

# Submission

THIS SUBMISSION WAS PREPARED BY THE FEDERATION OF COMMUNITY LEGAL CENTRES (VICTORIA) INC, IN CONSULTATION WITH MEMBER CENTRES

July 2014

## **Productivity Commission Inquiry into Access to Justice Arrangements: Supplementary submission**

### **Inquiries to:**

Liana Buchanan  
Executive Officer  
Federation of Community Legal Centres (Victoria) Inc  
Phone: 03 9652 1505  
Email: [executiveofficer@fclc.org.au](mailto:executiveofficer@fclc.org.au)

# Contents

## Section 1: Introduction

1.1 Background to the supplementary submission ..... 3

## Section 2: Funding cuts to community legal centres

2.1 Funding cuts to CLCs: the impact on direct services ..... 3

- 2.1.1 Cuts announced in December 2013 ..... 3
- 2.1.2 Communication of cuts to specific centres in May 2014 ..... 4
- 2.1.3 Impact of cuts to Victorian centres and their clients..... 4

2.2 Whether centres were contacted prior to being advised of funding cuts ..... 6

## Section 3: Community legal centres: law reform and systemic advocacy

3.1 The Commission’s request..... 7

3.2 Context: restrictions on law reform and systemic work by community legal centres ..... 7

3.3 Examples of work by individual community legal centres ..... 8

- 3.3.1 Eastern Community Legal Centre – Sexting and family violence ..... 8
- 3.3.2 Consumer Action Law Centre – stopping irresponsible marketing of credit..... 8
- 3.3.3 Peninsula Community Legal Centre - Volunteer Practising Certificates ..... 8
- 3.3.4 Loddon Campaspe Community Legal Centre – Identifying system needs..... 9
- 3.3.5 Goulburn Valley Community Legal Centre - Dealing with methamphetamine use ... 10
- 3.3.6 Footscray Community Legal Centre and the Federation of Community Legal Centres – Improving conditions and reducing future need among taxi drivers..... 10
- 3.3.7 Footscray Community Legal Centre – Changing the way the insurance industry deals with debts owed by uninsured drivers..... 11
- 3.3.8 Footscray Community Legal Centre – Providing information about common legal issues to recently arrived refugees ..... 12
- 3.3.9 Women’s Legal Service Victoria – Highlighting safety for silent electors..... 13

3.4 Examples of systemic work by the Federation in collaboration with member centres ..... 14

- 3.4.1 Family violence legislation and policy ..... 14
- 3.4.2 Infringements Working Group – fines reform ..... 15
- 3.4.3 Guardianship and powers of attorney ..... 16
- 3.4.4 Mental health legislation..... 17
- 3.4.5 Coronial reform ..... 17
- 3.4.6 Bushfire Royal Commission ..... 18
- 3.4.7 Advocating for independent, holistic legal assistance for people engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse ..... 19

Appendices ..... 20

# 1 Introduction

## 1.1 Background to the supplementary submission

The Federation of Community Legal Centres (Victoria) Inc (the Federation) is the peak body for community legal centres (CLCs) across Victoria. As indicated in previous statements, the Federation welcomes the Productivity Commission's inquiry into access to justice arrangements and considers this to be an important inquiry with potential to highlight significant and much needed reforms to improve access to justice in Australia. The Federation has contributed three joint submissions, prepared in conjunction with other community legal centre associations,<sup>1</sup> as well as a Federation submission in response to the Productivity Commission's Draft Report.<sup>2</sup>

In addition, representatives from the Federation appeared at the Commission's public hearing in Melbourne to give evidence to the inquiry on 11 June 2014. During the hearing, Commissioners requested further information from the Federation, particularly in relation to:

- The impact of funding cuts to community legal centres recently announced by the Federal Government, in particular the likely impact of these cuts on direct services to clients;
- Whether the centres affected by funding cuts were consulted or asked to provide information prior to being advised of the cuts in May 2014; and
- Further case studies that illustrate the range and impact of policy, law reform and other systemic advocacy by community legal centres.

This supplementary submission to the Productivity Commission addresses these requests.

## 2 Funding cuts to CLCs: the impact on direct services

### 2.1 Funding cuts to CLCs

#### 2.1.1 Cuts announced in December 2013

Community legal centres first learned of cuts to the legal assistance sector in December 2013 when the Government's Mid-year Economic and Fiscal Outlook 2013-14 (MYEFO) disclosed \$43.1 million in cuts across Aboriginal and Torres Strait Islander Legal Services (\$13.341 million), Family Violence Prevention Legal Services (\$3.657 million), legal aid commissions (\$6.498 million) and community legal centres (\$19.618 million).

Cuts to some community legal centres, in particular the Environment Defenders Offices around the country and the Public Interest Advocacy Centre in Sydney, were communicated immediately. The Environment Defenders Office in Victoria, for example, learned that it would face a funding cut in the second half of 2013/14 and would lose all Commonwealth funds from 1 July 2014.

---

<sup>1</sup> National Association of Community Legal Centres (NACLC) in conjunction with state community legal centre peaks, Submission No 077 to Productivity Commission, *Access to Justice Arrangements*, 14 November 2013; NACLC, Submission No DR268 to Productivity Commission, *Access to Justice Arrangements*, 28 May 2014; NACLC, Submission No DR301 to Productivity Commission, *Access to Justice Arrangements*, 17 June 2014.

<sup>2</sup> Federation of Community Legal Centres (Vic) Inc., Submission No DR226 to Productivity Commission, *Access to Justice Arrangements*, 30 May 2014.

The remainder of the cuts to community legal centres amounted to approximately \$4 million per year in 2015/16 and 2016/17. The sector was not advised which centres would bear these cuts nor was any information available about when these decisions would be made or what process or criteria would be used in making the decisions. This caused concern and uncertainty in the sector, given \$4 million is around 10% of Commonwealth funding to community legal centres and community legal centres already operate with small budgets and significant demand pressures.<sup>3</sup>

### **2.1.2 Communication of cuts to specific centres in May 2014**

In May 2014, on the evening of the Federal Budget, a number of community legal centres around the country learned of cuts that will take effect in 2015/16 and 2016/17. These are understood to be the CLC cuts announced in December, although the total funding cuts communicated to individual centres in May amount to \$11.8 million over two years and therefore comprise more than the CLC savings evident in the MYEFO.

In 2013, under the former Federal Government, around sixty centres nationally (including fourteen in Victoria) received grants of additional funds. The additional funds were subject to separate funding agreements and in most cases the funding agreements covered a four year period between 2013/14 and 2017/18. The decisions communicated to centres in May 2014 meant that funding would no longer be available under the last two years of these four year agreements.

Between December 2013 and May 2014 the Attorney-General repeatedly indicated the MYEFO cuts to community legal centres and other legal assistance services were directed at policy and law reform activity.<sup>4</sup> In fact, the cuts communicated to community legal centres in May 2014 targeted direct legal services for disadvantaged and vulnerable clients.

### **2.1.3 Impact of cuts to Victorian centres and their clients**

A summary of the funding cuts to each centre, the services provided with the new funding and the likely impact of the loss of funding in 2015/16 and 2016/17 is set out in the table below, with more detailed information from a number of centres available in the appendices to this submission.

The funding provided to certain community legal centres in 2013 was intended to enable these centres to meet critical demand pressures. For those centres, this funding represented a means of increasing service delivery to help respond to the most significant unmet demand within their target communities.

As the table shows, therefore, the funding has been used in different ways depending on the most urgent needs. In each instance, the additional funding has been used to provide legal services to clients that otherwise faced serious impediments to accessing help.

As the Productivity Commission acknowledged in the Draft Report, people in many regional and outer suburban areas have little or no access to free legal help. Some of the Victorian centres that received additional funds in 2013 have been able to partially address these legal assistance 'black spots' by opening or supporting a new generalist outreach centre or office. Casey Cardina Community Legal Service has opened a new outreach office in the growth corridor of Narre Warren, Loddon Campaspe Community Legal Centre has been able to support the much needed Goulburn Valley Community Legal Centre in Shepparton, Broadmeadows Community Legal Centre has been able to open one day/week in Broadford and Eastern Community Legal Centre has been able to open a new centre in the Yarra Ranges. The need for these new outreach offices or centres has been demonstrated through local legal needs analysis in each case.<sup>5</sup>

---

<sup>3</sup> As discussed, for example, in NALCLC, Submission No DR268 to Productivity Commission, *Access to Justice Arrangements*, 28 May 2014.

<sup>4</sup> Evidence to Legal and Constitutional Affairs Legislation Committee, Attorney General's Department, Parliament of Australia, Canberra, 24 February 2014, 50-52 (Senator George Brandis, Attorney-General); Tom Arup, *Abbott government strips environmental legal centres of federal funding* (17 December 2013) Sydney Morning Herald <<http://www.smh.com.au/federal-politics/political-news/abbott-government-strips-environmental-legal-centres-of-federal-funding-20131217-2zj2z.html>>.

<sup>5</sup> See, for example, Advocacy & Rights Centre, *Working for Justice in the Goulburn Valley: Report of the Goulburn Valley Community Legal Centre Pilot*, October 2010.

Some specialist centres also received the 2013 funds specifically to extend their services into rural and regional areas. Youthlaw received funds to maintain their innovative 'Youthlaw Online' skype legal service, a service that enables vulnerable young people in nine locations across the state to access legal help, with support from their local youth worker. Homeless Law at Justice Connect has used the funds in part to assess the need for additional specialised legal help in Geelong and to expand from a fortnightly to weekly outreach service for clients who are homeless or at risk of homelessness in that area.

Half of the fourteen Victorian centres that received the additional funding needed these funds to meet urgent need in relation to family violence legal help. Reports of family violence continue to rise in Victoria<sup>6</sup> and, as community legal centres remain the primary provider of legal assistance to victims of family violence seeking a family violence intervention order, community legal centres report increasing demand.

