



# Eastern Community Law

## Newsletter

Summer 2006

### ECLC Moves to Box Hill

Eastern Community Legal Centre has moved to brand new totally refurbished premises in the Box Hill Town Hall Hub! The Board accepted an offer to move our base from Blackburn to Box Hill over a year ago and with the move complete, this marks the beginning of an exciting era for the Centre and its clients.

For years, ECLC has struggled to locate or maintain suitable premises for clients, staff and volunteers. The Centre had been at the Blackburn Road site for 5 years. Its upstairs location, inflexible design and insufficient office/interview spaces had posed ongoing issues. ECLC's elderly clients and clients with a disability have often struggled with the stairs, as have parents with prams. Even finding the location has been a concern, with clients unable to find the building and therefore missing their appointment. This is contradictory to ECLC's vision of offering professional and accessible legal assistance.

Over time, the City of Whitehorse has offered financial and other support. Yet ECLC has not been the only organisation faced with such issues – many local community organisations faced similar challenges.

Council responded with a \$6.5m redevelopment of the Box Hill Town Hall into a community hub, housing 14 community organisations. The Centre was delighted to be accepted as one of the key tenants. ECLC has its own dedicated space with a front entrance, as well as shared facilities (such as conference and meeting rooms).



The advantages of the move for the Centre are many:

- A long-term secure, dedicated office base for ECLC's services;
- A highly visible and accessible site, in both transport and mobility;
- Improved access for disadvantaged & vulnerable clients, particularly those with from culturally and linguistically diverse backgrounds;
- Vastly improved layout and physical space for our services, with dedicated interview spaces;
- Improved formal and informal links with community services, in the Town Hall Hub and Box Hill area;
- More central to our inner east catchment, following the establishment of Outer East Centre in Boronia;
- Very cost effective, on a long term basis.

Already the many positives resulting from the move are being felt. Moving to the Town Hall Hub will enable ECLC to expand services and work towards offering a broader range of services for clients. It will also provide further opportunities to educate clients and community workers and enable improved partnership development within the inner east catchment.

ECLC is excited about moving to its new 'home' and clients, colleagues and volunteers can now call the new Centre 'home'.

**For information on ECLC's services  
or to view a map of our new location,  
please see the website or call the office directly.**

**New ECLC brochures and posters are also available.  
If you would like additional copies, please let the Centre know.**

**[www.eclc.org.au](http://www.eclc.org.au)**

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### ECLC Services

#### Box Hill Office

Suite 3, Town Hall Hub  
27 Bank Street, Box Hill 3128  
Mon – Fri 9:00am – 5:00pm  
Ph: (03) 9285 4822 Fax: 9285 4833  
[eclc@eclc.org.au](mailto:eclc@eclc.org.au)

Outreach locations:  
Hawthorn  
Ashburton  
Ringwood Magistrates Court

Serving the Cities of Whitehorse, Boroondara & Manningham

**For an appointment for these services,  
call (03) 9285 4822**

#### Boronia Office

Suite B, 6 Floriston Road, Boronia 3155  
(PO Box 747)  
Mon – Thurs 9:00am – 5:00pm  
Ph: (03) 9762 6235 Fax: (03) 9762 9751  
Freecall: 1300 79 70 88  
[outereast@eclc.org.au](mailto:outereast@eclc.org.au) [www.eclc.org.au](http://www.eclc.org.au)

Outreach Locations  
Rowville  
Lilydale  
Yarra Junction  
Ringwood Magistrates Court

Serving the Cities of Knox, Maroondah & the Shire of Yarra Ranges

**For an appointment for these services,  
call (03) 9762 6235**



## Staff Snapshot

This edition, ECLC is introducing Deborah Handley, the Outer East Co-ordinator. Deborah also leads ECLC's Community Development programs.



### What work do you do at ECLC?

I am the Co-ordinator of the Outer East office, which has now been opened for just over 12 months.

My role includes working with the lawyers, paralegals and volunteers to ensure that we are able to offer a highly professional service to the outer east community.

