



# Federation of Community Legal Centres (Victoria) Inc.

Annual Report 2012–13



# Chairperson and Executive Officer's Report

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Nick Hudson, Chairperson of the Federation's Committee of Management.



Liana Buchanan joined the Federation as Executive Officer in April 2013.



Federation of  
Community Legal Centres  
VICTORIA

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FRONT COVER:  
Victorian Attorney-General,  
the Honourable Robert  
Clark MP addressed the  
November 2012 Red Rose  
Rally, part of a campaign  
by a coalition of family  
violence advocates to  
restore dedicated funding  
for the Victorian Systemic  
Review of Family Violence  
Deaths.

In the year the phrase “access to justice crisis” began to feature increasingly in the media and public discourse, community legal centres (CLCs) continued to work to increase access to justice in myriad ways across the State.

Victorian CLCs again provided over 140,000 instances of legal help, assisting people with legal problems related to family violence, family law, employment, credit and debt, fines, criminal law and many other areas. As well as legal advice and representation, CLCs used their unique position as independent, community-based organisations to run legal education and community development projects, advocate to change unfair laws and policies and explore new, innovative ways of delivering legal assistance.

And, having this year celebrated the 40th anniversary of the first Victorian CLCs, these elements of a CLC approach are more important than ever. So too is the recognition that, while direct legal help is critical, access to justice is about much more than access to lawyers.

2012–13 saw some acknowledgment of the critical work done by CLCs and the massive unmet legal need in the communities with which we work. The Federal Government committed an extra \$33.5 million over four years to CLCs nationally, some of which has been granted to Victorian CLCs and will enable these centres to increase services. Despite funding pressures, Victoria Legal Aid (VLA) recognised that CLCs have faced growing demand without a corresponding increase in funding. VLA increased overall CLC funding in 2012–13 with additional grants of funding to some centres, for example to increase family violence services.

These increases were welcome and reflect a recognition of CLCs' value and effectiveness, but of course CLC staff and volunteers know demand will still outstrip capacity. The Legal Australia Wide Survey, released in August 2012 by the Law and Justice Foundation of NSW, suggests around two million Victorians will experience a legal problem each year and people suffering disadvantage are particularly vulnerable to legal problems. The survey also found people get legal advice for only 16 per cent of all legal problems. For many in the community, access to justice remains far from a reality.

Unfortunately, 2012–13 also saw VLA deciding not to renew funding for the Mental Health Legal Centre (MHLC), redirecting the funds to expand their own (VLA's) services and then successfully competing against the MHLC for the balance of its recurrent funding, a Department of Health tender. Typifying the resilience and innovation often found in this sector, the MHLC will survive as an independent, specialist CLC to explore new service models with support from the Centre for Innovative Justice at RMIT University. The Federation is now working with VLA to negotiate a protocol that will set out the process used by VLA when it is concerned by a CLC's performance.

The Federation had another strong year during 2012–13, thanks to staff, volunteers, funders, pro bono supporters, partner agencies and the many CLC staff who work with us through working groups and projects.

Our work to support and strengthen CLCs in 2012–13 included:

- rolling out the NACLC accreditation scheme to support quality in the delivery of community legal services;
- supporting the Community Law Australia campaign, along with other state associations and the NACLC, to raise community and government understanding of CLCs and the extent of unmet legal need;
- coordinating free or low-cost training and professional development for CLC staff;
- continuing the successful Law Graduate Scheme with support from the Legal Services Board; and
- running two programs of the Adaptive Leadership Program to develop strong leadership in the CLC sector, with pro bono support from Jil Toovey.

*2012–13 saw some acknowledgment of the critical work done by CLCs and the massive unmet legal need in the communities with which we work.*

In our law reform and policy work we have continued to collaborate with member CLCs and other organisations to improve laws, policy and practices that impact CLC clients. Highlights of this work include:

- launching *Saving lives by joining up justice*, an issues paper calling for reforms to ensure coronial systems operate more effectively to prevent avoidable death;
- the first full year of Making Rights Reality, a pilot specialist advocacy and support program to improve access to justice for sexual assault victims who have a cognitive impairment;
- completing research launched by the Victorian Attorney-General, the Honourable Robert Clark MP, that exposed poor practice by councils, which are often too quick to sue people for unpaid rates;
- continuing the Smart Justice project, that now brings together 28 partner agencies to challenge ineffective and simplistic responses to crime in favour of evidence-based approaches that will make the community safer; and
- ongoing advocacy to improve conditions for marginalised taxi drivers, with the Victorian Government announcing in May 2013 that it would include many of our recommendations in broader taxi industry reforms.

Notably, in our first full year with extra communications capacity, we were able to increase the profile of CLCs and the work of the Federation.

Finally, this year also marked the end of an era within the Federation leadership. Hugh de Kretser and Claudia Fatone left their roles as Executive Officer and Sector Development Manager of the Federation in early 2013. We would like to acknowledge both Hugh and Claudia for their remarkable contribution and leadership, for raising the profile of the Federation and expanding its capacity to lead and support CLCs to bring about access to justice. ❖

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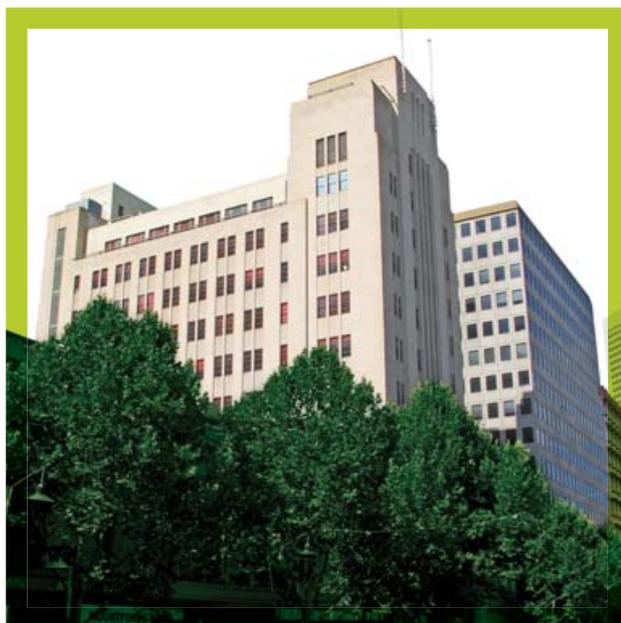
# About the Federation of Community Legal Centres

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The Federation is the peak body for Victoria's 51 community legal centres (CLCs). The Federation leads and supports CLCs to pursue social equity and make justice accessible for all. The Federation:

- provides information and referrals to people seeking legal assistance;
- works to build a stronger and more effective community legal sector;
- provides services and support to CLCs;
- conducts law reform and policy work to improve the justice system; and
- represents CLCs with stakeholders.

The Federation assists its membership to collaborate for justice. CLC workers come together through working groups and other networks to exchange ideas and improve CLC services. The Federation regularly works in partnership with government, legal aid, the private legal profession and community partners. The Federation is an incorporated association.



## About community legal centres

Community legal centres are independent, community organisations that provide free legal services to the public. CLCs provide free legal advice, information and representation to more than 100,000 Victorians each year.

Generalist CLCs provide services on a range of legal issues to people in their local geographic area. There are generalist community legal centres in metropolitan Melbourne and in rural and regional Victoria.

Specialist CLCs focus on groups of people with special needs or particular areas of law such as mental health, tenancy, consumer law and the environment.

CLCs receive funds and resources from a range of sources including State, Federal and local government, philanthropic foundations, pro bono contributions and donations. Centres also harness the energy and expertise of thousands of volunteers across Victoria.

It is CLCs' community relationship that distinguishes them from other legal services and enables them to provide innovative solutions to legal problems in responding effectively to the needs of our communities as they arise and change.

CLCs integrate legal assistance for individual clients with community legal education, community development and law reform projects that are based on client need and are preventative in outcome.

CLCs are committed to collaboration with government, legal aid, the private legal profession and community partners to ensure the best outcomes for our clients and the justice system in Australia.

## Strategic Plan 2011–14

Our Strategic Plan 2011–14 focuses on supporting CLCs to deliver quality services. The plan is available on our website. Highlights include:

- implementing the National CLC Accreditation Scheme;
- implementing a leadership training program in CLCs;
- working to improve wages and conditions in CLCs;
- developing mentoring and secondment programs;
- expanding the CLC Law Graduate Scheme;
- developing a guide and training program to support more effective law reform work;
- improving our profile and communications; and
- improving CLC legal practice support and knowledge management.

