

WEST HEIDELBERG
COMMUNITY
LEGAL SERVICE



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2006/07 ANNUAL REPORT

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B. President's Report

Working with the Community for Social Justice is the mission that guides the West Heidelberg Community Legal Service (WHCLS). 2006/2007 will be remembered as pivotal year in the history of the small, yet effective Legal Service.

For over 30 years the battles and advocacy for the people of West Heidelberg has been done in the confines of the small and crowded surrounds of the old West Heidelberg and Banyule Community Health Service. The opportunity to be a part of the new West Heidelberg Community Health Centre redevelopment lifts the bar in community expectation and is a strong indicator of the strength in the three way partnership between West Heidelberg Community Legal Service, La Trobe University School of Law and Banyule Community Health.

The new surrounds provide a terrific learning environment and experience for the La Trobe students. It has also opened new opportunities for the service to show its experience and leadership in the sector with new and diverse projects. The Denis Nelthorpe led Insurance Project educating community legal practitioners on how to handle client insurance debt and complaints out of the courts has challenged the way we think about social justice. Liz Curran's law reform research project 'Making the Legal System more responsive to community' outline's clearly the telling impact that Community Legal Centre's can have in shaping law in this country.

I congratulate both Denis and Liz on their work and look forward to the WHCLS challenging, advocating and provoking debate on areas of social justice in West Heidelberg and the wider community.

This year has also been a remarkable year of milestones. Gary Sullivan, Principal Solicitor and Pat Williams, Legal Secretary both served 25 years with the West Heidelberg Community Legal Service. These are remarkable achievements that are beyond belief. Their commitment to the service, the community and the sector has been unwavering and represents the great

things about what we do. They have shaped the character and ethos of the service and are always professional and responsive to their respective challenging roles. Denis Swift, long time Treasurer and Committee member, stood down from the committee after the successful move to the new site. Denis' passionate contribution to the WHCLS has been the cornerstone to our strength in the partnership with the Health Service. His contribution is recognized by the Committee with Life Membership.

In closing I would like to thank the staff, Victoria, Gary, Pat, Dennis and Liz for their commitment over the past twelve months. Also to the School of Law at La Trobe University for their ongoing commitment to the Clinical Education Program, Banyule Community Health staff and Board and to the West Heidelberg Community Legal Service Committee of Management for their ongoing commitment.

Mick Geary

President, West Heidelberg Community Legal Service

C. Committee of Management

Farewell Denis

During 2006/07 we said farewell to Treasurer Denis Swift. Denis has been with the Committee for an extraordinary 20 years. In recognition of his service, the Committee awarded Denis life membership. The Committee of Management and staff wish to sincerely thank Denis for the many years he has dedicated to West Heidelberg Community Legal Service and wish him well for the future.

Welcome Cameron

In February 2007 we welcomed our new Treasurer Cameron Bragg. Cameron is the Office Manager at Olympic Adult Education. He is responsible for financial management, information technology, payroll and human resources, and venue maintenance, as well as being responsible for the front office administration of the organisation. He has had a long history of involvement with non profit organisations, both as an employee and on committees of management. Until recently, he was on the committee of Community Business Centres Victoria, where he had held the offices of President, Secretary and Treasurer. He has previously been employed in local government, market research, sales and non profits. In addition to his membership of the Committee of Management of the Legal Service, he currently sits on the board of the East Ivanhoe Community Bank (Bendigo Bank).

Committee Members 2006/07

President

Mick Geary (*Community Programs Manager, Banyule Community Health*)

Outgoing Treasurer

Denis Swift (*Chief Finance Officer, Mercy and Aged Care*)

Incoming Treasurer

Cameron Bragg (*Office Manager, Olympic Adult Education*)

BCH Representative

Jim Pasinis (*CEO, Banyule Community Health*)

La Trobe University Representative

Mary Anne Noone (*Senior Lecturer, La Trobe Law*)

Secretary

Cheryl Delalande (*Darebin Community Health*)

Community Representative

Ann Trott (*Local Resident*)

Community Representative

Sister Frances Baum (*Local Resident*)

Community Representative

John Ryan (*ANEX*)

**West Heidelberg Community Legal Service's Patron is The Hon John Cain,
former Premier of Victoria**

D. Staff 2006/07

Principal Solicitor

Gary Sullivan

Gary's main responsibilities include providing legal advice to clients or taking on their cases and representing them at court. In his role he must hold a current Solicitor's Practising Certificate; be responsible for managing the Legal Service's Trust Account and ensure Professional Indemnity and other appropriate standards and legal requirements are met by the Legal Service. Gary's other roles include being the staff representative on the West Heidelberg Community Legal Service Management Committee, convenor of the Federation of Community Legal Centres' Professional Indemnity Insurance Working Group and Federation Representative for Department of Justice Infringements Oversight Unit Standing Committee and Legal Services Commissioner Community Consultation Committee.

Legal Secretary and Reception Desk Operator

Pat Williams

Pat's responsibilities include assisting clients with booking in for appointments to see a solicitor, referring clients to appropriate agencies if the Legal Service is unable to see the client i.e. lack of expertise or conflict of interest. Pat is also responsible for the maintenance of client files, including entering information into the Legal Service database. In her role she also assists the Principal Solicitor and Legal Education Clinic with administrative tasks.