Specifically, this includes coordinating service provision for day and night service and our outreach services, liaising and developing partnerships with other key agencies across the outer east, the provision of legal education to other agencies and supporting the staff and volunteers.

### What do you like about ECLC?

What I like the best about ECLC are the people I work with, in particular the commitment of the volunteers and the appreciation that the local community has shown towards our service. I also enjoy learning about new legal issues.

### Any funny or embarrassing moments on the job so far?

When we first set up the night service I had to come down one night to open up. When I arrived I was met in the car park by about 8 people. Not knowing who were volunteers or clients, I had to ask "Hands up who are the lawyers?!!"

### Favourite holiday destination?

The beach, at any time of the year.

### Favourite time of the year and why?

My favourite time of the year would have to be autumn and spring because I love to watch the season change!



## Christmas Closure

ECLC will be closed from Thursday 21<sup>st</sup> December 2006 and re-open on Monday 8<sup>th</sup> January 2007.

New appointments for 2007 can be made from January 8<sup>th</sup>.

Eastern Community Legal Centre Board and staff wish all of our volunteers, clients and colleagues a happy, safe and relaxing holiday season and look forward to working with you all again in 2007.

## Serving the Outer East

*Eve Bodsworth, Community Lawyer*

I have been the Outer-Eastern Community Lawyer for around four months. I have been asked to reflect upon the differences in legal issues faced by members of the community who live in the different areas of the outer east.

However, on reflection, it is impossible to say whether there are more disputes about trees and fences in the Yarra Ranges or whether community members in Knox appear to be having more car accidents. What I can say is that most members of the outer east community in fact face very similar legal problems, not because they live in the outer east, but because they exist in a family, community or society.

Most people's lives intersect with others and at times, these intersections have legal implications, from neighbour disputes about fences or dogs to family breakdown with disputes regarding children and property or, the very literal intersection of two motor vehicles colliding. These are also the types of legal issues most commonly dealt with by the ECLC.

Whilst it cannot be said that any one of these areas of the law affects any one geographical area any more than another, these legal issues can certainly be experienced differently depending on where a person lives. Dealing with family violence and enforcing an Intervention Order can be more difficult when a person lives in a geographically isolated area.

Further, if a person's legal problem relates to a charge and summons for driving an unregistered vehicle, getting to Boronia from Healesville is not an easy prospect. Delays in seeking legal advice caused by geographic difficulties (or other difficulties) can often worsen a simple legal problem and create further problems for clients.

However, on a positive note, the existence and operation of the Outer Eastern Community Legal Centre and its outreach into Yarra Junction, Lilydale and Rowville is enabling many more residents of the eastern suburbs to access timely and quality legal advice.

## Lilydale Outreach

ECLC holds outreach sessions in Lilydale. Our Community Lawyer provides free legal advice and assistance to clients from Yarra Ranges or anyone who finds it ore convenient to access this service.

In recent months, this service has not had the demand that ECLC expected. It would be appreciate it if services in the Lilydale area advise their staff and clients of this service. The need for this service is clear but the knowledge of its availability in Lilydale appears to be growing more slowly.

ECLC is available to speak at agency team meetings and participate in various forums. ECLC undertakes a range of community development projects including offering community legal education for workers and client groups on topics such as family law. If you are interested in these, please call.

For more information or to make an appointment, please call the Boronia office on (03) 9762 6235.



## Introducing ECLC's Board

At the Annual General Meeting held in November, a new Board was elected to oversee ECLC. The Board has a mix of new and continuing members. The Board focuses on the governance, strategic development and risk management issues facing the Centre. ECLC would like to introduce you to the new Board:

### Helen Killmier (Chairperson)

- Community Development Manager, City of Whitehorse.
- Extensive community sector and local government experience
- Community psychologist
- Member, Australian Institute of Company Directors

### Sue Carlile (Deputy Chairperson)

- Manager, Family Access Network, youth homelessness service
- Expertise in management & governance; partnership development
- First joined ECLC Board in 2004, lives in Whitehorse