A separate Justice Policy Strategic Plan 2011–14 outlines our justice policy objectives. ❖

## Federation Management Committee

### Chair

- » Nick Hudson  
Barwon Community Legal Service

### Treasurer

- » James Ferguson  
KPMG (*From March 2013*)
- » James Farrell  
Deakin University School of Law  
(*To November 2012*)

### Secretary

- » Jillian Williams  
Consumer Action Law Centre

### General Members

- » Joanna Fletcher  
Women's Legal Service  
(*From October 2012*)
- » Greta Haywood  
Melbourne University Student  
Union Legal Service
- » Belinda Lo  
Eastern Community Legal Centre  
(*From September 2012*)

- » Carol Stuart  
Springvale Monash Community  
Legal Centre
- » Brendan Sydes  
Environment Defenders Office  
(*To September 2013*)
- » Laura Vivarini  
Moreland Community Legal Centre  
(*To October 2012*)

### NACLC Victorian Representative

- » Hugh de Kretser  
Human Rights Law Centre

## Federation Staff

### Executive Officer

- » Hugh de Kretser  
(*To February 2013*)
- » Claudia Fatone  
(*Acting, February to April 2013*)
- » Liana Buchanan  
(*From April 2013*)

### Sector Development Manager

- » Claudia Fatone  
(*To April 2013*)
- » Amanda Lamont  
(*From June 2013*)

### Communications Manager

- » Darren Lewin-Hill

### Accreditation Coordinator

- » Cate Edwards

### Training Coordinator

- » Kathleen O'Callaghan

### Senior Policy Advisers

- » Dr Chris Atmore, Lucy Larkins  
(*from January 2013*), Jacqui Bell  
(*to September 2012*), Michelle  
McDonnell and Lucinda O'Brien

### Office Coordinator

- » Amy Frew
  - » Philip Marshall
  - » Sophie Vasiliadis
  - » Sam Dipnall
- ### Finance Officer
- » Sally Goldner (*To September 2012*)

### CLC Law Graduate Scheme 2012–13 program

- » Erin Buckley
- » Lee Carnie

### 2013–14 program

- » Gemma Cafarella
- » Bethany King

## Federation Interns and Volunteers

- » Kora Stephenson
- » Nicole Smith

- » Helen Tsiagras
- » Yalini Nirmalarajah

- » Amy Frew

## Funding and Support

In addition to income received from member CLCs, the Federation's core ongoing funding is provided by the Victorian Government and Victoria Legal Aid. The Federation thanks them for their ongoing support. We would also like to thank the following organisations for their support:

### Funders

- » Allens Linklaters
- » Ashurst
- » Department of Human Services
- » DLA Piper
- » Legal Services Board
- » William Buckland Foundation  
(*ANZ Trustees*)
- » Ian Potter Foundation
- » Gandel Trust
- » Lander & Rogers
- » Portland House Foundation
- » Victorian Women's Benevolent Trust

- » Australian Communities Foundation
- » Reichstein Foundation
- » Slater & Gordon
- » Victoria Law Foundation
- » Clayton Utz
- » Private donors and Smart Justice partners

### In kind and pro bono

- » Adaptive Leadership Program mentors
- » Allens Linklaters
- » City of Melbourne
- » Clayton Utz
- » Corrs Chambers Westgarth
- » DLA Piper
- » FOI Solutions
- » Innovative Knowledge Development (IKD) & Jil Toovey
- » Law Institute of Victoria
- » Maddocks
- » Maurice Blackburn

- » Russell Kennedy
- » Telstra
- » University of Melbourne Law School
- » Victoria Legal Aid

Thank you also to all those who generously volunteered their time and expertise as speakers, facilitators and presenters at FCLC trainings, workshops and events.

Thanks also to our co-tenant, Travellers Aid, and our other neighbour community organisations in The City Village (an initiative of the City of Melbourne).



# Improving the justice system through law reform and policy work

## PREVENTING FAMILY VIOLENCE

Following the Red Rose Rally earlier in November, White Ribbon Day activities included a remembrance at Federation Square of family violence fatalities.

Victoria's integrated response to family violence must provide a high level of protection for what are now huge numbers of victims, along with accountability for perpetrators. Many of our CLCs this year provided legal assistance to victims of family violence through duty lawyer services at Magistrates' Courts. In 2012–13 family violence was the top legal problem type for CLC work across Victoria, and is involved in more than one in three new cases.

### What we want

Victims still have differing levels of access to justice depending on where, and sometimes, who, they are. For example, there are more obstacles to justice for women with disabilities, from a CALD background or who are Aboriginal. We need to continue to build comprehensive risk assessment and risk management, consistent best practice judicial decision-making, and "joined up" services at Magistrates' Courts.

*Victoria's integrated response to family violence must provide a high level of protection for what are now huge numbers of victims, along with accountability for perpetrators.*

### What we have done

We have worked with Domestic Violence Victoria and others to promote an integrated response in our consultations with government, and in the media. We have visited various Magistrates' Courts around the State and watched their family violence lists at work. We have also interviewed our family violence duty lawyers about the challenges of their role and how we might best help them.

The Federation has also been a member of several reference groups for community-based family violence projects.

We led calls for reinstatement of dedicated funding for the Victorian Systemic Review of Family Violence Deaths (VSRFVD). Family violence death reviews are internationally recognised because they identify "red flags" and why gaps in the system lead to homicide. As well as networking with death review advocates in other states, we held a rally on the steps of Parliament which was addressed by the Attorney-General and attended by other MPs, and we co-hosted a White Ribbon Day stall.

### Our impact

Our Courts project is informing our policy work and revision of our Family Violence Court-Based (Applicant) Lawyer Code of Practice. Our VSRFVD advocacy led to considerable stakeholder and public support, with the issue being raised several times in Parliament, as well as gaining television, radio and newspaper coverage. ❖

# REPORT URGES CORONIAL REFORM TO SAVE LIVES

The March launch of our coronial issues paper proposed important reforms to save lives by joining up justice.



Many families who have lost loved ones experience the coronial process and its aftermath as traumatic and disempowering. Legal assistance is often not accessible or affordable. Under-resourced State and Territory coronial processes often result in a piecemeal approach that fails to help prevent avoidable deaths. Coroners can make potentially life-saving recommendations, only for them never to be responded to or implemented, with no monitoring and no public awareness.

## What we want

Coronial processes need to be based on independent inquiries into system failure and comprehensive identification of any institutional responsibility and systemic issues. Families and advocates need to know that inquest recommendations will be practical, appropriately targeted, and followed up. This greater emphasis on death prevention must be accompanied by enhanced support for families, including accessible and affordable legal advice and representation.

*Under-resourced State and Territory coronial processes often result in a piecemeal approach that fails to help prevent avoidable deaths.*

## What we have done

In March 2013 Dr Norman Swan launched our Issues Paper, *Saving lives by joining up justice: Why Australia needs coronial reform and how to achieve it*. Written by the Federation on behalf of the Australian Inquest Alliance, *Saving lives* urges comprehensive national reform to ensure that coronial recommendations result in meaningful, effective action to better prevent deaths, and that families are properly supported to participate in investigations and inquests.

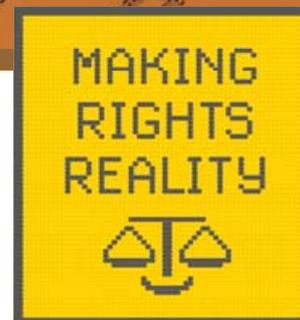
The Federation has also assisted a number of families to access legal help in coronial matters, including helping one family make a written submission to the Coroner and subsequently communicate their concerns to the media.

## Our impact

In response to *Saving lives*, the Federation was invited to address the Coronial Council. The paper's launch and our ongoing advocacy for changes to the coronial process have received television, radio and newspaper coverage. Inquiries to us from families wanting coronial legal help have increased, with callers often saying they felt they had nowhere else to turn. ❖

# PREVENTING SEXUAL ASSAULT AGAINST PEOPLE WITH A COGNITIVE IMPAIRMENT

Easy-read materials assisted clients to make their rights a reality.



People with a cognitive impairment or communication difficulties are more vulnerable to sexual assault but face greater barriers to reporting these crimes. A pilot specialist advocacy support program, *Making Rights Reality: Access to justice for sexual assault victims with a cognitive or communication disability*, began in February 2012. The pilot program is based in Melbourne's South East region and is a partnership of the Federation, South Eastern Centre Against Sexual Assault (SECASA), Springvale Monash Legal Service (SMLS) and disability agencies. It has been funded by the William Buckland Foundation, Portland House Foundation, Victorian Women's Benevolent Trust, the Reichstein Foundation, the Victorian Government and private donors.

## What we want

We want to collaborate with other key services so that victims of sexual assault who have cognitive or communication disabilities can be helped to report offences to police and be supported through the investigation and prosecution processes, including in police interviews. We want to increase reporting and prosecution of these crimes and prevent further crimes from occurring.

*Making Rights Reality* provides legal and other advice on possible outcomes and options, including legal support to access crimes compensation. Clients can use a skilled communication support service and other disability services where required.

## What we have done

SECASA and SMLS have developed processes and procedures to ensure that members of the client group are identified and referred, and have provided training and resources to staff, including for SECASA staff to act as Independent Third Persons in police interviews. They have prepared easy-read materials explaining police and legal pathways.

*People with a cognitive impairment or communication difficulties are more vulnerable to sexual assault but face greater barriers to reporting these crimes.*

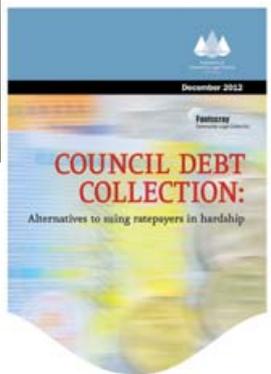
## Our impact

In the first 12 months of the project, SECASA saw 60 clients with a cognitive or communication disability – over four times as many as in the six months before the project began. Clients seen at the Crisis Care Unit also increased from two to 13, and the number of “no shows” dropped by two-thirds. Clients are also attending for more counselling sessions and there are more referrals to SMLS for legal assistance with crimes compensation or intervention orders.

The next phase will promote the project more broadly and try to gather more information about legal outcomes in order to inform more systemic advocacy. ❖



Rates constitute the majority of the income of councils and the payment of rates is crucial to the effective operation of local government. However, many residents experience genuine difficulty paying rates. Over the past three years, the Federation of Community Legal Centres and Footscray Community Legal Centre have undertaken extensive research into the debt collection practices of local councils. Our research found that councils are prolific litigators, suing people at alarming and increasing levels for small amounts of rate arrears. Councils do not respond consistently to residents experiencing difficulty paying rates and some councils are far too quick to sue residents without adequately exploring alternatives to litigation.