Incoming Coordinator

Victoria Smith

Victoria began her employment with West Heidelberg Community Legal Service in late September 2006. Her responsibilities involve accountability reporting to the legal service's funding body Victoria Legal Aid, liaising with the Finance Officer (employed by Banyule Community Health) to collect financial and accounting data, administrative management of all Legal Service projects, updating and refining policy and procedure, and ensuring the Legal Service is properly resourced with equipment, stationery and library items.

Outgoing Coordinator

David Kinnear

David's responsibilities were similar to those listed for the Incoming Coordinator.

David resigned from the Legal Service in August 2006 after a brief tenure in his role as Coordinator.

Insurance Project Manager

Denis Nelthorpe

Denis Nelthorpe was employed as locum Principal Solicitor during September 2006 and returned in February 2007 to commence his Insurance Project.

Denis' main responsibility is to educate Community Lawyers and Financial Counsellors of methods for resolving their clients' insurance complaints or third party debts without going through the law courts.

La Trobe University Legal Education Clinic Supervisor

Liz Curran

Liz is employed by La Trobe University but predominately based at West Heidelberg Community Legal Service. The Legal Education Clinical Placements are undertaken by Final Year La Trobe Law students. Liz is a practicing solicitor and is responsible for supervising students when they provide legal advice to or seek legal representation for clients. Liz's responsibilities include educating students about law reform, legal ethics and legal practitioner administration duties. Liz's responsibilities outside the legal service include being a Committee Member of Liberty Victoria and a member of the Ministerial Advisory Roundtable on Youth Justice and member of Prison Stakeholder Forum of the Corrections Commissioner.

E. Dedicated Service

Congratulations Gary on 25 years

The Committee of Management and staff of West Heidelberg Community Legal Service wish to congratulate Gary Sullivan of 25 years of service.

Gary reached the milestone in March 2007 and the occasion was marked with an afternoon tea in the student room at the legal service. Current and past members of the legal service gathered to present the Gary with a nice bottle of red and a huge stack of books that we trust will keep Gary, an avid reader, going for the next 25 years!

Congratulations Pat on 25 years

It was the year of silver anniversaries with our dedicated Legal Secretary, Pat Williams, notching up her 25th year of service in June 2007. Recognition of Pat's achievement was slightly more high profile with none other than the Victorian Attorney General, The Hon Rob Hulls, presenting Pat with her gift of appreciation! The ornamental vase from West Heidelberg Community Legal Service presented to Pat was a surprise addition to the proceedings at the legal service's launch of its new premises. The timing was most fortunate as it would have given present and former staff, committee and community members the opportunity to congratulate Pat. Again the Committee of Management and staff of West Heidelberg Community Legal Service wish to sincerely thank Pat for her 25 years of service.

F. Reflecting Back with Pat Williams, Legal Secretary

1. Since your last Annual Report interview six years ago, what have been the main changes you have seen in the Legal Service?

The main change to the legal service in any year is always the welcoming La Trobe University student intake each semester. There has also twice been a change in the coordinator position in the past eighteen months.

2. How do you think your role at Legal Service has changed since you first started?

My role at the legal service has changed very little because it is a small legal service. Personally I have changed as I am involved in many groups and studies outside my workplace.

3. What kind of employment/activity were you involved in before working for the Community Health Centre/Legal Service?

That was soooo long ago. I worked for Myer Melbourne for ten years in many different office situations, because there were opportunities to do so. I was a stay at home mum for many years after that.

4. What have been the highlights for you?

The highlights for me are the gratitude I receive from the clients, students and staff.

5. What have been the challenges for you?

There have been many challenges for me over the years one of them is the effort I personally had to put in on each move from the upstairs to the downstairs at Alamein Road and the move to Oriel Road and return to Alamein Road.

6. What are your impressions of working in the new building?

It is great to work in an environment that is not dirty, dusty and crowded.

7. What has it been like working with Gary for all this time?

It has been interesting and a pleasure working with Gary. I have learnt a lot about legal issues and thoroughness in file work. It suits me that he has always been available if I have a query about an issue on the phone or in person I have not come across before; he will gladly take the time to point me in the right direction.

8. How does Gary compare now to when you first started working together?

Gary has less hair than before, a little bit older but not showing. His competency with technology in the office has improved beyond belief.

9. What do you think the coming year holds for the Legal Service?

We previously had two solicitors interviewing all year. When the semester came to a conclusion the La Trobe solicitor stayed on. For some years now that has not been the case as Gary is the only employee interviewing outside each semester. I hope the legal service grows in personnel so that more clients can be seen all year and not only when the students are on placement.

10. What have been the highlights in working with Banyule Community Health?

I thoroughly enjoy working with the staff of Banyule Community Health. They are interesting, friendly, available and a social group of people. I like being located next to the staff room because I get to talk to many of them each day.

11. What is the most extraordinary case or event that you have come across in your career?

One of the events I remember whilst at the legal service was the occasion when I hadn't been at the legal service long and I was in an upstairs office and watched my Holden Commodore Station Wagon driving past. It was later located a couple of suburbs away presumably dumped after a robbery.

