

Law Wise

A Peninsula Community Legal Centre (PCLC) publication

SPRING
2018



L-R: Valerie Power, Olga Pecherski, Desmond Maruziva, Karolina Wlodarczak, Michael Morehead, Chris Gunasekera, Radek Dajer, Jonathon Rhall, Villy Raki, Kate Ross, Jackie Galloway

OUR VOLUNTEERS ARE VITAL

Acknowledgements were underway at Functions on the Bay as we celebrated our volunteers as part of National Volunteer Week 2018. Various awards were given out including the Kath Neilsen Award presented to Valerie Power, the Probono Award presented to Russell Kennedy Lawyers and the Law Firm Award going to Moreheads Lawyers.

An invigorating speech was given by guest speaker, Kot Monash, Victoria University Young Alumni of the Year and LIV Rising Star Award winner. He drew attention to the reality that a few hours of volunteering can have a life changing effect on those that are vulnerable and in need of legal support.

We currently have over 150 active volunteers, some of whom have been with us for more than 25 years. Our volunteers enable the Centre to offer up to 7 additional free legal advice sessions each week, including daytime and after hours advice in five locations.

PCLC encourages volunteering as it enables our vital services to achieve greater reach. This year's theme for National Volunteer Week, "Give a little. Change a lot", encapsulates the experience of volunteering for PCLC: it gives people a unique chance to use their expertise to assist those most in need while being part of a highly motivated team of professionals.

TO TALK ABOUT VOLUNTEERING AT PCLC CALL (03) 9783 3600.



Peninsula
Community
Legal Centre

Navigating our clients through the legal maze of family law/family violence



The maze that is the legal system is made even more confusing when navigating the intersecting and often co-dependent yet jurisdictionally independent fields of family law and family violence.

Statistically, the typical Australian most likely to find themselves in this maze is a female experiencing domestic violence perpetrated by a male. The Australian Bureau of Statistics Personal Safety Survey shows that women are 3 times more likely to experience violence from a partner than men and eight times more likely to experience sexual violence by a partner than men.¹

For the average Australian woman, details which govern this maze such as jurisdiction, are purely academic and far from the pressing concerns that keep her awake at night. What she seeks is not one answer to her child custody matter, which is federally legislated, separate and distinct to issues of family violence which are state legislated. She seeks a way to make the violence end, to keep her children safe and ultimately to ensure her own security. What she seeks is help.

Funded through collaboration with Victoria Legal Aid, PCLC provides help through the Family Violence to Family Law Pilot (The Pilot). The Pilot is designed to directly interface with those members of the community suffering from family violence and requiring assistance with family law matters. The Pilot exemplifies the broader approach by the Centre to address client legal issues in a holistic manner.

Coupled with the Centre's support services that include social workers, rooming/ housing support and financial counselling the goal is to sweep away the confusion that cross jurisdictional matters can cause ordinary Australians and place their welfare, and the welfare of their children, at the center of the solution.

If members of the community seeking assistance are not picked up by The Pilot, PCLC also has provision to provide legal advice and guidance on family law matters through volunteer sessions after hours, special circumstances appointments and the Duty Lawyer Services provided to the Federal Circuit Court at Dandenong and the Frankston Magistrates' Court. Lawyers acting through these services, while somewhat specialized in their respective fields of family law or family violence, can deliver a seamless service to clients by co-operating and communicating across matters.

Ultimately, our statistical Australian woman facing divorce, custody, domestic violence, problems complicated by substance abuse, threats and financial hardship is guided toward safety, security and certainty; improving the circumstances of her life, her children's lives and hopefully enhancing society as a whole.

1. Australian Bureau of Statistics, 2012, Personal Safety Survey, Cat no: 4906.0 Commonwealth of Australia, Canberra

Community-based lawyers; unique and unsung

Community-based lawyers often need to display a level of empathy and care that goes above and beyond their private counterparts; heading them into the territory of accidental counsellors.

The level of complex issues that many of our clients face are sometimes mind-boggling; including a possible combination of mental health issues, family violence, drug addiction and homelessness. 75% of PCLC's clients have multifaceted issues. ¹

We asked the lawyers at PCLC how they cope with this extreme and stressful work. The response was generally so humble and heartfelt many claiming, "It's not that hard as long as you practise empathy and open-mindedness". The truth of course is to display these traits day after day, client after client is a skill in itself that takes many years to perfect with only a certain type of personality being willing to bother. In addition, community-based lawyers can't look forward to generous financial rewards and sometimes face harsh and condescending judgements by the private profession, along with outbursts from disgruntled members of the public. It takes a lot of internal strength to want to do this work long term.

"[The work] challenges me to deal with complex problems with short notice and little information. The people I represent are more often than not victims of family violence and are unable to effectively communicate", says Chris a member of our Family Law Team.

At PCLC every case is individual - there isn't a "one size fits all" approach to the issues our clients face so the lawyers need a high level of emotional



intelligence to understand how to navigate a client through their legal problems, with minimal impact on their financial and general health (emotional/mental and physical). Our lawyers are very focused on finding resolutions to matters outside of court; not only for the benefit of the client but because the organization takes a long-term view of the cost/impact of operating the court system. And as many people find going to court very stressful – on the public health system.

Despite the challenges of the job, the lawyers enjoy working for an organization that is advocating constantly for law reform as well as doing the grass-roots work of providing legal assistance to the vulnerable and socially disadvantaged: it's being part of a team that is contributing to societal change.

