



community legal service

Linking the Community with the Law

Albury Wodonga

ANNUAL REPORT
2008 - 09

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WHAT WE ARE ALL ABOUT!

Vision

To ensure just and equitable access to legal services and resources for individuals and the community in North East Victoria and the Riverina of New South Wales.

Values

To provide safe, reliable and quality legal services respecting the diversity of the community.

Mission

To empower and educate individuals and groups in the community through a broad range of free legal services including legal education, particularly to those who are disadvantaged in their access to justice.

Objectives

1. To increase and enhance access to the law by the provision of legal advice and education to individuals, groups and the wider community.
2. To encourage and facilitate community involvement in the activities of the Community Legal Service.
3. To advocate for and actively work towards changes which redress injustices and inequities in the law;
4. To continually seek to enhance and expand service provision;
5. To ensure the Community Legal Service is able to operate effectively.

PRINCIPAL LAWYERS REPORT

Our expanded service has enjoyed the past year in our new and larger premises at 12 Stanley Street, Wodonga. Co-located with us is the Upper Murray Family Care Financial Counsellor, Sharon Campbell. This is useful for cross referrals and for our professional development. Consumer Affairs Victoria also share our space every Thursday when they give face to face advice in our newly named Isaacs Room or interview room. Again we have common issues and clients and can both learn from each other.

We said a sad farewell to Sharon Kim, our inaugural legal aid family lawyer, who established this service over its first 2 years. Sharon has left many legacies including our Facebook in the lunch room and a seminar given to our volunteer lawyers entitled "The Ten Commandments for Volunteers". Sharon's replacement, Sharda Ramjas, was welcomed in November. Sharda is enjoying living in our beautiful region, having moved here from Sydney, and especially loves the wood fired oven in Hovell Tree Park.

Our generalist lawyer Karen Keegan has taken leave, temporarily we hope, to become acting Manager of the Family Relationship Centre. Her replacement has been Michele Kampen who is known and appreciated for her devotion to her client's issues and her excellent baking skills. We thank her for her contribution, will miss her and wish her well in her new career as a family dispute resolution practitioner.

After the Black Sunday fires around Beechworth, we coordinated the local Bushfire Legal Help. This was facilitated by video link training provided by Victoria Legal Aid. Local lawyers volunteered to give free legal advice at various centres set up to assist in bushfire relief, at Mudgegonga, Myrtleford and Beechworth. The coordination of legal assistance to bushfire victims by Victoria Legal Aid, The Law Institute, PILCH, The Victorian Bar, the Victorian Law Foundation and Community Legal Centres was exceptional. It was well coordinated and delivered legal information resources, pro bono legal services, and community legal education very quickly. The Bushfire Legal Helpline established by Victoria Legal Aid is still operating while the Bushfires Royal Commission hears evidence from individuals and communities.

We have had many visitors to our service this year, invited so that they could meet staff and thus have a better idea of the services that we offer. They have been Magistrates Pauline Spencer and Reg Marron, David Hillard, pro bono partner with Clayton Utz, Yasmin Hunter from Inner City CLC who talked to us about the new same sex couples law, Greg Aplin and Bill Tilley, our local politicians and Mark Byatt, Mayor of Wodonga. The highlight of the year has been the visit by the Commonwealth Attorney General, The Hon. Mr Robert McClelland who cut our 10th birthday cake on 18 February 2009. His support and appreciation of the work of CLC's was evident in his speech and his presence on that day.

As part of our birthday celebrations we held a competition for a new name. The winner was Christine Tonks of Tallangatta with Hume Riverina Community Legal Service which we thought gives a much better indication of our catchment area. As of 1 July 2009, we will be known by this name.

Our new Community Project Worker, Andrew Johanson, has been busy organising our community legal education sessions since he commenced in October of which our Life Planning talk on wills, powers of attorney and enduring guardianship is the most popular. Andrew was also involved in organising a team of locals including local legal practitioners and library staff for our local National Law Week activities between 11 & 17 May 2009 for which we received a grant from the NSW Law Society.

Continued...

We have also had visiting CLC's for seminars, including the Consumer Law Action Centre, Women's Legal Service (Vic) and Hugh de Kretser, Executive Officer of the Federation of CLC's. Our NSW Outreach Lawyer Terry O'Riain, who also commenced in October, gave seminars on a wide variety of topics such as adoption law, human rights and criminal law. He was also a 'Magistrate' in the local mooting competition. We thank Terry for his contribution to the NSW community and our service and wish him well in his new position as Regional NSW Legal Aid Lawyer working from Adams Leyland Lawyers.

On a lighter note, our staff participated in a team building night at The Priory in Beechworth where we played How to Host a Murder Party. We dressed the part, 1920's style, and a good time was had by all! On 8 August we all came to work in our pyjamas for Pyjama Day to raise money to assist the homeless. In addition, Sharda has organised Pilates for a Friday lunch time and these classes, open to all Upper Murray Family Care employees, have been held now for 6 months in the Boronia Place Hall.

We have been able to benefit from the hard work of law students who have volunteered at our service over the last 12 months. We love having them as they are enthusiastic, conscientious and are able to complete detailed research for us. Thank you to Sharon Lim, Matthew Toner, Emma Robb, Nadette Lee and Andrea Georgiou.

Our success as a community legal centre is due to collaboration: as a team, and with Upper Murray Family Care, various networks, and community organisations and service providers. This is evident in all the activities in which we have been involved to ensure that those most vulnerable and disadvantaged have access to justice no matter where they reside in our catchment areas of North East Victoria and the Riverina of NSW.

Karen Bowley
Principal Lawyer



Our team enjoying their team building murder mystery night



Who wants a piece of cake?
The Hon. Mr Robert McClelland with Karen Bowley,
Principal Lawyer, cutting our 10th Birthday cake!

ACCESS & EQUITY

CLS seeks to provide a service which is accessible, equitable, non-discriminatory and non-judgmental.

CLS provides legal advice, information, referral, casework, community legal education and law reform activities in North East Victoria and the Riverina of New South Wales. Any person who is in the region by virtue of their residing in, visiting, or legal issue arising in are eligible to receive service from CLS. No means test applies.

The service does have limited resources however, so within the general framework of eligibility for the service, special attention is paid to meeting the needs of the target groups. Broadly these are people who are considered to be disadvantaged in some way in dealing with the law.

There are two main categories of disadvantage:

- ◆ Those people who are denied access to legal assistance as a result of limited financial resources, whether they are recipients of social security benefits or in low income employment.
- ◆ Those people who are otherwise disadvantaged in their access to justice i.e. indigenous people, people from non-English speaking backgrounds, youth, people who have a physical disability or mental health problems, women living in circumstances of domestic violence or people who live in rural or remote areas.

HOURS OF OPERATION

9am to 5pm Monday to Friday

Telephone Advice & Information *

Monday 9am to 12 noon

Wednesday 2pm to 5pm

Friday 9am to 12 noon

Face to Face Clinics *

Wodonga Office on Tuesday evenings

Wangaratta Office on Tuesday evenings (fortnightly)

Family Law Assistance Clinics *

Wodonga office on Wednesday mornings

Family Law Legal Aid *

Wodonga office on Tuesdays and Wednesdays

Rural outreach *

Lavington & Culcairn

Howlong & Corowa

Deniliquin & Finley

Corryong & Tallangatta

Mt Beauty & Myrtleford

Mungabareena Aboriginal Corporation

Albury

Wangaratta

Intervention Order Court Support Program

Wodonga Magistrates Court on Thursdays

** Appointments essential*

STAFF

Permanent Staff as at 30 June



L to R: Andrew Johanson, Beth Simpson, Ashlie Barclay, Karen Bowley, Sharda Ramjas, Julie Garner (The Hon. Robert McClelland), Michele Kampen & Tracey Walker

Andrew Johanson—Community Project Worker & Lawyer

Andrew is only new to the Community Legal Service having started in October 2008. Prior to his employment, he worked in the private legal sector for 4 years and was also a volunteer with the service.