Community Legal Centre	Original funding <sup>7</sup>	Amount of funding cut	Was this funding used for a frontline service, and if so, what was it for?	Impact of funding cut
Brimbank Melton CLC	\$480,000	\$240,000 (Over two years)	YES New Family Violence Coordinator for legal assistance, including complex casework	Loss of much needed service for FV victims, including capacity building and service coordination, loss to 500 new clients pa
Broadmeadows Community Legal Service	\$150,000	\$100,000 (Over two years)	YES New generalist outreach service based on identified legal needs in region immediately north of Melbourne	Community in this region will again have limited access to justice + loss to 125 clients pa
Casey Cardinia Community Legal Service	\$400,000	\$200,000 (Over two years)	YES New branch office in major growth corridor providing mainly family law and family violence legal help	Office may close = no easy access for clients + 60% reduction in clients able to be assisted by the CLC
Consumer Action Law Centre	\$465,000	\$240,000 (Over two years)	YES Provision of telephone consumer legal advice + improving advice service	Loss of 1 FT lawyer = 340 one-off advices pa + 109 extended advices/cases pa + reduced efficiency
Darebin CLC	\$480,000	\$240,000 (Over two years)	YES Extension of family law services to family violence clients	Loss of much needed service for FV victims + loss to 250 clients pa
Eastern CLC	\$750,000	\$400,000 (Over two years)	YES New branch office in Yarra Ranges based on identified legal needs; new 0.5 lawyer and upgrade to Senior Lawyer (family violence); CLE, new family violence clinic	All of these services now at serious risk, including again limited access to justice for community
Inner Melbourne Community Law	\$480,000	\$240,000 (Over two years)	YES Enhancement of provision of advocacy health alliance outreach services	Risk of reduction in outreach services to disenfranchised and vulnerable clients
Loddon Campaspe CLC	\$450,000	\$200,000 (Over two years)	YES For Goulburn Valley CLC based	GVCLC funding now very precarious, with potential loss of

<sup>6</sup> Family incidents recorded by Victoria Police increased by 44% between 2010/11 and 2012/13 and this trend continued in 2013/14 based on available quarterly data.

<sup>7</sup> Note: The original funding was allocated in 2013, generally over four years, with the exception of Broadmeadows Community Legal Service and Youthlaw. These centres did not receive funding for 2013-14.

		years)	on legal needs analysis – 1 FT lawyer (generalist with a focus on family violence) + admin support + office refit	300-400 clients pa
Murray Mallee Community Legal Service	\$400,000	\$200,000 (Over two years)	YES 1 FT family violence lawyer including court assistance and outreach	Intervention order assistance in region's courts, + outreach (including to Aboriginal women) now threatened. Loss to 80-100 vulnerable clients pa, + limited access to justice for rural communities
Justice Connect – Homeless Law	\$320,000	\$160,000 (Over two years)	YES 1 FT lawyer – tenancy and homelessness prevention, fines for public space infringements; support to expand outreach team in Geelong based on legal needs analysis	Reduction of lawyer capacity by 25% will jeopardise intake and triage for civil legal services (intake and triage provided to 287 clients this FY), + threatens expanded services in Geelong
Springvale Monash Legal Service	\$400,000	\$200,000 (Over two years)	YES 0.5 lawyer + 0.5 admin support, assisting victims of sexual assault + outreach to psychiatric hospital	Loss of capacity to assist 300 clients pa
Whittlesea Community Legal Service	\$480,000	\$240,000 (Over two years)	YES At least \$160,000 for family lawyer + lawyer at Family Relationship Centre (including family violence)	Loss of much needed service for FV victims
Wyndham Legal Service	\$480,000	\$240,000 (Over two years)	YES Refugee lawyer providing range of legal advice; worker and interpreter for Karen community	Legal needs of a newly arrived community unmet
Youthlaw	\$150,000	\$100,000 (Over two years)	YES To maintain and expand the online (Skype legal advice) service to rural, regional and remote youth – lawyer 3 days pw	Innovative model recognised as successful in meeting unmet needs of youth is now in doubt, loss to 86 clients pa

## 2.2 Whether centres were contacted prior to being advised of funding cuts

At the hearing on 11 June, Commissioners indicated an interest in knowing whether community legal centres that are to receive funding cuts from 1 July 2015 were contacted or consulted by the Commonwealth prior to receiving advice of the cuts.

Only one centre was contacted prior to the announcement of the cuts. This centre received inquiries by telephone, in response to which they provided information about their use of the additional funds, including that staff had been employed and a new program initiated. Most centres received their first advice of the cuts by email from the Attorney-General's Department on 13 May followed by written correspondence in June, although some centres did not receive email advice and were alerted to the cuts by their state or national CLC association.

## 3 Community legal centres: law reform and systemic advocacy

### 3.1 The Commission's request

The Productivity Commission has requested further examples of law reform and other systemic advocacy by CLCs, and specifically, examples that demonstrate that this kind of work has led to change and a more efficient use of CLC resources in enhancing access to justice.

We refer the Commission to the supplementary submission from the National Association of Community Legal Centres,<sup>8</sup> which broadly outlines the cost effectiveness and value of CLCs undertaking such work, and provides various case studies which demonstrate the intrinsic relationship between frontline legal service delivery and systemic advocacy.

Our supplementary submission focuses on this relationship in more detail by using a number of Victorian examples to illustrate and explain how and why systemic advocacy can enhance access to justice and reduce legal need. Some of the examples below clearly illustrate the direct social impact of advocacy by CLCs. In other examples, while proving a direct link between advocacy and social change is difficult without accompanying, resource-intensive social research, there are various indicia that strongly support such a link. Effectiveness in achieving change can be indirectly measured via indicators and outcomes such as references in parliamentary debate on legislation to issues raised by CLCs; mentions of CLC contributions in inquiry reports; communications with Government, Opposition and other stakeholders; and media reports.

In Victoria, systemic advocacy is conducted by individual community legal centres, by CLCs working together through the Federation's Working Group structure, and by the Federation in our capacity as the peak body for 50 member centres.

### 3.2 Context: restrictions on law reform and systemic work by community legal centres

We provide examples of CLCs' systemic work in the context of the Federal Government's recent decision to amend CLC service agreements to stop centres from conducting systemic law reform and policy activity using Commonwealth funds. CLC service agreements for 2014/15 include this restriction for the first time.

The Federation believes that systemic work - driven by CLC clients' experiences and including policy advocacy, strategic litigation and law reform activity - is an essential aspect of CLC service delivery. Systemic work:

- prevents future legal or social problems and in many cases is the only means by which future problems can be prevented;
- is often the most efficient use of scarce legal assistance resources;
- usually creates broader cost savings and social benefits well beyond future savings to legal assistance services; and
- enables CLCs' unique knowledge about the 'on the ground' impact of laws and policies, acquired through their contact with thousands of disadvantaged community members weekly, to inform public policy.

---

<sup>8</sup> NALC, Submission No DR301 to Productivity Commission, *Access to Justice Arrangements*, 17 June 2014, 8.

## **3.3 Examples of work by individual community legal centres**

### **3.3.1 Eastern Community Legal Centre – Sexting and family violence**

Eastern Community Legal Centre (ECLC) drew on its casework with people charged with sexting offences, and with victims of family violence, to provide a submission to the 2013 Victorian Parliamentary Law Reform Committee for the Inquiry into Sexting. ECLC supported the recommendations of the National Children's and Youth Law Centre that specific sexting-related defences to child pornography possession should be incorporated into all Victorian criminal laws that may apply to sexting; there should be discretion for Sex Offender Registration; and defences should be available for innocent third party recipients. These recommendations were aimed at addressing an identified problem where young people experimenting or acting out of curiosity can currently be convicted of child pornography offences even though the recipient is similar in age and the sexual activity depicted is lawful.

At the same time, ECLC raised the need for a new sexting offence where a person intentionally disseminates material without the consent of the person depicted in it. ECLC made this recommendation on the basis of its work with clients who experience sexting, or the threat of it, as a part of family violence. The creation of a new sexting offence of this type was then recommended by the Committee, and the Victorian Government has since committed to introducing legislation. It is unlikely that a new sexting offence would have resulted without ECLC's input. Since the Report of the Inquiry, ECLC has received regular requests from community organisations and sexual assault counsellors for legal education sessions designed for young men and women and which address the issue of sexting and family violence.

### **3.3.2 Consumer Action Law Centre – stopping irresponsible marketing of credit**

The Consumer Action Law Centre (CALC) financial counselling team regularly heard from families burdened by credit card debts of more than \$20,000. While customers have a responsibility not to take out credit they cannot afford, banks are also required to assess what a customer can afford before extending credit. However, before July 2012, banks would commonly make unsolicited offers of increased credit limits to customers who would not normally have asked for such an increase and in some cases could not afford it.

Research by Deakin University showed that banks were using sophisticated psychological techniques to encourage people to agree to increases on impulse and without thinking about whether or not they were in a financially sound position to do so.

CALC and other CLCs compiled case studies and briefed Parliamentarians across the country. These discussions led to legislation that banned unsolicited credit limit increase offers, but allowed customers to opt in to receive them. The new law recognises that credit should not be bought on impulse.

### **3.3.3 Peninsula Community Legal Centre - Volunteer Practising Certificates**

Advocacy by Peninsula Community Legal Centre (PCLC) is an example of an initiative that successfully sought legislative change to boost efficiency in centre capacity to legally assist clients, via enabling more lawyers to volunteer in community legal centres.

In 2004, PCLC raised concerns about the requirement for volunteer lawyers who did not otherwise hold practising certificates to pay \$200 a year for a corporate practising certificate. This affected volunteers who had retired or who worked for government and were exempt in their employment from the requirement to hold a practising certificate. That year, four lawyer volunteers resigned from Peninsula CLC as they were unable or unwilling to pay \$200 for a practising certificate for the sole purpose of volunteering.

At a meeting of Federation member centres, a motion was passed expressing concern at this situation. PCLC wrote to the Attorney-General, as well as the Law Institute of Victoria and Legal Services Board, both of which subsequently raised concerns with the Department of Justice. The Department of Justice liaised



with the Federation and officers from the Legal Profession Project and took these concerns into account in drafting legislation.

The *Legal Profession (Consequential Amendments) Act 2005* was subsequently introduced and provided that no fee or surcharge was payable for a practising certificate if the solicitor only volunteered in a community legal centre. Those volunteers are now also supported by free membership of the Law Institute of Victoria and are eligible to attend free continuing professional development training provided by Victoria Legal Aid.

In the 2013-14 financial year, PCLC had 19 volunteer lawyers who held a CLC volunteer practising certificate. These lawyers collectively provided more than 900 free legal advices to vulnerable and disadvantaged clients.

### **3.3.4 Loddon Campaspe Community Legal Centre – Identifying system needs**

As we outlined in our response to the Productivity Commission's Draft Report, the holistic nature of CLC legal assistance means that our centres do not simply provide legal help but are also able to use client-based data to advocate for systemic improvements to the justice system. Loddon Campaspe Community Legal Centre's (LCCLC) family violence casework is an example. In 2011 LCCLC received funding through Victoria's Legal Services Board to undertake *Why Didn't You Ask?*, a project that aims to improve the safety, social and health outcomes for women at risk of or experiencing family violence.<sup>9</sup>

The project uses an in-court survey and in-depth interviews to ask women victims of family violence who have been assisted by LCCLC about the appropriateness of the legal interventions and the women's preferred outcomes. Interim results show how pertinent the project is for ongoing policy development. As one example, a large proportion of women have indicated that they wanted to heal from the harm that had occurred and that they wanted their partner or former partner's behaviour to be monitored and for him to acknowledge the harm that he had done. As the Interim Report notes,

'[i]f women do not feel that their experiences have given them these preferred outcomes, it indicates a significant disconnect. It will be worth considering what other processes that could better achieve these outcomes might look like.'<sup>10</sup>

This finding has direct relevance to current stakeholder discussions about whether the large increase in demand for family violence intervention orders, and consequent pressures on Magistrates' Courts, should be alleviated by the introduction of self-executing orders. Stakeholders such as CLCs publicly oppose such a measure on the basis that this is likely to reduce accountability for respondents to intervention order applications because they may never have to attend court. The interim findings of *Why Didn't You Ask?* provide evidential support for this stance.

