

# Law Wise

A Peninsula Community Legal Centre (PCLC) publication

SPRING  
2019



L-R Russell Kennedy Lawyers, Gadens, Aldo Taranto - PCLC Rooming House Outreach Worker.

## A Winter Drive for our Vulnerable Residents

As part of Homelessness Week 2019 we asked our pro bono partners Russell Kennedy Lawyers and Gadens to help us facilitate a 'winter drive' to provide additional material aid and warm winter clothes for our vulnerable rooming house residents.

We had a wonderful response and Aldo our Rooming House Outreach Worker was able to distribute the additional aid to those in desperate need.

Our Rooming House Outreach program is funded through the Department of Health and Human Services and covers a vast catchment in Victoria's south-east comprising of 17 local government areas and over 800 registered rooming houses.

The program has an overriding focus on supporting clients with advice and building pathways with health, housing and community services.



Peninsula  
Community  
Legal Centre

# Parliamentary Family Law Inquiry; creating Delay and Divergence

There has been much concern aired in the media recently about the newly announced inquiry by the Joint Select Committee on Australia's Family Law System, deputy chaired by Senator Pauline Hanson.

Those concerns, which PCLC shares, have largely centered around comments by Ms Hanson that some women lie in family violence proceedings to gain advantage in family law proceedings, especially where parenting issues hang in the balance. This is contrary to our experience. In fact we frequently see women minimizing their experience of family violence. These comments, which would appear to suggest a clear agenda, have angered many professionals working with family violence victim/survivors, and have caused us, along with many professionals working with family violence victim/survivors to question whether Ms Hanson, as deputy chairperson of the new inquiry, can discharge the appointment impartially and meaningfully.

At the very least, what Ms Hanson's comments (not to mention her appointment) are likely to achieve is the polarization of community opinion around family violence and family law, and the diversion of the debate away from a reasoned, evidenced discussion about family safety and the best interests of children, towards 'men's rights'.

PCLC also questions why a further review of the family law system is required when the recommendations from the ALRC review were only delivered in March this year, when the Terms of Reference of both the ALRC Review and the new enquiry significantly overlap, and when

the ALRC's review was so recent, wide ranging and comprehensive in its recommendations.

*"We would even go further to say that the recent ALRC Review is so thorough that it is impossible for the Commonwealth to ignore it - after all they commissioned it", says Jackie Galloway. "It makes no sense for the Commonwealth government to commission a further review when it has not responded to the first. Our conclusion is that they did not agree with what the ALRC review recommended, which was to refocus family law proceedings on the protection of children from harm, and not the so called 'rights' of parents. For this reason, we would now have some doubt about the integrity of this new enquiry".*

The ALRC review received submissions from 800 organisations, practitioners and individuals, and ultimately recommended the wholesale reform of the family law system. However, to date, the Commonwealth government has responded to none of the ALRC's 60 recommendations.

The overarching direction of our submission was informed by the experiences of our clients. Both male and female clients have told us that the system fails to respond adequately to their safety concerns, that the current interaction between Commonwealth family law and state family violence jurisdictions is complex

and confusing, and that the system does not adequately enforce parenting and property orders.

The ALRC Review is to be commended for seeking to address some of these fundamental issues, many of which have been repeatedly raised in other inquiries and reports over the last 10 years.

For example, one of the key ALRC Review recommendations was to replace the presumption of 'equal shared parental responsibility' with a presumption of 'joint decision making about major long term issues'. This would appear to be similar to the previous wording, however, the recommendation went further to remove the requirement that where equal shared parental responsibility applies, the Court must consider whether a child should spend equal time, or substantial and significant time, with a parent. These amendments were recommended on the basis that their combined effect was leading to unsafe parenting arrangements for children in family violence cases.

One of the main thrusts of the new inquiry is a greater emphasis on proving allegations of family violence. Once again, this has been covered in the ALRC's review through the suggested introduction of early fact-finding hearings when there has been allegations of family violence. These hearings would decide the issue of family violence at the start of the process, assisting in the direction of further proceedings and possibly making matters less protracted and expensive.

Whilst we admit that many of the recommendations made by the ALRC are complex, costly and will take time to implement, they represent the most comprehensive review of the family law system to date and should be considered as matter of urgency. The new inquiry will only significantly delay that process, diverting attention away from the ALRC's recommended reforms, many of which are long overdue.

In our view, what is needed is major investment in the family law system, not another inquiry into what is not working. For this reason, when the time comes to make submissions to the new inquiry, we must refer Parliament to our previous submission to the ALRC Review, the ALRC's recent recommendations, and the five steps to creating a family law system that keeps women and children safe proposed by Women's Legal Services Australia:

1. Strengthen family violence responses in the family law system
2. Provide effective legal help for the most disadvantaged
3. Ensure family law professionals have a real understanding of family violence
4. Increase access to safe dispute resolution models, and
5. Overcome the gaps between the family law, family violence and child protection systems

## Celebrating our new Pro Bono Partnership with Law Firm Gadens

We are pleased to announce PCLC is celebrating a new pro bono partnership with Gadens.

The partnership will support PCLC's Family Law Team through a MoU (Memorandum of Understanding) that enables extra support for our vulnerable clients to resolve their family law issues.

This partnership will be particularly helpful given the complex and often, protracted nature of the family law work conducted by the Centre.

The partnership provides mentoring through a 'phone-a-friend' hotline, professional development and a client referral pathway targeted to women experiencing family violence.



Centre right – Jackie Galloway PCLC CEO with Gadens and the PCLC Family Law Team

## Launching our Young Renters' App



With thanks to the Melbourne University Law School students we have launched a Young Renters' App on our website. The App is intended to educate and empower young people by providing legal and other practical information aimed at increasing their skills and knowledge to access and maintain private rental accommodation.