Beth Simpson – Lawyer

Beth works with the service two days per week running the Family Court Assistance Clinic and the Intervention Order Support Scheme. Beth has been practicing law on and off since 1981 and has worked with the service since 2002.

Ashlie Barclay – Office Manager

Ashlie commenced working with the service in January 2005 as the full-time Administrator and is now the Office Manager.

Karen Bowley – Principal Lawyer

Karen started as a volunteer with the service working at the Tuesday evening advice clinics in 2001 and has gradually moved into the role as Principal Lawyer full-time, working on projects and policies as well as client work. Karen has practiced law for 10 years in the private and government sector.

Sharda Ramjas—Lawyer

Sharda started with the service in December 2008 in a secondee position through Victoria Legal Aid as a Family Law litigation lawyer. This is Sharda's first year practising law. Prior to her employment with our service Sharda worked as a Judges Associate in the Family Court in Sydney.

Continued...

Julie Garner—Administrator

Julie is new to the service having started in January 2008 as our part-time Administrator before becoming full-time in early 2009. Julie came to us from the Wodonga City Council where she worked as the Aged Services Officer for 2 years.

Michele Kampen—Lawyer

Michele is a late to life lawyer only having practised for 3 years. She has 4 children and is currently studying Mediation through Charles Sturt University. Prior to her employment Michele worked in 2 local law firms and was also a volunteer with our service.

Tracey Walker—Legal Assistant

Tracey has now been working in the legal field for approximately 2½ years and enjoys her role very much. Before taking on her current role Tracey worked as a receptionist for Upper Murray Family Care. She is currently studying an Advanced Diploma of Business (Legal Practice) .

Brooke Morris—Cooperative Legal Service Delivery (CLSD) Regional Coordinator

Brooke began volunteering with the service in June 2009 before being employed as the CLSD Regional Coordinator for the Wagga/Albury area. Brooke has recently graduated from her Law Degree and hopes to gain employment in our local area.

Other staff employed during 2008-09:

Sharon Kim—VLA Family Law Lawyer

Nicole Ingram—Community Project Worker & CLSD Regional Coordinator

Karen Keegan—Lawyer

Terence O'Riain—NSW Outreach Lawyer

VOLUNTEERS

Yet again we have been incredibly lucky to have had **24 talented lawyers & law students** volunteer their time in both our Wodonga and fortnightly Wangaratta evening clinics on a roster basis. Without them, we would not be able to run such successful and well attended advice clinics.

Volunteers as at 30 June 2009:

WODONGA

Peter Uniake (Adams Leyland)
Dirk de Zwart (Adams Leyland)
Emma Hill (Adams Leyland)
Kym Connell (Dick & Williams)
Eugene Butkowski

Sarah Rodgers (Nevin Lenne & Gross)
Dusan Jovetic (Trivett Keating)
Greg Duncan
Derek Norquay
Helen McGowan

Dione Garwell (Pogson Cronin)
Veronica Haccou (Nevin Lenne & Gross)
Robert Hodda

Sarah Rogers (Kell Moore)
Sarah Caplice (Robb & Associates)
Andrew Price (Kell Moore)
Andrea Georgiou (Law Student)
Brooke Morris (Law Student)

WANGARATTA

Mike Noble (Stewart & Noble)
Jodie Humphries (Peter Dunn)
Nancy Battiato
Vic Campagna (Campagna Gray & Mallinder)
Geoff Clancy
David Joseph



Derek Norquay



Dione Garwell



Dusan Jovetic



Sarah Caplice



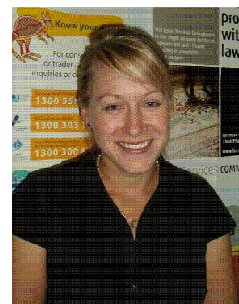
Dirk de Zwart



Kym Connell



Eugene Butkowski



Sarah Rogers

What a volunteer has to say.....

As a volunteer law student from Victoria University, I was able to participate in a variety of activities, which has provided me with a fantastic introduction into the legal profession and a great opportunity to gain valuable experience and further develop my skills obtained during my studies.

During my three week stay I learnt a great deal about CLC's and the sort of work they do within the community. By attending outreach I was able to appreciate the work that CLC's do within small rural communities.

The night clinics also gave me the opportunity to sit in with clients and listen to the advice given by the lawyers. I also had the chance to attend the local court on a couple of occasions to learn about the court process surrounding IVO's. The remainder of my time was spent researching different areas of law and helping with educational activities.

I had a great time at the Community Legal Service and thank the team for their support and the wonderful work they do.

Sharon Lim



After completing all the components of my Graduate Diploma of Legal Practice and being unable to find employment (as I graduated smack-bang in the middle of the economic crisis that was affecting the whole world), I decided that I needed to do something that would maintain the legal skills that I had developed. It was then that I was told about the Hume Riverina Community Legal Service (HRCLS) and how they were looking for volunteers.

I got in touch with Karen Bowley and told her my situation of how I wanted to volunteer and also increase my legal skills and she was more than happy to take me on. I remember how nervous I was about volunteering and wondering what kind of things I had to do, but after meeting the whole team I knew I had nothing to worry about. Everyone working there was so nice and friendly and made me feel so welcome, so

much so now that I feel part of the team.

I have had the opportunity to participate in the Tuesday night face-to-face clinics, in which I have met a number of regional lawyers who also volunteer. I have been able to observe and learn the different interview and advice techniques used by each lawyer. I have also drafted letters and court documents, conducted legal research, attended court and do any other tasks given to me by the other lawyers.

I have been exposed to a range of different legal issues, such as neighborhood disputes, unfair dismissal claims, debt recovery, succession, property disputes, and IVO's and criminal law issues (to name a few). However, family law has been the main area of law that I have been exposed to. I have learnt a great deal from both the HRCLS lawyers, and those that volunteer, as to divorce and separation procedures, consent orders and changing children's names.

Andrea Georgiou



PRO BONO WORK

The Community Legal Service, with the assistance of about 8 firms of local lawyers, has commenced a scheme whereby people with limited financial capacity and health issues can have a will, power of attorney and enduring guardianship drawn up for them by a lawyer at a subsidised rate.

The significant aspects of the proposal are as follows:

- We have a list of law firms who are willing to offer a number of discounted wills, powers of attorney & enduring guardianship (the number to be determined by the firm) per year;
- The law firm is prepared take instructions from the holder of a Voucher within 5 working days;
- The Community Legal Service to assess and distribute Vouchers as necessary;
- Vouchers to be given only to those individuals who are financially disadvantaged **and** experience a particular vulnerability (e.g. frailty, ill health, language, isolation or disability);
- Financial disadvantage is defined as someone in receipt of a social security pension or benefit and who does not have money or assets exceeding \$5,000 (excluding their interest in a family home or motor vehicle).
- The cost of each will, power of attorney & enduring guardianship for a voucher client to be \$50 each.

The Voucher will be a letter on the Community Legal Service letterhead. Clients will have to make an appointment at the Community Legal Service so that we can assess the client's financial circumstances and their needs.

FAMILY LAW LEGAL AID ASSISTANCE

The Community Legal Service staff includes a Victoria Legal Aid family lawyer and assistant employed through an innovative partnership between Victoria Legal Aid and the Community Legal Service sector which began in July 2006. Victoria Legal Aid offered six Victorian Community Legal Centres funding to provide a Family Law Lawyer and administrative support in areas which were not covered by Legal Aid offices or outreach programs.