The project also provides a valuable opportunity to assess whether the intervention order system is working in the way it was intended by policy makers and Parliament. The survey found that women had varied responses when they were asked whether they felt that the Magistrate was receptive to their concerns for their safety, with 10% stating 'not really' or 'not at all'. Other concerns included inconsistent Magistrate practices regarding the addition of children to intervention orders, safety at court, and variable approaches to risk assessment by court staff. LCCLC continually feeds in such findings to its advocacy and the Federation's advocacy with decision makers.

---

<sup>9</sup> Loddon Campaspe Community Legal Centre, *'Why Didn't You Ask?' Interim Project Report* (October 2013).

<sup>10</sup> Loddon Campaspe Community Legal Centre, *'Why Didn't You Ask?' Interim Project Report* (October 2013), 5.

### **3.3.5 Goulburn Valley Community Legal Centre - Dealing with methamphetamine use**

CLCs are best placed to understand how problems affect communities 'on the ground' and therefore to make significant contributions to Government strategies to address them. One such example is methamphetamine supply and use, which has become of sufficient concern in Victoria that the Parliament Law Reform, Drugs and Crime Prevention Committee instituted an inquiry in 2013.

Shepparton-based Goulburn Valley Community Legal Centre (GVCLC) used its local knowledge to argue to the Inquiry that the high prevalence of methamphetamine use in the Goulburn Valley area must be understood against a background of high levels of socioeconomic disadvantage compounded by factors such as unstable and unaffordable housing, poor education and low employment prospects. GVCLC submitted that the abuse of alcohol and other drugs must therefore be seen as a perceived panacea for these circumstances. In GVCLC's experience of assisting clients, substance use is the single greatest factor behind the commission of offences involving dishonesty and violence, and methamphetamine addiction is a pathway into lower level crime.

On the basis of this analysis, GVCLC believes that existing strategies to try to combat methamphetamine use are ineffective, and in fact have actually contributed to increased drug use. GVCLC therefore used its submission to advocate for the Victorian Government to give serious consideration to the lessons available elsewhere in Victoria and overseas about the benefits of therapeutic jurisprudence and justice reinvestment models, and to reflect on how such models might be applied to the Goulburn Valley.

The methamphetamine issue is an example where systemic advocacy by CLCs may take some time before appreciable outcomes by way of innovative models are achieved. Nevertheless, there is already some significant alignment between the approaches proposed by GVCLC and Government aspirations for a more responsive and effective court system.<sup>11</sup>

One aspect of the value of CLC advocacy is therefore the ability to propose non-conventional and creative solutions to justice issues that eventually find their way into accepted mainstream approaches. CLCs are able to do this because of their independence and their strong relationships with the communities who experience these issues firsthand.

### **3.3.6 Footscray Community Legal Centre and the Federation of Community Legal Centres – Improving conditions and reducing future legal need among taxi drivers**

The Productivity Commission's Draft Report references Footscray Community Legal Centre's Taxi Driver Legal Service.<sup>12</sup> Given recent developments and action by the Victorian Government, it is timely to update the Commission on the impact of this work.

Footscray CLC established the Taxi Driver Legal Service in 2011, having recognised that many taxi drivers were being assisted by CLCs and they experienced unique, complex and unusual legal problems. Casework in the Taxi Driver Legal Service identified a number of systemic issues in the taxi driver industry, particularly the adverse impact employment conditions and insurance arrangements were having on drivers.

Among the issues apparent through Footscray CLC's casework was that taxi drivers were exposing themselves to serious financial risk every time they drove because most taxis were not properly insured. Taxi drivers' status as bailees, rather than employees, also meant they were subject to a range of serious problems associated with poor pay, legal entitlements and safety at work.

---

<sup>11</sup> For example, the 2014-15 Victorian State Budget will deliver a modern new court complex and facilities for the Shepparton region, including reconstructing the Magistrates' Court. This is likely to provide greater potential to incorporate more therapeutic jurisprudence models. Available at <<http://www.robertclark.net/news/new-court-complex-for-shepparton/> ; <http://gvclc.org.au/new-shepparton-court/>>

<sup>12</sup> Productivity Commission's Draft Report, 624.

Footscray CLC and the Federation worked together to document the legal and financial problems affecting taxi drivers and set out recommendations for reform in a report published in August 2012.<sup>13</sup>

By this time, the Victorian Government had appointed Professor Allan Fels to conduct a broader inquiry into the taxi industry. We used the policy work to make submissions to the inquiry and many of our recommendations were included in the inquiry's final report. The majority of these recommendations were accepted by the Victorian Government and have recently been implemented as 'implied terms' in taxi driver's agreements, including:

- Compulsory insurance for operators covering the taxi drivers against liability for third-party damage (to apply from 30 September 2014);
- Minimum income of 55 per cent of gross fares earned during a shift;
- Up to four weeks of unpaid leave where the driver has worked 12 months or more for the same operator.<sup>14</sup>

Most recently, Footscray CLC and the Federation made a submission in response to the Regulatory Impact Statement on driver's agreement 'implied terms' in June 2014, specifically in relation to insurance. We expressed our concern in regard to the proposal that taxi operators be permitted to charge drivers for excess (which is against normal insurance practice, where employers commonly pay excess).<sup>15</sup> This submission was accepted and the recommendation that excess be paid by taxi operators has also been implemented.

This example illustrates that in some cases a community legal centre is uniquely placed to identify systemic issues that create unfairness and legal need. Unless Footscray CLC had noted systemic problems in the taxi industry through interactions with clients, established the Clinic and worked to record and raise these issues in joint law reform work with the Federation, these issues would not have been raised in the Fels inquiry and would not have been brought to the attention of government.

Footscray CLC estimates that, over time, the changes to insurance arrangements alone will protect drivers and owner drivers in up to 1,000 motor vehicle accidents per year and will remove up to 100 civil debt cases per year from the courts and the Taxi Driver Legal Service.

### **3.3.7 Footscray Community Legal Centre – Changing the way the insurance industry deals with debts owed by uninsured drivers**

CLCs' casework on behalf of a few individuals can lead to changes in systems that affect large numbers of people on low incomes. Sometimes that systemic change does not involve reform of any laws or regulations. For example, in 2008 Footscray CLC started an innovative case work and advocacy project that sought to change the way insurers deal with judgment-proof debtors.

Footscray CLC had often provided advice to low-income clients who had caused damage in motor vehicle accidents and did not have third party property damage insurance. Because these clients were not insured, insurers or debt collectors were pursuing clients individually. The majority of clients were judgment proof, meaning that they had no assets and their only income was derived from Centrelink. This income is protected by the *Judgment Debt Recovery Act (Vic)* and the *Social Security Act (Cth)*. It was standard practice for CLC lawyers to send a letter to the insurer setting out the client's financial hardship. Usually the insurer would not respond. Months or years later the client would hear from debt collection agency still seeking to

---

<sup>13</sup> Footscray Community Legal Centre and Federation of Community Legal Centres, *'In the driver's seat: Achieving justice for taxi drivers in Victoria'* Report (2012), 5.

<sup>14</sup> <http://www.taxi.vic.gov.au/taxi-reform/reforms-implemented>,  
[http://www.taxi.vic.gov.au/\\_\\_data/assets/pdf\\_file/0015/213531/Implied-Conditions.pdf](http://www.taxi.vic.gov.au/__data/assets/pdf_file/0015/213531/Implied-Conditions.pdf)

<sup>15</sup> Federation of Community Legal Centres, Footscray Community Legal Centre, *'Response to the Regulatory Impact Statement for the Transport (Compliance and Miscellaneous) Act 1983 Implied Conditions – Taxi Driver Agreements'* (May 2014).

recover the debt. Some low-income clients would then—under pressure and fearing bankruptcy—agree to enter a repayment plan to pay off the debt. Some repayment plans were manifestly impractical; for example, requiring people to pay \$20 per fortnight over 30 years to pay off the debt. Footscray CLC developed a casework/advocacy plan to stop this absurd process, where clients who could not pay were pursued by debt collectors who would never recover the money owed.

Footscray CLC determined that all the major insurers are members of the Insurance Council and voluntarily agree to abide by the Insurance Code of Practice. The 2006 Code stated that if the insurer and the debtor could not agree then the matter would be treated as a dispute and could be referred to the insurer's internal dispute resolution (IDR) procedure. Footscray CLC created a series of standard letters that caseworkers could send when assisting judgment proof clients, designed to force insurers to treat these matters as disputes and refer them to IDR. If insurers did not use IDR, then the matter would be referred to the Insurance Council's Code Compliance Committee. Insurers were required to pay the Insurance Council every time the Committee intervened. These letters were rolled out to all other CLCs in Victoria (and eventually nationally) to encourage them to adopt the same approach. Simultaneously, Footscray CLC met with the managers of insurers' IDR schemes, to persuade them that it was much more cost-effective for them to write off a debt at an early stage rather than spend time and money pursuing a judgment-proof client who would never be able to make all the payments. Since 2008, insurers have agreed to write off more than \$690,000 owed by judgment-proof clients of Footscray CLC alone.

As a result of this casework strategy, insurers changed their internal processes to ensure that matters involving low-income debtors were referred to their IDR schemes. As a result of the advocacy to insurers, insurers made decisions to write off debts owed by judgment proof debtors. Some insurers subsequently developed hardship schemes to deal with judgment proof debtors. On 1 July 2014 a new Insurance Code of Practice included detailed provisions about how insurers must treat debtors in financial hardship and options they can consider, including waiver. A comparison of the Insurance Codes of Practice of 2006 and 2014 shows the impact of Footscray CLC's advocacy.

These changes collectively mean CLC lawyers no longer have to undertake time-consuming, ineffective negotiations with insurers and/or debt collectors, but are able to pursue a streamlined process to seek write-off of debts. Vulnerable people in financial hardship are less likely to be pressured into entering repayment plans with insurers, and thereby avoid the broader social consequences that payment of such debts can trigger in vulnerable low-income people, such as eviction, homelessness and unemployment.