### What we want

We want the courts to become the last resort – not the first – for the recovery of unpaid rates.

We want councils to adopt ethical debt collection practices that take into account ratepayers' circumstances and that properly explore alternative and sustainable payment arrangements. We want councils to promote early access to financial counselling and community legal advice for people in financial hardship.

Implemented properly, these changes would lead to a significant reduction in the number of people being sued by councils for unpaid rates.

### What we have done

In December 2012, we released a report on council debt collection practices, *Council debt collection: Alternatives to suing ratepayers in hardship*. The report was launched by the Attorney-General.

Our key findings included:

- local councils sue over 6,000

people for unpaid rates each year;

- the number of claims for unpaid rates has tripled over the past eight years;
- 15 of the top 25 most prolific litigators for debt claims in the Magistrates' Court are councils;
- council claims make up 50 per cent of claims under \$1,000;
- many local councils are far too quick to sue and do not properly explore alternatives to litigation such as entering into a payment plan with the ratepayer. Payment plans have been very successful in other industries, such as the utilities sector;
- legal costs, court fees and interest add substantially to the rates bill, often doubling it; and
- people who are experiencing difficulty paying their rates are often highly vulnerable – poor health, job loss and relationship breakdown are common. Legal action can have a severe impact on these disadvantaged individuals.

Our report recommended a number of reforms, including the introduction of a Local Government Hardship Code of Practice. The recommended Code of Practice provides a framework for councils about how to respond to ratepayers who are experiencing financial hardship.

### Our impact

Our work has placed council debt collection practices under the spot light and has attracted the attention of policy makers and the media.

The peak body for local councils, the Municipal Association of Victoria, has acknowledged the problem and has committed to working on it.

We will continue to advocate for the introduction of a code of practice for local councils. We will also monitor Magistrates' Court data on council sue rates over the coming years. If the data, and the profile of complaints to the Victorian Ombudsman, indicate that council practices are not changing, we will advocate for stronger legislative regulation. ♦

# BETTER WORKING CONDITIONS AND LEGAL PROTECTION FOR TAXI DRIVERS



Denis Nelthorpe and Lucinda O'Brien speak at the August 2012 launch of *In the driver's seat: Achieving justice for taxi drivers in Victoria*.

In 2011, the Federation established a specialist legal clinic for taxi drivers, in partnership with Footscray Community Legal Centre and with the support of the Legal Services Board Grants Program. In the same year, the Victorian Government announced the Victorian Taxi Industry Inquiry, headed by Professor Allan Fels AO. Since then we have provided free legal assistance to hundreds of drivers from around Victoria. We have drawn on this experience to campaign for improvements to drivers' legal rights and working conditions.

## What we want

The Victorian taxi industry needs radical reform. In 2012, the Taxi Industry Inquiry found that drivers earn only \$13 per hour, well below the minimum wage.<sup>1</sup> They work very long shifts, in difficult conditions, without paid leave, superannuation or many other rights that most of us take for granted. Taxi drivers also expose themselves to serious financial risk every time they drive, because most taxis are not properly insured. Without insurance, an accident on the road can lead to bankruptcy. We want the Victorian Government to make insurance compulsory in the taxi industry and to take meaningful steps to improve drivers' pay, legal rights and safety at work.

## What we have done

In August 2012, we published a policy report, *In the driver's seat: Achieving justice for taxi drivers in Victoria*, launched by former Deputy Prime Minister Brian Howe AO. The report described our work with nearly two hundred Victorian taxi drivers, including many recent migrants and refugees. It documented the legal and financial problems affecting taxi drivers and set out recommendations for reform. Over the last twelve months, we have made submissions to the Victorian Taxi Industry Inquiry, the Victorian Government and individual MPs, urging them to address these serious problems. We have also highlighted the need for reform on television, radio and in the print media.

## Our impact

In late 2012, the Taxi Industry Inquiry cited our submissions in its final report. In line with our submissions, it recommended compulsory insurance and a range of other measures designed to improve drivers' rights and conditions. In early 2013, the Victorian Government adopted the vast majority of these recommendations. We are now assisting the new Taxi Services Commission with the implementation of these important reforms. ❖

<sup>1</sup> Taxi Industry Inquiry, Draft report: Customers first: service, safety, choice (2012), available at [http://www.taxiindustryinquiry.vic.gov.au/\\_\\_data/assets/pdf\\_file/0004/67864/TII-Customers-First-Book-20120626.pdf](http://www.taxiindustryinquiry.vic.gov.au/__data/assets/pdf_file/0004/67864/TII-Customers-First-Book-20120626.pdf) (accessed 17 September 2013), p 280.

# SMART JUSTICE – SMART ACTION FOR A SAFER COMMUNITY



Stories like Susan's helped Smart Justice communicate the human cost of prison and the need for alternatives.

**Smart  
Justice**

“Smart action for  
a safer community”

**There is a wealth of evidence about what works to prevent crime, but too often governments implement criminal justice policies that are driven by popular, media-fuelled misconceptions about how to tackle crime. Simplistic, tough-on-crime justice policies are not effective in reducing crime or making the community safer. They impact disproportionately on disadvantaged communities and force governments to spend money on prisons rather than measures that cut crime.**

## What we want

We want effective, evidence-based and human rights compliant criminal justice policies. We want governments to do what works to cut crime, not what is designed to sound good to voters. We want to stop murders, rapes, assaults and other crimes by preventing them from occurring through tackling the causes of crime, rather than spending billions of dollars on ever harsher punishments that respond after the damage is done.

## What we have done

We formed the Smart Justice coalition to promote smart action for a safer community. So far 28 leading legal and community organisations, with a vast array of experience working with

victims and offenders have joined Smart Justice. Smart Justice promotes solutions to crime by summarising credible research and evaluation in a range of Smart Justice fact sheets on issues ranging from reducing alcohol-related violence to crime statistics. We promote our fact sheets through [www.smartjustice.org.au](http://www.smartjustice.org.au), social media and media engagement. We also directly engage with politicians, journalists, editors, academics, community groups and students through seminars, forums, discussions journal articles, media releases and interactive web blogs. In addition to media engagement, a new Smart Justice blog and 15 community engagements, this year we began development of stories of people who have experienced prison as part of a new video channel that

will also include stories of people who have experienced the impact of crime as victims.

## Our impact

Smart Justice has created a credible voice for effective criminal justice policies. It continues to attract a significant media profile including coverage on ABC Radio National, ABC News, 7.30 Victoria, and in a broad range of other media. Our website received 12,733 visits and 23,842 page views this year and we have an expanding social media presence with over 1,500 Twitter followers including journalists and politicians. ❖

# SMART JUSTICE FOR YOUNG PEOPLE

Smart Justice for young people

“ Smart action for a safer community ”

Landmark Court of Appeal decision allows case for independent investigation of police misconduct to go ahead

This year Smart Justice For Young People established a new blog to highlight issues such as the need for independent investigation of complaints against police.

**Smart Justice**  
for young people

“ Smart action for a safer community ”

Smart Justice for Young People (SJFYP) is a youth advocacy coalition of over 30 legal and youth sectors organisations jointly advocating to government and the community for a change in the way youth justice is approached.

The strong representation of CLCs in SJFYP helps ensure the sector continues to have a forum in which to meet and discuss law reform issues.

## What we want

In addressing the issues of the youth justice system, Smart Justice for Young People echoes the emphasis of Smart Justice on evidence-based policies towards crime.

The focus of the group over the last 12 months continues to be policing issues, including police training and monitoring the Protective Services Officers scheme (via Your Rights on Track); and diverting more young people from the criminal justice system. It has also lent support to a working group focusing on stopping the transfer of young people to the adult prison system.

## What we have done

A snapshot of our activity includes:

- the SJFYP Coalition Steering Committee met quarterly to drive law reform activities in both the police powers and diversion campaigns;
- maintaining the Smart Justice for Young People webpages and Twitter account;
- the creation of a fifth fact sheet – *Myths of youth offending*;
- continuing to support Your Rights on Track, a community legal education & monitoring project around the issue of PSOs;
- coordinating a joint response to the Victorian Government’s review of youth diversion programs in Victoria;
- numerous media stories related to both policing and diversion issues;
- dialoguing with Victoria Police about strengthening their youth specific training;
- coordinating a response to the Victoria Police Inquiry into field contact and cross-cultural training and supporting other organisation’s responses; and

- meeting with key youth justice stakeholders on the issue of children and young people in detention and potential transfers to adult prison.

## Our impact

Our achievements include:

- gathering 750 Twitter followers (an increase of 300 per cent) including journalists and State Government agencies and departments;
- representing 10 per cent of all page views on the Smart Justice website;
- keeping pressure on Government to respond to its diversion discussion paper by calling for and attending meetings with Chief of Staff to Minister Wells, and advisor to Minister Wooldridge; and
- influencing media reporting through media releases and building relationships with journalists. ❖

# YOUR RIGHTS ON TRACK

## Informing, empowering and protecting commuters interacting with Protective Services Officers

Armed Protective Services Officers on railway stations remain a concerning aspect of Victoria's law-and-order agenda.

YOUR RIGHTS ON TRACK

Your Rights On Track focuses on concerns over the Victorian Government's roll-out of armed Protective Services Officers (PSOs).