In September 2008, Sharon Kim accepted a transfer to the Victoria Legal Aid office in Sunshine and in December 2008, Sharda Ramjas was appointed in the role.

Sharda continues to provide face to face and telephone advice and for those eligible for legal aid, court representation and Community Legal Education to community groups on separation and children's matters.

Strong relationships have been cemented with a range of local service providers such as the Family Relationship Centre [FRC], the Magistrates, Local and Family Courts, Gateway Community Health Service and the Family Pathways Network. The relationships are evidenced by service providers regularly contacting our family law lawyer to clarify legal and legislative interpretation issues and requests for presentations for organisations that assist separated families.

The lawyers also served on the conference committee of the highly successful 2 day family law conference: "What about Me—Children after Separation" run by the Albury Wodonga Family Pathways Network.

2008-09

Closed involving court representation (State project 3)

22

ADVICE & CASEWORK

All of our advice has continued to occur by appointment only. Appointments are made between the allocated hours (noted on page 4) allowing 20 minutes for each telephone advice or half an hour for face-to-face advice.

We are pleased to say that our advices have remained steady this year despite the number of staff changes that we have had.

| 2007-08 | |
|--|-------------|
| Total Advice activities (generalist) | 1325 |
| Total Advice activities (State project 3) | 325 |
| TOTAL | 1650 |

| 2008-09 | |
|--|-------------|
| Total Advice activities (generalist) | 1259 |
| Total Advice activities (State project 2) | 169 |
| Total Advice activities (State project 3) | 217 |
| TOTAL | 1645 |

Our "Top 5" areas of legal inquiries were:

1. Spending time / living with issues
2. Intervention Orders
3. Property in marriage
4. Separation
5. Property defacto

Our casework this year has again included a variety of matters such as:

- Assisting neighbours with fencing and tree disputes;
- Assisting an elderly client with an issue of an overdue bill;
- Assisting clients with questions about caveats;
- We have had many positive outcomes for clients who have disputes with insurance companies;
- The FLAC clinic has been busy again this year with change of name applications taking the most time. However, passport applications, spend time with orders and contravention applications were also numerous. Beth has also assisted clients with simple property consent orders and consent orders for children's matters.

Our staff attended online training through WebEx conducted by Denis Nelthorp from West Heidelberg Community Legal Service with regard to 3rd Party Insurance Claims in both NSW and VIC.

This was of particular interest to us as we see a lot of clients that are in particular need of help with this type of matter. By using the insurer's internal dispute resolution procedures and the Insurance Code of Practice, we had the following successes:

- Client A (a tenant) was being pursued for a debt of approximately \$20,000 with regard to a house fire from a respective Insurance Company. This file prior to the online training had been opened for a period of approximately 3 years.
With the knowledge gained from the training, our staff was successful in getting the Insurance Company to walk away and not to pursue the debt, this process took approximately 6 weeks from the date of the training.
- Client B (an uninsured motorist) was involved in a motor car accident that was not his fault. The Insurance Company for the other driver was pursuing our client for a debt of approximately \$8,000.00.

We were successful in getting the Insurance Company to walk away from pursuing the debt and in all this process took around 4 months.

Our client was saved from having to claim bankruptcy and this was a fantastic outcome.

Continued...

Our "Top 5" areas of casework were:

1. Intervention Orders
2. Spending time / live with issues
3. Credit and debt owed by client
4. Property in marriage
5. Change of name or birth records

| 2007-08 | |
|---|------------|
| Total cases open during period (generalist) | 247 |
| - Open at period start | 32 |
| - New (opened in period) | 215 |
| - Still open at period end (ongoing) | 29 |
| Total cases closed during period | 218 |
| Total cases open during period (State Project 3) | 111 |
| - Open at period start | 25 |
| - New (opened in period) | 86 |
| - Still open at period end (ongoing) | 21 |
| Total cases closed during period | 90 |

| 2008-09 | |
|---|------------|
| Total cases open during period (generalist) | 292 |
| - Open at period start | 29 |
| - New (opened in period) | 263 |
| - Still open at period end (ongoing) | 44 |
| Total cases closed during period | 248 |
| Total cases open during period (State Project 2) | 17 |
| - Open at period start | 0 |
| - New (opened in period) | 17 |
| - Still open at period end (ongoing) | 5 |
| Total cases closed during period | 12 |
| Total cases open during period (State Project 3) | 78 |
| - Open at period start | 21 |
| - New (opened in period) | 57 |
| - Still open at period end (ongoing) | 19 |
| Total cases closed during period | 59 |

OUTREACH SERVICES

The Community Legal Service is committed to providing high quality service to people who work or reside within our catchment area. The concept of the outreach program is that clients are given a 30 min face to face appointment with a lawyer to explore their options and to discuss their legal issues.

Currently we attend 13 outreach locations throughout North East Victoria and the Riverina of NSW per month:

VICTORIA

Corryong
Tallangatta
Mt Beauty
Myrtleford
Mungabareena Aboriginal Corporation
Wangaratta

NSW

Corowa
Howlong
Lavington
Culcairn
Albury
Deniliquin and
Finley



Outreach location in Deniliquin—
The Neighbourhood Centre

In July 2008, we received recurrent funding from the NSW State Governments Public Purpose Funds to support our NSW outreach services. This enabled us to employ a part-time lawyer and administrator.

This lawyer travels to each of the NSW outreach locations once per month and has been networking within each of the locations to promote the service.

In Victoria, due to an increase in the demand for outreach in Wangaratta, the daytime clinic is now conducted on a fortnightly rotation basis. This outreach location is booked out on a regular basis with people utilising the opportunity to attend a daytime appointment.

DUTY LAWYER SERVICES

Our service has been assisting and representing people in the Wodonga Magistrates Court with Intervention Orders for 7 years now and Beth Simpson has been a part of that for 5 of them.

The Family Violence Protection Act (Vic) came into effect on 8 December 2008. One major change is that the Police can now issue a Safety Notice to ensure the immediate safety of an affected family member, to preserve property or to protect a child. These only last for 72 hours before which time the matter must be dealt with in court. Family Violence is now defined in the Act and includes economic abuse, pet abuse, exposing a child to the effects of family violence and behaviour that in any way controls or dominates another, in addition to the more well known types of abuse.

Separate stalking legislation was also enacted in the form of the Stalking Intervention Orders Act 2008 (Vic) thereby removing it from the Crimes Act.

Due to changes in the allocation of Magistrates to Courts in the area, Wodonga has lost one sitting day per fortnight. This has resulted in Intervention Day alternating between a Wednesday and Thursday each week which has occasionally caused problems for us to provide a lawyer each week.

We support women and men, applicants and respondents. This is a duty lawyer scheme so we do not represent clients in contested hearings. We try to resolve the matter to avoid litigation. We give family law advice where applicable at the same time.

During the reporting period, our primary clients were female Applicants in domestic violence situations, but we also assisted males who were either Applicants or Respondents, and also numerous people of both genders involved in stalking allegations.

The majority of matters were finalised on the first mention date, but matters that could not be resolved were listed for defended hearing and we referred those clients to private lawyers unless they preferred to self-represent.

We are involved in the Integrated Response to Family Violence Network, a cross border network aimed at preventing or minimising family violence and the impact of violence particularly on women and children. The Network organised a Forum on 3 September 2008 at which Donna Zander was the Presenter. Donna is a Child, Young Person and Family Counsellor and drew on her vast professional and personal experience to provide a thought provoking and at times challenging insight into the prevalence of family violence, why it happens and continues to occur, and community attitudes. Barriers to disclosure were also considered. Service providers from many fields benefited from the presentation which concluded with a case study with a twist!

The Network is now planning a two day workshop in November 2009 featuring Alan Wade, a Canadian psychologist, focusing on “response – based practice”.