The success of this strategy led to the Bulk Debt Negotiation project at West Heidelberg CLC.<sup>16</sup>

### **3.3.8 Footscray Community Legal Centre – Providing information about common legal issues to recently arrived refugees**

When a CLC maintains a systemic approach, casework can drive community legal education, and strategic community legal education can then be used to change systems in order to prevent or intervene early in legal problems.

Lawyers at Footscray CLC started a targeted legal outreach service for recently arrived migrants and refugees from the Horn of Africa, in partnership with local agencies providing settlement services and English classes through the Adult Migrant Education Program. A firm acting pro bono also attended every outreach service.

After 18 months of providing the legal service, Footscray lawyers analysed casework data to identify the most common legal problems experienced by recently arrived migrants and refugees, and some of the un-

---

<sup>16</sup> National Association of Community Legal Centres (NACLC) in conjunction with state community legal centre peaks, Submission No 077 to Productivity Commission, *Access to Justice Arrangements*, 14 November 2013, p 29.

derlying causes of those problems. One identified cause was ignorance of the way in which legal, regulatory, and bureaucratic systems worked.

Lawyers undertook a strategic CLE/advocacy project to ensure settlement agencies provided information to migrants and refugees about how to prevent common legal problems, and how to access a lawyer. As a result of this approach:

- Footscray CLC partnered with a local settlement services provider to create a DVD entitled “Getting to know the law in my new country,” containing short films showing common legal problems, how they could have been avoided, and how to access legal help.
- Footscray CLC sought representation on the Orientation Consultative Committee in the Humanitarian Branch of the Department of Immigration and advocated strongly for the need for information to be provided throughout the settlement process to prevent legal problems, and ensure that new migrants and refugees were able to recognise a legal problem and seek legal help. The next tender (in 2010) required settlement service providers and providers of the Adult Migrant English Program to provide information about common legal problems.
- Footscray CLC worked with National Legal Aid to transform the DVD into a national community legal education (CLE) resource to be used in Adult Migrant English Program classes (provided to 60,000 migrants and refugees every year) so providers could meet their tender requirements. The resource, entitled “What’s the Law,” has been rolled out nationally.

Victoria Legal Aid is undertaking a research project to determine whether the CLE resource has potential to change attitudes. Preliminary results indicate that watching a “What’s the Law” story about buying a car changes the attitudes of newly arrived migrants who watch it.

As a result of Footscray’s strategic CLE work and partnership with National Legal Aid, some common problems with a legal dimension will be prevented. This includes driving without a licence, without a child seat, or without insurance. This could save CLC and VLA lawyers’, police and court time in trying to resolve these issues; as well as reducing the social costs associated with common legal problems being experienced by highly vulnerable people who are newly arrived in Australia, including stress, bankruptcy, and barriers to employment and successful long term settlement, such as criminal records.

### **3.3.9 Women’s Legal Service Victoria – Highlighting safety for silent electors**

Governments rely on advocacy from entities like CLCs to alert them to pertinent social issues and to provide the advice and input that are essential to sound policymaking and law reform. Women’s Legal Service Victoria (WLSV) collaborated with Deakin University Centre for Rural Regional Law and Justice in a submission to the Joint Standing Committee on Electoral Matters Inquiry into all Aspects of the Conduct of the 2013 Federal Election. The submission drew on the recent experience of a victim of family violence in country Victoria who became concerned that although she was registered as a silent elector, her electoral division was still displayed on the publicly available federal electoral roll, and therefore her ex-partner could track her down now that he was released from prison.

The submission recommended that for victims of family violence or stranger stalking, there should be an option of only having the elector’s name and the wording ‘address suppressed’ next to the name – consistent with state and local electoral roll practice. A further recommendation was that there be a review of procedures concerning silent electors to ensure that their privacy and safety is protected at all times. The submission was endorsed by 10 peak bodies and services, including 5 other CLCs and the Federation.

When WLSV and Deakin University attended the Melbourne Joint Standing Committee hearing, members were very interested in the issue. Members of Parliament acknowledged that family violence is a significant problem in their electorates and that the reform suggested is discrete and achievable – although not an issue they had previously considered. The Committee’s Report has not yet been tabled, but it seems likely

from the appreciative response of the Committee that a recommendation concerning silent electors will be included.

### **3.4 Examples of systemic work by the Federation in collaboration with member centres**

As a member-driven organisation, the Federation's systemic advocacy is informed by the experiences of its member CLCs' clients. CLC client data, case studies and legal needs analyses shape the Federation's policy and law reform work via the Federation's Policy Positions that must be agreed to by members, and through policy/law reform Working Groups that consist of different CLC members.<sup>17</sup> Federation policy and law reform staff also regularly consult particular CLCs as relevant for work that the Federation is generating or coordinating.

#### **3.4.1 Family violence legislation and policy**

Many of our CLCs provide duty lawyer services in Magistrates' Courts which assist victims of family violence to obtain a family violence intervention order (a civil protection order). For the financial year 2011-2012, 'family or domestic violence order' was the top legal problem type for CLC work across Victoria, comprising 12.3% of all problem types. 'Family or domestic violence' contributed another 2.5% of problem types. Nearly 5000 instances of information (about 1 in every 12 overall), and well over 5000 legal advices (more than 1 in 10) concerning family violence were provided, and over 8000 new family violence cases were opened (meaning that greater than 1 in every 3 new cases for CLC lawyers were about family violence).

CLC duty lawyer work provides us with a unique understanding of the issues for victims of family violence encountering the justice system. The Federation, working with CLCs, particularly our specialist members Women's Legal Service Victoria, Domestic Violence Resource Centre Victoria, and Aboriginal Family Violence Prevention and Legal Service (Victoria), and our larger generalist centres, has therefore been collaborating with various family violence services and peak bodies for many years on family violence systems reform in Victoria.<sup>18</sup>

As a member of the first Statewide Steering Committee to Reduce Family Violence established in 2002, we worked in partnership with government and community organisations, police and courts to develop an integrated response to family violence. This work included developing the vision for family violence systems reform and implementation of a range of policy, practice and governance initiatives. We also advocated with our community partners for a review of family violence legal responses in Victoria. This led to the Victorian Law Reform Commission (VLRC) review of family violence laws, which we worked on as a member of the VLRC Advisory Committee.

The Federation also co-leads, with Domestic Violence Victoria, the Victorian Family Violence Justice Alliance, which began by advocating for the adoption of the recommendations made by the VLRC, many of which are now part of legislation and practice. The Federation and its members were key participants in the resulting legislative reform consultative process. In particular, the Federation, together with our member Human Rights Law Resource Centre and Mallesons Human Rights Law Group, took issue with the

---

<sup>17</sup> Two such examples are the Violence Against Women and Children Working Group and the Infringements Working Group.

<sup>18</sup> See eg Federation of Community Legal Centre (Vic) Inc., Domestic Violence Victoria et al., Joint Submission to the Australian Law Reform Commission, *Family Violence Inquiry*, June 2010; Federation of Community Legal Centre (Vic) Inc., Submission on the Action Plan Consultation Framework for Addressing Violence against Women and their Children, *Department of Human Services Victoria Inquiry*, March 2012. Submission available at <<http://www.fclc.org.au/lrs.php#Family%20Violence>>.

exclusion of paid carers and carers arranged by third parties from the definition of family members in the draft Family Violence Bill.<sup>19</sup>

We submitted that the issue engaged the *Charter of Human Rights and Responsibilities Act 2008* (Vic) ('the Charter') rights of equal protection of the law, protection from cruel, inhuman or degrading treatment or punishment, and protection of women and children from violence. We advocated that the draft Bill would be in breach of the Charter by providing many people with disabilities who were experiencing abuse from their carers, with a lesser level of protection than other victims of family violence. We therefore submitted, consistent with a VLRC recommendation, that the definition of 'family member' should encompass all carers where the person is dependent upon that care relationship.

The Government responded by re-drafting the relevant provision to include a carer as a family member if it is reasonable to regard them as such with reference to a list of factors such as any form of dependence and the provision of care, whether paid or unpaid. What is now section 8(3) of the *Family Violence Protection Act 2008* (Vic) has been particularly welcomed by women with disabilities.

Overall, the *Family Violence Protection Act 2008* (Vic) is widely regarded as a best practice model of legislation.<sup>20</sup> In November 2007 then Attorney-General, Rob Hulls, wrote to the Federation describing the collaboration between community participants in the law reform process as 'unprecedented', and congratulating us for making 'significant' and 'valuable' contributions to the family violence law reform process.

Our work alongside government and community organisations continues to involve strategic research, policy development and law reform activities, and participation in various statewide forums of government and community stakeholders. The Federation and individual CLCs are regularly consulted by Government, Opposition, academics and media on systemic family violence issues.

### **3.4.2 Infringements Working Group – fines reform**

The Infringements Working Group (IWG) is a joint working group of the Federation and the Financial and Consumer Rights Council, comprising of 29 member organisations including community legal sector lawyers and financial counsellors with extensive experience assisting people to deal with infringements.

As a working group comprised of organisations that provide direct casework services to vulnerable Victorians, the IWG has been at the forefront of fines reform through advocacy and consultation with the State Government on the impact of the fines system on clients experiencing disadvantage and hardship. In July 2013, the IWG released an evidence-based Position Paper, *A simple, fair and effective infringements system for all Victorians* (IWG Position Paper), calling for an infringements system that operates effectively as an enforcement mechanism and efficiently promotes rehabilitative outcomes for struggling members of the community. The IWG Position Paper identified the significant resource burden of the current infringements system for legal services, financial counsellors and other support services that assist clients to deal with infringements.

The IWG also made a submission to the Sentencing Advisory Council's (SAC) inquiry into the Imposition and Enforcement of Court Fines and Infringement Penalties in Victoria. In the report released by SAC on 30 May 2014, the IWG submission was extensively cited and most of the IWG's recommendations were reflected in the SAC recommendations. The IWG was also involved in consultations with the Department of Justice on fines reform, including through representation on the Victorian Attorney-General's Infringements Standing Advisory Committee.

---

<sup>19</sup> Federation of Community Legal Centre (Vic) Inc., Submission on Draft Family Violence Bill (2007), *Department of Justice*, October 2007, available at <<http://www.fclc.org.au/lrs.php#Family%20Violence>>.

<sup>20</sup> See eg Australian Law Reform Commission and NSW Law Reform Commission, *Family Violence – A National Legal Response*, ALRC Report No 114, NSWLRC Report No 128 (2010) 201-3.

The IWG and its member organisations highlighted through evidence and case studies the inefficiencies and unfairness of the current system for vulnerable clients. For example, Justice Connect Homeless Law launched a video project, *In the Public Eye*, six personal accounts of what it's like to be homeless and caught up in the fines system.