12. In your day to day routine, which aspects do you enjoy best?

I really like being able to assist the local people and the wider community. I get great satisfaction from assisting them either on the phone or in person. I would say that is the sole reason I have worked in the legal service so long.

13. Who are some of the best or memorable Committee Members/Staff Member you've worked with? Why?

I have worked with so many solicitors over the years from La Trobe University and they have certainly assisted me in my knowledge of the law. I won't mention names but they have all influenced my professional development in some way. We used to have solicitors on a Monday preparing Wills for the local community and I still have contact with them regularly. I've observed in the committee local identities, some who are now deceased that added character to the committee.

14. How do you feel on achieving 25 years of service with West Heidelberg Community Legal Service?

The twenty-five years has gone so quickly and things have changed dramatically with the introduction of computers and other technology. I have met so many fantastic people either clients or staff members.

Interview by Victoria Smith, Coordinator

G. From Oriel to Alamein: Welcome Back to Olympic Village

In September 2006, West Heidelberg Community Legal Service moved back into the Olympic Village precinct, after spending two years in nearby temporary accommodation at Oriel Rd. Ever since it was established, the Legal Service has always been co-located with Banyule Community Health Service. The building that originally housed both agencies, used to be the Administration Offices of the 1956 Melbourne Olympic Games Village. Although the historical context of the building was not lost on both agencies, the building was several decades old and no longer suiting the needs of the community. In 2004, the offices were demolished and within two years were replaced with a modern, bright and purpose built facility that has delighted staff and clients alike.

The Legal Service now boasts an inviting and spacious waiting area; a professional front desk area, three generously sized staff offices, three private interview rooms, a multipurpose room for students of the La Trobe Legal Education Clinic, an office for the Student Supervisor and plenty of storage space for client files, office equipment and stationery.

West Heidelberg Community Legal Service staff are proud of their new home and look forward to the future possibilities in adapting services to complement the new environment.

If you are interested in tour of the new facility, please do not hesitate to contact West Heidelberg Community Legal Service.

Victoria Smith
Coordinator

H. Phil Molan

During 2006/07 the Committee of Management was asked to cast their votes for naming the new multipurpose room designed for the Legal Education Clinic. After careful consideration the Committee decided to name the room after Phil Molan, who was one of the pioneering solicitors of West Heidelberg Community Legal Service. In June 1978, the Department of Legal Studies at La Trobe University appointed Molan, a local solicitor, as lecturer in legal aid. His job was to provide legal services at the West Heidelberg Community Health Service and to involve legal studies students in both casework and social action research. Molan not only helped to form the West Heidelberg Community Legal Service but also established the connection between the legal service and La Trobe University; this built a relationship between the two agencies that has continued and flourished to this day. West Heidelberg Community Legal Service staff and La Trobe students together have made and will continue to make significant contributions to access to justice in the community¹ Sadly Phil Molan passed away in June 1997. He was a man very dedicated to social justice. His assistance in establishing West Heidelberg Community Legal Service and the legal education clinic were only a couple of the many achievements he made to the Australian community legal sector.

Compiled by Victoria Smith, Coordinator

¹ Source: Curran, L. (2005)'Making Connections: the Benefits of Working Holistically to Resolve People's Legal Problems' Murdoch University Electronic Journal of Law, Vol 12, No1 & 2)

I. The Launch

Tuesday 8th May 2007 will go down as arguably the proudest day in West Heidelberg Community Legal Service history. What a crowd! And did we show them a good time or what?

It took a while for the legal service to find its feet in its new premises at the Banyule Community Health facility; the move took place in September 2006. But eight months later we were ready to bring in staff and committee members past and present, local residents, university academics, members of the law courts, community legal centre workers, legal aid staff, ministers, media and many more friends of the legal service.

After the masses were ushered into the community meeting room at Banyule Community Health, the proceedings kicked off with our MC, West Heidelberg Community Legal Service President Mick Geary. He welcomed those present and highlighted the work of the legal service, in partnership with Banyule Community Health and La Trobe University, in creating access to justice for community members who experienced discrimination, isolation and marginalization.

Following on from Mick, Wurrundjeri Elder, Ian Hunter gave the legal service and audience a lively Welcome To Country. He spoke passionately about the legal service's efforts in advocating for the local community and followed on with passing around eucalypt twigs and leaves throughout the audience, in a gesture of extending the traditional welcome to those present. Mr Hunter completed the welcome with a song in the language of the traditional owners and was met with enthusiastic applause at the end.

Following on, Victorian Attorney General, The Hon Rob Hulls spoke of the courage of the community legal sector in making the law accessible to all individuals in a community. Mr Hulls has long been a supporter of community legal centres, West Heidelberg Community Legal Service being no exception. It was therefore only natural that his attendance was greatly appreciated and his company enjoyed by all present.

La Trobe University Vice Chancellor, Professor Paul Johnson later took to the stage and spoke of the strong relationship shared by West Heidelberg Community Legal Service and La Trobe University, in particular the Law School. He emphasised the need for these partnerships between practitioners

and students and being new to the role of Vice Chancellor, he was keen to consider ways on how to build upon this relationship to make it stronger and sustainable for the future.