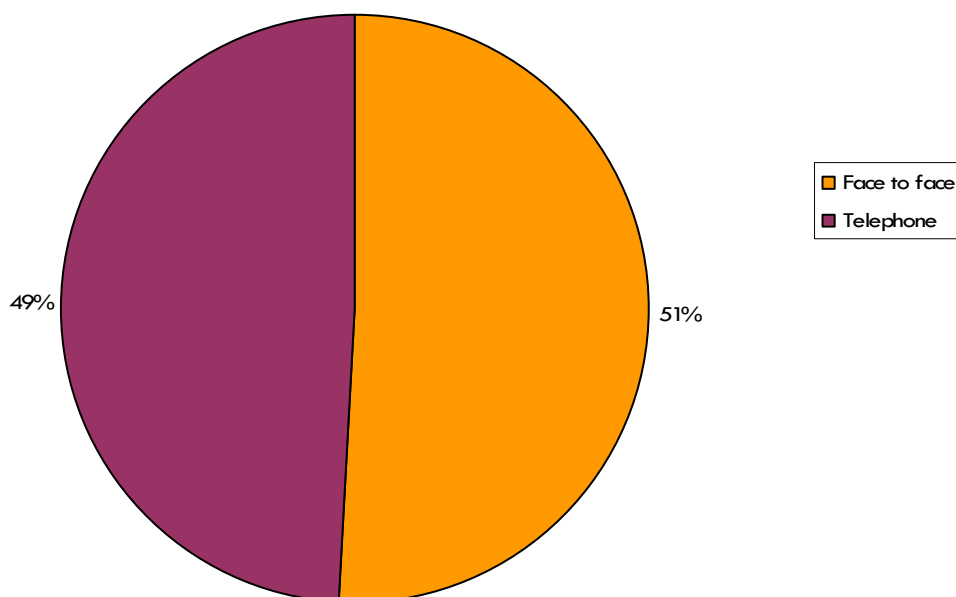
2008-09

Closed involving court representation (generalist)

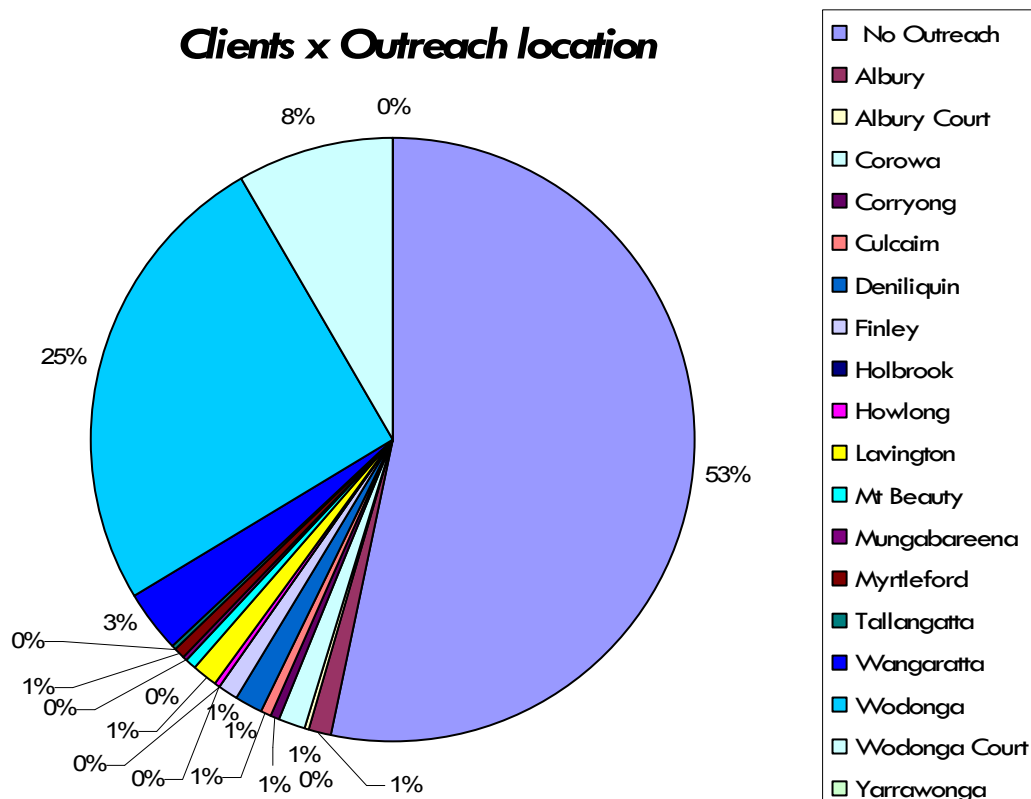
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INTERESTING STATISTICS

Clients x Contact Type

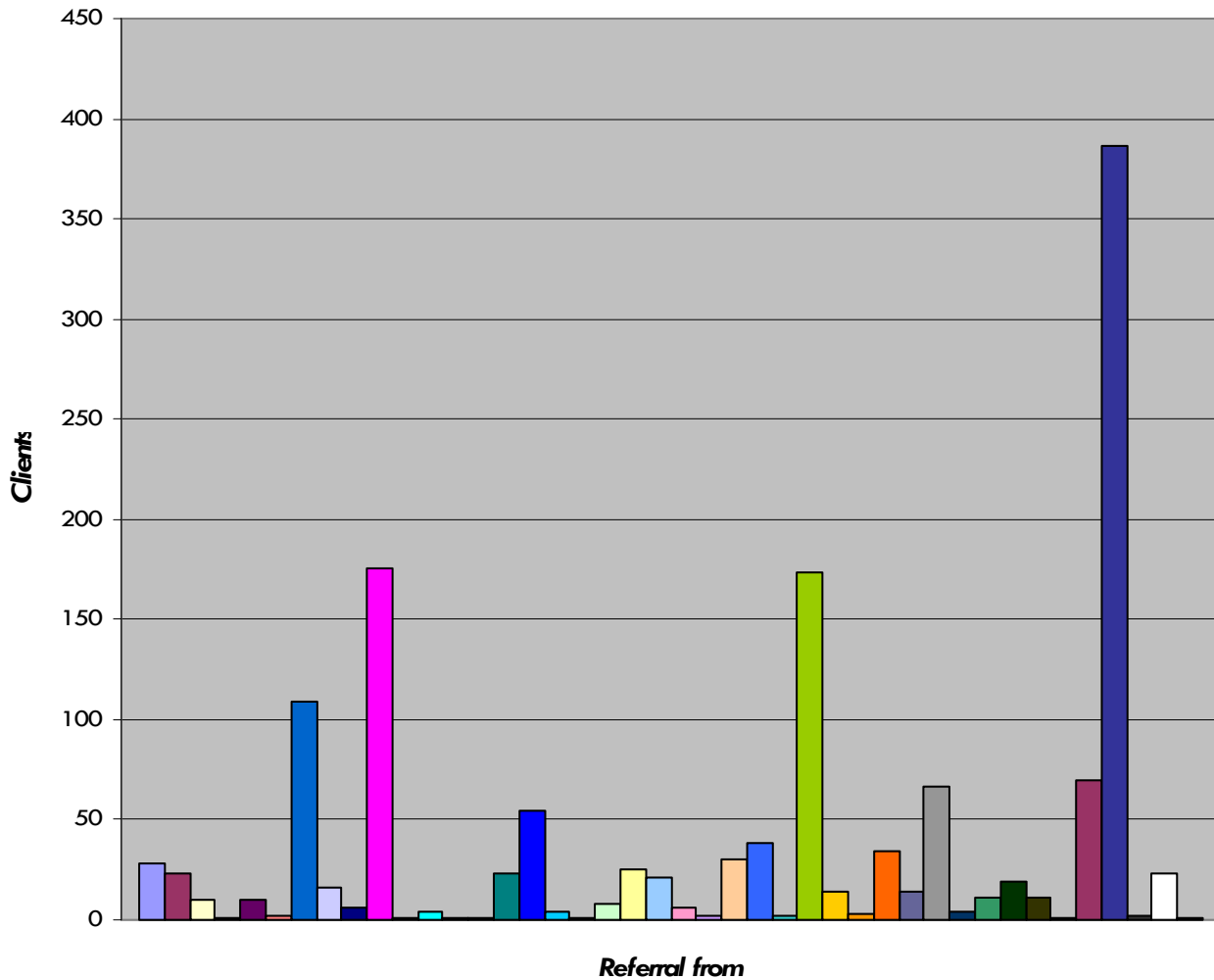


Clients x Outreach location



Continued...