As a result of the work of the IWG and its members, the *Fines Reform Act 2014* (Vic), passed on 26 June 2014, reflects many of the IWG's key recommendations aimed at providing better options for clients experiencing disadvantage and hardship, as well as reducing the significant resource burden for the legal services, financial counsellors and other support services that assist clients to deal with infringements. In particular, the establishment of a central agency, Fines Victoria, to deal with both infringements and court fines will assist clients to deal with their fines earlier and ensure that they can exit the fines system, where appropriate. Fines Victoria will also have the power to oversee and review the decisions of enforcement agencies, determine enforcement review applications, and develop guidelines, which will ensure consistency in relation to internal review and special circumstances applications, as recommended in the IWG Position Paper.

The IWG's recommendations regarding alternative non-monetary options for dealing with fines, including by participating in rehabilitative and therapeutic programs, education activities or community work, have also been taken up through the Work and Development Permit scheme, which provides the opportunity to deal with fines through non-monetary means and address some of the causes of offending conduct. Finally, as recommended by the IWG, centralised guidelines and criteria for 'special circumstances', both through the internal review process and enforcement review, will lead to a more consistent and transparent approach to 'special circumstances'. With greater oversight of first instance decisions, including an avenue to have those decisions reviewed through enforcement review, these changes will encourage greater rigour and consistency of decision-making and ultimately reduce the burden on the courts by ensuring that court is a last resort for people with special circumstances.

As a result of the IWG's advocacy and contribution to the reform process, the new fines system will provide a fairer system that ensures better options for clients experiencing disadvantage and hardship and that will prevent some of the legal problems that currently lead clients to seek out legal assistance.

### **3.4.3 Guardianship and powers of attorney**

In 2011, the Federation, together with member centres Mental Health Legal Centre, PILCH Homeless Persons' Legal Clinic Clinic (now Justice Connect Homeless Law), Seniors Rights Victoria, Springvale Monash Legal Service, Villamanta Disability Rights Legal Service and Youthlaw, contributed an extensive submission to the VLRC Review of Guardianship Laws.<sup>21</sup> A key aspect of our submission was our advocacy for the greater agency of many of our clients who are directly affected by such laws, and in particular our strong support for the VLRC's proposed shift away from a 'best interests' approach and toward a continuum of supported and substituted decision making.

Together with our advocacy concerning powers of attorney law reform, this led in 2014 to a request from the Department of Justice for comments on a confidential draft of powers of attorney legislation, including on supported decision making provisions. Comments were subsequently provided via both a round table discussion and a written submission from the Federation in collaboration with five generalist and two specialist CLCs.

---

<sup>21</sup> Federation of Community Legal Centre (Vic) Inc. et al., Review of Guardianship Laws – Response to Victorian Law Reform Commission Consultation Paper, *Victorian Law Reform Commission*, February 2011, available at <<http://www.fclc.org.au/lrs.php#Disability>>.



While we have yet to see a final legislative outcome concerning both powers of attorney and guardianship, it is clear that CLCs are highly valued contributors to the law reform process in this area, with our specialist centre, Seniors Rights Victoria, regularly being asked by Government to comment or participate in discussions concerning legal issues for older Victorians.

#### **3.4.4 Mental health legislation**

The Federation, together with our specialist CLC, Mental Health Legal Centre, engaged for a number of years under successive state governments in a consultative process concerning much needed reform of the *Mental Health Act 1986* (Vic). The Federation then became concerned that the Mental Health Bill introduced earlier this year included some important aspects that were different from those that had been the subject of consultation.

We wrote to the Minister for Mental Health, Community Services and Disability Services Reform and the Opposition parties, expressing our support for the Bill's shift away from the punitive and anachronistic origins of a mental illness model which tends to make decisions about people deemed mentally ill without consideration of their capacity to make their own choices.

However, we also argued that elements of the Bill ran counter to its overall greater health-enhancing, human rights-promoting approach. As an example of this, we noted that the Bill provided for ECT to be performed on children under 13, despite the World Health Organisation not supporting the use of ECT on minors.<sup>22</sup> The previous version of the legislation, the 2010 Mental Health Bill Exposure Draft, had expressly prohibited this. An important rationale for our writing to the Minister and subsequently speaking with media was the limited opportunity for advocacy at such an advanced stage of the legislative process, and our awareness that the complexities of the 349-page Bill would mean that most of the general public would not be in a position to comment in any meaningful way.

As a result of the media coverage, the Federation was contacted by various members of the public and commentators who had not been aware of the issues we raised. The subsequent parliamentary debate drew attention to our various concerns and focused to a significant extent on the ECT issue.<sup>23</sup> Although proposed amendments to proscribe ECT on minors did not pass, other amendments requiring more reporting on the use of ECT on minors were adopted.

#### **3.4.5 Coronial reform**

Community legal centres have a long history of advising and representing families with regard to coronial matters, as well as of acting for public interest organisations and as public interest interveners, in inquests. Following advocacy by various CLCs, individuals and others who participate in the coronial system, the Victorian Parliament Law Reform Committee reviewed the *Coroners Act 1985*. The Attorney-General responded to the Committee's Final Report by introducing the Coroners Bill 2008. The Federation welcomed a range of improvements in the Bill, but the Bill ignored, or only partly implemented, key recommendations of the Committee's Final Report. In particular, the Bill did not require mandatory responses from relevant government agencies to coronial recommendations, meaning that as with the 1985 Act, agencies could ignore or adopt them as they wanted without having to inform the court, the deceased's family or the public, of the response.

The Federation was aware that the coronial legislation had not been reviewed for 20 years and that another opportunity for substantial reform would be unlikely in the near future, so we lobbied for amendments to the Bill, providing a detailed submission to MPs outlining our concerns and suggested

---

<sup>22</sup> World Health Organisation, *WHO Resource Book on Mental Health, Human Rights and Legislation* (2005) [10.3] available at [http://www.who.int/mental\\_health/policy/en/](http://www.who.int/mental_health/policy/en/).

<sup>23</sup> Victoria, *Parliamentary Debates*, Legislative Council, 25 March 2014, 45-88.

amendments. We also met with the Attorney-General's advisers, the Shadow Attorney-General, and liaised with the Greens.

The Federation's initiatives assisted the debate in the Legislative Assembly and influenced the Bill's passage in the Legislative Council, where important amendments based on or similar to our submission were successfully proposed by the Greens and subsequently incorporated into the *Coroners Act 2008* (Vic). The highlight of these amendments was the insertion of a requirement that if a Coroner makes recommendations to a particular Minister, statutory authority or entity, they must now respond within three months outlining actions that will be taken in response to the recommendations. The response must be published on the Internet and be provided to any interested person. This is a substantial gain for families and for the prevention focus of inquests. It made Victoria only the second Australian jurisdiction to mandate responses to recommendations in all inquests.

Since that reform, the Federation has also formed the Australian Inquest Alliance, a partnership among community legal centres, Aboriginal and Torres Strait Islander Legal Services (ATSILS), advocates for imprisoned women and men, academic researchers and policy/law reform advocates. The Federation produced an Issues Paper on behalf of the Alliance, *Saving Lives by Joining Up Justice: Why Australia Needs Coronial Reform and How to Achieve It*.<sup>24</sup>

Following the launch of the Paper and media coverage, the Federation continues to be contacted by bereaved families and advocates who feel they have nowhere else to turn for assistance with navigating or trying to change the coronial process, including trying to achieve more effective implementation of coronial recommendations aimed at preventing future avoidable deaths. Responses to the paper to date have included an invitation from the Chair of Victoria's Coronial Council to participate in a discussion with members about how better to provide legal assistance for families, an invitation to address a forum on preventable deaths in Queensland chaired by the State Coroner, and an interview for an extensive online series on coronial issues in Canada which included comparison with Australian models.

### **3.4.6 Bushfire Royal Commission**

The Federation was one of the partners in Bushfire Legal Help, a coalition of legal organisations providing free legal assistance and information to victims of the 2009 Black Saturday bushfires. The Federation was concerned to ensure that victims of the fires were afforded a proper opportunity to participate effectively in the Bushfires Royal Commission, particularly as:

- all applications for leave to appear before the Royal Commission by individuals and community groups affected by the fires were denied; and
- we were concerned about the adequacy of information being provided to victims about the Royal Commission's processes.

Relying on the human right to life under the Charter and the duty to ensure that families of the fire victims are involved to appropriate extent, the Federation and its Bushfire Legal Help partners wrote to and met with the Royal Commission to advocate for increased victim participation in its processes. The Federation and its member centre Public Interest Law Clearing House also informed the media on the issue.

Following our advocacy, the Royal Commission interviewed and obtained witness statements from a number of victims of the fires. Shortly after the hearings commenced, it ensured that on most hearing days, a victim of the fires provided evidence to the Commission.

The Commission also subsequently improved a range of information for victims including:

- preparing a guide to writing submissions;
- providing information about the Bushfire Legal Help service on its website;
- clarifying that submissions received after the initial deadline could still be used for its final report; and

---

<sup>24</sup> Federation of Community Legal Centre (Vic) Inc., 'Saving Lives by Joining Up Justice: Why Australia Needs Coronial Reform and How to Achieve It' (Issues Paper, March 2013) available at <[http://www.fclc.org.au/public\\_resource\\_details.php?resource\\_id=2238](http://www.fclc.org.au/public_resource_details.php?resource_id=2238)>.

- providing improved information about how the Royal Commission worked and how individuals could participate in the Commission.

### **3.4.7 Advocating for independent, holistic legal assistance for people engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse**

In late 2012, the Australian Government announced the establishment of a Royal Commission into Institutional Responses to Child Sexual Abuse. Following its experience with the Victorian Bushfire Royal Commission in particular, the Federation and the National Association of Community Legal Centres (NACLC) made separate submissions to the government about the appropriate terms of reference for the Commission and the need for services for the highly vulnerable people who would be the focus of its work.

The experience of the Bushfire Royal Commission was in part that many people affected struggled with how to engage with the Royal Commission process, both in terms of legal standing to appear and whether their stories and experiences would be effectively heard. Outside the Commission, which rightly has an investigative focus, there were significant numbers of people who needed assistance before they gave evidence or before they could feel comfortable providing information to the Commission, whether or not they were subsequently called.

We therefore advocated that, in establishing the Royal Commission into Institutional Responses to Child Sexual Abuse, the government must also ensure that survivors and others with relevant information had access to an advisory and support service resourced by lawyers, counsellor support workers and Aboriginal and Torres Strait Islander cultural liaison workers. We specifically noted the importance of including specialist workers trained and experienced in providing services to key groups with special needs: children, Aboriginal and Torres Strait Islander peoples, and peoples from culturally and linguistically diverse backgrounds.

The government accepted this view. In early 2013 government approached NACLC to establish such a service and provided funding to establish a national legal service to provide free independent legal advice, information and referral assistance to people engaging with, or considering engaging with the Royal Commission. NACLC established the knowmore legal advisory service and the service commenced operation in early July 2013.