Often PCLC is involved in a multipronged approach to a specific area of law that is creating need in the community – for example toll fines. Through years of advocating for reform of the toll fines system, the team at PCLC hope they can look forward to a fairer system in the future and consequently reduce the need for Toll Fines Clinics.

All of this adds up to big picture thinking. We need to celebrate the existence of community-based lawyers.

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 helps 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) 9783-3600 or go online to pclc.org.au and click on Donate.

Call us now to enquire
how you can help

(03) 9783-3600
or **pclc.org.au**



Australian Law Reform Commission – Family Law Review

PCLC has welcomed the opportunity to contribute to the Australian Law Reform Commission - Family Law Review. The Review is especially important to PCLC because approximately 50% of its case work is family law/violence related. This is the most comprehensive review of the family law system since the commencement of the Family Law Act 1976 (Cth). It is hoped that our submission and experience with our clients, on which many of the recommendations are based, finds a voice within the reforms to the Australian Family Law Act. To view our submission go to Law Reform at pclc.org.au

Social Media

We are now live on Twitter,
Facebook and LinkedIn

For news and general information about
our services feel free to follow us on
these platforms.



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Health care professionals and the legal sector working together to keep people healthy

Working together, the health sector and the legal sector have a good chance of keeping patients/clients healthy over the long term.

In 2012 the Australian LAW Survey found that illness and disability are strongly linked to legal problems. The Survey revealed that approximately 70% of respondents sought advice for a legal problem from a non-legal adviser – health care professionals made up 27% of these advisers.

The emergence of Health/Justice Partnerships began in the U.S. - there are now more than 20 Health/Justice Partnerships in hospitals and healthcare centres around Australia.

In December 2017, PCLC received a \$100,000 grant from the Victorian Government for a 2 year Health/Justice Partnership with Peninsula Health. Subsequently, one of our lawyers operates out of Frankston Hospital 3 days a week as part of the Social Work Department.

Patients are identified by the social workers and referred to the lawyer for possible legal assistance. The criteria for referral is based on the presence of family violence and/or elder abuse but many patients have multifaceted legal issues that PCLC can assist with including toll fines and referrals to our Family Violence to Family Law Continuity Pilot.

Lyn Jamieson Chief Operating Officer of Peninsula Health says, "This partnership will bring together those working in the legal assistance sector with health care providers to enable a more holistic approach in detecting and managing family violence."


Those experiencing family violence are often not aware of their rights and how the legal system, along with health professionals, can support them in finding solutions to their situation. Many people in this situation face intimidation and threats in relation to accessing the legal system by the perpetrator of the abuse.

"The real benefit of these sorts of partnerships is that people often will reveal family violence or abuse issues when they feel safe in an appointment with a health care professional rather than in a lawyer's office. The partnership with Peninsula Health enables these people to receive a holistic service whilst in hospital." says Jackie Galloway, PCLC's CEO.

For more information
about this
partnership contact
PCLC on 03 9783-3600



Educating young people; non-consensual sexting is illegal

A close-up, side-profile photograph of a man with dark hair and a beard, wearing a light blue shirt. He is holding a black smartphone to his ear with his right hand, appearing to be in a conversation. The background is bright and out of focus.

Violence against women is one of the most serious and frequent problems handled by the Peninsula Community Legal Centre, with two neighbourhoods in its catchment having the highest rates of family violence in Victoria.

One in three of our clients report family violence, and Family Violence Intervention Orders are the second most common legal issue for our clients.

Over the past year PCLC has been taking action to implement the recommendations of the 2016 Royal Commission on Family Violence in a variety of ways. We have strengthened our specialist family violence and family law programs through two exciting new initiatives, the Family Violence to Family Law Continuity Pilot and the Family Advocacy and Support Services Scheme, which provide more extensive services to clients facing family violence.

In addition to our direct client services, we have also been providing legal education on a range of family violence and gender-related issues for students at local secondary schools in neighbourhoods with high rates of family violence. This is in line with one of the key findings of the Royal Commission concerning the importance of building a culture of non-violence and gender equality through education for children/young people as a means to prevent family violence.

The importance of this kind of education was highlighted during a number of classes on the laws relating to sexting. When sexting is non-consensual it is not only illegal but also constitutes a form of violence against women. However, students pointed to some well-publicised incidents involving AFL footballers as evidence that non-consensual sexting was no big deal. Some students said that they thought that the real blame lay with young women who pose for naked pictures and that they “deserve” it if men share these pictures of them publically, even if this is without their consent.

This experience highlighted the important role played by sporting clubs in influencing community attitudes and behaviours, which in this case undermined respect for the laws against non-consensual sexting and reinforced victim-blaming and sexist gender stereotypes. As a result, PCLC undertook an advocacy initiative with the relevant ALF club regarding the Royal Commission’s recommendations on the need for sporting clubs to be environments that combat violence-supporting attitudes in order to achieve the cultural shift necessary to reduce family violence in the long term.

Law Week 2018

Lawyers and staff braved the cold to offer free legal health checks outside Woolworths in Hastings and Rosebud as part of Law Week 2018 – proudly supported by the Victoria Law Foundation.



World Elder Abuse Day

A morning tea for World Elder Abuse Awareness Day helped raise awareness of this serious and growing problem.



Staff Acknowledgements

We recently acknowledged two of our wonderful staff for accumulating many years of dedicated service to the Centre.



Jackie Galloway,
CEO - 20 years



Chris Gunasekera,
Community
Lawyer – 10 years

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Mornington Peninsula Shire
Service to the Community
since 1977



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 or contact us on 1800 064 784.

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