Clients x referral



- | | |
|--|---|
| CLS promotional material | Centrelink (including Family Assistance Office) |
| Child Support Agency | Child support |
| Community Legal service Other | Community justice centre |
| Community support Other | Consumer Affairs/Fair Trading department |
| Counselling service (non-financial), eg relationships, grief counseling etc) | Court support |
| Disability Discrimination Act | Dispute resolution Other |
| Education (eg school, university, educator) | Environmental defenders |
| Family Court | Family Relationship Centres |
| Federal courts | Federal/State parliamentarian |
| Financial (including financial counselling) | Government department/authority Other |
| Health (eg doctor, nurse, paramedic, alcohol and drug counsellor etc) | Health/community services department |
| Housing department/authority | Internet |
| Law Access | Law Society |
| Legal Aid Commission | Local government |
| Mediator/mediation centre | Newspaper |
| Not applicable - no referral | Not stated |
| Ombudsman | Other |
| Phonebook | Police |
| Private company (eg insurance, bank etc) | Private legal practitioner |
| Self/friend/relative/neighbour | Welfare rights |
| Women's | Youth |

COMMUNITY LEGAL EDUCATION

Community Legal Education projects completed

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We had continued demand for Life Planning Seminars which explain Wills, Powers of Attorney and Enduring Guardianship. One of our other main CLE's was the Human Rights Consultation. Our Law Reform project of a NSW Charter of Human Rights blossomed into submissions for a Federal Charter through the National Consultation on Human Rights and CLE topics sprung up around the general momentum for change.

National Law Week was a major project this year providing a variety of events, services and resources to the region.

In response to community needs, we changed a NSW Outreach Location from Holbrook to Culcairn. The attendance at Culcairn has been encouraging and we trust our continual review of outreach will improve our reach to our community.

National Law Week

Monday 11 May – Friday 15 May 2009

Law week is an event that promotes greater understanding of the law, the legal system and the legal profession within the community. The aim is to improve access to the legal profession, courts, police, legal aid and government service providers and this year, a National Law Week was held unlike past years where it has been held at different times of the year in both NSW and Victoria.

Free activities included:

- Shopping Centre Display
- Library Display
- Women Lawyers/Paralegals Breakfast
- Talk on Wills & Neighbours at the Wodonga Library by the HRCLS
- Free legal advice session on the Tuesday evening
- Graffiti Talk by Tiffany Overall of Youth Law at the Albury Youth Café
- Human Rights Consultation Talk at Tallangatta High School again by Tiffany Overall
- Buying and Selling a House talk at Albury Library Museum
- Wodonga Magistrates Court Tour and
- Our Outreach advice sessions at Howlong and Corowa.



Women Lawyers and Paralegals enjoying the breakfast



Andrew Johanson speaking about Neighbours

We appreciated the good work of Tiffany Overall from YouthLaw Melbourne and Sarah Caplice of Robb & Associates. Both are to be thanked for their contribution to Law Week to make it happen this year. We also would like to acknowledge the Albury & District Law Society's financial contribution to the holding of the women's lawyers / paralegals breakfast, in particular the Treasurer Dirk De Zwart for dispensing the money and David Koschitzke as President for advocating for this financial support.

For more details about the events held, please see the Law Week Report at **Annexure 1** sent to the NSW Law Society.

Specialist Legal Services

The Community Legal Service arranged the following Specialist Legal Services to visit our region:

- **Women's Legal Service (Vic)** visited to inform the lawyers and service providers how the new Family Violence Protection Act was going to assist victims of domestic violence. It was well attended and highlighted the significant shift away from traditional perceptions of violence to other forms of violence and disempowerment.
- **Consumer Law Action Centre (Vic)** brought the Consumer Credit Code to life for attendees especially relevant with the global economic crisis looming large last year. It covered remedies against doorknockers preying on people's ignorance and trying to get them to sign purchase and finance contracts for goods and services they may never have needed. Additionally how to avoid default proceedings by obtaining payment holidays in certain circumstances.
- **Peninsula Legal Service** discussed matters before VCAT in the Residential Tenancies List and Civil Claims List. Of particular note was the power for VCAT to change a tenancy agreement on the basis of Family Violence Protection Act. This enables the protected person to stay at their home and exclude the abusive partner from the home.

Life Planning Seminars

Life Planning seminars explaining Wills, Powers of Attorney and Enduring Guardianship were keenly attended this year. Many community groups have requested the seminar which is delivered by Karen Bowley the principal lawyer or Michele Kampen our generalist lawyer or Andrew Johanson another of our generalist lawyers. These sessions are also held as part of the "Healthy and Wise" seminars organised by Northeast Health Wangaratta.



Karen Bowley speaking to group about Wills and Powers of Attorney

What did the participants think?

"Very informative—excellent material provided for our information"

"A most informative session"

"Very interesting and an easy speaking voice to listen and follow"

"Excellent presentation"

"Well done and thank you"

Continued...

Human Rights

Human Rights loomed large and the Community Legal Service attended local schools to raise the profile of human rights for young people. From Thurgoona to Corowa to Tallangatta we highlighted the deficiencies of the existing laws and gave examples of human rights and how they can make a difference for individuals. This was also to encourage submissions to the National Human Rights Consultation.

Please see **Annexure 2** for a copy of our submission.

Family Law

Family Law CLE involved discussions with Court staff at Albury Local Court and a workshop called "Back on Track". The later was in conjunction with Gateway Community Health and the Legal Service presents issues to do with Family Law and separation. The focus was to provide newly separated parents with information and resources which will empower them to be able to approach their situation positively to ensure the best possible outcome. It also outlines the current law that applies to matters relating to children.

LAW REFORM & LEGAL POLICY

The Community Legal Service seeks to contribute to current legal issues that affect our community and society in general.

Law Reform/Legal Policy projects completed

2

National Human Rights Consultation

The Human Rights Consultation was conducted this year which culminated in submissions being due in June 2009. Members of the legal service attended the round table discussions held in Wodonga.

NSW Financial Counselling

The Cooperative Legal Service Delivery partners in NSW identified a need for more financial counsellors in the Riverina of NSW. One Financial Counsellor in Albury was having to service as far away as Deniliquin and did not have the resources to travel. There has been an increased need for financial counsellors identified by various organisations in the Riverina of NSW including Department of Housing NSW, South West Tenants Advice Service and Disability Advocacy and Information Service (DAIS). After gathering letters of support, our project was combined with Sharon Campbell's submission to the Federal Government. Sharon Campbell works in our office as a financial counsellor.

RESEARCH

No research was conducted during 2008-09.