Since this time knowmore has provided legal assistance to 1,584 clients, provided 3,634 legal advices and has conducted more than 270 community outreach/liaison events. Four offices have been established in Sydney, Melbourne, Brisbane and Perth over the past 12 months. knowmore has also established referral panels of suitably experienced private lawyers to provide representation to people required to appear at Royal Commission public hearings and has established referral panels of lawyers prepared and suitable to undertake legal work to secure compensation/redress for survivors of institutionalised child sexual abuse.

A major focus of knowmore's work has been to provide community legal education and legal services on an outreach basis to particularly vulnerable and disadvantaged clients to ensure that they are aware of the Royal Commission and have the same opportunity to participate in the Royal Commission as other members of the community.

# Appendix I

## Murray Mallee Community Legal Service

---

### **What we have been able to use the additional funds for?**

We have employed a full-time Family Violence Solicitor to provide the following:

- IOSS (Intervention Order Support Service) - support to all courts in our catchment.
- Family Violence specific appointments scheduled for whole of community, face to face and phone.
- Outreach appointments to the local domestic violence service/s, to assist victims of domestic violence and affected family members.
- Community Legal Education on Family Violence/Intervention Orders and Personal Safety Orders.

We have been able to provide a full time Family Violence Solicitor for our community with the additional funding provided in 2013 – the Murray Mallee Community Legal Service covers the Northern and Southern Mallee of Victoria and South West NSW. In particular this role has provided court support – Intervention Order Support Service (IOSS) to the Mildura Court weekly; the Wentworth, Swan Hill and Robinvale Courts monthly and specific Family Violence in office or phone appointments at other times for clients referred to the service.

In addition, the service has, in the past three months, began providing outreach face to face appointments from the office of the Mallee Domestic Violence Service in Mildura monthly and as requested in between. This is a new service and will continue to build, the FV Solicitor also provides secondary consultations to the domestic violence workers and their Managers when on site, which has lead to future Community Legal Education plans as well as planned attendance at support groups for women who have experienced violent relationships (eg SEA Change groups – to explain the law and to make the law accessible).

Also, about to commence, is a similar service to above with the Meminar Ngangg Gimba (MNG) Aboriginal Women's Refuge service in Mildura. This is again very important work and will assist the Aboriginal Family Violence Prevention Legal Service when there may be conflicts associated for them to assist. Women can still then access timely legal information and advice at crisis point and when safety concerns are paramount. We have a very collaborative practice with local service providers in our catchment.

Mildura and surrounds has a very high rate of Family Violence and there are local networks that are supporting a broader community responsible approach. The Murray Mallee Community Legal Service is auspiced by Mallee Family Care, who as the largest welfare organisation, are involved in the community response planning – there is a Mallee Family Violence Executive, of which, our Family Violence Solicitor is scheduled to present at as well as in future assisting with community forums and discussions. These forums and Executive include all local services, Indigenous and mainstream.

The cuts announced will affect direct service client work for our Centre.

### **How many clients we assist with this funding per annum?**

To date, since October 2013 when the funding was received and staff delivery began, to June 2014 our Family Violence Solicitor has supported over 80 clients with legal information, advice and casework. It is anticipated that our overall assistance would be for between 80-100 clients per annum. It must be remembered that this assistance can be at court, face to face appointments, phone appointments or by appointments offered at other services locally. This is a multi-layered service that needs to be flexible to support the target group; victims of family violence.

### **Has the funding enabled you to provide services targeted to a particular group in the community?**

Yes, to those most vulnerable women and children in our community – the victims of family violence. The local Magistrate Court/s refer clients to the MMCLS to assist with the paperwork and advice around applying for IVO's and also to help explain to clients what the purpose of IVO's are for and what they cover, when they can be used and the times when they may not be the answer. Education is a large part of the work of a community legal cen-

tre, whether that is with individuals, groups or with professionals. Over the past year we have provided all levels of education as noted.

**Other information to note:**

Access to justice is a big issue in rural areas such as ours. This is particularly the case given that there is no legal aid office in Mildura (the nearest one is Bendigo, some 5 hours away). Our nearest CLC is also 5 hours away in Bendigo.

We have a high Indigenous population with many disadvantaged groups who access support when violence occurs in their families. The MMCLS is committed to supporting victims of violence and to help our community stamp this out as a broader responsibility for us all.

## **Goulburn Valley & Loddon Campaspe Community Legal Centres**

---

The Advocacy & Rights Centre Ltd operates the Bendigo based Loddon Campaspe Community Legal Centre and the Shepparton based Goulburn Valley Community Legal Centre. ARC received additional Commonwealth funding from 1 July 2013 to support the work of GVCLC broken down as follows: \$150K 13/14, \$100K 14/15, \$100K 15/16 and \$100K 16/17. This funding was provided following a needs analysis process, a further two years of evidence gathered through a pilot service funded by the Clayton Utz Foundation and a primary commitment by Victoria Legal Aid of \$200K per annum to support the fledgling service.

The report Access to Justice in the Goulburn Valley was used to evidence the need for government funding in the Goulburn Valley region. At \$300K per annum the GVCLC funding is inadequate. With a further loss of \$100K of Federal funds from 1 July 2014 the funding makes the service barely sustainable.

**With the additional funding we:**

- Employed an additional full-time lawyer;
- Provided some additional administrative support (albeit that GVCLC does still not have a full-time administrator); and
- Contributed to refit of new offices (following inundation to the former premises in early 2013). These offices were opened by The Honorable Sharman Stone MP, Member for Murray, in late 2013.

**Through the additional lawyer GVCLC has:**

- Initiated a Family Violence Legal Assistance Service at the Shepparton Magistrates Court in partnership with Victoria Legal Aid, ensuring that the vast majority of Applicant's and Respondents receive quality duty lawyer assistance.
- Delivered a series of legal education sessions with secondary school students on criminal law sentencing practices and with agencies on road traffic law.
- Provided legal assistance (period 1 July 2013 – 18 June 2014) as follows:
  - Advices 215, 28% disability indicator, 70% low income, 56% on a Government pension, 38% relating to family breakdown and a further 13% to family violence intervention orders.
  - Cases 169, 40% disability indicator, 79% low income, 62% on a Government pension, 41% on family violence intervention orders, 17% on civil violence or restraining orders with the balance a mix of civil and summary crime matters.

As to numbers of clients the sum of advices and cases provided is a reasonable gauge: ie. 389, but it may be slightly inaccurate in that some cases may also include advices. It is extremely difficult to isolate clients by individual workers.

## Justice Connect

---

In 2013, Homeless Law received Commonwealth funding of \$320,000 over four years. This funding will now end on 30 June 2015, rather than 30 June 2017.

This funding cut will have an impact on the services that Homeless Law provides to clients experiencing or at risk of homelessness in Melbourne and Geelong. Homeless Law published a media release in August 2013 welcoming the funding and explaining the direct benefit it would provide to an extremely vulnerable client group.<sup>25</sup>

This funding has allowed Homeless Law to employ a lawyer who makes up 25% of Homeless Law's legal staff. If we are unable to secure replacement funding, this funding cut will jeopardise the following aspects of Homeless Law's work:

- Intake and triage to facilitate the provision of targeted, high quality, efficient, outreach-based, civil legal services for clients experiencing or at risk of homelessness; and
- The expansion of legal services in Geelong in response to an identified increase in legal need.

### **High quality, targeted, outreach-based, civil legal services for clients experiencing or at risk of homelessness in Melbourne and Geelong**

Homeless Law's staff is made up of three lawyers, one principal lawyer/ manager, one administrator and 1.5 social workers. We are supported in our work by pro bono lawyers from seven member law firms.<sup>26</sup> With this model, we are able to provide legal advice and representation to approximately 400 highly vulnerable clients each year.

Our seven weekly services are outreach-based. They are located at homelessness, health and community services, which are already accessed by clients experiencing or at risk of homelessness. This makes it more likely that disadvantaged and isolated clients will be able to access legal advice and representation.

Homeless Law's legal services are targeted at civil legal issues that have the greatest impact on clients experiencing or at risk of homelessness:

- Tenancy law and homelessness prevention; and
- Fines and infringements for public space offences.

Homeless Law also assists with other civil legal issues affecting homeless clients, including credit and debt issues and guardianship and administration orders.

### **Centralised bookings, triage and intake**

Homeless Law's targeted, outreach-based legal representation carried out by pro bono lawyers is only possible with the strong 'in-house' support provided by Homeless Law. The position funded with the additional funding plays a critical role in Homeless Law's sophisticated, efficient centralised booking and intake process.

All Homeless Law clients are assessed for eligibility prior to being booked into a clinic. After matters have been 'triaged', the intake lawyer prepares an intake memorandum for the pro bono lawyers who will be attending the outreach clinics. These memos set out the legal issue, key timeframes, relevant law, scope of assistance, suggested steps and key resources (including Homeless Law's online practice-based resource, 'Homeless Law in Practice', which provides guidance to pro bono lawyers, including template correspondence and submissions). These intake memos equip pro bono lawyers to run matters efficiently and to a high standard. Homeless Law received the following feedback from a Senior Associate at a top-tier member law firm:

---

<sup>25</sup> Public Interest Law Clearing House, 'Extra funds make big difference for homeless' (Media Release, 15 August 2013) <<http://www.pilch.org.au/Assets/Files/PILCH-HPLCFundingAnnouncement15082013.pdf>>.

<sup>26</sup> Homeless Law's member law firms are: Allens Linklaters; King and Wood Mallesons; Herbert Smith Freehills; Clayton Utz; Minter Ellison; Corrs Chambers Westgarth; and Harwood Andrews. The Transport Accident Commission is also due to commence as a partner in Geelong in July 2014.

*our ability to take on these complex matters (often at very short notice) has been greatly assisted by the fantastic triage work and instruction gathering work that your team does, along with the intake memos. Our lawyers have been able to have much more meaningful first interviews with the clients on the back of this work, as they have a much better idea of the issues they need to cover.*

Since 1 July 2013, the Homeless Law intake lawyer prepared 287 intake memos for pro bono lawyers taking on Homeless Law matters.

Homeless Law pro bono lawyers undertake ongoing legal casework for clients. They provide advice, negotiate on behalf of clients and undertake appearances in courts and tribunals. The volume and quality of this work and the efficient use of pro bono resources would not be possible without the intake lawyer.

In addition to providing guidance at intake, this lawyer provides ongoing support and guidance to pro bono lawyers. The impact of this work and the benefits it delivers for highly vulnerable clients is discussed below.

### **Targeted, high impact legal work**

#### ***Tenancy law and homelessness prevention***

For the first three quarters of FY 13–14 (1 July 2013 – 31 March 2014), Homeless Law opened approximately 173 eviction matters. At the end of Q3, the outcomes of these matters were that 84 clients and their families had avoided eviction; 27 had been evicted; and the others were ongoing.