The presentation now complete, guests were free to enjoy some good food and company and take in the sights of the new Banyule Community Health facility, in particular the offices of the legal service. Many marveled at how modern, bright and professional the new space was; and I speak on behalf of my legal service colleagues when I say it has reaffirmed our opinion of how fortunate we are to work here. We hope that it will only help us to work together with our community and partner agencies in bringing social justice to all.

Victoria Smith
Coordinator

J. In The Media

During the year, both students and members of West Heidelberg Community Legal Service have received some media coverage on issues of critical importance to our clients and also feedback on the value of West Heidelberg Community Legal Service/La Trobe University law reform projects. The following letters and articles are examples of the media coverage received.

Liz Curran
Lecturer in Law and Legal Studies
La Trobe Law
Incorporating role as Supervisor Solicitor
Student Clinical Legal Education Program
West Heidelberg Community Legal Service

K. Principal Solicitor's Report

L. Legal Education Clinic Student Survey 2006/07: Where are they now?

Georgia Blackie

Studied in Semester 1, 2007

1. What are you up to now career/study wise? Almost finished 3rd year Arts/Law. I will have completed my Indonesian Arts major by the end of this year and am going on exchange to Rome in February for a Semester where I will study International law and attempt to expand my knowledge of Italian beyond 'Hi, how are you?'

2. Were there any skills you able to develop during your time at the clinic? If so, what were they?

For starters, working at the clinic gave me the experience of working in an office, which I never had before. More specifically, however, I learnt a lot about how a legal practice operates, including the photocopying and noting of all correspondence. It seems like a basic concept, but I am certainly glad to have made the mistakes I did in clinic rather than a few years down the road as a graduate.

3. What were some of the challenges of the Legal Education Clinic?

Initially, it is just the prospect of solo interviewing of clients. However, once your first interview is over those nerves usually disappear!

4. Any personal or professional highlights during your time at the Clinic?

One day after I had been briefing Gary Sullivan on a criminal matter I was working on, Liz called me into her office to tell me he was quite impressed with me. I felt quite proud that such an experienced solicitor thought that of me.

5. Which areas of law and/or current legal issues interest you the most?

I have always been interested in criminal law, but particularly after some of the matters we worked on at the clinic (as we each had our own cases but

would discuss them with each other within the clinic at our daily debriefing) I would be quite interested in working for an organization like the Consumer Action Legal Centre.

6. What do you hope to be doing professionally in 5 years' time?

I am still contemplating whether or not I want to practice. The other option I have been considering is to work for the Department of Foreign Affairs, so ideally in five years I would be just about to start a posting at an exotic foreign location!

7. What advice do you have for students who want to undertake clinical placement?

It is definitely a worthwhile complement to your law studies. The group of people that I did the clinic with were great, really passionate about the course, particularly when we looked at legal aid funding levels! However, the subject requires a significant commitment, not just in terms of time but in terms of really wanting to be there. It may sound corny but you must really want to help people.

8. And the most important question of all, who was the best Legal Service staff member to work with?

I did not find anybody at the Legal Service, or even in the wider Health Service, who would not go out of their way to help us students. However, if I have to choose a 'best', I will have to say Pat. She always has a smile on her face, was willing to show me over and over again how to properly fold a letter and she didn't appear at all jaded by the job despite having worked there for over twenty years. That was actually a common feature of many people at the Service, actually. If you look carefully at the old Service photos, you will notice a red-bearded Gary smiling back at you, as he has also worked there a long time, but continues to have a passion to go out fighting for the 'underdog.'

Name: Sarah Pereira

Studied in Semester 1, 2007

1. What are you up to now career/study wise?

I am still studying at La Trobe and have one more year to go. I started a new job a month ago at a small law firm in the city. I am a personal assistant to two partners of the firm two days a week. It is going well and I am thoroughly enjoying it.

2. Were there any skills you able to develop during your time at the clinic? If so, what were they?

I developed several skills during my time at the clinic including;

- How to work with clients who are in difficult situations
- Writing letters on behalf of clients
- Being able to be sympathetic to clients situation whilst remaining professional
- How to work with other people at the centre to help clients
- To be able to trust my instincts about certain problems
- To be more confident in myself when dealing with difficult situations
- To be able to respect others opinions

3. What were some of the challenges of the Legal Education Clinic?

In the beginning it was difficult to be confident in my ability to deal with difficult situations because I had never been in this position before. But as the clinic became more practical [hands on] my confidence got stronger each week. This was due to the guidance and encouragement from Liz Curran and Gary Sullivan.

Another challenge was trying to understand cultural differences within the community. Some of the clients were from countries whose legal system differs from ours. It was quite difficult to try and explain these differences.

Ethical dilemmas were quite challenging to deal with because first you had to spot them and then deal with them in the most appropriate way. This was

often awkward and very confronting but it was reassuring that Gary and Liz were there for guidance.

4. Any personal or professional highlights during your time at the Clinic?

A professional highlight for me was when I had to write a very firm letter on behalf of a client. This felt great to be able to help someone who was in desperate need.

Another highlight was when I was able to gain the respect of one of my clients. In the beginning the client would never look at me when she spoke to me but by the end of the semester our relationship had significantly improved.