PSOs are not sworn police officers but are employed and trained by Victoria Police. They do not receive the same level of training as police officers but are provided with semi-automatic guns and a range of police-like powers including arrest and detention of people under mental health legislation.

The Federation has serious concerns about the risk of PSOs using unnecessary force. We are concerned that someone, most likely a person in mental health crisis, will be shot by a PSO in circumstances where the shooting was entirely avoidable. We are also concerned about PSOs exceeding or inappropriately using their powers, including issuing fines, particularly against young, homeless, culturally diverse and Indigenous people, and people with cognitive disabilities.

### What we want

Safety on train stations is vital, but there are better ways to achieve this than through the current PSO plan. A better plan would involve:

- removing PSOs' guns;
- ensuring additional training and experience before PSOs are deployed;
- scaling back the roll-out by only putting PSOs on stations with known crime problems (many stations on which PSOs are to be deployed have little or no recorded crime); or
- stopping the roll-out and reinvesting the savings into station staff, better lighting, improved train frequency or greater transit police presence.

### What we have done

We established Your Rights On Track in collaboration with Youthlaw and the Mental Health Legal Centre. The project informs people about their rights when dealing with PSOs and

advocates for an evidence-based approach to train safety in Victoria. Following on from our training session last year for lawyers and community workers explaining the powers of PSOs and their clients' rights, we have continued to support local community legal centres with their own community legal education and advocacy when PSOs start at particular suburban train stations.

Through our Facebook page at [www.facebook.com/PSO](http://www.facebook.com/PSO), YourRightsOnTrack and the Federation's telephone referral service, we refer people to our community legal centres for legal help and advice for incidents involving PSOs. Together with Youthlaw we have published legal advice Facebook posts on the limits to PSOs' powers as well as commuters' rights and responsibilities.

We have outlined our concerns around the PSO policy and how we think the policy could be improved to relevant government ministers and Victoria Police. Some of our suggested improvements relate to harm minimi-

sation and PSO training and if adopted could reduce the risk of injury, death and human rights abuses.

### Our impact

Your Rights On Track has informed thousands of commuters about their rights and responsibilities when interacting with PSOs. We have also received statewide coverage on ABC TV News and 7.30 Victoria and The Age as well as nationwide coverage on ABC Radio along with regular spots on community radio station 3CR on PSO accountability and safety on trains. This has raised awareness of our concerns around PSOs. We have distributed over 16,000 wallet-sized cards with information on getting free legal help with PSOs, and have maintained a strong social media presence with 130 posts and 500 "likes" on Facebook. ❖

# Supporting a strong, effective and sustainable CLC sector

The Federation has an important role to play in supporting a strong, effective and sustainable community legal sector. The Sector Development Standing Group provides critical support to the Federation and the sector in providing strategic oversight and direction for this work, which includes:

- supporting CLCs in excellent service delivery through management, accreditation, reporting and legal practice support;
- consulting with and supporting CLC members on funding and resource needs and priorities to better meet the community's legal needs;
- communicating priorities to government and other agencies and working to implement these effectively;
- developing the CLC staff and volunteer workforce through accessible professional development opportunities, an annual training program for legal and non-legal staff based on identified key competencies, supporting career pathways in the CLC sector, including through staff recruitment and retention strategies and the CLC Law Graduate Scheme, and advocating for fair and competitive CLC staff remuneration;
- promoting pro bono partnerships for CLCs and their clients through the Attorney-General's Community Law Partnerships Scheme;
- collaborating with other legal assistance providers, particularly through the Victorian Legal Assistance Forum, to deliver better and more targeted services to communities;



- providing forums and opportunities for CLC cohesion, collaboration and participation in sector-wide activities, especially for regional, rural and remote CLCs; and
- building and promoting community legal sector reputation and profile.

The Federation also coordinates a range of member services, such as interpreters, industrial relations advice, an employee assistance program, and an electronic legal resources library. Funding for these important CLC resources was transferred to the Federation for the first time in 2012–13.

Highlights for our sector development work over the past year are set out below.

## Community legal centres celebrate 40 years

In December 2012, the Federation hosted a Wheeler Centre event celebrating 40 years for community legal centres in Victoria, following the formation of Fitzroy Legal Service on 18 December 1972.

Speakers included the Honourable Chief Justice Marilyn Warren AC of the Supreme Court of Victoria, and Victorian Attorney-General, the Honourable Robert Clark MP.

Also presenting was a host of current and past community legal centre stalwarts including Professor Neil Rees, Amanda George, Associate Professor Simon Rice, Associate Professor Maureen Tehan, Dr Simon Smith, Paula O'Brien, Nicole Rich, Wayne Muir and Phil Lynch.



Amanda Lamont joined the Federation as sector development manager this year, continuing the excellent work of Claudia Fatone, who now leads Fitzroy Legal Service.



LEFT: Managing Lawyer Stephanie Tonkin and Community West CEO Rachna Muddagouni show the outcome of Brimbank Melton CLC's successful work towards accreditation this year.

ABOVE: Victorian Attorney-General, the Honourable Robert Clark MP spoke at our December 2012 event marking 40 years for CLCs in Victoria.

Attracting around 130 guests, the anniversary event considered the changes in access to justice over the last 40 years, the achievements of community legal centres, current challenges, the unique services offered by community legal centres, and their future directions.

Of particular note was Chief Justice Warren's address on the challenges of legal assistance funding, a session entitled "The Provocateurs" on what community legal centres should be doing that they're not, and a panel on law reform, advocacy and innovation. Hugh de Kretser also offered an overview of the Community Law Australia national access to justice campaign launched at the High Court of Australia in July 2012.

The event was made possible by support from Slater & Gordon, Allens Linklaters, Lander & Rogers, and the Victoria Law Foundation.

For more on the history of community legal centres, see [www.fcl.org.au/cb\\_pages/what\\_is\\_a\\_clc.php](http://www.fcl.org.au/cb_pages/what_is_a_clc.php)

## Accreditation to ensure consistent quality CLC services

In Victoria the NACLAC Accreditation Scheme is well underway. The Scheme has been developed by NACLAC as a quality improvement initiative to help support good practice in the delivery of community legal services.

The Federation has employed Cate Edwards as the Regional Accreditation Coordinator and there is a real commitment by CLCs to achieve certification under the Scheme. We aim to have all Victorian CLCs certified by mid-2014.

We are pleased to report that four CLCs achieved certification by the end of June 2013. They are:

- First Step Legal Service**
- Asylum Seeker Resource Centre**
- Gippsland Community Legal Service**
- Aboriginal Family Violence Prevention & Legal Service**

CLCs will be provided with ongoing assistance from the Federation to address organisational and service improvements identified during the process. By the end of 2012-13, a further 13 CLCs had had their full-day site visits and were close to achieving accreditation. Almost all Victorian CLCs are engaged in the process and have commenced or completed the initial stage of the process, an online organisational self-assessment.

Feedback from Victorian CLCs has been very positive:

*"...accreditation...will be positive and drive the changes needed to make the CLC operate at an increasingly high level."*

*"...the accreditation process has been an excellent experience. It created cohesion between different parts of the organisation to ensure that we continue to strive for best practice."*

*"The more work we did the more valuable we realised the process was."*

## CLC Law Graduate Scheme

The CLC Law Graduate Scheme funded by the Legal Services Board was developed to consolidate a pathway to CLC practice for high-calibre law graduates. It also supports a sustainable sector by providing quality training programs for new lawyers, attracting and retaining lawyers in the sector, particularly rural and regional CLCs, and providing greater resources for legal service delivery.

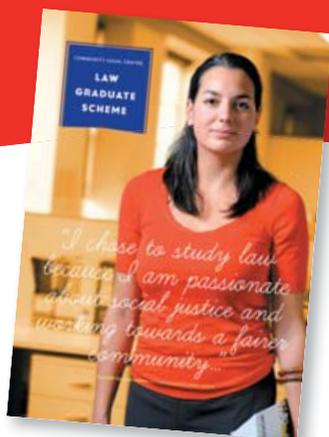
In 2012–13 two new graduates, Erin Buckley and Lee Carnie completed their CLC placements. Two new graduates – Gemma Cafarella and Bethany King – were successful in their applications over 100 other high quality law graduate applicants for the two graduate positions in 2013–14. They will commence their placements in August 2013.

A few words from our Graduates:

### **Erin Buckley** 2012 CLC Law Graduate Scheme

Erin was seconded to Asylum Seeker Resource Centre, Loddon Campaspe CLC and Fitzroy Legal Service in her 12-month placement on the graduate program.

*“Over the course of the year I was exposed to the most dazzling array of legal issues. I honestly think that nowhere else could you get such a holistic and robust education about lawyering. From battling deportations, to keeping kids out of prison to assisting pensioners who were being bullied by local councils – the grad scheme covered it all. The grad scheme taught me to think on my feet and to trust my judgment as a lawyer. Importantly...I was supported by a community of lawyers and other professionals who always had my back and constantly inspired me to be the best that I could. I’m so thankful for the experience.”*



## Developing the CLC staff and volunteer workforce

A high-performing CLC workforce is critical to the future success and sustainability of the CLC sector. The Federation has undertaken a range of activities to support CLCs in recruiting, retaining and adequately rewarding CLC staff.

The Federation continued the success of the Adaptive Leadership Program through the pro bono support of Jill Toovey, Director, Innovative Knowledge Development. The Federation was able to offer the second Adaptive Leadership Program in September and October 2012 with a further 20 CLC staff participating. With the generous support of a panel of mentors, the participants are supported in building their leadership skills and confidence to contribute to their CLC’s mission and strategic objectives.