These figures show that legal advice and representation have a critical role to play in preventing evictions of struggling people and their children. In the current housing climate, evictions of low income people are highly likely to result in homelessness and the personal and financial costs that come with it.

Homeless Law also has the significant benefit of a social worker who is able to assist clients to address any non-legal issues that impact their ability to sustain their tenancy. The case study below is one example of Homeless Law's tenancy work.

#### **Regional woman avoids eviction for rental arrears**

Tiffany is a 47 year old woman with a history of mental illness, alcohol dependence and homelessness. She was in an abusive relationship prior to seeking legal assistance and has spent time in crisis accommodation. Her sole source of income is a disability support pension and she has had difficulty managing her finances. Tiffany has been residing in community housing in the Geelong area for nearly two years. She sought assistance from Homeless Law after she fell behind in her rent and her landlord successfully applied to VCAT for an order evicting her.

Tiffany couldn't attend the hearing and the eviction order was made in her absence. Tiffany's Homeless Law pro bono lawyers successfully applied to VCAT to have the matter reheard because Tiffany hadn't been able to attend the VCAT hearing. Homeless Law lawyers negotiated with the landlord and the landlord agreed to allow Tiffany to repay her outstanding rent by instalments. VCAT replaced the eviction order with an order requiring Tiffany to keep up with her payment plan. Unfortunately, she missed an instalment after problems with her Centrelink and her landlord applied to VCAT to renew the eviction proceedings.

Tiffany's lawyers were again able to explain Tiffany's circumstances to VCAT and the landlord and eviction was avoided. Assistance from the Homeless Law pro bono lawyers in Geelong meant Tiffany has been able to remain in safe and stable accommodation.

#### ***Addressing fines for public space offences***

Since 1 July 2013, Homeless Law opened approximately 107 new matters for clients who had fines or infringements for conduct directly related to homelessness (eg. travelling on public transport without a ticket, begging, having an open container of liquor and public drunkenness).

Homeless Law lawyers assist clients to navigate the complex legal processes required to address fines which were incurred as a result of homelessness, mental illness and/or substance dependence. If not addressed, highly disadvantaged clients find themselves overwhelmed with unmanageable debts and in some cases at risk of imprisonment for unpaid fines. This legal assistance helps reduce the disproportionate impact of these laws

on people experiencing homelessness and facilitates access to justice for clients who would otherwise be unable to deal with these fines.

The case study below is one example of Homeless Law's infringements work and its impact.

#### **Single mother avoids prison for unpaid fines**

Susie came to Homeless Law for assistance with infringements. Due to her circumstances she had been unable to address a series of fines which had resulted in her being arrested and meant she was facing imprisonment. She had been struggling following the breakdown of her violent relationship.

Her children had been exposed to significant trauma and her housing, finances, health and mental health had been affected by the ongoing impacts of the domestic violence she had endured. By the time she came to Homeless Law she had acquired a transitional property and started to address some of the issues that had been neglected whilst she was transient and unsafe. Susie was pregnant again and her children were settling in to new more permanent surrounds.

Susie initially appeared in the Magistrates' Court and the matter was adjourned because the Magistrate wanted more evidence of her circumstances. Her lawyers sought the assistance of the Homeless Law social worker in relation to collecting the relevant information from agencies regarding Susie's circumstances. The Homeless Law social worker contacted housing agencies and Centrelink and encouraged the lawyers to contact Department of Human Services (with the client's permission) and request further information from General Practitioners. The Homeless Law social worker provided a brief letter to the Court outlining what they found during their enquiries.

Homeless Law pro bono lawyers represented Susie in the Magistrates' Court and Susie's fines were discharged on the basis of her circumstances and the evidence before the Court.

She avoided jail and was able to return to reconstructing her life without further consequences in relation to the infringements.

The case studies and figures above highlight the impact that one full time legal position within Homeless Law can have on the provision of targeted, outreach-based, civil legal services to highly vulnerable clients who would not otherwise be able to access legal representation.

#### **Expanded legal services in Geelong in response to identified need**

Homeless Law has had a presence in Geelong since February 2010 with a fortnightly outreach legal service at the Salvation Army's Northside Community Centre in Cox Road, Corio.

In 2013 Homeless Law undertook a legal needs analysis in Geelong to better understand the relationship between housing need and legal issues in the Geelong area.

The lawyer funded by the Commonwealth funding was instrumental in carrying out the legal needs assessment, which involved consulting with over 40 workers from a range of specialist homelessness services in Geelong and 10 people currently experiencing homelessness in Geelong.

The analysis considered:

- The main causes of homelessness in the Geelong area;
- The types of legal issues that people who are homeless or at risk of homelessness in the Geelong area most commonly experience; and
- Awareness of legal services by local housing and homelessness workers and people who are homeless or at risk of homelessness in Geelong.

The report, which is due to be publicly released in July 2014, highlights the acute shortage of affordable housing and transitional or crisis accommodation in Geelong. It points to family violence, family breakdown and financial hardship as key triggers of local homelessness. It identifies that the lines between housing issues and legal is-



sues are blurred, with financial hardship and family violence often causing both housing failure and legal problems.

The findings of the report will be used to inform Homeless Law's service provision in Geelong, including through strengthening collaboration and relationships with local legal and homelessness services.

Homeless Law has also been successful in building a new partnership with the Transport Accident Commission (TAC) who will provide approximately 15 in-house lawyers to deliver pro bono legal services in the Geelong area.

The support required to build the capacity of a new team of lawyers is significant and Homeless Law had planned that this role would be played by the lawyer funded by the Commonwealth funding.

The nature of the support provided includes:

- Training for the new lawyers;
- Shadowing client outreach appointments with new lawyers;
- Preparing intake memos for matters in Geelong;
- Stakeholder engagement with local agencies to facilitate appropriate referrals to Homeless Law;
- Telephone assistance and guidance to lawyers running matters from Geelong; and
- File review and supervising files being run by the Geelong team.

While we are grateful that we will be able to provide this support in the early stages of the new partnership (i.e. until 30 June 2015 when the funding ends), if Homeless Law is not able to employ a fourth lawyer beyond this time, our ability to leverage pro bono resources effectively in a way that meets the civil legal needs of a high number of clients who are homeless or at risk of homelessness in Geelong will be significantly constrained.

It would be a missed opportunity for the impact of the work that has been partly enabled by the Commonwealth funding to be limited because we are not able to provide the support required for effective expanded services in Geelong. This would impact directly on the number of clients who are able to receive legal services despite having identified of high levels of legal need and increasing homelessness in the Geelong area.

## **Eastern Community Legal Centre (ECLC)**

---

### **What we have been able to use the additional funds for?**

With the increased funds, ECLC was able to:

- Establish and open a new Yarra Ranges CLC branch office, based in Healesville and servicing those communities who previously had to travel to Boronia or receive sporadic outreach. The Commonwealth funding (\$50,000 in 2013-14, \$100,000 in 2014-15 and should have been the same for next two years) was also able to leverage VLA funding (initial \$70K), local government support (heavily subsidised rent) and ECLC's own resources to establish a 3 day a week service (1.8ft staffing) with expectation of growth and expansion in future. That service has assisted over 65 clients in its first four months of operation.<sup>27</sup>
- Expand its community lawyer staff at the Box Hill office, with both an additional 0.5ft community lawyer employed and an upgrading of a full-time community lawyer to a Senior Community Lawyer role. These changes both expand the centre's capacity and increase the quality of work being undertaken across all of the Centre's legal work. It will also increase the Centre's ability to expand its volunteers and pro bono support. As the Centre's staff lawyers focus the majority of their time on family violence-related work, this expansion has a strong emphasis on assisting more women and children in family violence situations.

---

<sup>27</sup> The need for this service was identified and outlined through a legal needs study back in 2009 and supported in a 5-year community campaign. It was highly and actively welcomed by the local community and now is put at great risk having been finally established.

- Establish a part-time community development/community legal education role (0.6 eft) at the Outer East (Boronia) office. This position will particularly focus on engaging with and ensuring the Centre's services are better known to hard-to-reach target groups in the cities of Maroondah and Knox, especially people from CaLD backgrounds, women experiencing family violence and seniors. The work will also teach people about their legal rights and options, often preventing legal problems before they occur, or intervening much earlier in the legal process.

When the second stage of Commonwealth funding came (in 2014-15) it was hoped to establish a family violence clinic, to assist people making applications for Intervention Orders. However a pilot program with no prospect of further funding is problematic.

Once established, it is expected the additional community lawyers would assist over 600 additional clients each year. The additional community development and education would engage with at least a further 300 community members each year.

All of these services are now at serious risk, with the loss of funding from mid 2015. Staff positions are vulnerable making recruitment and retention very difficult.

## Wyndham Legal Service

---

### Overview

Using the 2013 additional funds, Wyndham Legal Service employed a Refugee Lawyer in September 2013. Since the commencement of her employment, the Refugee Lawyer has been undertaking a range of work for the refugee and asylum seeker community in Wyndham, including direct casework and legal advice and broader advocacy initiatives.

### Advice Clinics

Since the beginning of her employment, the Refugee Lawyer has been running two weekly advice clinics for Wyndham's newly arrived refugee and asylum seeker population. In each of these clinics, the Refugee Lawyer gives three one-hour legal advices on many areas of law affecting the refugee community, including consumer law, family violence, debt, infringements, crime, and limited areas of family law.

The additional funding has also been used to employ a community development worker from the Karen community. The community development worker, who is also a recognized Karen interpreter, acts as an interpreter for interviews with our clients. In the financial year of 1 July 2013 to 30 June 2014, the refugee lawyer gave approximately 130 legal advices to refugee and asylum seeker clients. Most of the individuals seeking advice in the refugee clinic in this time period were from Myanmar, Iran, Sudan, and Ethiopia.

### Case Work

The Refugee Lawyer also does ongoing casework for the refugee community in various areas of law and has received excellent results for her clients. For example, she has made two complaints to the internal dispute resolution departments of prominent banks about irresponsible lending conduct in relation to newly arrived refugees and was successful in having the outstanding loan repayments of \$35, 000.00 and \$8, 000.00 fully waived. She has also had several significant infringement debts (the highest being \$35, 000.00) fully discharged through effective court advocacy, has helped numerous clients obtain family violence Intervention Orders, and has effectively persuaded car dealers to fix faulty cars they have sold to her clients free of charge.

The refugee lawyer has also arranged pro bono representation through Justice Connect for refugee clients in criminal law cases in the Magistrates' Court and has acted as the instructing solicitor in these cases. These clients have received high quality representation free of charge and have received fair sentences. The Refugee Lawyer has opened over 80 files for clients since the beginning of her employment.