5. What do you hope to be doing professionally in 5 years' time?

In 5 years time I hope to be working in a middle tier firm

6. What advice do you have for students who want to undertake clinical placement?

My advice to students would be that although the program is very demanding both mentally and in time the rewards are endless.

7. And the most important question of all, who was the best Legal Service staff member to work with?

Everyone who works at the centre is fantastic and dedicated to their jobs but if I had to name someone it would be Gary Sullivan.

Name: Larna Chapman

Studied in Semester 1, 2007

1. What are you up to now career/study wise?

Still studying law/arts degree, 1 year to go

2. Were there any skills you able to develop during your time at the clinic? If so, what were they?

The practical file management skills were invaluable, the little things like how to write satisfactory file notes and arrange a file are imperative.

The client interviewing skills are also highly useful. It is easy to learn the methods but to put them into practice adds perspective. The clinic allows for the development of methods to counter those little hiccups that aren't always covered in the theory.

3. What were some of the challenges of the Legal Education Clinic?

The inability to really develop in one area. While it was great experience to gain perspective of a variety of different people and legal issues sometimes it felt like you were just getting in to one area and you had to drop it and change to a different one.

4. Any personal or professional highlights during your time at the Clinic?

On a personal level my time management and multi-tasking skills certainly improved. It was satisfying to be able to go back to my job and implement those new found skills.

5. Which areas of law and/or current legal issues interest you the most?

I am interested in criminal defence. The clinic really opened my eyes to public interest law. I find it particularly interesting that those most in need of legal representation are usually those that are least able to access it.

6. What do you hope to be doing professionally in 5 years' time?

Practicing as a lawyer, preferably as a criminal lawyer but I am willing to embark on other areas. I wish to be involved in the professional legal bodies in some capacity.

7. What advice do you have for students who want to undertake clinical placement?

Go for it, you have nothing to lose. The instruction that you receive is both fair and constructive. Even if you come out of the clinic thinking that you do not want to practice law it teaches you so much more than the practical aspects. You experience different people and legal situations that open your eyes as to the complex situations those least able to deal with are in. It makes you appreciate what you have.

8. And the most important question of all, who was the best Legal Service staff member to work with?

That's a tough one! Everyone was great. Liz was a fantastic mentor; she was so understanding and patient. Gary was wonderful too, except his writing was really hard to read!

Name: James Alsop

Studied in Semester 2, 2006

1. What are you up to now career/study wise?

I'm in my final semester at La Trobe. I'm also working part-time in a small law firm.

2. Were there any skills you able to develop during your time at the clinic? If so, what were they?

People skills, whether it was through dealings with clients, the legal service staff or other students.

3. What were some of the challenges of the Legal Education Clinic?

Delivering unfavourable news to a client without making them feel as though they have been denied their legal rights or unfairly treated.

4. Any personal or professional highlights during your time at the Clinic?

I enjoyed the entire experience.

5. Which areas of law and/or current legal issues interest you the most?

I used to think commercial law but now that I have a bit of experience I'm not so sure!

6. What do you hope to be doing professionally in 5 years' time?

Working in some sort of legal capacity, preferably overseas.

7. What advice do you have for students who want to undertake clinical placement?

Be as prepared as you can for each interview, even if it appears to be a simple matter.

8. And the most important question of all, who was the best Legal Service staff member to work with?

Liz Curran because of all her guidance. It was also a pleasure to work with Denis, Gary, Pat and Victoria.

Survey conducted by Victoria Smith, Coordinator

**M. West Heidelberg CLS Insurance Project:
The Alternative Way To Address Insurance
Complaints and Debts**

In February 2007 Victoria Legal Aid provided funding to West Heidelberg Community Legal Service to provide training and advice to Victoria Legal Aid and Community Legal Centre lawyers on the resolution of uninsured third party motor vehicle accident disputes. The planning and delivery of this training has been referred to as the Insurance Project.

The training proposed that disputes resolution be based upon the Insurance Industry Code of Practice, Informal Dispute Resolution and the Insurance Ombudsman Service rather than the law courts.

Denis Nelthorpe is a consumer lawyer with 20 years' experience in the sector is overseeing the Insurance Project. He is also a former Executive Director of the Consumer Credit Legal Service and Consumer Law Centre, former director of the Insurance Ombudsman Service and currently the consumer member of the Insurance Industry Code Compliance Committee. Therefore one could argue in this case, that Denis certainly knows what he is talking about!

The training has thus far been provided to approximately 25 Community Legal Centre, Victoria Legal Aid and financial counseling agencies in Victoria. The aim of the training was to improve the knowledge and problem solving capacity of lawyers and financial counselors so that they may assist lower income consumers with insurance related problems. Denis also managed to secure several invitations to interstate Community Legal Centres to impart his knowledge.

As it turns out, the Insurance Project has exposed an ongoing need for assistance and training to generalist Community Legal Centres and Victoria Legal Aid offices on civil law advice for lower income clients. In particular further training is required in relation to the Judgement Debt Recovery Act

1984, the ASIC/ACCC Debt Collection Guidelines, Industry Codes of Practice and the jurisdiction and Terms of Reference of the Industry based Ombudsman Schemes.