### **Lee Carnie** 2012 CLC Law Graduate Scheme

Lee’s placements included North Melbourne Legal Service, Hume Riverina Community Legal Service and Youthlaw. She has now secured a position as a lawyer at Youthlaw.

*“Over the last year, I’ve had the opportunity to learn from countless dedicated and experienced community lawyers.*

*The Scheme has been filled with unexpected highlights, including outreaches at CASA House, the Royal Women’s Hospital and far-flung country towns, Bring Your Bills Day, family violence intervention order duty lawyer work at the Wodonga Magistrates’ Court, grappling with cross-jurisdictional legal issues, talking with street-smart young people about their experiences of racial profiling and hearing the Court of Appeal hand down the first ever protective costs order in Victoria.*

*...the Scheme has allowed me to develop my passion for social justice and work towards ensuring the voices of the most disadvantaged and vulnerable members of our community are heard.”*

*“Thank you endlessly for a personally transformative experience!”*

*“Perfectly tailored to the sector and ‘adapted’ (ha!) to meet the needs of individual participants.”*

*“This was unequivocally the best training I’ve attended. It will have a long-term impact both on my professional and personal leadership capacity.”*

The Federation also offered a range of accessible, affordable and professional training and development programs on topics such as community legal education, law reform and policy methods, freedom of information and privacy, conflict resolution, credit and debt, employment law, motor vehicle accidents, effective legal referrals, infringements, staff recruitment, retention and performance management, and poverty.

## Federation information and referral services

The Federation provides a direct information and referral service for the public via telephone and our website [www.communitylaw.org.au](http://www.communitylaw.org.au). Our contact details are widely listed as a referral point for CLCs and we assist around 1,600 callers each year, helping them to obtain the right legal assistance for a range of legal issues.

Employment law was the most common issue on which callers were seeking help in 2012–13. Other common issues included fines and traffic offences, family law, family violence and consumer issues.

Our website hosts and provides links to CLC websites and information on finding legal assistance and information. Over the year, the site, excluding the CLC sub-webs, received 139,468 visits and 256,446 page views. ❖

# Helping the community access legal assistance

## Community Law Australia campaign

Since its launch at the High Court of Australia in July 2012, the Community Law Australia campaign has achieved significant public profile for the access to justice crisis in Australia and the important work of community legal centres.

The campaign has helped community legal centres and their supporters raise the issue of community legal centre funding with politicians, building the momentum of calls for funding increases at State and Federal level.

As well as facilitating engagement with politicians, the campaign has increased the general public’s understanding of the value of community legal centres, and the crisis caused by underfunding.

As part of this, the campaign has done important work building evidence around unmet legal need through its own report, *Unaffordable and out of reach: The problem of access to the Australian legal system*, and by utilising the work of the Australia Institute, ACOSS and the NSW Law and Justice Foundation.

Complementing this, a cost–benefit analysis commissioned by the NALC demonstrated a benefit of \$18 for every dollar invested in community legal centres.

Using mainstream and social media, and engaging with community legal centres around the country, the campaign’s work has included issuing media releases,

engaging in media interviews, Twitter, Facebook, and a website offering an online action tool enabling constituents to send a message to their local MP.

Media coverage has included radio, television, and major print and online news channels at local, State and national level.

The Community Law Australia campaign draws on a coalition of the National Association of Community Legal Centres (NALC) and State and territory CLC associations. A Victorian-based, part-time national spokesperson and the Federation’s communications manager worked with media consultants to communicate the campaign.

For more information, see [www.communitylawaustralia.org.au](http://www.communitylawaustralia.org.au) ❖



# Victorian CLC services

Victorian CLCs record their work on different databases, often as a result of different government funding requirements. This presents challenges in providing an overall picture of the work of all 51 of the Federation's member CLCs. However, 35 out of the 51 CLCs record their work on the common CLSIS database. The Federation also now records its information and referral services on CLSIS.

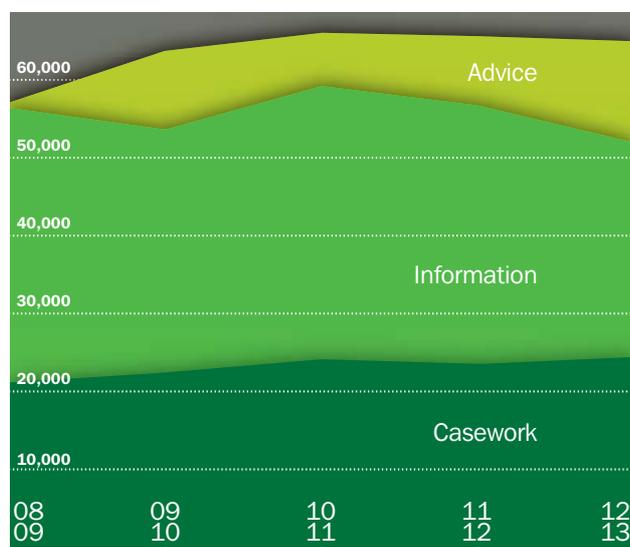
The data extracted and interpreted below is drawn from the CLSIS database. Issues such as consistency in recording data, funding levels and changes to the number of CLCs recording on CLSIS need to be taken into account when interpreting CLSIS data. Nevertheless, it provides a reasonably good broad measure of trends in CLC work.

## Casework, information and advice for individuals

CLSIS data shows a five per cent increase in the total information, advice and casework services delivered by Victorian CLCs across the past five years. "Information" includes referring someone to another service or providing them with legal information such as a brochure about the law. "Advice" is a discrete legal advice with no follow-up. "Casework" is an ongoing legal matter.

	2008-09	2009-10	2010-11	2011-12	2012-13
<b>Information</b>	56,343	53,529	59,094	56,605	51,841
<b>Advice</b>	57,004	63,584	65,945	65,506	64,937
<b>Casework</b>	21,001	22,288	23,998	23,439	24,283

Victorian CLC activities 08-09 to 12-13 recorded on CLSIS. This table includes Tenants Union of Victoria advice and casework data for each of the five financial years.



Victorian CLC activities 08-09 to 12-13 recorded on CLSIS. This table includes Tenants Union of Victoria advice and casework data for each of the five financial years.

## Client demographics

CLSIS data consistently shows that CLCs are helping some of the most disadvantaged Victorians with over 80 per cent of clients earning less than \$26,000 per year. Around 60 per cent of Victorian CLC clients are female.

## Common legal issues where CLCs help Victorians

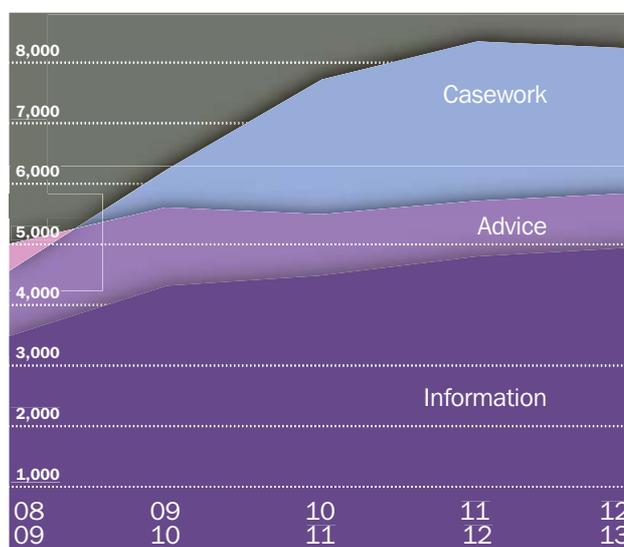
In 2012-13, 50 per cent of CLC services for individuals were in civil law, 43 per cent in family law and seven per cent in criminal law. The proportion of family law work has increased in recent years. A significant contributing factor to this is likely to be the major increase in family violence prevention work undertaken by CLCs. CLSIS data shows CLCs services in this area have increased almost 70 per cent over the past five years.

According to CLSIS statistics, family violence is the most common legal issue CLCs helped Victorians with in 2012-13. The other most common issues are tenancy, debt, fines, family law issues relating to children and employment law.

	2008-09	2009-10	2010-11	2011-12	2012-13
<b>CLE</b>	534	610	852	908	989
<b>Law reform/policy</b>	141	270	355	233	172

Victorian CLC project work 08-09 to 12-13 recorded on CLSIS (projects closed at end of period)

## CLC family violence assistance



CLC family violence assistance 2008-09 to 2012-13 recorded on CLSIS.

## Legal education and law reform

The 2012–13 figures show increase in both community legal education (85 per cent) and law reform and legal policy projects (21 per cent) across the past five years.

## Victoria Law Foundation Community Legal Centre Fellowship

Established ten years ago to coincide with the 30th anniversary of CLCs in Victoria, the CLC Fellowship is an initiative of the Victoria Law Foundation that provides funding to enable a CLC staff member to undertake a project of lasting significance to the CLC sector, CLC clients and the broader community.

The 2012–13 fellowship was awarded to Rachel Ball of the Human Rights Law Centre, whose project *Stories for change* has looked at the role of case studies in advocacy and law reform and developed a framework CLCs can use to collect and use case studies in a way that is ethical, effective and empowering for clients. Rachel's report will be released soon.

Jacinta Maloney, Community Lawyer at St Kilda Legal Service, is the 2013–14 Fellow. Jacinta's project, *Community legal empowerment*, will look at how CLCs can use peer education as a tool for delivering community legal information and education.