COMMUNITY DEVELOPMENT WORK

Staff of the service are involved in the following committees/networks:

Integrated Response to Family Violence Network

Multicultural Interagency Network

Border Interagency Group for Young People (BIG 4 Youth)

Victorian Regional Rural & Remote Community Legal Service Network

Albury & District Law Society

Law Week Committee

North East Law Association

Albury & Wodonga Court Users Forums

Rural Housing Network Ltd Board

Older Persons Working Group

Cooperative Legal Service Delivery Model

Koori Interagency Network Group

Disability Advocacy and Information Service Committee of Management

Community Transport Committee of Management

Community Development and Community Legal Education Working Group

Children and Young Persons Working Group

Youth Bus

Advisory Group Family Relationship Centre

Family Pathways

Albury Wodonga Community Network Inc (DV)

Albury Wodonga Family DV Committee

Mock Trials

TRAINING & PROFESSIONAL DEVELOPMENT

Lawyers attended the following training/professional development:

NALC National Conference—Darwin
Human Rights Submission Writing
Family Violence Protection Act 2008
Family Law and the Courts: How does it work?
LIV CPD North Eastern Law Association Conference—Beechworth
Charter of Human Rights
About the Credit Ombudsman Service, Sydney
Human Rights in Australia
New technologies
Professional Indemnity Insurance Workshop
CLIS Strategic Data Use
Wodonga CPD Compliance 2008
Day to Day Management and Supervision of Staff
VCAT—Civil Claims and Residential Tenancies
High Conflict Divorce: what is in the children's best interest?
Introduction to the Consumer Credit Code
Cyberbullying
Maurice Blackburn CLE Seminar
Third Party Claims—motor vehicle property damage (Webex)
What About Me? - Exploring the needs of children and families after separation in the family law context

Administration staff attended the following training/professional development:

Front Desk Superstar
CLIS—Fundamentals Part 1 & 2
CLIS—Administration and Customisation
Infocom database introduction
NALC National Conference—Darwin
Advanced Diploma in Business (Legal Practice)
Family Law 2: Advanced
Day to Day Management and Supervision of Staff
Diploma of Community Business Management

ADDITIONAL INCOME

We did not receive any additional funding during the 2008/09 financial year.



Upper Murray Family Care Incorporated

BOARD MEMBERS PROFILE & CONTACT DETAILS

| | | | |
|---|---|--|--|
| President Sue Blake Dip Ed. B Ed. M Ed. | 581 Cookinburra Road Barnawartha, Vic 3688 | 02) 6026 7155 (home) 02) 6055 7764 (fax) 0416 247 736 (mobile) sue@creativelinks.com.au susan.blake@dhs.vic.gov.au | Appointed to the board on 24 September 1999, Sue became President in 2002/3. Sue's experience is in the early childhood sector, disability services, teaching and education. Sue is a learning development co-ordinator for the Hume region DHS. |
| Vice President Jeff Wittig | 1756 Warby Range Road Killawarra, Vic 3678 | 03) 5721 6099 (work) 03) 5721 9222 (fax) 03) 5726 9346 (home) 0428 573 075 (mobile) wangniss@netc.net.au | Appointed to the board on 30 July 1999 and has been vice-president since 2000/1. Jeff is a small business owner in Wangaratta. |
| Treasurer Phil Oates Dip Bus. (Acc) | 7 Hall Court Wodonga, Vic 3690 | 02) 6024 2698 (home) philmer27@hotmail.com | Appointed to the board on 11 October 2002. Phil was appointed treasurer in 2003/4. Phil is a retired accountant who was previously with the ATO. Phil is also on the board of other organisations such as WAW Credit Union. |
| Member Lester Sawyer B.Arch. ARAIA | PO Box 830 Albury, NSW 2640 559 Paine St Albury NSW 2640 | 02) 6021 8484 (work) 0414 273 584 (mobile) 02) 6021 8829 (fax) 02) 6021 3394 (home) lestersawyer@bigpond.com.au | Appointed on incorporation on 14 June 1985 but was also on the Committee of Management prior to incorporation. Lester is a past president of 5 years. Lester is an architect working in his own business. |
| Member Greg Pearl Dip Ed, B Health Admin | Deputy CEO Wodonga Regional Health Service Cnr Wilson & Vermont St Wodonga, Vic 3690 | 02) 60 517469 (work) 0408431253 (mobile) greg.pearl@wrhs.org.au | Appointed to the Board on 8 June 2007. Greg is currently Deputy CEO of Wodonga Regional Health Service based in Wodonga. |
| Member Clare Grogan B Ed. | Catholic Education Office PO Box 1181 Wangaratta 3676 124 Delloro Rd Wangaratta South, Vic 3678 | 03) 57257228 0417219203 (mobile) Clare Grogan cgrogan@ceo.sand.catholic.edu.au | Appointed to the board on 12 December 2008. Clare has a background in teaching and currently works as an Education Officer at the Catholic Education Office in Wangaratta. |
| Member Trish Devlin LL.B | Trish Devlin Lawyers 11 Faithful St Wangaratta, Vic 3678 3710 Snow Rd, Whorouly East 3735 PO Box 1228, Wangaratta, Vic 3677 | 03) 5722 4122 0411 255 353 (mobile) trish@trishdevlinlawyers.com.au | Appointed to the Board on 16 January 2009. Trish started with the agency as a foster care worker having worked previously as a psychiatric nurse, left to pursue legal studies and returned in 1999 as a lawyer in the new Community Legal Service, leaving in 2002 to return to private practice, interspersed with a stint with DHS.. Trish now runs her own private practice as a lawyer in Wangaratta. |
| Member Casual Vacancy | | | This board position is currently vacant. |
| CEO & Public Officer Luke Rumbold BA, BSW, MSW, PhD, FAIM | C/- UMFC 27 Stanley Street Wodonga, Vic 3690 | 02) 6022 8030 (work) 02) 6022 8099 (fax) 0418 970 182 (mobile) lrumbold@umfc.com.au | Luke is currently the CEO of UMFC and has been with UMFC since 17 September 1984. |
| Director Business Services Ray Woodhouse | C/- UMFC 27 Stanley Street Wodonga, Vic 3690 | 02) 6022 8032 (work) 02) 6022 8099 (fax) 0403 006 149 (mobile) rwoodhouse@umfc.com.au | Ray was employed at UMFC in November 2008 as the Director of Business Services. Prior to this, Ray was the UMFC auditor from 1990 – 1997 and a Board Member from 1998 – 2002. |

NATIONAL LAW WEEK 2009

The Community Legal Service, Upper Murray Regional Library, Albury City Library and Albury & District Law Society worked together to organise the events held in the Albury Wodonga area during Law Week.

Committee Members

Andrew Johanson – Community Legal Service
Michelle Head/ Amanda Vaccaro – Albury Library Museum
David Koschitzke – President, Albury & District Law Society
Sarah Caplice – Young Lawyers Albury & District Law Society

Events Held

Shopping Centre Displays, Monday 11 May – Friday 15 May 2009

The Community Legal Service and the Albury Library Museum set up a static display at Albury Centro to promote Law Week and the local legal profession and services. The display received very good feedback from the community and was advertised in the Law Week Timetable in the Border Mail on Saturday 9 May 2009.

Wodonga Library Display, Monday 11 May – Friday 15 May 2009

The Community Legal Service and the Wodonga Library set up a static display at Wodonga Library to promote Law Week and the local legal profession and services. It worked in well with the Wills, Neighbours & Online Law talk on Tuesday 12 May 2009.

Lawyers/ Paralegals Breakfast, Monday 11 May 2009

The Albury & District Law Society, Young Lawyers Section of Albury & District Law Society and the Community Legal Service ran a breakfast for Women Lawyers and Women Paralegals. It was held in Albury and well attended. Jill Williams, barrister, was guest speaker and related well the nature of working in the legal industry from a women's perspective.

Wills, Neighbours & Online Law, Tuesday 12 May 2009

The Community Legal Service delivered and Wodonga Library hosted a talk on Wills, Powers of Attorney and online law. There was robust discussion as people's understanding of the areas was deepened and ambiguous issues weighed up and competing points considered.

