



Peninsula Community
Legal Centre Inc

Registered No. A8T
ABN 23 591 244 622

Head Office

441 Nepean Highway
Frankston Vic 3199

Tel 03 9783 3600

Fax 03 9770 5200

Free Call 1800 064 784

DX 19953 Frankston

Email pclc@pclc.org.au

www.pclc.org.au

Bentleigh Branch

82 Brady Road
Bentleigh East Vic 3165

Tel 03 9570 8455

Cranbourne Branch

Bella Centre
Suite 12
33-39 High Street
Cranbourne Vic 3977

Tel 03 5995 3722

Pines Branch

2A Candlebark Crescent
Frankston North Vic 3200

Tel 03 9786 6980

Rosebud Branch

1375 Point Nepean Road
Rosebud Vic 3939

Tel 03 5981 2422

Visiting Services to:

Chelsea
Hastings

We gratefully acknowledge the financial assistance of:

Commonwealth
Attorney-General's Department
Department of Justice (Vic)
Consumer Affairs Victoria
Victoria Legal Aid
City of Casey
City of Glen Eira
City of Kingston
Frankston City Council
Mornington Peninsula Shire

Donations over \$2.00
are tax deductible

Service to the Community
since 1977



Community Law News

April 2013

Issue 6

A Legal "Safety Net"

For 35 years, Peninsula Community Legal Centre has been a vital "safety net" for thousands of clients who might otherwise fall through the cracks of the justice system, being unable to afford a lawyer and ineligible for legal aid. The Centre is concerned that the recent tightening of Victoria Legal Aid guidelines for assistance will add to the already high demand for its free legal services.

The Centre supports the Community Law Australia campaign, which is calling for a proper "legal safety net" to be introduced in Australia, just like we have safety nets for education and health.

Ground-breaking research released last year by the NSW Law and Justice Foundation and National Legal Aid found that legal problems affect around 8.5 million Australians each year. The Legal Australia-Wide (LAW) Survey is the most comprehensive quantitative assessment of legal needs ever conducted in Australia, interviewing more than 20,000 people by phone, across all states and territories.

Amongst the findings:

- More than one quarter of the Victorian population experience a substantial legal problem each year.
- Many disadvantaged or socially excluded groups are particularly vulnerable to legal problems and more likely to have multiple and substantial legal problems. The survey found that people with a disability were more than twice as likely to experience legal problems. Indigenous people, the unemployed, single parents, people living in disadvantaged housing and people whose main income was government payments were also more likely to experience legal problems.
- 50% of Victorians surveyed sought advice (legal or non-legal) for their legal problems. 32% handled their legal problems without advice and 18% took no action. Although taking no action is appropriate in some cases, reasons for doing nothing were often related to stress (31%), cost (28%) or not knowing what to do (23%).
- People taking no action received the poorest outcomes.



- The LAW Survey found that legal problems often have considerable adverse impacts on a broad range of life circumstances, including health, financial and social circumstances. Financial strain was associated with 29% of problems, stress-related illness with 19%, physical ill health with 18%, relationship breakdown with 10% and having to move home with 5%.

The Law and Justice Foundation of New South Wales stated that "Importantly, the survey demonstrates that access to justice for disadvantaged people must remain a priority. The research concludes that no single strategy will successfully achieve justice for all people. It calls for a 'holistic' approach to justice, comprising multiple, integrated strategies, to cater for the different needs within the community, and suggests tailored, targeted intensive assistance for people with complex legal and non-legal needs."

For further information about the Community Law Australia Campaign, visit www.communitylawaustralia.org.au.

For further information about the Legal Australia Wide (LAW) Survey, visit www.lawfoundation.net.au/research.

CONTENTS

Legal help for Hastings	2
Volunteers Awarded	2
Inaugural Scholarship	2
Law Reform Updates	3
From Dandenong to Zimbabwe and Indonesia	3
Case Study: Getting the right child support	4
A fine problem: Jail for out of control debts	4
Celebrating 35 Years of Free Legal Help	4

This newsletter was produced with pro bono support from Russell Kennedy

Legal Help for Hastings

It is becoming increasingly well-known that legal problems can impact on a person's health and life circumstances, and that disadvantaged people often experience multiple legal and non-legal problems simultaneously.

We are therefore pleased to announce that Peninsula CLC's visiting outreach service is now located at Westernport Community Support in the premises of Peninsula Health Community Health, which also hosts Hastings Community House and other visiting agencies, at 185 High Street, Hastings. Clients will now be able to access, in the one place, legal help, emergency relief, counseling, Koori services, drug and alcohol services, emergency accommodation, and a range of other services.

With financial support from Mornington Peninsula Shire, a lawyer from Peninsula Community Legal Centre visits Hastings fortnightly to provide free legal advice and ongoing assistance to clients with a range of legal problems. Appointments can be made by calling the Centre's Head Office on 9783 3600 or 1800 064 784.

Pictured from left: Natalie Altman (Community Lawyer, Peninsula CLC), Wendy Dowell (Assistant Manager, Westernport Community Support) and Alison Smyrk (President, Committee of Management, Westernport Community Support).