Due to a severe lack of affordable housing, a large number of young people are at risk of or are experiencing homelessness and face significant barriers to entering the private

rental market. Young people face prejudice and negative perceptions that they are high-risk tenants, and often lack knowledge about their rights and the skills to find, apply for and maintain tenure of private rental properties.

The link to the App appears on the Centre's website and encourages clients of our tenancy assistance program to use it. It will also be publicised through our extensive network of community youth and housing organisations. We will also use our existing relationships with real estate agents to promote the App so that they will look favourably upon rental applications of users who complete the App's short test and provide a certificate of completion.

# Launching our Street Law Coffee Van Project



A major grant from Gandel Philanthropy will see PCLC launch a new proactive and innovative outreach program. The project will take a “street” lawyer and community engagement worker out on the road to visit disengaged and marginalized people within our community at places they frequent. Over a cup of free coffee they will conduct legal health checks to uncover hidden legal issues and offer advice and where appropriate ongoing assistance to address these legal problems.

## Addressing Unmet Legal Need

Research has found that at any given time 50% of Australians have a legal problem but only 16% seek legal help<sup>1</sup>. The same research found that legal problems are particularly prevalent among people with chronic ill-health/disability, single parents, the unemployed, youth, and people in disadvantaged housing.

People with multiple disadvantage were found to be the most suspicious and mistrusting of lawyers, and the least likely to take any action in response to their legal problems.

Outer-Melbourne communities such as those on the Mornington Peninsula are disadvantaged in the administration of the law compared with their inner-city counterparts. This is brought about by a range of factors including lack of sufficient court services, government agencies, early intervention strategies and adequate public transport. As a result, more and more people living in outer metropolitan areas are struggling through the legal system, particularly in relation to family violence, elder abuse, infringement debt and mortgage stress, due to the difficulty of accessing justice.

There is also a problem in newly developing growth areas on the urban fringe of Melbourne where services cannot keep up with the rapidly growing population. Research has shown that residents in outer-metropolitan areas have

lower average income, poorer health and educational outcomes, lower employment participation rates and higher levels of youth disengagement than residents in inner-city areas. These indicators of disadvantage are compounded by relatively lower levels of physical and social infrastructure.

Many of the problems faced by members of these disadvantaged and isolated communities could be addressed through early legal intervention. Given the barriers faced by these communities, we need a novel and proactive strategy. Hence the creation of the Street Law Coffee Project.

## Delivering the Street Law Project in Partnership

The Street Law project will be delivered in partnership with youth organization Whitelion. Whitelion’s coffee van will be staffed by a youth worker and an at-risk young person helping them to gain work experience as baristas.

The Street Law Coffee van will go to places on the Mornington Peninsula and in the city of Casey/Cardinia. It will for example attend emergency relief centres for people in crisis, play groups and toy libraries for disadvantaged

families, community health and youth centres and schools.

The project will actively seek out and contact potential clients who often do not even know that a lawyer can help them.

With the support of Gandel Philanthropy, through this project we will be able to deliver increased access to justice and better legal outcomes for disadvantaged and vulnerable people. Early legal intervention will help to prevent or mitigate legal problems that if left unresolved can exacerbate social and economic inequality in the region. The project will also build the employment skills and confidence of at-risk youth who will staff the coffee van.



GANDEL  
PHILANTHROPY

This project is proudly supported  
by Gandel Philanthropy

1. 2012 LAW Survey - Legal Needs in Australia

## Law Week 2019

Our lawyers engaged with library goers at the Frankston and Cranbourne Libraries for Law Week 2019. Common issues discussed included fines, local laws, employment law, tenancy and Wills. This event was proudly supported by the Victoria Law Foundation.



## Staff Acknowledgements

We recently acknowledged one of our wonderful staff members, Cathie Currie for 20 years' service to the Centre.

L-R Jackie Galloway, CEO with Cathie Currie, Tenancy Advocate and Sokha Um, Practice Manager – General Law.



### 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)

Hours: Mon - Fri, 9am - 5pm

### BENTLEIGH BRANCH

82 Brady Road  
Bentleigh East Vic 3165

Hours: Mon & Thurs, evening

### CRANBOURNE BRANCH

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

Hours: Mon - Fri, 9am - 5pm

### FRANKSTON NORTH BRANCH

28 Mahogany Ave  
Frankston Nth Vic 3200

By appointment only

### ROSEBUD BRANCH


1375 Point Nepean Road, Rosebud  
Vic 3939


Hours: Mon, Wed, Thurs, 9am - 5pm


We gratefully acknowledge the financial assistance of:

- Australian Government Attorney Generals Department
- State Government Victoria Department of Justice and Community Safety Victoria
- Department of Health and Human Services
- Consumer Affairs Victoria
- Victoria Legal Aid
- City of Casey
- City of Glen Eira
- City of Kingston
- Frankston City Council
- Mornington Peninsula Shire
- Victoria Legal Services Board
- Victoria Law Foundation
- Gandel Philanthropy

Service to the Community since 1977

 Follow us on Twitter @PeninsulaCLC

 Like us on Facebook @pclc.org.au

 Follow us on LinkedIn at [www.linkedin/company/peninsula-community-legal-centre](http://www.linkedin/company/peninsula-community-legal-centre)

 Peninsula Community Legal Centre



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)

Copyright © 2019 Peninsula Community Legal Centre. All rights reserved.

DISCLAIMER: This newsletter is produced for general information only. The contents of this newsletter should not be relied upon for legal advice.

This newsletter is produced with the generous support of Russell Kennedy Lawyers.