Free Legal Advice Clinic, Tuesday 12 May 2009

The Community Legal Service holds a free advice clinic every Tuesday evening. Promotion of the free legal advice clinic during Law Week gives the Community Legal Service a higher profile in the community and leads to more people accessing the regular Tuesday evening clinics. The clinic was a successful event and was booked out.

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National Law Week 2009 Con't

Graffiti Talk, Wednesday 13 May 2009

The Community Legal Service and the Youth Retro Café a program of Albury City Council held a Graffiti Talk at the Café. Tiffany Overall of Youth Law Melbourne was guest speaker. Tiffany spoke well on both NSW and Victorian laws relating to Graffiti. The speaker was well received and thoughtful discussion was generated. There was an article in the Border Mail on Tuesday, copy enclosed.

Human Rights Consultation Talk, Thursday 14 May 2009

Tiffany Overall from Youth Law Victoria gave a talk to Tallangatta High School students on Why? How? And What? Of human rights. It was interactive and engaging. Generating discussion of how human rights impact on young residents in a country town. Discussion moved into general issues facing young people attending a secondary school.

Buying and Selling a House, Thursday 14 May 2009

Sarah Caplice a young lawyer from the Albury & District Law Society in conjunction with the Albury Library Museum gave a talk on Buying and Selling a House. This opportunity for the public to ask questions about an area of interest is of value. This event was advertised on Saturday 9 May 2009.

Outreach – Howlong & Corowa, Thursday 14 May 2009

Terry O'Riain of the Community Legal Service visited Howlong and Corowa as part of the Legal Service's Outreach Program. As a Regional Rural Remote centre the Community Legal Service attends various locations in its catchment area to enable access to a lawyer for community members who by way of geographical location have a barrier to accessing free legal advice.

Wodonga Magistrates Court Tour, Friday 15 May 2009

The Community Legal Service and a Court Advocate, Greg Duncan, attended with Court Staff for a tour of the building. Mr Duncan brought his wit and dry humour to bear on the various aspects of the building and its human story .

SUBMISSION TO THE NATIONAL CONSULTATION ON HUMAN RIGHTS by the COMMUNITY LEGAL SERVICE

The Community Legal Service

The Community Legal Service is funded by the Commonwealth Attorney-General's Department to provide free and confidential legal advice, information, casework and referrals for a range of individuals and groups in the community, especially those on low incomes or otherwise disadvantaged in their access to justice. We assist people who reside or work in North East Victoria and the Southern Riverina of New South Wales.

We provide free legal advice face to face at our outreach locations and also by telephone. We currently visit Mt Beauty, Myrtleford, Corryong, Tallangatta, Mungabareena Aboriginal Corporation, Corowa, Howlong, Deniliquin, Finley, Lavington, Culcairn, Albury & Wangaratta.

We provide community legal education seminars, a duty lawyer for Intervention Orders at the Wodonga Magistrates Court, and a clinic which provides assistance in completion of family court forms and preparation for the court hearing for those self representing in the Family or Federal Magistrates Court. We also provide a legal aid family lawyer for mediation and litigation for NSW & Victorian legally aided clients.

In our practice we see examples of breaches of people's human rights on a daily basis.

Human Rights generally

While there is a Charter of Human Rights in Victoria, it currently lacks remedies with teeth to make an impact on our society and to increase the awareness of human rights generally. Any human rights legislation needs to be proactive, not reactive, in relation to any breaches of human rights. For example, the Human Rights Commission needs greater powers to impose remedies.

The legislation needs to set the standard to which Australians should aspire and needs to be promoted to increase the public awareness of human rights. The Federal government needs to set the pace on this important issue, to initiate a culture of tolerance, understanding and respect, starting at school level. The National Consultation is just the first step.

Australia needs consistency in human rights; we currently have a patchwork system which is different in each state and territory. On the border between NSW & Victoria there is already a plethora of issues which are muddled by being on the border. Human rights should not be another one. Human rights are too important to be left to individual states to decide. Laws and actions of state and territory governments can put Australia in breach of its human rights obligations, whereas the Federal Government can override these laws to protect against breaches of human rights.

Very limited rights are currently only implied in our Constitution. All human rights as set out in the Universal Declaration of Human Rights need to be fully incorporated into Australian law, especially the right to vote, freedom of religion, right to housing, freedom of speech and right to education. The financial expense of instituting such laws should not be an excuse.

Continued.....

Submission to the National Consultation on Human Rights Con't

As a Community Legal Service, we deal mainly with the disadvantaged and vulnerable. These people, who are usually voiceless, should be considered when developing all laws and policy and human rights legislation could ensure that this is done.

It is important to promote an inclusive society, to create and maintain an environment of mutual respect and understanding, make human rights values part of everyday life and language, empower people to understand and exercise their human rights and keep the government bodies accountable to national and human rights standards. We see this as the role of Federal human rights legislation.

We have, below, included detailed submissions and case examples that we have encountered in our practice.

Culturally & Linguistically diverse people

Which human rights (including corresponding responsibilities) should be protected and promoted?

People from different backgrounds should have the same rights as every other citizen in Australia and should be treated with respect and dignity. Human rights should apply to everyone, including people who are not Australian citizens. All people have the right to work, education, and physical and mental health care, freedom from violence, abuse and exploitation and access to effective legal remedies if any of these rights are violated. In addition, the best interests of the child must be the primary consideration at all times.

Are these human rights currently sufficiently protected and promoted?

The following examples have been forwarded to our Community Legal Service by workers who provide services for the multicultural community in Wagga Wagga, NSW:

- Police are not respecting the background of those from other cultures and not understanding or respecting their cultural differences;
- The police are asking children to interpret on domestic violence matters which places the child at risk;
- Police have made racial discriminatory remarks such as “ Go back to Africa”, “ Is your brain black like your Body”, “all black boys have bad attitudes” ;
- These clients do not understand the nature of documents they are being asked to sign and are often pleading guilty to offences they haven't committed;
- Interpreting services are not available at courts so that the matter is then adjourned which causes more stress and confusion for clients;
- Hospital staff are using children or community members to interpret on behalf of the patient. There has been instances where small children have been used to interpret serious health issues
- Media - reporting ethnicity group when reporting on police matters, often ethnicity is incorrect and this places our client group/s at risk from the broader community and has the potential to cause racial disharmony.
- Educational institutes - (High and Primary Schools) refusing entry of our client groups stating they do not have the resource or capacity to accommodate our client groups needs.
- Real Estate Agents have refused our client group access to housing based on an outstanding bill of one person

Continued.....

Submission to the National Consultation on Human Rights Con't

While the people the subject of the examples above do have some options if they think their human rights have been breached, for example, they can complain to the Australian Human Rights Commission, the Commission can only make recommendations and the government does not have to comply with those recommendations. It is difficult for these people to have the confidence to make a complaint when they are denigrated, lack language skills, and the knowledge to pursue their rights.

Refugees and migrants suffer violations of their human rights on a daily basis. They have a right to be protected by a government that respects human rights and develops laws that protect those rights. As part of this protection, the rights need to be protected by a range of enforceable remedies and the government's example is a powerful tool in fostering a stronger human rights culture in Australia by promoting greater understanding and respect among all people in Australia.

How could Australia better protect and promote human rights?

As outlined above, the existing legal remedies are insufficient and need to be enforceable. For example, the role of the Human Rights Commission needs to be strengthened.

There is a greater need for interpreting services in Australia and also for education aides and other assistance to enable equal opportunity in education and greater access to education.

Ensure that the staff members of government departments, for example, the police, receive adequate human rights training. We need to raise the awareness of human rights within the community with education campaigns to foster greater tolerance and respect for all members of the community no matter what their cultural origins.

In addition to the education campaigns, Australia needs human rights legislation that ensures that Parliament considers how new laws impact on human rights, and respects human rights when developing policy. This way we can promote an inclusive society and an environment of mutual respect and understanding.