Volunteers Awarded

Volunteers at Peninsula Community Legal Centre continue to play a vital role in advancing justice for the community. In the past 10 years, both the number of volunteers and the number of free legal advices provided by volunteers has more than doubled and, in 2012 alone, volunteers provided 1,789 free legal advices.

Following International Volunteer Day (5 December), the Centre held a function at which volunteers were thanked for their support of the Centre and their local communities. The Centre named local barrister, Victoria Campbell, the winner of its 2012 Kath Neilsen Memorial Award, in recognition of her outstanding contribution to the Centre.

General Manager of Volunteers and Education, Andrea Staunton, recognised the exceptional contribution that Victoria Campbell has made to Peninsula Community Legal Centre over the past 15 years, estimating that she has donated at least 1,000 hours to our Centre – the equivalent of around 6 months unpaid, full-time work! She said:

"Victoria began volunteering with the Centre whilst studying law as a mature age student and juggling the demands of working part-time and raising her daughter as a sole parent. She later became a lawyer volunteer, providing free legal advice to vulnerable clients at evening advice sessions. Additionally, Victoria has continuously served on the Centre's Management Committee for the past 13 years, including terms as Secretary and Vice President. In 2009, she became the Centre's first female President – a role she has undertaken with great diligence and integrity."

Victoria is a very deserving winner of this year's Kath Neilsen Memorial Award, which was created in 2002 in honour of the late Kath Neilsen who was a founder and strong supporter of the Centre.

In accepting the award, Victoria Campbell said that she was very proud to be associated with such an important and dynamic organisation, which is founded on a fundamental belief that she shares – that access to justice is the right of all people, irrespective of their capacity to pay for services.

The Centre also recognised the highly valued contributions of paralegal volunteers Shai Sommer, Liz Cleary, Jonathan Rhall and Kara Miller, who were presented with Volunteer Encouragement Awards, sponsored by Maurice Blackburn Lawyers.



Pictured above: Victoria Campbell

Inaugural Scholarship

Staff of Peninsula CLC were delighted to meet with John Garang, the winner of the first Centre-sponsored Caroline Chisholm Foundation scholarship. The scholarship will assist Mr Garang in his community development studies at Chisholm Institute, Frankston. For more information about the Caroline Chisholm Education Foundation, please visit www.CarolineChisholm.org.au.

Pictured right: Mr Garang



Law Reform Updates

Diversion

Peninsula CLC contributed to the submission of Youthlaw on the Victorian Government's Diversion Discussion Paper and endorsed the submission of Smart Justice for Young People which called for the introduction of a state-wide legislated framework for the diversion of young people from court proceedings wherever possible. A copy of this comprehensive submission is available at www.youthlaw.asn.au.

VCAT Proposed Fee Waiver

In February 2013, Peninsula CLC made a submission to the Department of Justice Courts Policy opposing the introduction of proposed Victorian Civil and Administrative Tribunal (VCAT) fee increases, and making recommendations concerning fee waivers and exemptions.

Through the operation of its Tenant and Consumer Advocacy programs, funded by Consumer Affairs Victoria, the Centre has extensive experience in representing vulnerable and disadvantaged tenants in the Residential Tenancies List, and consumers in the Civil Claims List. The Centre is concerned that the proposed significant fee increases would create an unacceptable barrier to justice.

A copy of the Centre's submission is available at www.pclc.org.au.

Constitutional Recognition of Indigenous Australians

Peninsula CLC welcomed the passing of the Aboriginal and Torres Strait Islander Peoples Recognition Act in February 2013, in which the Federal Parliament has committed to pursuing constitutional recognition of indigenous Australians. In September 2011, the Centre wrote to the Expert Panel on Constitutional Recognition of Indigenous Australians stating that changes were "imperative and long overdue", and suggesting changes to the Constitution to delete the power to disqualify people from voting based on race, as well as the power to make laws with respect to people of a particular race. The Centre also suggested a new preamble to recognise Aboriginal and Torres Strait Islander peoples as Australia's first peoples, together with their distinct cultural identities and custodianship of the land, and additional elements of Australian history, values and society.

Learning from Family Violence Deaths: Call for Reform of Coronial System

Peninsula CLC recently attended the launch of a new report prepared by the Federation of Community Legal Centres (Vic), urging comprehensive national reform of Australia's coronial system.

Dr Chris Atmore, Senior Policy Adviser of the Federation of Community Legal Centres, says (in a press release on 6 March 2013): "The current system takes a devastating toll on grieving

families, who face unacceptable delays, and may even see further deaths occur in similar circumstances before recommendations are handed down. Too often they are left traumatised, mystified, frustrated and disempowered by the coronial process."

A copy of the report, entitled 'Saving Lives by Joining up Justice: Why Australia Needs Coronial Reform and How to Achieve it' is available at www.communitylaw.org.au.