As part of her project, Jacinta will examine some Australian models of peer education, primarily from the health sector. She will also visit international organisations with experience using peer legal education including the Women's Legal Centre, Cape Town to investigate their sex worker paralegal program and the Foundation for Clinical

Legal and Street Law Programs, Budapest to investigate their paralegal program for the Roma population.

Our thanks go to the Victoria Law Foundation for continuing this important initiative. For more information, visit [www.victorialawfoundation.org.au](http://www.victorialawfoundation.org.au).

## Outstanding CLC leaders recognised

Shelley Burchfield, a long-term community lawyer known to many in the sector, won the 2013 Law Institute of Victoria's Community Lawyer Award for 2013. Shelley has worked to bring about justice across many CLCs including Coburg CLC, the Aboriginal Family Violence Prevention & Legal Service, the Asylum Seeker Resource Centre and the Refugee and Immigration Legal Centre, where she was an integral member of the RILC team in the 2011 High Court "Malaysian Solution" case.

The Occupy Melbourne Legal Support Team (OMLS Team) is a group of law students, PhD researchers and practitioners who provided legal information and support to the Occupy Melbourne movement, part of a global social movement on issues of social justice and economic inequality. The OMLS Team, which included the Federation's Erin Buckley, coordinated workshops about protester rights, trained and coordinated legal observers to monitor police behaviour, ran a legal clinic to take statements from protesters and produced a report documenting protesters' experiences of policing, *Occupy policing: A report into the effects and legality of the eviction of Occupy Melbourne from City Square on 21 October 2011*. The team was recognised with the 2012 Tim McCoy Award, an annual award given in the name of social justice advocate and community lawyer Tim McCoy (1956–1987). ❖



In January, staff gathered to farewell departing Executive Officer, Hugh de Kretser, after six years leading the Federation.

# Working Group Reports

## Access to Interpreters Working Group

Convenor: Suzy Fox (St Kilda Legal Service)

The working group oversees the use of Victoria Legal Aid funding allocated to CLCs for onsite interpreters and translations services by the Victorian Interpreting & Translating services (VITS) and VICDEAF. The group also monitors CLC usage of Translating and Interpreting Service (TIS) telephone and onsite interpreter services funded by the Commonwealth Attorney-General's Department.

These services are essential for access to CLCs by members of culturally and linguistically diverse (CALD) communities and those with hearing impairments. This year has seen a marked increase in CLC use of both TIS and VITS services, which we hope is a good indication that CLCs are improving CALD community access to their services.

The working group will continue to advocate on behalf of CLCs to identify interpreting and translation needs and work towards acquiring additional funding to improve access to free legal services for our CALD communities.

## Child Support Working Group

Convenor: Geordie Konieczka  
(Barwon Community Legal Service)

The working group acts as a forum for the few Victorian workers based in community legal centres who assist clients with child support matters, to come together to discuss common problems and themes. There is also a representative from Victoria Legal Aid's Child Support Service in the group.

One of the main focuses in the last financial year was preparation for the *Law for community workers – Children's matters forum* which was held in July 2013. This information session focused on the key legal issues that affect children in the community, and sought to better equip and empower community workers to service their clients.

A common problem identified for many parents in receipt of child support is that the paying parents are consistently lodging low estimates of earnings, then are not completing their tax returns, often for years at a time. There is currently no requirement for the person lodging the estimate to provide any evidence of their income in order to lodge an estimate of earnings, nor is there any expectation that they submit their tax returns by any particular time to enable a reconciliation to take place.

Members of the Child Support Working Group were also involved in the Child Support Agency's Stakeholder Engagement Group. These groups meet twice yearly to discuss issues being experienced by stakeholders in an attempt to collaboratively address the problems, and refer them to the appropriate place within the Child Support Agency to effect changes where necessary.

Several issues have been brought to the State

Stakeholder Engagement Group by members of the State Child Support Working Group.

These include issues of clients being contacted directly by the Child Support Agency when they have nominated a legal representative; thus denying the client a chance to discuss options with their legal representative.

## Family Violence Lawyers Working Group

Convenor: Victoria Mullings (Peninsula CLC)

The Applicant Lawyers Group operates as a support for CLC duty lawyers in Intervention Order lists at courts throughout the State. It meets quarterly.

This year the focus has been on

- casework – strategies and issues;
- developing background knowledge of family violence issues and support services;
- monitoring the effect of VLA guideline changes; and
- liaison with courts regarding procedural issues.

Issues of concern involve the effect of firearms provisions on respondent's consent to orders, especially in view of the Protective Services Officer recruitment drive, and the effect of costs orders against clients, resulting in reluctance to pursue matters to appeal stage.

There has also been alarm expressed about some police decisions in which the victim is determined to be the aggressor where the actual aggressor may have suffered minor injuries such as scratches.

The group will continue to provide feedback to the Violence Against Women and Children's Working Group to assist in their law reform activities, and to organise speakers including barristers and police representatives.

## Civil Law Working Group

Convenors: Graham Wells  
(Social Security Rights Victoria)  
and Lucie O'Brien (Federation)

The Civil Law Working Group continues to provide a useful forum for CLC and Victoria Legal Aid lawyers to discuss their current case work, changes to the law and government policy. This year the group has discussed a wide range of civil law reform issues, including protective costs orders, changes to legislation governing payday lending, taxi drivers' legal problems and the hardship provisions of the Insurance Code of Practice.

We have reviewed the sections of the Federation's Justice policy relating to courts, civil justice and consumer credit. We have also written to the Victorian Government expressing our strong opposition to proposed increases in VCAT fees.

We have begun a research project examining the Victorian Sheriff's Office fees for enforcement of judgment debts. The project is investigating the impact of Sheriff's Office fees on CLC clients and other low income plaintiffs.

### **Community Development and Community Legal Education Workers (CD-CLEWs) Network**

Convenors: Saskia Weerheim (Peninsula CLC) and Andrea Staunton (Peninsula CLC)

Community development and community legal education are essential to the work of community legal centres, empowering vulnerable community members to identify and respond to legal issues before they arise or escalate.

This is a vibrant and well-attended working group that enables workers to share ideas, information and resources, consider common issues and receive professional and peer support. The group facilitates collaboration and professional development by inviting guest speakers, from within and external to the CLC sector, to present at its meetings and annual professional development day, this year held with pro bono support at DLA Piper. The group also hosts bi-annual cross-sector meetings with Victoria Legal Aid, Victoria Law Foundation, CLCs and other legal education providers.

We take this opportunity to thank Ela Ogru of Fitzroy Legal Service for her excellent work as Convenor for 2012–13.

### **Elder Law Working Group**

Convenor: Lucie O'Brien (Federation)

This year the Elder Law Working Group has met regularly to discuss government policy and law reform issues affecting older people. The group has focused on elder abuse, primarily the physical, emotional and financial abuse of elderly parents by adult children living at home. We have also discussed the rights of residents in aged care facilities and the need for stricter regulation to guard against abuse in these facilities.

We are planning a number of campaigns and research projects in the coming year and welcome new members from generalist and specialist CLCs.

### **Human Rights Working Group**

Convenor: Ben Schokman  
(Human Rights Law Centre)

Throughout 2012–13, the Human Rights Working Group has continued its work on monitoring the progress of the Victorian Charter of Human Rights and Responsibilities and building the capacity of the community legal sector to use the Charter and advocate on important human rights issues. Highlights of the group's activities for the year include highly successful human rights advocacy training for disability organisations, service providers and self-advocates, and outreach to the Law Institute of Victoria, Victorian Equal Opportunity and Human Rights Commission and university academics through the working group's broad membership.

### **Infringements Working Group**

Convenors: Jordana Cohen (Youthlaw) and Garry Rothman (Odyssey House Victoria)

The Infringements Working Group is a joint working group of the Federation and the Financial and Consumer Rights Council (FCRC).

The Department of Justice through Infringement Management and Enforcement Services (IMES) is reviewing the Victorian infringements system. In light of this the IWG has developed and is about to release our position paper, *A simple, fair and effective infringements system for all Victorians*. We will be presenting this at the upcoming FCRC conference.

Other activities of the group have included:

- representing the Federation and FCRC on the Attorney-General's Infringements Standing Advisory Committee (ISAC). This advisory committee has most of the stakeholders as members and provides a number of detailed submissions to the government on improving the infringements system. We have a very strong voice in this forum, which has led to legislative change and changes to guidelines which have benefited both our clients and workers. This is the primary community consultative forum for the current reforms being undertaken;
- the key recommendations of our position paper include: better trained court staff, early exit from the system, simpler and easy-to-understand paperwork, streamlining of the infringement stages, a more equitable, fair and just system and being able to deal with fines by non-monetary means. The full list of recommendations will be available soon;
- participation in a project convened by the City of Melbourne in conjunction with the United Nations Global Compact Cities Program regarding special circumstances, which is attended by Judicial Registrar Angela Soldani, and representatives from the Magistrates' and Infringements Court, Department of Justice and a number of enforcement agencies. The project has just completed its *Model policy for enforcement agencies for internal reviews*; and
- we have obtained a legal opinion that administrative costs charged by City Link are provable in bankruptcy.

### **Police Issues Working Group**

Convenor: Tamar Hopkins  
(Flemington & Kensington CLC)

A major focus for the group over the last 12 months was the Victoria Police inquiry into racial discrimination by police.

