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since 1977



Community Law News

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A Clothesline Project in our own Backyard!

Peninsula CLC is deeply concerned about the high rates of family violence locally and across Australia and is proud to be a member of the Frankston and Mornington Peninsula Family Violence Network which, in the lead-up to Week Without Violence in October, launched the internationally renowned Clothesline Project to the region to raise awareness about family violence.

Peninsula CLC believes that the Clothesline is a creative and engaging way to raise awareness of this issue in the local community. The Clothesline displays t-shirts with anti-violence messages created by local women and children who have experienced family violence.

The Clothesline was displayed and launched at Cube 37 in Frankston, with Rosie Batty, Australian of the Year, also launching a children's book about family violence, 'You Can't Hide an Elephant' by local author Sally Halligan. It is now on display at the Frankston Magistrates' Court and will be displayed in various locations around

Frankston and the Mornington Peninsula.

The Frankston and Mornington Peninsula Family Violence Network brings together local organisations with the aim of enhancing collaborative practices to offer the best outcomes for families who have experienced family violence. The partner organisations work towards the prevention and reduction of family violence and increasing the safety of women, children and families. The Network's key message is that family violence is a fundamental violation of human rights and is unacceptable in any form.



Pictured The Clothesline Project, Cube 37, Frankston



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Funding to Help with Family Violence and Fines

Peninsula CLC welcomed the \$3.2 million funding package for Victorian CLCs announced by the Victorian Attorney-General, the Hon. Martin Pakula, on 9 October this year, and is delighted to have been awarded funding for two new projects that will enhance its capacity to assist people experiencing family violence and those struggling to deal with fines.

The Centre was awarded a grant under the Family Violence Duty Lawyer Fund, which will significantly strengthen its ability to provide comprehensive duty lawyer services at Frankston Magistrates' Court, including assisting with Family Violence Intervention Order Applications and urgent Victims of Crime Assistance Tribunal Applications.

The two year funding granted by the CLC Assistance Fund will enable the Centre to pilot 'Fines Clinics', in which an experienced lawyer will mentor volunteer trainee lawyers and law student interns to assist clients with outstanding infringements, aimed at supporting them to navigate the system and resolve their issues before they escalate. This will significantly increase the capacity of the Centre to provide ongoing casework services for a broader client group, aimed at earlier intervention.



Peninsula CLC has long been alarmed at the increasing number of clients presenting with out-of-control fines. It is no longer unusual for clients to present with tens of thousands of dollars in outstanding fines, frequently for using toll-roads without e-tags (the Centre's head office is at one end of Eastlink). Other life crises or pressures have been given priority, with the result that the fines have incurred additional enforcement expenses and clients are facing severe penalties, such as loss of driver licence, registration and even imprisonment.

In a media release announcing the grants, the Attorney said:

"Community legal centres have a critical role in our community by providing essential services to disadvantaged and vulnerable Victorians."

"The Government recognises the significant contribution they make to our justice system and we are proud to commit \$2 million over two years to the Community Legal Centre Assistance Fund to better support vital services and programs."

Staff and volunteers appreciated the opportunity to meet with the Hon. Martin Pakula, when he visited the Centre with Paul Edbrooke MP, State Member for Frankston, in June this year to speak about the challenges facing clients and the legal assistance sector.

Pictured The Hon. Martin Pakula (6th from left) and Paul Edbrooke (4th from left), with staff and Management Committee volunteers of Peninsula CLC.

"Thank you angels": Community grateful for legal education

It was immensely gratifying to read "Thank you angels" on a survey response from a participant at a recent community legal education forum on Elder Abuse, Wills and Powers of Attorney. This participant, a woman in her 60s, raved about the things she had learnt at the session, and was profuse in her thanks (and use of exclamation marks)!

Whilst many participants are less effusive in their praise, satisfaction levels for our community legal education (CLE) activities, such as forums and workshops, are typically high, with many community members not only enjoying the sessions, but able to identify the new legal information they have learned, and demonstrating improved awareness of how to access legal help.

Peninsula CLC has been deeply interested in the work of the Law and Justice Foundation of NSW, which has recently released reports about legal capability, the meaning of 'early intervention' in the context of disadvantage and the effectiveness of CLE.¹ We were also fortunate to have Dr Hugh McDonald, Senior Researcher with the Foundation, present at a National CLE and Community Development Network Meeting in Melbourne in August this year, which was convened by Andrea Staunton of Peninsula CLC and attended by CLC and Legal Aid Commissions from around Australia.