### Gerard José (Secretary)

- Director Community Services, Knox City Council.
- Worked in local, municipal and state community agencies
- Rural and metro experience, lives in Yarra Ranges

### Lance Wilson (Treasurer)

- Reviewed policy & management structures in legal sector
- Background in law & politics. Volunteered & joined Board in 2004
- Lives and is active in Yarra Ranges communities

### Helen Evenden

- Volunteer day lawyer with wills focus
- Senior Manager in aged care, State and Federal departments
- Education, advocacy, complaint investigation and Board skills

### Karen Jones

- Family lawyer; partner Jones Hepworth Johns
- Volunteer with ECLC's Rowville outreach service since '01.
- Joined Board in 2005, lives in Knox.

### Kate Hamond

- Longstanding and prominent consumer advocate and educator
- Active in successful Outer East CLC campaign
- Co-ordinated consumer service in Boronia, lives in Maroondah

### Maryclare Machen

- Manager, Eastern Domestic Violence Outreach Service.
- Leader, eastern integrated partnership response to family violence
- Involved with agencies across east, lives in Boroondara

### Marie Casey

- Family lawyer, VLA; formerly Senior Child Support Lawyer
- CLC experience as volunteer, committee and staff member
- Lives in Whitehorse

## Media Coverage

ECLC recently received some negative and inaccurate media coverage.

In response, the Board issued a clear Public Statement that is available on our website.

Members and supporters are welcome to read and distribute that response.

## Intervention Orders and the new Family Law Act

*Jenni Smith, Principal Lawyer*

### Background

Amendments to the Family Law Act 1975 came into effect on 1 July 2006. The most significant and controversial of the changes is the presumption of shared parental responsibility and in relation to this the requirement that judges must consider whether it is in the child's best interest to spend equal or significant time with a parent.

One of the factors in considering best interest is whether there has been family violence. Evidence of family violence will rebut the presumption of shared parental responsibility. The amendments prioritised the issue of family violence by making it one of the primary considerations to be considered by a judge when making orders in relation to children.

The other significant change is compulsory mediation. From July 2007 a party must obtain a certificate from a mediator confirming that they have attended mediation before they can file an application in the Family Court. An exemption can be granted if the court is satisfied that there has been family violence or risk that there will be.

### Advice to clients seeking or defending Intervention Orders (IVOs)

At first blush, it would appear that any client who has current or pending family law proceedings in relation to children and is seeking shared or significant time with the children may be severely disadvantaged if they consent to an Order against them. On the other hand, if they are unsuccessful in contesting an application, any findings made against them may be used in family law proceedings.

Conversely a client who has experienced family violence and is seeking to oppose a shared care regime could be disadvantaged if they simply consent to an Undertaking. They may also be disadvantaged if a defendant consents to an IVO without admissions as there may not be reasonable grounds to believe that a party has engaged in family violence. In any event, under the amendments, the Court when determining the child's best interests **must** now consider an intervention order - how it considers it is at this time only a matter of conjecture.

Until some of these matters have been tested in the Family Court, the only advice we can offer clients is to raise these issues as considerations in regard to the options before them.

### ECLC Intervention Order Service

As part of its commitment to offering the highest quality and most current legal advice, in October, staff and volunteer lawyers of the Centre's IVO service met to discuss these and other issues regarding the impact of the family law changes on our clients.

**If you would like any more information about anything you have read in this newsletter, please contact us.**

## Newsletter

If you would like to receive a copy of ECLC's Newsletter via email, please email [elc@elc.org.au](mailto:elc@elc.org.au)

**Would you like to donate to ECLC?  
Donations over \$2 are tax deductible.**



Michael Smith, Manager

**access** n. 1. the means or opportunity to approach or enter a place.  
2. the right or opportunity to use something or see someone.  
3. retrieval of information stored in a computer's memory.  
4. an attack or outburst of an emotion: an access of rage.  
— *Origin Latin accessus, from accedere 'come to'.*

Within the legal field and especially in community legal centres, people talk about access an awful lot. Access to justice is a well-worn cliché and issues of access to services are familiar to many.