Other key activities included:

- Flemington & Kensington Community Legal Centre and IMARA advocacy led the People's Hearing into police racism and violence.
- advocacy aimed at getting Victoria Police to introduce a stop and search policy that requires that police issue receipts when they request personal details from people they interact with on the streets;

- observing Victoria Police Academy training and providing feedback on how it could be improved;
- forging links with the Smart Justice and Smart Justice for Young People projects and the National Police Accountability Network – a national network of lawyers and advocates working on policing issues; and
- a roundtable discussion on tasers with international expert, Professor Rob Gordon.

### Professional Standards Working Group

Convenor: Emily Clark  
(North Melbourne Legal Service)

The group aims to support the professional and innovative legal practitioners in the community legal sector by:

- providing consultation and support to CLC lawyers when practice management and insurance-related issues arise;
- providing input into the development of risk management processes and procedures;
- liaising with the Federation in relation to accreditation; and
- promoting initiatives aimed at enhancing professional development and career satisfaction within the sector.

The group participates in the National Professional Indemnity Insurance (PII) Network and coordinates the NACLCL Professional Indemnity Insurance Cross Check.

### Rural, Regional & Remote Working Group

Convenor: Alison Maher  
(Hume Riverina Community Legal Service)

The Rural Regional and Remote (RRR) Working Group convenes on a bi-monthly basis, predominately via telephone. The participating RRR centres include Barwon, Central Highlands, Gippsland, Goulburn Valley, Hume Riverina, Loddon Campaspe and Murray Mallee Community Legal Services.

All RRR CLCs experience some difficulty in ensuring access to justice due to varying degrees of geographic isolation. The RRR working group enables members to discuss and problem-solve common issues.

In March 2013 all RRR centres gathered at Clayton Utz in Melbourne for the annual training day. This day offered RRR centres the opportunity to showcase regional projects and to strengthen relationships.

The RRR working group is excited about the 2013–14 year where centres aim to work collaboratively on a common project, to create a newsletter to inform other CLCs of the work undertaken in RRR centres, and to host the annual training day.

Thank you to previous convenors Lisa Buckland (Central Highlands CLS) and Marlina Pitrone (Murray Mallee CLS).

### Tenancy Law Working Group

Convenors: Megan King (West Heidelberg Community Legal Service) and Mike Williams (Tenants Union Victoria)

The Tenancy Working Group has met regularly over the last twelve months, discussing policy and law reform issues such as ways to make VCAT more accessible to vulnerable tenants; rent increases and eviction for rent arrears in the public housing system; the need for minimum standards in the private rental market; and the need for improved capacity for tenants to obtain repairs, in both public and private rental properties.

In mid-2012, we made a submission in response to the State Government's discussion paper, *Pathways to a fair and sustainable social housing system*. Our submission gave CLC clients a voice in this much-needed review. In September 2012, the working group made a detailed submission to the VCAT Legislation Reform Project. That submission proposed a number of changes to VCAT's governing legislation, rules and processes, arguing that these changes would improve outcomes for vulnerable tenants. The working group also provided a separate submission to VCAT, urging reconsideration of its decision to cease providing audio recordings of hearings to parties. VCAT recently announced that it is upgrading its technology at King Street and plans to reintroduce the audio recordings.

### Violence Against Women & Children Working Group

Convenor: Pasanna Mutha-Merennege  
(Women's Legal Service)

The working group operates as a forum for lawyers, policy officers and legal educators who work in the areas of family violence and, more broadly, violence against women and children.

Regular monthly meetings provide an opportunity for members to be updated on current developments in policy and law reform, to identify issues and practices impacting on member centres and clients and to discuss strategies for influencing change.

The work undertaken by members of the working group this year has included:

- advocating for the continued funding of the Victorian Systemic Review of Family Violence Deaths;
- monitoring the impact of Victoria Legal Aid guideline changes in family violence intervention orders; and
- identifying systemic challenges in the family violence justice system and raising them with government.

The working group has also developed a system for collecting case studies of client experiences, which will contribute to future advocacy to improve the family violence justice system.

# Federation Members



This year Federation members met regularly to discuss key issues affecting the community legal sector and specific member centres – including new Victoria Legal Aid funding principles.

## Federation Member Benefits

The Federation plays an important role in representing the interests of its members and the community legal sector and providing opportunities to network and collaborate to advance social justice. The Federation offers its members a range of services including:

- representation of the sector's interests to stakeholders;
- opportunities to network and collaborate to advance social justice;
- free telephone industrial relations advice through Jobs Australia;
- Employee Assistance Program – free counselling services for CLC employees and their families through PPC Worldwide;
- manager hotline – free management support services through PPC Worldwide;
- online legal resources from Lexis Nexis;
- accreditation, including access to best practice templates for organisational policies and procedures;
- access to free or low-cost professional development and training for CLC staff and volunteers;
- low-cost professional indemnity insurance organised by the NACLC;
- free website hosting on [www.communitylaw.org.au](http://www.communitylaw.org.au);
- online toolkit of resources on [www.communitylaw.org.au](http://www.communitylaw.org.au);
- networking events;
- member publications and other social media/communications support; and
- facilities to host meetings and working groups.

Members pay an annual membership fee of \$410 to the Federation plus a contribution to the NACLC which is normally 0.5 per cent of the CLC's annual income.

## Our Members

New members welcomed by the Federation this year were inTouch Legal Centre, and Emma House Domestic Violence Services Inc.

## Generalist Centre Members

Barwon Community Legal Service; Brimbank Melton Community Legal Centre; Broadmeadows Community Legal Service; Casey Cardinia Community Legal Service; Central Highlands Community Legal Centre; Darebin Community Legal Centre; Eastern Community Legal Centre; Fitzroy Legal Service; Flemington & Kensington Community Legal Centre; Footscray Community Legal Centre; Gippsland Community Legal Service; Hume Riverina Community Legal Service; Loddon Campaspe Community Legal Centre; Monash Oakleigh Legal Service; Moonee Valley Legal Service; Moreland Community Legal Centre; Murray Mallee Community Legal Service; North Melbourne Legal Service; Peninsula Community Legal Centre; SouthPort Community Legal Service; Springvale Monash Legal Service; St Kilda Legal Service Co-Op; West Heidelberg Community Legal Service; Western Suburbs Legal Service; Whittlesea Community Legal Service; Wyndham Legal Service.

## Specialist Centre Members

Aboriginal Family Violence Prevention & Legal Service (Victoria); Association of Employees with Disability Legal Centre; Asylum Seeker Resource Centre; Consumer Action Law Centre; Disability Discrimination Legal Service; Emma House Domestic Violence Services Inc.; Environment Defenders Office (Victoria); Family Law Legal Service; Family Mediation Centre; First Step Legal Service; Human Rights Law Centre; inTouch Legal Centre; Job Watch; Melbourne University Student Union Legal Service; Mental Health Legal Centre; Muslim Legal Services Victoria; Public Interest Law Clearing House (Vic); Refugee & Immigration Legal Centre; Seniors Rights Victoria; Social Security Rights Victoria; Tenants Union of Victoria; Victorian Aboriginal Legal Service; Villamanta Disability Rights Legal Service; Women's Legal Service Victoria; Youthlaw.

## Associate Member

Domestic Violence Resource Centre Victoria.

# Financial Report for the Year Ended 30 June 2013

FEDERATION OF COMMUNITY LEGAL  
CENTRES (VICTORIA) INC.  
ABN 30 036 539 902



## INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

The accompanying notes form part of this financial report.

	Note	\$ 2013	\$ 2012
<b>INCOME</b>			
Victoria Legal Aid - Recurrent		628,006	416,150
Victoria Legal Aid - Other Income		19,000	-
VLA - movement in carried forward surplus		56,237	(17,183)
Other Projects - Grant Income		782,458	716,361
Transfer To (From) Project Balances		(274,262)	(438,437)
Membership Fees		19,064	17,491
Membership Contributions		96,706	68,831
Membership - Other Income		49,138	35,423
Project Management		83,649	44,234
Interest		50,661	28,475
Other Income		15,277	409
		<u>1,525,934</u>	<u>871,754</u>
<b>EXPENDITURE</b>			
Salaries		695,302	496,518
Superannuation		60,335	48,510
Workcover		7,155	7,048
Provision – Annual Leave		(6,808)	9,317
Provision – Long Service Leave		13,347	4,980
Provision – Parental Leave		(1,036)	30
Other employee expenses		9,837	-
Rent		18,411	17,759
Other Premises Costs		4,125	3,371
Staff Training		13,512	23,737
Staff Recruitment		36,468	1,396
Communications		14,560	5,861
Office Overheads		11,764	8,298
Insurance		1,274	979
Finance, Audit & Accounting Fees		38,186	16,927
Library, Resources & Subscriptions		5,034	1,817
Travel		12,233	6,062
Programming and Planning		5,792	5,663
Other Expenses		11,685	505
Depreciation		8,114	16,132
Interpreters		97,917	-
Project Expenses		299,792	114,427
Project Expenses – Membership		29,470	42,567
Management Fees		83,649	44,234
		<u>1,470,118</u>	<u>876,138</u>
Profit before income tax		55,816	(4,384)
Income tax expense	2	-	-
Profit after income tax		55,816	(4,384)
Transfer From(to) Capital Reserve	10	-	-
Retained Profits at the beginning of the financial year		<u>189,420</u>	<u>193,804</u>
Retained Profits at the end of the financial year		<u>245,236</u>	<u>189,420</u>

## STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE 2013

The accompanying notes form part of this financial report.