A number of Community Legal Centres have indicated that on going assistance will be required to fully implement and take advantage of the initial training provided by Denis.

Feedback from agencies, both to West Heidelberg Community Legal Service and through the Federation of Community Legal Centres has been that an extension of the current project would be well received. Therefore, let's hope that many more Community Lawyers and Financial Counsellors will benefit from the Insurance Project in 2007/08!

Compiled by Victoria Smith, Coordinator

N. Law Reform Activities

West Heidelberg Community Legal Service Law Reform Research Report: “Making the Legal System More Responsive To Community: A Report On The Impact Of Victorian Community Legal Centre Law Reform Initiatives”

I was fortunate enough to secure funding from a philanthropic organisation with the assistance of West Heidelberg Community Legal Service in order to conduct research in to the value and impact of Law Reform activities of community legal centres in Victoria.

The aim of the project was to fill a vacuum in research in relation to the notion of law reform and its impact on community, government and industry. In conducting the research, which was focused on community legal centres law reform activities; it was revealed that very little has been written in Australian literature about the phenomena of law reform and its impact on society and the law's administration.

My research found that all law reform activities were dictated largely by the client case work. The activities examined in the research were mounted irrespective of which government was in power at the time and irrespective of the party's political orientation and were related to the issues stemming directly from the casework.

From my research I was able to make several recommendations, which included the following:

- Community Legal Centres need to improve their identification of and ownership of reforms initially suggested by them, but later claimed by others. This is imperative if they are able to gain full recognition of their important role in ensuring that the legal system is responsive.

- Community legal centres need to balance their casework with law reform and community legal education work as all three are critical to improving the efficiencies and accountabilities of the legal system.
- Most importantly, the research found that the law reform activities of community legal centres had a significant role in improving and refining the legislation, administration and regulatory frameworks of the legal system. In addition, many of the community legal centres' suggested recommendations have over the past two decades been adopted by government, statutory bodies and regulators.

I have written a number of journal articles about the report, some which have been accepted for publication.

On a final note, thank you to West Heidelberg Community Legal Service for their assistance throughout the research project. Also thank you to Tara Joyce for her efforts as research assistant to the project.

An electronic copy of the report can be found on National Association of Community Legal Centres' website www.nacclc.org.au

Liz Curran

In her capacity as Senior Research Officer, La Trobe University (commissioned by West Heidelberg Community Legal Service)

Legal Education Clinic, Law Reform Reports

Semester Two, 2006

The law reform projects from Semester Two, 2006 received much positive feedback from a range of decision-makers that the projects were sent to. These included the State Attorney General, Federal Attorney General, Equal Opportunity Commission, the Office of the Public Advocate, the Victorian Privacy Commissioner, the Chief Magistrate, the State Minister for Health and the Victorian Law Foundation.

In 2006 the law reform projects have been conducted individually by students, rather than in teams, as previously done. Almost all of the projects the students chose during the semester emerged from the student's case work. As always, only those law reform projects which are of a sufficiently high standard were published. In this context publications means that all reports were sent to relevant decision makers. The published law reform projects included:

- "The Effects Of Parental Imprisonment On Children: Sentencing Factors, Guidelines And Options" by Angelique Renieris
- "Crashing Into Debt: Financial Hardship Caused By Having A Motor Vehicle Accident Without At Least Third Party Property Insurance" by James Alsop
- "Working Together To Break The Cycle: A Comprehensive Treatment System For Offenders With Substance Abuse Problems" by Rose Shupak
- "From A Distance: Consumer Protection From International E-Commerce and Cyber Scams" by Tanya Bastick

James Alsop had a letter published in the Law Institute Journal on 3rd party motor vehicle insurance. As did Angelique Renieris, who had her letter regarding the impacts on children of prisoners published in the Law Institute Journal. In addition, both Liz Curran and former student Christine Awad had a lengthy article on the 'Struggles of the sole parent household' published in a magazine entitled 'Descent In Summer 2006/07' which is available in all good book stores.

Congratulations to the Semester Two, 2006 students who were successful in having their work published.

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Student Clinical Legal Education Program
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Legal Education Clinic, Law Reform Reports

Semester One, 2007

The Law Reform Projects for Semester One 2007 ranged from such issues as blackmail lending, drug rehabilitation in prisons, housing options for post release prisoners, pay day lending and the increase in police shootings.

As always, only those letters to decision makers and the 2500 word background research papers that are of 'sufficiently high enough standard to be published' were forwarded to the decision makers. Congratulations to the following students for their published works:

- "A Background Paper On The Use Of Blackmail Security Fringe Lenders" by Gypsy Ophel
- "The Pay Day Lending Campaign: What Has Been Won?" by Sarah Salvidge
- "Employment And Workplace Relations Legislation Amendment (Welfare To Work And Other Measures) Act 2005" by Naomi Haylor

In addition to this a student under my supervision wrote a submission to the Sentencing Advisory Council expressing concerns about proposed 'sentence indication and specified sentence discounts.' The student, in her letter, raised concerns about the risks of magistrates not receiving all information before proceeding to a sentence indication. The letter also highlighted the concern about the pressures in the system upon clients to plead guilty.