People with disabilities

Which human rights (including corresponding responsibilities) should be protected and promoted?

Human rights for those with a disability or terminal illness are very important as they are disadvantaged and vulnerable and unable to advocate for themselves. In particular, there is a need to respect their privacy, for them to be free from cruel and degrading treatment and for others to respect for their right to self determination.

Are these human rights currently sufficiently protected and promoted?

These examples have been forwarded to our Community Legal Service by local hospital workers.

(a) Respect for right to self determination

Case study 1:

This case study is about 2 breast cancer clients at a local hospital. The 2 clients chose to not follow the traditional treatment options but rather to follow what felt right for them. They had various alternative and complementary remedies that they resonated with as well as a detox program. Detox programs

Continued.....

Submission to the National Consultation on Human Rights Con't

have certainly been part of an overall cleansing program for ill health and have been utilized in many cultures for centuries. There are many alternate and complementary approaches in the community today in Australia as well as overseas. The Ian Gawler Foundation as well as the National Institute of Integrative Medicine would support these clients.

However the 2 clients in question were strongly criticized for their choices by a nursing health practitioner. They were informed that they were making wrong decisions by not following traditional/clinical treatment options. Client self-determination was not acknowledged or valued. These clients were marginalized for their particular personal choices.

Case Study 2:

An 80 year old woman with a palliative cancer diagnosis did not want to be resuscitated and her family resisted this wish. In these types of cases the family do not fully understand the concept of client self-determination. The family sometimes feel guilty if they agree with the family member's wishes. In this case, there was discussion with the family members and an explanation about client self-determination. There was also discussion with the family from the doctor regarding client's wishes coupled with the malignant palliative diagnosis.

(b) Freedom from cruel and degrading treatment

Case study 3:

A young woman of Laotian descent with a malignant cancer diagnosis who experienced a regime of chemotherapy with multiple adverse reactions. She requested towards the end of one of her treatments that the staff cease the chemotherapy because she was feeling extremely unwell. Medical staff refused to stop the treatment. She was traumatized by their refusal as well as feeling extremely unwell from the chemotherapy treatment. This woman became very distressed and felt totally overwhelmed by what had happened to her. Her basic human rights were ignored and her right to self-determination was not acknowledged. A course of radiation therapy had also been ordered and the woman felt compelled to receive this. The woman hoped that the radiation therapy would not have the adverse effects as that of chemotherapy however, radiation therapy also caused extreme reactions for this patient and she firmly stated to the treating specialist that she wanted no further treatment. The woman was advised strongly that she was making a wrong decision and was somewhat marginalized by this specialist. There was no further follow-up or suggestion of other options and the patient was not linked back into a medical practitioner. She remained at home, traumatized and judged and labelled as 'being wrong'.

How could Australia better protect and promote human rights?

Human rights legislation would involve greater education and media exposure to the values of human rights so that client's rights would not be so easily disregarded.

Greater education and publicity is required about treating the vulnerable with more respect and dignity, supported by legislation to embody these principles, would hopefully minimise such situations as above happening. This would also hopefully involve greater respectful debate on end of life issues.

More human rights education in the community and especially in the treating medical arena, would hopefully assist the above patients with being treated with more dignity and respect. Social workers too, with greater education on human rights could clarify and advocate on the patient's rights to self determination.

Continued.....

Submission to the National Consultation on Human Rights Con't

Human rights legislation could also provide a range of enforceable remedies if a government department breached a human right of a person with a disability.

Women

1. Which human rights (including corresponding responsibilities) should be protected and promoted?

Human rights are very important for women who are entitled, along with everyone, to enjoy all human rights without discrimination of any kind, including discrimination on the basis of their sex.

The right to adequate standard of living, including adequate food, clothing and housing, to be safe and free from violence, to the highest standard of physical and mental health are some of these rights.

2. Are these human rights currently sufficiently protected and promoted?

Women are currently not sufficiently protected against violence, despite legislation in each state that covers this area of law.

To be safe and free from violence.

These examples have been forwarded to CLS by local domestic violence support workers.

Case study 1:

An elderly client had been living with violence for over 50 years. In that time she had 2 different partners followed by an abusive son with alcohol, drug and mental health issues. The woman was often tied up by the son especially on the days that the pension was paid and he would also disconnect the phones. The woman finally took out an Intervention Order but the situation worsened and despite reporting breaches to the police, no action was taken. This woman lost faith in the system that failed her.

Case study 2:

Another woman also felt let down by the system when it took 40 breaches of the Intervention Order that she had on her ex partner before the police took any action. He eventually went to jail but it took over 12 months for this to happen despite the repeated violence and breaches. The police often don't believe the victim as by the time they arrive, the perpetrator is not there. The police response then becomes slower.

However, the worker's view is that the police inaction is due to the frustrating outcomes applicants receive from Magistrates. Police do not want to do all the paperwork when they know that the Magistrate will let the perpetrator off.

In a recent case, the Magistrate, in an application for an Intervention Order by the wife, told the parties to go away for one month to see if the husband's behaviour could improve. No interim order was issued. The husband, the perpetrator, was given no sanctions from the Court. After that month, when back in court, the Magistrate dismissed the wife's application when the husband had not been violent in that time. This scenario does little to encourage respect for human rights and the need for women to not only be safe and free from violence, but also to an adequate standard of living. In addition, the Magistrate's behaviour can be seen as an example of discrimination against the woman. Such behaviour by both the husband and the Magistrate affects the woman's mental and physical health. She has had her human rights abused by both her husband and the system that was meant to protect her. These stories soon spread among women so that they lose faith in a system that is meant to assist them and won't pursue their rights.

Continued.....

3. How could Australia better protect and promote human rights?

A Human Rights Act that protects economic, social and cultural rights could make a difference to the rights of women, such as the one above, in Australia. It could also improve the policies, procedures and services that many women encounter daily.

A Human Rights Act could help prevent the human rights problems faced by women and provide remedies for those human rights breaches that were not prevented. It could make a difference in protecting and promoting the rights of women by requiring our government to consider carefully how decisions impact on their human rights.

An education campaign to support the legislation is required, in particular for Magistrates and police, to ensure they are aware of the effect of domestic violence on victims and that to make an application for an Intervention Order is not easy for a woman to do. It would be advantageous to have more specialist family violence courts, or be able to access them via video link, to ensure that women's human rights are not ignored in these family violence applications.

A Human Rights Act would ensure that when the Court is making a decision, they should always make sure that human rights are considered. An appeal on a breach of a human right would be possible.

In conclusion

In our work at the Community Legal Service we believe that a Human Rights Act is vital

- To make sure all people are treated with respect, to ensure that government is responsible for protecting our human rights because they will have to obey a new law about human rights.
- To protect our disadvantaged and vulnerable clients from government and others ignoring human rights.
- To make government accountable (someone will check up on the government to make sure they are protecting our human rights).
- To change the way the whole community sees human rights – if there is a special law about human rights then the community may believe human rights are more important.
- To educate people about human rights and treating people properly.
- To force government and others to respect human rights, because they know they could be in trouble if they don't.
- To protect the rights of people and groups who need more help (eg disability, women, homeless etc).
- To make our clients feel more confident about being included in the community.

A Human Rights Act could also ensure that:

- The Courts should have the power change a law that does not respect Human Rights
- The Courts should have the power to say that a law is not respecting human rights, and then Parliament must tell the Court within 6 months what they will do about that
- If we have a new Human Rights Act, if there is a Court Case, the Judge should look at what happens in the courts of other countries
- If there was a new Human Rights Act, and someone broke that law, you should be able to sue them in Court
- The Courts should have the power to make any order that is needed to make sure human rights are protected

Karen Bowley
Principal Lawyer