For our work at Eastern CLC, access is indeed a key issue with a myriad of perspectives. Naturally, people's own perspective quickly shapes how they perceive access and indeed, accessibility.

From my brand new office on Bank Street, already the view is different. The frequent trains remind me of the many people who rely on public transport to access anything. From Box Hill in to Camberwell, Hawthorn, Burwood and Alamein and out to Nunawading, Ringwood, Lilydale and Belgrave. Of course, ECLC's catchment stretches beyond this, with buses needed for the Dandenongs and beyond in the Outer East.

My new view also now showcases a greater diversity in the faces of the people walking by: a full range of cultural backgrounds, with Box Hill's dynamic international mix to be celebrated not just in our new food choices available. Also the breadth of ages, from young children accessing the pre-school and library, young people in all styles and older people already accessing 'the hub' and everyone accessing the retail opportunities.

When we walk down the street we see the TAFE, both a Box Hill landmark and a symbol of education that is both functional and meets people where they are.

These perspectives are reflective of ECLC's approach to improving access for people in the east. First, we provide a range of outreach services to physically provide legal assistance closer to where clients live. This is in both the outer east areas (particularly at Lilydale, Rowville and Yarra Junction) and the inner east, at Hawthorn and the soon-to-open service in Ashburton. Of course, night as well as day services are key elements of our approach.

Second, additional steps need to be taken to improve access for specific groups with particular needs. The Centre is active in developing services for older clients and undertaking projects to improve its engagement with the culturally and linguistically diverse population, across all of our work.

Third, the Centre's commitment to effective legal education strategies is ongoing and will be renewed and redeveloped and as the context and environment change working in partnership with a range of groups and agencies.

So if we return to the definitions above there are both opportunities and dangers. While some people have the means and opportunity to access legal services whenever they desire, for others additional efforts must be made to make this possible. Indeed true access to justice and legal services should be a right, not just the privilege of a few. We know that you can't get justice out of a computer. And if anyone can't get enough access, an outburst is indeed a likely and understandable result.

Meanwhile, ECLC will continue to improve access to justice wherever and however we can.



*Delighted and relieved at the Launch of the Town Hall Hub!  
Kevin Masci, consultant architect  
Perrett Lyon & Mathieson,  
Michael Smith, ECLC Manager  
and Justin Eades, Burns Bridge  
Project Management.*

## Wills Service

For a number of years Eastern CLC has assisted clients with the provision of simple wills, a service predominantly provided by daytime volunteer lawyers.

Following a review and largely in response to huge demand, the Board determined ECLC's policy in relation to this service. The changes ensure that ECLC's assistance is targeted to those most in need of our assistance, while recognising that clients seeking a will are generally able to make some contribution for this service.

From January 2007:

1. ECLC provides a Wills Service to disadvantaged clients based on the availability of volunteers to provide the service.
2. The focus of this service is on low income and disadvantaged clients. ECLC will provide advice and assistance regarding Wills to Healthcare Card holders only.
3. Initial advice to these clients regarding wills will be free.
4. Depending on the client's circumstances, the lawyer may agree to prepare a simple will for the client.
5. ECLC will charge \$50 for the preparation of a simple will.
6. Where a larger or more complex will is required, the client will generally be referred out.

More detailed information is available for these clients. Please feel free to contact the Centre for further details.

## Support

**The ongoing support of these financial and other partners is gratefully acknowledged:**

- Victoria Legal Aid
- Commonwealth Government
- City of Boroondara
- City of Whitehorse
- Knox City Council
- Rotary Club of Balwyn
- Anchor Inc.
- EACH (Eastern Access Community Health)
- EDVOS (Eastern Domestic Violence Outreach Service)
- Family Access Network
- GordonCare
- Inner East Community Health Centre
- Knox Infolink
- Migrant Information Centre
- Ringwood Magistrates' Court
- Women's Legal Service Victoria
- Volunteers and Members of ECLC