

## Ashley Richardson

*one of our dedicated  
volunteers!*



We met with Ashley on a very cold and wet Wednesday. He was recovering from the flu and his wife was just about to give birth to their second child. Ashley is a barrister at the Victorian Bar; he is typically very busy working and being involved with his young family.

Nevertheless, he finds time to come into PCLC for our evening sessions offering free legal advice to clients. You may ask why? As Ashley explains, he enjoys having contact with the average person in the street as his work has become quite removed from this. Before being accepted to the Victorian Bar, Ashley practiced in a variety of legal realms including water law, commercial and common law.

Growing up in the country, Ashley was inspired to become a lawyer by reading a lot of John Grisham novels; particularly finding the character of a fearless young lawyer in "A Time to Kill", motivation for a career path. He has been volunteering at PCLC for over 2 years. He says, he's in it for the long haul and intends to keep volunteering for as long as possible.

Ashley feels that not only does the experience provide him with a sense of satisfaction but he also enjoys the comradery he feels from working with a team of both intelligent and sensitive people, who together, are fighting for social justice for all.

PCLC would like and needs more volunteers. The experience of volunteering at PCLC offers you contact with highly intelligent and creative people who will value your contribution greatly.

You will get a sense of satisfaction that you cannot get anywhere else, as it's unique to giving your time and expertise to something that benefits society without receiving monetary reward.



To talk about how you can volunteer, call Nicola Barrans at PCLC on (03) 9784-4224.



# Having an impact on reducing family violence



Judge Small of the Federal Circuit Court spoke recently at an event to celebrate PCLC's new family violence services at the Dandenong Family Law Registry.

New Family Advocacy and Support Services bring together social workers and lawyers to help survivors and perpetrators of family violence address complex legal and non-legal problems. On the legal side, these problems can be complex simply because they involve the federal jurisdiction, which deals with issues like who children get to spend time with, and the state jurisdiction, which deals with issues like child protection and family violence.

As Federal Circuit Court judge, Judge Small said family violence was now so prevalent in federal

family law matters that its absence has now become a 'matter for comment.'

'I can say with confidence that family violence is the core business [of the family law courts],' said Judge Small.

She welcomed the new services now available at the Dandenong and Melbourne Family Law Registries, and expressed her deep concern that family violence happens 'in a place we should feel safest on this earth.'

As well as assisting with legal problems, the new services also make specialist family violence social workers available at court. This can involve helping survivors of family violence develop safety plans, and guiding perpetrators into men's behavioural and other programs.

As one of the organisations that deliver services, PCLC's CEO Jackie Galloway, spoke at the event. Ms Galloway said,

*"We are very proud of our involvement in this project as it addresses more of the underlying issues of family violence than the legal system has been able to address in the past. With the other service deliverers, we are forging a new path to managing family violence in the legal system and delivering vastly better outcomes."*

The Family Advocacy and Support Services have been established by Victoria Legal Aid with funding from the Australian Federal Government.





# We are advocating for toll fines to be de-criminalised



Only in Victoria are toll fines considered a criminal matter. New South Wales made changes to its fines enforcement system following the acknowledgement that a large number of prisoners were incarcerated due to fines, and a death in custody of a prisoner serving a sentence for unpaid fines.

Criminalising toll fines is a costly exercise. It costs the tax payer approximately \$300 per day to house, clothe and feed a prisoner. It also involves court time, the resources of the legal assistance sector, private law firms and government costs.

This is money that could be spent, amongst other things, on drug rehabilitation and mental health services.

A simple trip on EastLink costs \$6.04. Without payment, this can result in a \$342.60 fine per day. Initially, a private company, Transurban are responsible for collection of fines but eventually the government's Civic Compliance take over, issuing infringement notices and possible warrants.

The simple lesson here is to invest in an e-TAG. However, the bigger picture is that the legal system and especially the Community Legal Sector have to put already stretched resources into helping people negotiate this complex and expensive system. Nearly 30% of all toll fines occur in PCLC's catchment area. We run a Toll Fines Clinic and our average client has approximately \$30,000 in outstanding fines.

The burden of fines on the Victorian Magistrates' Court was noted recently in the Royal Commission into Family Violence. It suggested changes need to be made to alleviate pressure on the courts so that resources can be better spent on more important issues in the community, like family violence.

We all need to acknowledge that it is the vulnerable and disadvantaged in our community that are largely impacted by fine debt; often the working poor, those living in the outer suburbs of Melbourne struggling to both raise children and keep a roof over their heads.

## KEY ASKS

De-criminalise toll fines.

Introduce Civil Enforcement.

Increase Toll Operators dispute resolution processes, including the introduction of comprehensive hardship provisions.

Introduce toll infringement referral requirements.

Address the exponential level of fines, introduce a cap similar to NSW.



# Can you help us help them?

Each year PCLC supports over 5,000 people with free legal services, targeting those most in need.

Whilst our core funding primarily comes from government, the generosity of donors, supporters and volunteers help us to continue this essential work.

We provide financial support to clients who are unable to cover 'out of pocket' expenses such as medical reports and translation services, from our Client Support Fund. A special mention goes to Russell Kennedy Lawyers who have been contributing significantly to this Fund for over 7 years.

At the moment our Fund is running low, which means we can't be of as much help to those clients most in need.

Donations to the Fund are tax-deductible and greatly appreciated. To talk about how you can contribute, call Nicola Barrans at PCLC on (03) 9784-4224 or go online to [pclc.org.au](http://pclc.org.au) and click on Donate.

