believe is representative of police in general. However, it demonstrates the importance of

improving awareness across the board about the dynamics of family violence and the tragically all-too-real threats to the safety of vulnerable family members, usually women and children.

Peninsula CLC provides a duty lawyer service for Family Violence Intervention Orders at the Frankston Magistrates’ Court three days per week. The Centre also participates in a range of community legal education activities about family violence and intervention orders, including training for community workers, speaking to Men’s Behaviour Change Groups and participating in ladies’ information sessions.

What’s Your Story?

Peninsula Community Legal Centre is a proud supporter of the Community Law Australia campaign, a coalition of community legal centres (CLCs), which is seeking to improve access to justice across Australia.

The campaign is letting the community know that CLC’s are struggling to meet demand and are turning people away due to lack of resources. It asks people to help keep fair access to legal help alive by sharing their story about how a CLC helped them.

To share your story, or find out more, visit the website of Community Law Australia, a national campaign for quality legal help in your community, www.communitylawaustralia.org.au.



Peninsula CLC values its good working relationships with Members of Parliament, and often receives client referrals from them. The Centre also seeks to liaise with MPs on a range of legal issues that affect its clients. Senior staff of the Centre welcomed the opportunity to meet with local member and Shadow Attorney-General, The Hon. Mark Dreyfus QC earlier this year, as well as speaking with the Hon. Robert Clark MP, Victorian Attorney-General at Russell Kennedy's pro bono Continuing Professional Development Day for CLCs in March this year.



Pictured (from left): Victoria Mullings (Principal Lawyer), Jackie Galloway (CEO), The Hon. Mark Dreyfus QC, MP (Member for Isaacs), Gillian Wilks (Deputy CEO) and Andrea Staunton (Manager of Volunteers & Education).



Pictured (from left): Victor Harcourt (Principal, Russell Kennedy), The Hon. Robert Clark MP, Andrea Staunton and Jackie Galloway.

Fact Sheets Launched for Permanent Care Families

Permanent care parents face a range of potential legal issues and many report difficulty in accessing accurate legal information and affordable legal help. Each year hundreds of people in Victoria become permanent care parents, agreeing to raise children whose birth parents cannot care for them, often following intervention by Child Protection.



Peninsula CLC has been pleased to work in partnership with Permanent Care and Adoptive Families (PCAF) in tackling these issues, also with support from the Mirabel Foundation, Foster Care Association of Victoria and pro bono lawyers.

With a grant from the Victoria Law Foundation, and pro bono support from Russell Kennedy, a forum for permanent care parents was held on 30 April 2014 and attended by more than 100 people. Speakers included Dan Barron (a permanent care parent and Board Member of PCAF), Beth Allen (Assistant Director, Child Protection, Department of Human Services), Robyn Hamilton (Children's Law Specialist, Victoria Legal Aid) and His Honour, Magistrate Francis Zamljak (Children's Court of Victoria). Speakers addressed a range of legal issues that affect permanent care families and there was opportunity for participants to ask questions from the floor.

Six 'Legal Answers for Permanent Care Families' fact sheets were produced as part of the project and launched at the forum, providing legal information on:

- Now that I have a Permanent Care Order (PCO), What do I Need to Know?
- Rights of the Child in Permanent Care
- Contact Arrangements
- Now that the PCO is in Place, Do I have to go Back to Court?
- Wills and Succession Rights
- Other Legal Issues.

Copies of the fact sheets are available from Peninsula CLC's website, www.pclc.org.au or from PCAF's website, www.pcafamilies.org.au.

“You Guys are Awesome - Now I can Rent a Caravan to Live in!”

Things really fell apart for “Steve” when his wife died from a genetic condition, leaving him a widower in his 30's. Unable to cope with his grief, Steve lost his job, lost his flat and started sleeping rough. He came to see us after a car crashed into his only asset, a stationary motorcycle, and his insurer made him pay \$1,800 (the last of his money) as an excess. Our volunteer

lawyer negotiated with the insurer who acknowledged that Steve was not at fault and agreed to refund the \$1,800. Steve was rapt with the outcome, saying, “You guys are awesome – now I can rent a caravan to live in!” We also linked Steve with other community agencies that can provide him with support to help him get his life back on track.