### Management of the Karen Community Development Worker Role

Another part of the Refugee Lawyer's role has been to supervise and manage the work of the Karen Community Development Worker.

The Karen Community Development Worker has, as well as interpreting legal interviews for Karen clients, translated legal information and resources into the Karen language, conducted surveys in the Karen community to gain an understanding of the legal problems that the Karen community are facing, attended and interpreted community legal education sessions, and attended court with Karen clients with criminal law problems to provide support.

### **Community Legal Education**

The Refugee Lawyer has delivered over 40 community legal education sessions for Wyndham's refugee and asylum seeker population since commencing her position in September 2013.

Most notably, after observing that many refugees were experiencing legal problems related to car ownership, the Refugee Lawyer designed a community legal education project called 'The Car Project'. The project focused on educating newly arrived communities about three important legal topics connected with car ownership:

- 1) Their protections and rights if they buy a car that has mechanical problems soon after purchase,
- 2) Getting a loan for a car and common legal problems that newly arrived people experience with car loans, and
- 3) Car insurance and common problems newly arrived people have with insurance.

The Refugee Lawyer delivered 25 CLE sessions for the Car Project for the clients and students of various settlement organisations, educational institutions, and community organisations in Wyndham. The community development worker accompanied and assisted the Refugee Lawyer in providing Car Project sessions to the Karen community. The feedback we received indicated that participants found the sessions to be highly useful and relevant to their lives.

The Refugee Lawyer has also provided community legal education in family violence and infringements to the refugee community.

### **Duty Lawyering**

The Refugee Lawyer has also provided duty lawyering services in the Infringements and Family Violence Intervention Order Jurisdictions when her colleagues who normally do this work have been away or on leave. The Refugee Lawyer has represented 30 clients in Intervention Order hearings and seven clients who have been arrested for having outstanding infringements.

### **Engagement with and Representation on Local Committees Advocating for Refugee and Asylum Seeker Community**

The Refugee Lawyer also represents Wyndham Legal Service on several committees relevant to the interests of the refugee and asylum seeker community. Most notably, the Refugee Lawyer regularly attends the meetings of the Wyndham Humanitarian Network Leaders Group, the Wyndham Humanitarian Network Asylum Seeker Working Group, and the Wyndham Humanitarian Network Legal, Housing, and Consumer Working Group.

The Refugee Lawyer has shared information about the legal problems experienced in the refugee community with the various organisations that attend these committee meetings and has also collaborated with these organisations on projects to improve the quality of life of the refugee community. For example, the Refugee Lawyer helped design, launch, and distribute stickers in various languages outlining the steps that people should take when they have been involved in motor vehicle accidents.

## **Broadmeadows Community Legal Service**

---

Our additional funding was for three years, commencing 1 July, 2014, to provide an outreach legal service to communities in the Shire of Mitchell, Victoria. The funding will now be available only until 30 June, 2015.

The new outreach service will be based in Broadford and will provide advice, referral and some case work in the following types of matters, as we do at our main office in Gladstone Park and at outreach services at Sunbury and Craigieburn.

- Family law
- Family violence
- Motor vehicle accidents (uninsured drivers)
- Elder law, including elder abuse, powers of attorney, wills
- Traffic offences
- Fines
- Victims of Crime applications
- Debt
- Consumer complaints
- Neighbour issues, including fence disputes
- Centrelink issues

We anticipate that we will be able to assist in excess of 125 clients per annum, with the outreach lawyer attending at Broadford for one day per week.

We are targeting communities which currently do not have access to a local community legal service, thus limiting their access to justice unless they can travel relatively long distances or can afford to consult a private practitioner. This need became obvious to our service whilst delivering a targeted service to survivors of the 2009 Victorian bushfires, under the auspices of the Bushfire Legal Help.

## **Brimbank Melton Community Legal Service**

---

### **Cuts to family violence funding for our community legal centre in Melbourne's outer west**

Brimbank Melton is seriously concerned about the impact that the decision to cut Community West's legal program funding for Family Violence services, after July 2015. The cuts will impact on those most vulnerable and in most need of immediate legal help in our community.

In the first year of the Commonwealth grant, Community West employed a senior lawyer in the position of Family Violence Coordinator to provide support across the continuum of family violence issues. This is in contrast to conventional 'duty lawyer' services which provide on the spot advice (that can lead to more unresolved questions and complications).

We have established an extremely successful direct service delivery model through which our Family Violence Coordinator appears in complex family violence cases for the most vulnerable clients every week. In addition, over the next 12 months we will assist more than 500 new clients experiencing family violence to provide pre-intervention order support, representation at hearings and advice and representation on 'family violence fallout issues' (e.g. assisting with parenting orders, transferring fines or registration into an ex-partner's name and dealing with outstanding debts or leases in joint names).

Our Family Violence Coordinator has established herself as a leader in the sector and in Melbourne's West – arguably where the need is most prevalent – by delivering capacity building community legal education to more than 200 community workers, chairing the Melton Family Violence Network and undertaking extensive stakeholder engagement to improve connections between services in the West.

Family violence is undeniably a widespread and insidious problem in our community, and our legal centre has noted a significant jump in clients presenting with family violence concerns. One in three women who has had an intimate relationship has experienced family violence, and recent media reports demonstrate the growing number of homicides (almost one per week in Australia) and other horrific consequences of family violence. In Melbourne's West, the issue is compounded by our community's vulnerability and disadvantage (Brimbank is Melbourne's second most disadvantaged local government area according to the SEIFA index, and Melton's population is projected to double by 2031).

Given our limited funding and constantly increasing demand for our legal services, without the Commonwealth funding, we are left with no choice but to cancel this service. This is despite us having built strong relationships within the community and a reputation for assisting very vulnerable clients with family violence issues across the continuum.

## Youthlaw

---

### **What kind of services have you been able to provide with the additional 2013 funding and in what areas of the law?**

This funding was confirmed and we signed a formal funding agreement in July 2013. The funding agreement set out additional funding of 150K for the period 1 July 2014 to 30 June 2017. The agreement stated that "specifically the Grant is being provided to maintain and expand the Youthlaw Online service to rural, regional and remote youth."

Youthlaw budgeted to allocate 50K annually to our Skype legal service Youthlaw Online for 14/15, 15/16 and 16/17. The funding was exclusively for salary for the Online lawyer and did not even cover operational costs. 'Youthlaw Online' was initiated in 2008 with the assistance of a one off Commonwealth grant in recognition of our legal services targeting homeless and disadvantaged youth. The service has continued since 2008 with a number of one-off grants from the Commonwealth but due to variations in grants has fluctuated in size from employing a lawyer 1.5 days a week to 3 days a week in 2013.

This funding would have enabled the service to be maintained at 3 days a week from 1<sup>st</sup> July 2014 to 30 June 2017, however now the funding will cease from 30 June 2015. The future of the service is in doubt. Despite being recognised widely as an extremely innovative, cost effective and targeted model of service delivery, since 2008, we have been unable to secure any non-government funding for the service. Our assessment is that it is considered by Philanthropic and corporate donors as very worthy but an existing established program and /or a government responsibility.

The service uses an innovative model that combines use of Skype with free hosting of the service by youth and community centre at 9 locations in Seymour, Shepparton, Cobram, Rosebud, Hastings, Mt Eliza, Lilydale, Yarra Junction and Barwon. Youth workers assist young people to identify their legal issues and to access the service. The Youthlaw online lawyer trains up the workers at the site, provides local education to young people and stakeholders, and provides Skype advice and on-going casework services.

The service has developed strong relationships with other legal assistance providers and private lawyers in the locations. The service has features incorporated into all Youthlaw legal services including triage /assessment for multiple needs, secondary consultations to workers, legal training and provision of online legal resources.

### **How many clients do you anticipate being able to assist with this funding per annum?**

Based on previous years data the funding will enable us to provide a 3 day a week service assisting on average 86 clients annually with 108 advices and 50 on-going cases. In addition we will provide a minimum of 30 legal information advices to youth and other workers assisting young people, and one off information to 50 young people.

### **Has the funding enabled you to provide services targeted to a particular group in the community?**

Youthlaw online was established in recognition of the high unmet legal need of, and limited services available to vulnerable and marginalised young people in RRR Victoria.

## **Casey Cardinia Community Legal Service**

---

### **What we have been able to use the additional funds for?**

With the grant of \$100,000 per year for four (4) years, our centre has opened a much needed branch office near the huge and popular Fountain Gate Shopping Centre in Narre Warren. Narre Warren is situated in one of the major growth corridors of Australia. This is an area of great disadvantage, with high number of family violence incidents and horrendous rates of family breakdown.

The office has enabled us to significantly increase the number of people we can assist in this area. Our new office allows room for a volunteer solicitor, as well as a salaried one. This, in effect, means we have been able to increase our client appointments from about 6 to 8 per week, to 18 to 30 per week.

At the new branch office, Casey Cardinia Legal Service Inc. provides assistance predominantly in family law and family violence issues. However, we also assist in credit and debt, motor vehicle accidents, Centrelink disputes and criminal matters, including toll fines. We also provide a venue for free dispute settlement centre advice services for people dealing with neighbourhood, workplace disputes, stalking and any other 'non-family' disputes.

The local area is also one of great mortgage stress and the bulk of our assistance is given to people going through the trauma of marital break down. Other issues that our clients face are fines from the local toll roads, motor vehicle accidents, criminal matters.

We are located in a building that houses other community agencies, such as DVJS, Mind, and EACH . There is also a bulk billing medical practice close by and a Community Information Service within walking distance. Having a working knowledge of local needs, our centre had planned for nearly ten (10) years to expand into this area, to serve the local community more effectively.

The office has also enabled us to conduct community education sessions onsite. This early intervention can be most helpful in keeping people out of the court system. WE commenced divorce classes at the commencement of 2014 and we are planning to conduct information sessions for women affected by family violence in the next four (4) weeks.

Without the office, we would have to rent a room for a more restricted weekly outreach and we would have to forgo the daytime volunteer solicitor's services. We would go from 18 to 30 appointments for clients per week- 800 to 1200 per year approx. (about 1/3 of these translate into ongoing cases) to about 6 to 8 per week (300 to 400 per year).

With the additional funding, we also engaged a much needed part time operations manager without whom the principal solicitor would be conducting all managerial duties. Victoria Legal Aid had strongly recommended that we take this step, in light of the managerial needs of an organisation of our size, and the increasing need for robust policies and procedures. The manager's duties include meeting the onerous reporting requirements of funding bodies, building community networks, sourcing alternatives to government funding, conducting legal needs analysis and community development.

Without the operations manager, service delivery would be directly affected, potentially reducing advice and casework by about 400 clients per year (potentially 150 cases).

Our information services, which include telephone referrals, would also be impacted by the funding cut. They are projected to drop by approx. 3000 per year.