Call us now to enquire  
how you can help

**9784-4224**  
or **[pclc.org.au](http://pclc.org.au)**







## We are making the law more accessible to the Aboriginal and Torres Strait Islander (ATSI) community



We work hard at PCLC to be involved with our local Aboriginal and Torres Strait Islander community. We are involved in the NAIDOC week celebrations and a proud member of the Frankston/Mornington Peninsula Aboriginal Action Group, as well as other networks. We do this to let the ATSI community know that we are here and available to those that need us. We are also becoming more familiar with their legal issues and the barriers to accessing help including language, cross cultural and social disadvantage.



## How does our Tenancy Assistance and Advocacy Program impact our community?

Our Tenancy Assistance and Advocacy Program (TAAP) team, provide residential tenancy advice and advocacy services to those clients who are financially disadvantaged and/or experiencing family violence.

The TAAP team provides eligible clients with assistance for a wide range of residential tenancy matters including; urgent repairs, rent

arrears, notices to vacate, tenancy agreement matters, bond and compensation claims. Without this program people would be left to negotiate tenancy issues and/or attend tribunal hearings without representation. This can result in homelessness and lead to further family violence, mental/physical health issues, increased financial problems and negative impacts on children.





# The pilot saves court time, heartache and financial burden

PCLC started the Family Violence to Family Law Continuity Pilot (The Pilot) in 2016; in collaboration with Victoria Legal Aid and Hume Riverina Community Legal Services. The aim of The Pilot is to extend the services we can offer to those experiencing family violence. If a client meets the criteria, The Pilot lawyers can assist them through the process of going to court and possibly through the mediation process.

Pilot lawyers also run community legal education sessions at the Frankston Family Relationship Centre. These sessions are

compulsory for all users of the Centre intending to access family dispute resolution services. So how is The Pilot saving court time, heartache and financial burden? Let's look at it in action...

*Sue is a young mother, who after several incidents of violence from her partner, called the police to attend their home. The police required the father to vacate the family home and applied for a Family Violence Intervention Order against the father, which was granted. Our Pilot lawyers advised Sue that she could use this Order to facilitate the father's access to the children in a way where the children's best interests were upheld. She was also advised that she could apply to Victorian Legal Aid to access their Family Dispute Resolution Service (essentially mediation), to obtain a parenting plan. At this stage Sue, had the full-time care of both her children and was studying part-time and not receiving any financial assistance from the father. She was granted access to the Service and her ex-partner agreed to participate in mediation. At mediation, Pilot lawyers negotiated with both parties for four hours, which involved many changes to the draft parenting plan. Eventually, a parenting plan was agreed to and Sue says, to date, it has been adhered to.*

Without The Pilot lawyers this case may have ended up in a costly custody battle. We acknowledge the incredible skills of our Pilot lawyers to be able to inform Sue of all her options and help her, and her ex-partner, reach agreement. This not only benefits the client and tax-payer but also society as a whole, in that it helps people learn, that sometimes, they can still negotiate agreement even though an Intervention Order is in place.







## Our innovative and holistic approach

Two years ago PCLC secured funding to employ a social worker. It had been noticed that some clients coming to PCLC had very limited supports in life and were finding it hard to access the services they so desperately needed.

Those clients are now able to be referred to Chris, our social worker. She helps connect them to services that can assist with health issues, financial problems, homelessness or counselling.

*As Chris says, "From a social work perspective, I can go into every aspect of a person's life and begin to understand what's really going on for them."*

Ultimately, the inclusion of a social worker at PCLC enables us to achieve better outcomes for our clients, sometimes stopping the cycle of clients needing to return for legal advice time after time. We have discovered that legal issues are never just legal issues but a result of a number of other problems that lead to needing to access legal help.

Our holistic approach is helping resolve this destructive cycle and enabling people to get back on track with their lives.



## How can we reduce the pressure on the youth justice system in Victoria?

Youth justice is currently under hot debate; how to stop riots in detention centres and to alleviate the pressure on the community to manage at-risk youth.

In attempting to have an impact on this problem, PCLC is working on pursuing funding for a creative based youth project. The Project will work with young people who are living in severely disadvantaged neighbourhoods and are at risk of entering the youth justice system or dropping out of school. A creative approach will be used as a strategy to engage at-risk youth in a positive way; educating them about their rights and responsibilities under the legal system. The project also aims to give young people at risk, a voice about how they feel about their lives. The Youth Parole Board figures show that 65% of youth in detention have been victims of abuse or neglect during their childhoods. This project not only aims to reduce negative interactions with the justice system but also build skills and confidence of at-risk young people.

# Law Wise

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## 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](mailto:pclc@pclc.org.au)  
[www.pclc.org.au](http://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

28 Mahogany Avenue,  
Frankston North Vic 3200.  
Tel: 03 9786 6980

## Rosebud Branch

1375 Point Nepean Road  
Tel: 03 5981 2422

## Visiting Services to:

Chelsea  
Hastings

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## ARTICLE INDEX



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COMMUNITY

PCLC acknowledges the Aboriginal people of the many traditional lands and language groups of Australia. We pay respect to, and acknowledge, the wisdom of the Aboriginal Elders both past and present.

For more information visit our website at [www.pclc.org.au](http://www.pclc.org.au) or contact us on 1800 064 784.

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