Peninsula CLC conducted its annual Client Satisfaction Surveys from 24 March - 4 April this year. Of the 77 clients who responded, 99 percent reported overall satisfaction with the Centre. Many clients commented on how well they were treated, and how the Centre had helped them. One client said, “[the lawyer] was very good at explaining things in ‘plain English’ which meant I could understand what was happening.” Another said, “I know what to do now. Thank you.”

Another client’s mother wrote to the Centre, thanking a volunteer lawyer for her advice:

“Thank you for your recent advice regarding toll fines. [sic] and your support in composing a letter. It was very accurate and gave the correct legal language so leniency [sic] was shown. Your service is much appreciated and the assistants and the lawyer were able to negotiate around our limited awareness of what we needed.”

Law Reform Updates

Peninsula CLC recently undertook law reform activities to raise awareness of legal issues that could affect clients and the broader community. These included:

- Writing to Federal Members of Parliament about the need for electorate details to be suppressed for “silent electors”, people whose address does not appear on the electoral roll because of the risk to their safety following family violence or stalking. In so doing, we supported a joint submission to the Joint Standing Committee on Electoral Matters in relation to the Inquiry into all aspects of the conduct of the 2013 federal

election. That submission was made on behalf of an alliance of peak bodies, community legal centres and research bodies that work in the areas of family violence and stranger stalking.

- Writing to the Australian Attorney General, the Hon. George Brandis QC, expressing concerns about proposed amendments to the *Racial Discrimination Act 1975* and endorsing the open letter of the Federation of Community Legal Centres (Vic) Human Rights Working Group.

Copies of public submissions and press releases are available on the Centre’s website, www.pclc.org.au.

Law – Who Needs It?

If you have particular characteristics, such as having a disability, being a sole parent, being unemployed, living in vulnerable housing or you are Aboriginal, recent and highly credible research shows that you are not only more likely to experience legal issues, but you are more likely to experience multiple and severe legal issues.¹

Peninsula CLC has teamed up with neighbouring CLCs (Casey Cardinia Community Legal Service, Springvale Monash Legal Service and St Kilda Legal Service) and Victoria Legal Aid to undertake a comprehensive legal needs analysis of eight local government areas in Melbourne’s outer south east.

The group is reviewing demographic data for the region, with a particular focus on the indicators of vulnerability that correlate with susceptibility to higher legal need. This is being measured against service data to identify which needs are currently met and where there are gaps. Stakeholder consultation will also be an important part of the group’s work, along with analysis of the research findings and consideration of future priorities in service delivery.

Many interesting and important facts about the region are emerging – for example, did you know?

- Both the City of Casey and Cardinia Shire feature in the ‘Top 5’ growth areas for 2011 – 2031, with Casey as second largest and Cardinia the fourth fastest growing. In fact, the City of Casey’s population was 261,282 in 2011 and is forecast to rise to **432,299 people** by 2031.²

- Mornington Peninsula Shire had the highest proportion of seniors in Metropolitan Melbourne, with 21.4 percent of the population aged 65 or over in 2011 – and this is forecast to rise to **28.7 percent** by 2031.³
- The 2011 Index of Relative Socio-Economic Disadvantage, based on the findings of the 2011 Census, placed the City of Greater Dandenong as the **most disadvantaged** municipality in Victoria.⁴
- In the City of Frankston, the number of **sole parent families** grew by 528 from 2006-2011, taking the total to 6,774 – or 13.7 percent of all households with children.⁵

We look forward to continuing to work in partnership with local legal assistance providers to identify and consider how best to respond to legal need across the region.

- 1 Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of NSW, Sydney
- 2 Victoria in Future 2014: Population and Household Projections to 2051, www.dtppli.vic.gov.au/victoria-in-future-2014
- 3 Ibid.
- 4 www.greaterdandenong.com/document/18464/statistical-data-for-victorian-communities
- 5 Based on Census data, as reported at www.profile.id.com.au/frankston/

Peninsula Community Legal Centre is an independent, not-for-profit organisation that has been providing free legal services to Melbourne’s south-eastern communities since 1977.

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, Tenant and Consumer Advocacy and Rooming House Outreach Programs.

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