In tune with these recent studies, Peninsula CLC is increasingly mindful of the different roles CLE and Legal Information may play, and considers these factors when designing and evaluating its CLE work. For example, the Centre recently presented to three adult English classes for newly arrived people who had limited English and many of whom had very little education (some reporting no formal education and others primary school only). Recognising that these participants were likely to have lower legal capability, we pitched the session towards identifying legal problems and providing information about where to get help. We utilised the 'Legal Lingo Bingo' tool developed by Eastern CLC as a way of engaging with the group and covering a variety of legal topics. Following the sessions, 91%

of attendees provided basic survey responses, in which 96% of respondents could answer the question "Where could you get help if you had a legal problem?", with answers noting Peninsula CLC, Victoria Legal Aid and "lawyer". 96 percent stated that they had enjoyed the session and 98 percent said the information they learned would help them now or in the future.

When designing activities for groups likely to have higher legal capability, we include more self-help information; and for workers we pitch activities towards helping them identify and assist with their clients' legal problems and making appropriate referrals.

We recognise the wealth of expertise of our colleagues in the legal assistance sector and local connections, and we frequently collaborate in designing and delivering activities, as well as utilising and promoting resources created by other organisations, particularly CLCs, Victoria Legal Aid and the Victoria Law Foundation.

1 For example, see:

- Forell, S 2015, 'Is early intervention timely?' Justice issues paper 20, Law and Justice Foundation of NSW, Sydney;
- Forell, S 2015, 'Beyond great expectations: designing relevant, realistic and effective community legal education and information', Paper to the International Legal Aid Group Conference, Edinburgh, June 10-12, 2015 (updated)
- McDonald, HM, Forell, S & People, J 2014a, 'Limits of legal information strategies: when knowing what to do is not enough', *Updating justice*, no. 44, Law and Justice Foundation of NSW, Sydney;
- Wilczynski A, Karras M & Forell S 2014. The outcomes of community legal education: a systematic review, *Justice issues paper 18*, Law and Justice Foundation of NSW, Sydney.

Rising to the Challenges of Disadvantage and Legal Need

With a core catchment of around 956,600 people¹, across a distance of 2,600 square kilometres, and larger catchments for some programs, it is vital that Peninsula CLC works smart, as well as hard, to address local legal need. This has been highlighted by recent research which confirms that parts of the Centre's catchment are among the most disadvantaged in Victoria.

*Dropping Off the Edge 2015*² found that there is a disproportionate distribution of disadvantage in Victoria and that it persists in many locations, with those in the 3% most disadvantaged postcodes being:

- 3 times more likely to experience long term unemployment or to have been exposed to child maltreatment;
- 2.6 times more likely to have experienced domestic violence;
- 2.4 times more likely to be on disability support;
- Twice as likely to have criminal convictions as the rest of the population.

It is notable that many of the indicators of disadvantage identified by this study correlate to those indicating heightened legal need and susceptibility to multiple and severe legal problems, identified by the LAW Survey in 2012³.

Frankston North and Doveton, both within Peninsula CLC's catchment, were in the 'Band 1' most disadvantaged 6 postcodes (out of 667) in Victoria. Close thereafter were Rosebud West, Dandenong, Hastings and Rosebud. Whilst staff and volunteers are all too-aware of the high need for free legal services in these and other disadvantaged areas, the findings serve as a cold reminder of the continuing and entrenched disadvantage experienced by many in our community.

Peninsula CLC has long supported a holistic approach to its provision of free legal services, and this was recently strengthened by the appointment of a social worker, as part of a pilot project funded by the Phyllis Connor Memorial Trust, to help clients address non-legal issues that are, or could, negatively impact on the resolution of their legal problems. The Centre is also trialling a new intake system, which seeks to provide initial same day advice and triage to clients, and is already dramatically reducing waiting times.

Over the past year, the Centre has risen to the challenge of meeting local legal need, with some of its core achievements highlighted in its Annual Report 2014-15, presented at the Centre's Annual General Meeting on 10 November 2015.

Highlights

- 7,702 advices (including 2,012 provided by volunteer lawyers)
- 2,716 cases opened
- 5,494 individual clients assisted
- 400+ volunteer clinics
- 167 volunteer roles fulfilled
- 175 community engagement and education activities.

The Report also demonstrated that services are being well-targeted, with the vast majority of clients experiencing disadvantage.

Key Client Characteristics

- 75% had no or low income (less than \$500 gross per week);
- 27% indicated family violence;
- 23% reported a disability;
- 24% were sole parents.