Peninsula CLC also attended the 'Red Rose Rally' on the Steps of Parliament House in November 2012, in support of the campaign for funding the Victorian Systemic Review of Family Violence Deaths. At the rally, red roses were laid on the steps of parliament house to symbolise the murders of women and children – on average, one Australian woman is killed every week by a current or former partner. Some key family violence statistics are available at www.whiteribbon.org.au/white-ribbon-importance.

Family violence continues to be a priority area for Peninsula Community Legal Centre, with parts of the Centre's catchment experiencing the highest reported rates of family violence in Victoria (based on police LEAP data 2011-12). In addition to advice and casework services, the Centre operates a duty lawyer service for intervention orders at Frankston Magistrates' Court three days per week.

To commemorate White Ribbon Day and the International Day for the Elimination of Violence Against Women on 25 November 2012, male staff and volunteers of Peninsula CLC took the white ribbon oath never to commit, excuse or remain silent about violence against women. White Ribbon Ambassador and Senior Family Lawyer, Brendan Stackpole, said: "Staff and volunteers of the Centre are familiar with the huge personal and community cost of family violence, with assistance given last year in almost 1,500 family violence matters."



Pictured: Red Rose Rally

From Dandenong to Zimbabwe and Indonesia

Peninsula CLC's Senior Family Lawyer, Brendan Stackpole, was honoured to meet with a delegation of distinguished Zimbabweans at the Dandenong Federal Magistrates' Court in January this year. The delegation, including government officials, members of the judiciary, UNICEF and NGO's, were enquiring into the structure and operation of duty lawyer services. Mr Stackpole was pleased to speak with them about our highly regarded duty lawyer service, and the positive and co-operative relationship we enjoy with the Court and Victoria Legal Aid.

We have also been pleased to learn that, approximately two years on from a similar meeting with an Indonesian delegation at the Dandenong Federal Magistrates' Court, a duty lawyer service is in the process of being implemented in Indonesia.

Celebrating 35 Years of Free Legal Help

In 2012, Peninsula CLC celebrated 35 years of providing free legal services. The Centre began as Frankston North Legal Service, founded in 1977 following a public meeting in Frankston North to address concerns about the lack of, and need for, free legal services. With the support of Frankston City Council and local lawyer and community volunteers, a part-time advice and referral service was established.

Today, Peninsula Community Legal Centre is one of the largest community legal centres in Australia, assisting thousands of clients each year with free legal advice and ongoing assistance, as well as undertaking community legal education and law reform activities.

The Centre helps people use the law to protect and advance

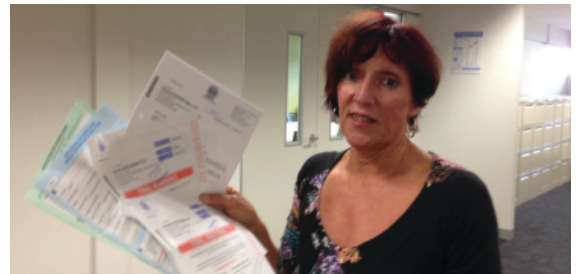
their rights, offering free advice on most legal issues. Ongoing assistance is targeted to assist clients who are experiencing disadvantage. In addition to its general services, the Centre operates Family Law, Child Support, Family Violence, Rooming House Outreach and Tenant and Consumer Advocacy Programs.

A fine problem: Jail for out of control debts

Alarming cases of non-payment of fines are becoming increasingly common, with Peninsula Community Legal Centre seeing clients with accumulated fines as high as \$50,000 and clients facing imprisonment for non-payment. Commonly these fines relate to driving on toll roads without an e-tag, traffic infringements or public transport offences.

Principal Lawyer, Victoria Mullings, says: "We are urging anyone who cannot pay a fine to seek legal advice without delay. Sometimes fines can be revoked, for example if the person is suffering from mental illness, homelessness or drug or alcohol addiction. There are also options like seeking an extension of time to pay, entering into a modest instalment plan, and in some cases a Community Based Order will be made. However, if a fine is ignored, additional costs are incurred and, if there is persistent non payment of instalment payment plans, a person could face imprisonment."

Pictured right: Victoria Mullings, Principal Lawyer



Case Study: Getting the right child support

Peninsula CLC operates a Child Support Program that assists carer and liable parents with a range of issues, including paternity tests, change of assessment, reviews and advice on entitlements and liabilities.

This case study is a simple example of how accessing timely advice about child support made a big difference to a struggling sole parent and her child.

Our client was a single mother who had a fairly friendly relationship with her former husband, but her 15 year old son no longer spent regular nights and weekends with his father as had been agreed when he was 11. He visited occasionally of his own accord, and spent a few afternoons with dad at sporting events. Child support, however, was still being paid as if he

spent several nights a fortnight with his father, and mum was now struggling to make ends meet. Our client needed help to understand what could be done and to ensure she was receiving the financial support she should be getting. The Centre provided advice and assistance to negotiate and formally update parenting arrangements, including increasing child support payments by \$70 per week. Our client was delighted - and greatly relieved - at the outcome, which meant she could better provide for her son.

Peninsula Community Legal Centre law reform submissions and media releases are available on 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.

