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Service to the Community  
since 1977



# Community Law News

June 2016

Issue 13

## Fines in the Spotlight

### SURPRISING QUICK FACTS

- In 2014-15 there were 5.32 million infringement notices issued in Victoria, up from 4.99 million in 2013-14 (6.6 per cent increase)!<sup>1</sup>
- The fine for driving on Eastlink – for each day unregistered is \$152.00 !
- The enforcement costs, if not dealt with, amount to \$165.90 for each fine!
- The cost of driving on the Eastlink toll road without an e-tag is \$5.94 (car day trip pass)!
- The total cost for one day of driving on Eastlink without a car pass reaches \$317.90!
- This is >5000% increase on the toll fee!

<sup>1</sup> Annual Report on the Infringements System 2014-15, Department of Justice and Regulation, January 2016, p.3



*Pictured (from left): ABC's Hilary Harper with Andrea Staunton*

With so many clients struggling to cope with out-of-control fines, we are alerting the community to the perils of ignoring fines. Our Law Week Fines Seminar for community workers and other professionals quickly booked out, and we are running an encore session in June.

Law Week this year (May 16-22) was themed "Explore the Law" and we used this opportunity to inform the public of our key messages about fines, which included making people aware of the serious legal consequences of ignoring their fines. During a radio interview on 14 May with 774's Hilary Harper, Andrea Staunton, our Manager of Volunteers and Education, stressed the importance of getting advice from a lawyer which could make a big difference to the outcome of a fines matter, especially where there are special or exceptional circumstances. Listeners were also encouraged to make use of the free legal help services provided by community legal centres and Victoria Legal Aid. This was followed by a story by ABC News, available at <http://www.abc.net.au/news/2016-05-16/toll-road-myki-fines-leading-to-financial-hardship/7417874>.

Andrea gave a follow up second interview on 774 on 21 May and was a guest on the Federation of Community Legal Centre's Done by Law program on 3CR on 24 May. The interviews are available at <https://soundcloud.com/774-abc-melbourne/hilary-harper-fighting-fines>, <https://soundcloud.com/774-abc-melbourne/hilary-harper-citylink> and <http://www.3cr.org.au/donebylaw>

We were delighted to have a client visit our Fines Clinic after a friend heard us on the radio and suggested she seek help.



*Pictured (from left): 3CR Done by Law presenters Marissa Johnpillai and Ed Yap, with Andrea Staunton (seated).*

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

## Fines in the Spotlight continued...

### In the right place at the right time

During Law Week (May 16-22) our pop up legal information stalls could be visited in Frankston and Rosebud. We were in the right place at the right time for one man who was worried about his son's fines. He visited our stall to find out how to get help for his son who suffers from a mental illness and had incurred a large number of toll road fines. Within moments, we linked him to our fines clinic and were able to get him an adjournment and represent him.

### Fines Clinics

A grant from the Community Legal Centre Assistance Fund of the Department of Justice and Regulation has enabled our Centre to pilot running 'Fines Clinics' over two years. The Clinics are running from our Head Office in Frankston twice weekly, and we have already assisted clients with an estimated \$1.5 million in fines.

At the clinics, we provide free legal advice and assistance to help vulnerable and disadvantaged people grappling with their fines. It is common for clients to present with tens of thousands of dollars of fines, accumulated by driving on toll roads. Clients face tough penalties like having their car wheels clamped, driver licence and car registration suspended and even imprisonment. Whilst we see clients with other types of fines, such as parking, traffic and public transport, it is the toll fines that are spiralling out of control for our clients.



### Sarah's Fines in Good Hands

Sarah is a single mum with a teenage daughter. Sarah suffers from depression, anxiety and panic attacks, all of which worsened throughout her 10 year relationship with Mark, who was physically and emotionally violent towards her. Mark used to drive Sarah's car, and he incurred nearly 30 fines for driving on toll roads.

Sarah received the fines, but was too overwhelmed by other problems to take any action right away. She later tried to nominate Mark as the driver, but her application was rejected because it was outside of the time limit.

After Sarah was refused assistance by legal aid, a friend brought her to our Fines Clinic. By then, the fines had reached the enforcement stage, and now totalled over \$8,500. Sarah was distressed and didn't know what to do. We arranged for Sarah to see a psychologist to help her deal with her mental health conditions and to obtain a report for her application for revocation. That report confirmed Sarah's "anxiety and depression, combined with her abusive relationship, presented as obstacles too large to overcome in terms of managing her life and fines matters." We prepared Sarah's application for the fines to be revoked due to her special and exceptional circumstances, and had a lawyer represent her at the hearing.

The Court revoked the fines, and Sarah walked out owing only administration fees for CityLink and EastLink totalling \$80.

She was so grateful for our assistance that she wrote to us, saying:

"I believe that my experience with Peninsula Community Legal Centre has truly resulted in a re-direction towards [my] continued growth, development and recovery, especially in regard to the psychologist you referred me to."

She praised our team for making her feel that she was "in good, caring and capable hands".