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Legal Education Clinic Supervisor, Law Reform Activities

I made comment in *The Age* on the 14th March 2007 in relation to the preposed introduction of anti-graffiti laws in Victoria. My concern was regarding Legal Aid services rarely covering alleged graffiti artists and this could mean that arguments raised by well resourced prosecution could not be combated by the defendant who does not have the resources of the state behind them.

I also wrote a piece on the role of community legal centres for a high school publication call *Legal Update*, which is used, in schools across Victoria (Volume 19 No 1, March 2007).

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O. Legal Education Clinic

Legal Education Clinic Supervisor's Report

Semester Two, 2006

With only week to go, Semester Two, 2006 saw students deliver legal services on approximately eighty client files. Five matters involved advice only and the remainder was all case work.

The main matters in semester two were criminal matters, intervention orders, debt, traffic offences, motor vehicle accidents and many requests for assistance in self-representation before a number of different courts and tribunals. There was a significant increase in the number of traffic matters involving the clients facing a possible term of imprisonment because of the changes to the driving laws. This meant there was a greater number of cases involving the students in briefing Counsel and working as instructing solicitors in court than there have been in other semesters. There were also a large number of debt related matters and motor vehicle accident cases than in previous semesters. As always, there were also a number of PERIN fines now called 'Infringements' under the new legislation.

One of the big issues for the students was the large number of legislative changes. The need to come to terms with often complex changes to the administration of the law, especially changes to driving offences and the new fine enforcement system, was a real challenge with the laws coming into force in July 2006.

Two areas where quite marked changes have been introduced have been in Family Law area with the new *Family Law Act* (Commonwealth) and in the Care and Protection system by the changes coming into force with the new *Children Young Persons and their Families Act* (Vic) 2005 which came into force from 1 January 2007. The changes are likely to increase the number of care and protection matters coming to the legal service from here on in.

During the semester, as usual, we represented a number of people who suffered from a mental illness. In four of the court cases, three of the clients had a mental illness and all were facing a potential jail term. However, the students successfully, through their barristers, argued against terms of imprisonment which in all cases would have been highly inappropriate dispensations. They were successful in all cases. Feedback from the barristers on the student's briefs was that they were detailed and extremely helpful. Students also briefed in detail the Victoria Legal Aid duty lawyers on four separate occasions in criminal law matters.

On a final note, the La Trobe Legal Education Clinic at West Heidelberg represented its first client a young boy of fifteen years old in the new Children's Koori Court in Melbourne (CKC). The student lawyer, Rose who was the instructing student 'solicitor', commented that the CKC experience was a great one. The approach of the CKC is that the Aboriginal Elders chat directly to the child with the presiding magistrate in a conversation style. The child is legally represented (in this case by Rose and Andrew McGregor, the child lawyer briefed in this matter). Liaison people are in the CKC to identify and link the child in with services as the need arises. The magistrate has the final say on sentence.

Rose explained how 'fantastic' the problem solving approach was and how the child opened up and discussed his aspirations (something he had never done before even to his father) and explained in his own words how he realised his offence had impacted on the community and the measures he was taking to find new positive friends.

The student observed that the approach taken in the court was much more inclusive than the 'run of the mill' court cases and was impressed that the client was guided through understanding the processes which does not always occur in other court cases she has observed. The child who had been out of school for some time is now being provided with pathways back into learning so he can realise the aspirations he expressed to the court.

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Legal Education Clinic Supervisor's Report

Semester One, 2007

With only one week of Semester One 2007 to go, the students took on approximately 61 files, 5 of these files only were 'advice only' and the remainder involved casework.

It is noted that in previous semesters students averaged 80 files per semester. This semester, the clinic ran with only 10 students. It normally has twelve students. The reason for this was that one of the students missed the compulsory training and orientation. Another student who was undertaking the clinic had to discontinue her law studies during the semester.

The major cases on which the students delivered legal advice and arranged for representation related to the following areas of law; criminal matters, traffic offences, victims of crime and penalties incurred under the new infringement system. The latter was a challenge for the students as it is new law.

The clinic also had a number of Centrelink matters, which included two criminal prosecutions for Centrelink fraud and one in relation to an appeal against a Centrelink decision. Gary Sullivan represented this last client.

The other interesting trend in the casework was in relation to a number of contract cases which had been made with our clients who have an intellectual disability or where the conduct was unconscionable. One of these matters involved a gym and the other motorcar traders. The latter case was referred to the Consumer Action Law Centre who has expertise in dealing with these matters. The reason we decided to hand it over to the Consumer Action Law Centre was the case appeared to reveal shonky practices by motorcar traders, which have the subject of much attention by that law centre in the past.

The infringement work still consumes considerable time and is still relatively complex although it has been somewhat 'streamlined'. We are still monitoring the impact of the new *Infringements Act 2006* (which is the old PERIN system which used to cause so much heartache). The Legal Service was partly responsible for the reforms in the area. Gary, myself and the students, through their law reform project work, have been pushing for the changes for many years.