	Note	\$ 2013	\$ 2012
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	3	746,581	1,095,663
Trade and other receivables	4	134,809	17,331
<b>TOTAL CURRENT ASSETS</b>		<b>881,390</b>	<b>1,112,994</b>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	5	10,798	16,320
<b>TOTAL NON-CURRENT ASSETS</b>		<b>10,798</b>	<b>16,320</b>
<b>TOTAL ASSETS</b>		<b>892,188</b>	<b>1,129,314</b>
<b>CURRENT LIABILITIES</b>			
Trade and other payables	6	56,447	30,311
Amounts received in advance	7	558,073	859,229
Provisions	8	25,082	32,926
<b>TOTAL CURRENT LIABILITIES</b>		<b>639,602</b>	<b>922,466</b>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	9	7,350	17,428
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>7,350</b>	<b>17,428</b>
<b>TOTAL LIABILITIES</b>		<b>646,952</b>	<b>939,894</b>
<b>NET ASSETS</b>		<b>245,236</b>	<b>189,420</b>
<b>MEMBERS' FUNDS</b>			
Retained profits		245,236	189,420
<b>TOTAL MEMBERS' FUNDS</b>		<b>245,236</b>	<b>189,420</b>

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2013

The accompanying notes form part of this financial report

	Note	\$ 2013	\$ 2012
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts from Gov't Grants – recurrent		676,502	433,333
Receipts from Gov't Grants – non-recurrent		435,964	1,215,629
Receipts from Other Sources		263,086	121,237
Interest received		42,888	28,474
Payments to Suppliers and Employees		(1,764,930)	(1,301,762)
<b>Net Cash provided by operating activities</b>	10	<b>(346,490)</b>	<b>496,911</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for purchase of property and equipment		(2,592)	(2,802)
<b>Net Cash provided by (used in) investing activities</b>		<b>(2,592)</b>	<b>(2,802)</b>
<b>Net increase (decrease) in cash held</b>		<b>(349,082)</b>	<b>494,109</b>
Cash at the beginning of the year		1,095,663	601,554
<b>Cash at the end of the year</b>		<b>746,581</b>	<b>1,095,663</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

The accompanying notes form part of this financial report.

### Note 1: Statement of Significant Accounting Policies

This financial report is special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Reform Act 2012 (Vic). The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historical costs and does not take into account changing money values or, except where specifically stated, current valuation of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in preparation of this financial report.

#### a. Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

#### b. Income Tax

The income tax expense (revenue) for the year comprises current income tax expense (income). The association does not apply deferred tax.

Current income tax expense charged to the profit and loss is the tax payable on taxable income calculated using applicable income tax rates enacted, or substantially enacted, as at the end of the reporting period. Current tax liabilities (assets) are therefore measured at the amounts expected to be paid to (recovered from) the relevant taxation authority.

The Association is exempt from paying income tax by virtue of Section 50-45 of the Income Tax Assessment Act, 1997. Accordingly, tax effect accounting has not been adopted.

#### c. Property, Plant and Equipment

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all property, plant and equipment is depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use. Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

#### d. Employee Entitlements

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

Provision is made for the Association's liability for long service leave from commencement of employment.

#### e. Provisions

Provisions are recognised when the Association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

#### f. Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is an indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's

carrying amount. Any excess of the asset's carrying value over its recoverable amount is recognised in the income and expenditure statement.

#### g. Revenue

Revenue is brought to account when received and to the extent that it relates to the subsequent period it is disclosed as a liability.

##### *Grant Income*

Grant income received, other than for specific purposes, is brought to account over the period to which the grant relates.

##### *Deferred Income*

Unspent grant income received in relation to specific projects and events is not brought to account as revenue in the current year but deferred as a liability in the financial statements until spent for the purpose received.

##### *Capital Grants*

Grant Income received relating to the purchase of capital items is shown as Unamortised Capital Grant and brought to account over the expected life of the asset in proportion to the related depreciation charge.

##### *Interest Revenue*

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

##### *Donations*

Donation income is recognised when the entity obtains control over the funds which is generally at the time of receipt.

All revenue is stated net of the amount of goods and services tax (GST).

#### h. Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the assets and liabilities statement.

#### i. Economic Dependence

The entity receives a significant portion of its revenue from Victoria Legal Aid. At the date of this report the Committee has no reason to believe Victoria Legal Aid will not continue to fund the entity.

	\$ 2013	\$ 2012
<b>Note 2: Income Tax Expense</b>		
Prima facie tax payable on operating profit at 30% (2012: 30%)	16,745	(1,315)
Less tax effect of:		
- non-taxable member income arising from principle of mutuality	(16,745)	1,315
Income tax expense	-	-
<b>Note 3: Cash and cash equivalents</b>		
Cash on hand	400	200
Cash at bank	101,201	487,169
Term Deposit	644,980	608,294
	<u>746,581</u>	<u>1,095,663</u>

#### Note 4: Trade and other receivables

Accounts Receivable	118,456	17,331
Prepayments and Sundry Receivables	8,580	-
Accrued Bank Interest	7,773	-
	<u>134,809</u>	<u>17,331</u>

#### Note 5: Property, plant and equipment

Furniture and fittings - at cost	124,956	122,365
Less accumulated depreciation	(114,158)	(106,045)
	<u>10,798</u>	<u>16,320</u>

#### Note 6: Trade and other payables

Creditors and accruals	56,447	30,311
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#### Note 7: Amounts received in advance

Taxi Driver Project	10,462	-
Victoria Legal Aid (ERO)	6,493	-
Victoria Legal Aid (recurrent)	36,514	31,502
Victoria Legal Aid (Law Graduate)	-	67,742
Employee Assistance Program	2,293	2,293
Accreditation (Ian Potter, Gandel, Clayton Utz)	19,797	82,645
Membership Contributions	8,910	28,220
Advancing Community Justice (Legal Services Board)	96,001	82,678
Sexual Offences	146,948	232,053
Law Graduate Scheme (Legal Services Board)	193,975	289,058
Smart Justice	36,680	27,358
CLC Training Income	-	15,680
	<u>558,073</u>	<u>859,229</u>

#### Note 8: Provisions

##### Current

Provision for annual leave	25,082	31,890
Provision for parental leave	-	1,036
	<u>25,082</u>	<u>32,926</u>

##### Note 9: Provisions

##### Non-Current

Provision for Long Service Leave	7,350	17,428
	<u>7,350</u>	<u>17,428</u>

#### Note 10: Reconciliation of Cash Flow from Operations with Profit from Ordinary Activities after Income Tax

Profit after income tax	55,816	(4,384)
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Cash flows excluded from operating profit attributable to operating activities;

Non-cash flows in profit:-

- Depreciation	8,114	16,132
Changes in assets and liabilities;		
- (Increase)/decrease in trade and other debtors	(117,478)	(14,876)
- Increase/(decrease) in trade and other payables	26,136	14,411
- Increase/(decrease) in amounts received in advance	(301,156)	471,300
- Increase/(decrease) in provisions	(17,922)	14,328

Net cash provided by Operating Activities	<u>(346,490)</u>	<u>496,911</u>
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## STATEMENT BY MEMBERS OF THE COMMITTEE FOR THE YEAR ENDED 30 JUNE 2013

The committee has determined that the association is not a reporting entity and that this special purpose report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the Committee the financial report:

1. Presents a true and fair view of the financial position of Federation of Community Legal Centres (Victoria) Inc. as at 30 June 2013 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that the Federation of Community Legal Centres (Victoria) Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

Chairperson: Nick Hudson  
Dated: 21 October 2013



Treasurer: James Ferguson  
Dated: 21 October 2013



## INDEPENDENT AUDIT REPORT TO THE MEMBERS OF FEDERATION OF COMMUNITY LEGAL CENTRES (VICTORIA) INC. ABN 30 036 539 902

### REPORT ON THE FINANCIAL REPORT

We have audited the accompanying financial report, being a special purpose financial report, of Federation of Community Legal Centres (Victoria) Inc., which comprises the statement of assets and liabilities as at 30 June 2013, income and expenditure statement and the statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and statement by members of the committee.

### Committee's Responsibility for the Financial Report

The committee of Federation of Community Legal Centres (Victoria) Inc., is responsible for the preparation of the financial report, and has determined that the basis of preparation described in Note 1 is appropriate to meet the requirements of the Associations Incorporation Reform Act 2012 (Vic) and the needs of the members. The committee's responsibility also includes such internal control as the committee determines is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the association's preparation and fair presentation of the financial report that gives a true and fair view, in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the association's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the financial report gives a true and fair view, in all material respects, the financial position of Federation of Community Legal Centres (Victoria) Inc., as at 30 June 2013 and its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the requirements of the Associations Incorporation Reform Act 2012 (Vic).

### Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Federation of Community Legal Centres (Victoria) Inc., to meet the requirements of the Associations Incorporation Reform Act 2012 (Vic). As a result, the financial report may not be suitable for another purpose.

Sean Denham  
Dated: 22 October 2013  
Suite 1, 707 Mt Alexander Road  
Moonee Ponds VIC 3039

## FEDERATION OF COMMUNITY LEGAL CENTRES (VICTORIA) INC. ABN 30 036 539 902 CERTIFICATE BY MEMBER OF THE COMMITTEE

I James Ferguson, of 87 Were St, Brighton 3186:

- a. will attend the annual general meeting of the association to be held on 30 October 2013.
- b. The financial statements for the year ended 30 June 2013 were submitted to the members of the association at its annual general meeting.

Committee Member: James Ferguson  
Dated: 21 October 2013





The Federation and member community legal centres were well represented at the Law Institute of Victoria's December 2012 rally over the funding crisis in Victoria Legal Aid.



**Federation of  
Community Legal Centres  
VICTORIA**

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