***Pictured:** Our Law Week Pop-Up Information Stall at Port Phillip Plaza, Rosebud*

## FEDERAL BUDGET DISAPPOINTMENT

Peninsula Community Legal Centre joins legal assistance services across Australia in expressing its deep disappointment at the failure of the federal budget to address the funding crisis that is seeing vulnerable people miss out on free legal help.

Despite the evidence that community legal centres are effective, efficient and innovative in addressing the legal needs of vulnerable people, and a recommendation of the Productivity Commission in 2014 to urgently increase funding, the Federal Government is persisting with plans to drop funding by 30 percent nationally from 1 July 2017. That decision was not reversed in the latest budget.

Already, thousands of people across Australia are being turned away from community legal centres who cannot meet the growing demand for free legal help. Three-quarters of our clients earn less than \$26,000 a year, more than a quarter report family violence and just over one in five have a disability. Our experience confirms research that access to legal help can prevent or reduce the escalation of legal problems and reduce costs to the justice system and other areas such as health and housing.

We have called on the Australian government to not only reverse proposed funding cuts, but urgently increase its investment in community legal centres so we can continue our vital work to enhance access to justice.



**Graphic Source:**  
Federation of CLCs

## A PARTNERSHIP TO HELP SETTLE DISPUTES

We are working in partnership with the Dispute Settlement Centre of Victoria (DSCV) to encourage clients to settle appropriate disputes through mediation. As part of the pilot partnership, the DSCV will visit our Head Office in Frankston to conduct intake appointments. They will also accept 'warm'

referrals for other clients who would prefer to use the services of DSCV at another location. The DSCV provides free mediation services for issues like neighbour disputes, conflict within clubs and associations and personal safety intervention orders.

# Working to Eradicate Family Violence

We are ever-conscious of the harm caused to individuals and the wider community by family violence, and continue to work towards its eradication, not only through providing legal advice and assistance to those affected by family violence, but through our community legal education and law reform activities.

## International Women's Day Celebrations

By signing the Frankston Mornington Peninsula Primary Care Partnership's Preventing Violence against Women and their Children Strategy during International Women's Day celebrations on 8 March, we publicly displayed our commitment to prevention strategies.

The strategy includes the vision "For women and their children to live free from violence; feel safe and respected, valued and heard in their relationships, workplaces and within the community. We strive for every woman, man and child in the Frankston Mornington Peninsula catchment to have equal access to opportunities that enable them to reach their potential and participate fully in the social, economic and cultural aspects of their lives."

As a signatory to the Action Plan, we have committed to incorporating gender equity into our existing policies, actively promote and support gender equity campaigns and participate in annual events that focus on gender equity and the prevention of violence against women and children.

Full details of the vision, goals and objectives as well as the strategy's action plan can be found on the following link: <http://www.peninsulamodel.org.au/sites/default/files/media/Final%20PDF%20single%20page%20copy%20of%20strategy%20%283%29.pdf>



**Pictured (centre):** John Baker, Prevention & Community Engagement Coordinator, Frankston / Mornington Peninsula Primary Care Partnership with our CEO, Jackie Galloway, and staff.

## Education to prevent violence

We have welcomed the opportunity to provide legal education at Men's Behaviour Change Programs in recent years, to help participants better understand Family Violence Intervention Orders, behaviours that can constitute a breach and the serious consequences of breaching an order. Feedback has been very positive, with men identifying that they now better understand their rights and responsibilities.

We are pleased to be piloting an initiative with Community Corrections Services Victoria to provide workshops on 'Understanding IVOs' to their clients who are undertaking men's behaviour change programs. These workshops aim to improve their clients' understanding of their intervention orders and how to comply with them, as well as linking them to legal help if needed. We are also tailoring information sessions for their clients and third parties who are victims of family violence to improve their awareness of legal options and help that may be available to them.

We have recently collaborated with Victoria Legal Aid, Casey Cardinia Community Legal Service and Springvale Monash Legal Service to deliver the 'Settled and Safe' training program to workers at the Critical Linkages (Casey-Cardinia) Family Violence Network. This program delivers information about the law to workers who assist culturally and linguistically diverse clients who have experienced family violence.



## Safety First in Family Law

Pressure is growing on our political leaders to commit to 'fixing' the family law system which is in crisis. We have joined other peak bodies, family violence experts and state and national alliances in endorsing an open letter to the leaders of Australia's major political parties, which calls for a commitment to put the safety of women and children first in family law by implementing the reforms outlined in the [Five Step Policy Platform](#). The platform provides a clear and practical pathway to safety for women and children and can be found on the Women's Legal Services website [http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016\\_FINAL.pdf](http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016_FINAL.pdf)

The five steps required to achieve a strong and effective family law system aim to ensure that the family courts are able to identify and assess risk so that vulnerable children are not left in the hands of abusive parents - and women, who are victims of family violence, are not directly cross-examined by their abuser in family law matters.

We also support the call for all family law professionals to have comprehensive training and accreditation in domestic violence, cultural competency and working with victims of trauma.