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West Heidelberg Community Legal Service

Thank You

What a year! A new building, a great student space, interview rooms (so we do not have to deal with exasperated clients kept waiting because we had nowhere to put them) and I have an office for the first time in six and a half years. Hearty thanks to Jim Pasinis, CEO of Banyule Community Health, for making this happen. Thanks also to Mick Geary, Manager of Community Programs and President of the Legal Service Committee, for sorting out the needs of the clinic in the new building. The launch was a raging success and encouraging words from the new La Trobe University, Vice Chancellor made us optimistic about the future of the three partnerships – West Heidelberg Community Legal Service, Banyule Community Health and La Trobe University.

At West Heidelberg Community Legal Service we have been so lucky to have Victoria as our new Coordinator after so much upheaval. Her support and availability to the Student Program has been enormous. I also wish to acknowledge her hard work on the funding of and finalisation of the Law Reform Research Report of Victorian Community Legal Centres.

Thanks as always (but not taken for granted) to Gary and Pat also for their patience and time given to guide our students. Also thanks to Denis Nelthorpe for going beyond the project he is here to do and offering assistance and his expertise on client consumer matters that the student clinic encountered and in providing help and ideas for their law reform work. He has also opened their eyes up to broader career options than they may have first imagined.

Thanks to Banyule Community Health. The students especially want to thank Phil Lennon for his 'crash course' on debt, which the students always love. It was evaluated with a positive response by students. Also thanks to Carol Francis, Caryl Bridgeford, Cynthia Munro, Rieke Sloggett, Amina Hussein, Mick Geary, Lyn Bowland for all their help with the student law reform work.

Thanks to all the members of the Committee of Management. And finally thanks to La Trobe Law, in particular the Head of the Law School, Professor Gordon Walker, for his ongoing support of and enthusiasm for the student clinical program. Thanks to Professor Jianfu Chen for his attendance at the building site inspections for the new Student Clinic. Thanks to the Director of the Clinical Program Mary Anne Noone and to Judith Dickson for those important client and student debriefs after work on our respective clinics. Thanks also to Andrew Moulton, Glenis, Lorraine, Alison, Jenny, Diane and Glenda for their support and assistance to the clinic too.

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P. Statistics

Number of Clients

Total Number of Clients consulted during 2006/07: 363 (*Source: CLSIS*)

New Clients: 195 (*Source: CLSIS*)

Repeat Clients: 108 (*Source: CLSIS*)

Existing Clients (clients with open files as at 30 June 2006): 60 (*Source: CLSIS*)

Number of Informations Provided

Informations are considered basic information provided to client i.e.

pamphlet or referral made to another agency

Total number of informations given during 2006/07 was 299. (*Source: CLSIS*)

Number of Advices Undertaken

Advice is considered more complex, legal based information or instruction is given to the client from a legal practitioner or Para legal. Advices usually delivered in a verbal manner.

Total number of advices given during 2006/07 was 146. (*Source: CLSIS*)

Casework and Number of Files Opened and Closed

Casework is considered through research, negotiation and action taken by the legal practitioner on behalf of the client, can involve court representation.

Total Cases Closed during 2006/07 was 210. (*Source: CLSIS*)

Total Cases Opened during 2006/07 was 244. (*Source: CLSIS*)

Total Cases Open at Period Start (01 July 2006) was 66. (*Source: CLSIS*)

Total Cases Open at Period End (30 June 2007) was 100. (*Source: CLSIS*)

Casework topics were focused around the following matters:

Dishonesty and assault matters; Crimes Compensation (Victims of Crime);

Intervention Orders (prosecution and defense); stalking; Social Security Fraud;

Fraudulent use of bank accounts; Gambling related matters e.g. defrauding

employers; Street offences e.g. drug trafficking, drug possession, incident

language, road rage; Wills; Domestic Violence related offences; Infringement

Court matters; Consumer-related matters; Social Security Appeals Tribunal matters.

Q. Operating Hours, Location and Services

West Heidelberg Community Legal Service is open to the public Monday to Friday between 9am and 5pm. The Legal Service is closed for lunch between 12pm and 1pm, during which voicemail facilities are operating. Clients must make an appointment to see a solicitor; appointments are held on Tuesday and Thursday afternoon with the Principal Solicitor. During semester, the Legal Education Clinic holds appointments on Tuesday, Wednesday and Thursday mornings. Additional appointments can be arranged outside these times, dependent on the urgency of the matter. Off site appointments and home visits are arranged as required. No advice over the telephone is provided.

West Heidelberg Community Legal Service is located in the Banyule Community Health building at 21 Alamein Rd, West Heidelberg.

West Heidelberg Community Legal Service gives priority to persons on low incomes, who are marginalized or have difficulty navigating the legal system. Close links are maintained with individuals and organizations within our catchment area in order to encourage referral options and improved client outcomes. Some of the activities undertaken by the Legal Service to address the issues of accessibility and equity include:

- Continuation of program of services based at the Banyule Community Health facility
- Home visits where clients were unable to attend the Legal Service
- Telephone interpreters engaged where language barriers were identified
- Appointments offered outside stated hours where accessibility was of issue
- Provision of other relevant legal and non-legal service information to community members and local service providers

We typically cover legal issues such as Criminal Charges, Victims of Crime Issues, Penalties issued for fines outstanding, Youth Law Issues, Social Security Disputes, Motor Vehicle Accidents, Insurance and Debt Related Matters.