- 1 Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented in profile.id by .id, the population experts (Estimated Resident Population for municipalities of: Casey, Mornington Peninsula, Kingston, Glen Eira, Frankston and Cardinia).
- 2 'Dropping Off the Edge 2015: Persistent Communal Disadvantage in Australia', Jesuit Social Services & Catholic Social Services Australia, 2015, www.doteorg.au
- 3 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

When Dad's 'Fun and Games' Threaten Disneyland for Disabled Child

When her parents died and left her a small inheritance, Angela decided to make her daughter's dream come true by taking her to Disneyland.

It had been tough for Angela and her daughter, Lilly, who was 8 years old and suffered from a severe disability. Angela could not work as Lilly needed constant care, so she was struggling to make ends meet on a sole parent pension. The trip to Disneyland was to be the holiday of a lifetime, and Lilly was very excited.

However, the trip was threatened when Lilly's dad, Jason, changed his mind at the last minute and told the Department of Immigration that he was withdrawing his previous consent for Lilly to have a

passport. Jason had seen Lilly only rarely since he separated from Angela and gave no reason for withdrawing his consent.

Our lawyer was able to help Angela make an application to the Federal Circuit Court for the matter to be abridged, and a judge ordered the passport be issued without Jason's permission, wishing Angela well for her holiday. Angela and Lilly had a wonderful time in Disneyland – and we were touched to receive photos of their happy holiday.

Volunteers Advancing Justice

Volunteers are celebrated around the world on December 5, which was proclaimed International Volunteer Day by the United Nations General Assembly in 1985. The United Nations is looking to volunteers play an impactful role for peace and development and support the Sustainable Development Goals which aim to end extreme poverty, fight inequality and address climate change.¹

These goals sit well with the work of our volunteers, who have great impact on our Centre's ability to respond to local legal needs and advance justice for our community.

Peninsula CLC is proud of its strong and dedicated team of volunteers, who fulfil lawyer, paralegal and special project roles, as well as governing the Centre through its Management Committee.

With the sponsorship of Maurice Blackburn Lawyers, the Centre recognised the outstanding contribution of individual volunteers at its recent Annual General Meeting. Lawyer volunteer, Amanda Graham from White Cleland Lawyers and Consultants, received the Centre's highest honour, the 2015 *Kath Neilsen Memorial Award*. This award was created in 2002 in honour of the late Kath Neilsen, a founder and strong supporter of the Centre.

Amanda began as a lawyer volunteer in 2005, providing free legal advice to clients on a variety of issues. She has since used her expertise as an accredited family law specialist to organise and present a series of family law professional development sessions for fellow volunteers and staff. She joined the Centre's Management Committee in August 2014, participates in its Policies and Procedures Subcommittee and is now serving as Chairperson. Peninsula CLC congratulates Amanda on winning this Award, and commends her passion for social justice.

Amanda says, "Peninsula Community Legal Centre has been a hub of legal support in the community for many years. The Centre also provides a means for volunteers to get involved in the community. Opportunities for volunteers at the Centre are varied and volunteer contributions are appreciated and recognised. As recipient of the Kath Neilsen Memorial Award for 2015 I would like to thank the Centre for the opportunities it provides for all members of the community."

The Centre also acknowledged a number of 'shining lights' in its volunteer team, presenting *Volunteer Encouragement Awards* to Lyn Bennett, Luke Denham, Natalia Gorges, Valerie Power, Nadeera Gunawardena and Tanita Northcott.

Congratulations and thanks were also extended to Brylee Newman, Adam Birch, Jen Kelly and Amanda Graham, who received *Volunteer Long Service Awards* for 10 years of service and George Erlichster who was recognised for 15 years of service.

¹ UN Volunteers, Guidance Note 5: 'IVD2015, volunteerism and the SDGs: understanding the new agenda and the role volunteerism can play to help achieve the SDGs', www.volunteercounts.org



Pictured with Kath Neilsen Memorial Award (from left) Travis Fewster (Maurice Blackburn), Amanda Graham, Jackie Galloway (CEO) and Andrea Staunton (General Manager, Volunteers & Education)

Residential Tenancies Act Review

This year Peninsula CLC contributed to the Review of the Residential Tenancies Act 1997 by the Victorian Government in two submissions to Consumer Affairs Victoria. We raised the concern in our first submission that the Act does not adequately encourage a rental market that provides sustainable, secure and safe housing, particularly for those most vulnerable. We concluded that the combination of market forces plus the provisions in the Act create a structural imbalance in favour of

the landlord. In our recommendations we asked the Review to address security of tenure issues such as notice periods, long term leases, minimum housing standards and rent increases.

Our second submission to the next stage of the Review addressed Security of Tenure.

Copies of our submissions can be found on our website 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 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.