## Our family violence duty lawyer helps an elderly man get protection

George was almost 80 years old when he was referred to our service at Frankston Magistrates' Court. He was fearful of his son who was living in his home. His son refused to contribute to household costs, nor assist with household upkeep or maintenance, despite damage to walls caused by his violent outbursts. George was also unable to move around freely in his home and did not have access to the lounge room.

George tried to apply for a Family Violence Intervention Order, but he had trouble with the form, and his application was rejected. Our Family Violence Applicant Lawyer met with George, who explained the problems he was experiencing since his adult son moved in with him. Our lawyer was able to redraft George's application to highlight the financial abuse and add details about the son's volatile and unpredictable behaviour generally. This time, George's application succeeded and he was able to obtain an interim family violence intervention order, which made him feel safer.



# How effective is our help?

We are pleased to have been accepted as one of 7 community legal centres in Victoria to take part in a pilot Outcomes Measurement Project being undertaken by The Federation of Community Legal Centres. This two year project is designed to help the Victorian CLC sector to better measure and demonstrate the outcomes it achieves by developing a shared outcomes measurement framework. The project also aims to support individual CLCs to build internal evaluation capacity so they can measure the impact of their work and make evidence-based strategic decisions about service delivery.

Our own client satisfaction survey was conducted in April, with over 90 percent of respondents saying the assistance we provided them was "useful" or "very useful". One client commented "Very useful... helped me resolve my matter quite quickly. I now have clarity and peace of mind."

## ***A client assisted by our duty lawyers at the Federal Circuit Court (Dandenong Family Law Courts) wrote to us to say:***

*"I cannot describe what these 3 men have done over the past 3 weeks for me. At a time of crisis, not knowing where to start, what to do and finding many 'dead ends' in the legal advice system, I have to say I cannot praise these 3 enough. Your professionalism and skill was outstanding. But probably more significantly, your empathy, compassion and understanding was above and beyond. I write this to you intending nothing more than some recognition of the work that you do, to help those in need.[...]. I sincerely can thank you individually, as well as the Peninsula Community Legal Centre".*

## **Our social worker helps Frank feel human again**

Frank is a 77 year old single man, living on his own. His sole income is an age pension. Frank had been renting at the same address for over 20 years and had a good relationship with his landlord. However, he had received a notice to vacate due to his landlord selling the property. Frank accepted his situation but sought assistance from our Tenant Advocate as he was concerned about his limited housing prospects and was worried about becoming homeless if he did not secure alternative accommodation in time. He had engaged with a housing service but had declined some of the housing options offered.

Our Tenant Advocate referred Frank to our Social Worker for emotional support and assistance to explore his housing options. When Frank understood his predicament he regretted declining the community housing option. Our Social Worker was able to advocate on his behalf with the community housing agency, with the result that Frank was allocated a unit within a couple of days. This meant he did not have to return to VCAT to seek an extension of time for the notice to vacate. We also provided Frank with information about Bond Loans and Rent Assistance and liaised with a housing service who agreed to continue to help Frank with his move (including transport costs) to his new home.

Frank provided feedback that he felt supported by both our Social Worker and Tenant Advocate. He said he was most grateful for the ongoing follow up and communication, and that, because of the respectful way in which he was treated, he felt "human again". Frank indicated that due to his experience, he felt inspired to become involved with the Housing for the Aged Action Group.

## Access to Justice

We welcomed the opportunity to make a submission to the Victorian Department of Justice and Regulation's Access to Justice Review in February 2016. We shared our experiences of providing free legal help to vulnerable and disadvantaged people, as well as our innovative and collaborative approaches to addressing legal need. We noted that, despite our ability to attract volunteer and pro bono support, our resources are continually stretched and we are unable to meet the demand for free legal services. We do not believe that the deficit in our resources is caused by inefficiency or duplication, but rather that funding levels are inadequate to address the high level of disadvantage and legal need in our community. We hope that this Review will recognise the invaluable role CLCs like ours play in addressing the legal needs of the most disadvantaged and vulnerable in our community and helping achieve true equality before the law.

A copy of our submission is available at <http://www.pclc.org.au/wp-content/uploads/2014/05/Submission-to-Access-to-Justice-Review.24Feb2016.pdf>

## RECONCILIATION WEEK BBQ

We are grateful to the Willum Warrain Gathering Place for allowing us to share in their community barbecue to acknowledge Reconciliation Week in May. Peninsula CLC sponsored the event, and we had a lawyer able to provide on-the-spot advice to people at the barbecue who had legal queries. We look forward to continue working together to address the legal needs of our local Aboriginal communities.

## Fun and Games in Preventing Elder Abuse

We have been working with Senior Rights Victoria, local governments and a seniors' advisory group to deliver dynamic community legal education on elder abuse, wills and powers of attorney to hundreds of seniors in Melbourne's south east over the past 3 years. This has included activities like 'Wills Lingo Bingo', a trivia quiz and other activities. These community education initiatives actively engage the audience in fun educational activities that reflect their interests and respond to their needs. We were honoured to present about these activities at the 4th National Elder Abuse conference, and also look forward to presenting on this theme at the National Conference of Community Legal Centres in August this year.

*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.*