



Eastern Community Law

Newsletter

Spring 2012

Reaching out to Tenants in Trouble

Eastern Community Legal Centre (ECLC) is thrilled to be launching its newest service– an advice and support service for tenants in the Eastern Region.

For many years Eastern Community Legal Centre has recognised the needs of vulnerable and disadvantaged tenants in our region. Now, in response to these issues and with funding from Consumer Affairs Victoria, ECLC is launching a Tenant Advice and Advocate Program (TAAP).

Services are available to private tenants, rooming house and caravan park residents and retirement village residents with a rental agreement. The tenant advocate may be able to assist with:

- Beginning and ending a lease;
- Lodging and return of a bond;
- Discrimination in renting;
- Changing the lease where there is family violence;
- Breaches of rental responsibilities; and
- Many other tenancy matters.

The service provides free and confidential information and advice, negotiation with landlords, preparation of materials and support for tenants at VCAT. Support is provided through telephone advice, Centre-based appointments and some outreach visits.

ECLC CEO Michael Smith says the service is a welcome response to long-term lobbying by ECLC on behalf of communities in the Eastern Region. 'Tenancy problems have consistently rated highly as an issue for our community in every legal needs study completed by the Centre.' For example, in a survey of Yarra Ranges service providers, 86% of respondents identified tenancy and housing issues as the most significant legal issue facing the community. And in a recent service evaluation tenancy rights were raised by several services interviewed as a key concern, with legal issues including evictions and a growing number of illegal rooming houses discussed.

Tenants seeking advice and support can contact ECLC on 9762 6235 (Boronia) or 9285 4822 (Box Hill). See also www.eclc.org.au

Community Law Australia

FOR QUALITY LEGAL HELP IN YOUR COMMUNITY

Antoinette
COMMUNITY LAWYER



Have you heard about the national campaign for quality legal help in your community?

See inside for more...

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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

Outreach locations:

Bulleen - Hawthorn - Ashburton
Deakin University Burwood
Ringwood Family Relationship Centre
Ringwood Magistrates' Court

Serving the Cities of Whitehorse,
Boroondara & Manningham

Boronia Office

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

Outreach locations

Rowville - Lilydale - Yarra Junction
Healesville - Yarra Glen
Ringwood Magistrates' Court

Serving the Cities of Knox & Maroondah &
Yarra Ranges Council

www.eclc.org.au



Staff Snapshot

Christina Burke



What do you do at ECLC?

I am a Community Lawyer at the Boronia office.

What did you do before working at ECLC?

I worked as a lawyer in intellectual property litigation, a world away from my current role! I'm enjoying the opportunity now to work closely with clients, deal with a range of legal issues and work in an environment focused on increasing access to justice for our community.

What do you like about ECLC?

The way everyone works together as a team, and also the care and respect people show to one another amongst both staff and volunteers but also to clients.

Any funny or embarrassing workplace moments?

I recall an outreach session which was much more stressful than usual! During the course of my first appointment as we were discussing the legal issue, both myself and the client noticed something scurry across the interview room. The expression on my client's face confirmed my worst fears - a furry little grey mouse had decided to join us! While I love animals, the interview room was particularly small and I spent the rest of the morning worrying that the little mouse would hop into my bag to join me on my journey back to the office. Happy to report that this was not the case!

Any legal issue that frustrates you?

Yes - infringements! The infringements system can be very complex and frustrating for both practitioners and clients to deal with. I am enjoying participating in the Federation's Infringements Working Group which enables me to have input into ways that we might be able to improve this system, especially for vulnerable clients.

Favourite food?

Definitely Italian! I especially love to make (and eat!) vegetarian lasagne. Close second to cooking Italian food would be cooking cakes and desserts.

Favourite time of year?

It has to be Christmas time and the summer holidays. I love hot weather and also love getting together with family and friends over this time.

Favourite holiday destination?

Italy, especially Tuscany and the Amalfi Coast. The photo attached was actually taken on holiday in Italy in 2009 - enjoying the Mediterranean lifestyle!!

'Sort It' service reaches students

ECLC's new outreach service for students at Deakin University is up and running, thanks in part to a terrific campus-based campaign involving some 'Men in Black,' delicious cupcakes and a bright new suite of promotional materials! For more info, check out www.eclc.org.au/deakin



Sort It Deakin Legal Service for Students is a partnership between Deakin University Student Association (DUSA), Eastern Community Legal Centre (ECLC) and Barwon Community Legal Service (BCLS).

We provide FREE and confidential legal advice, information, referral and education to currently enrolled Deakin students. Legal advice is provided free-of-charge by qualified lawyers.

Just some of the legal matters we can advise you on include:

- Fines / Infringements
- Motor Vehicle Accident (not TAC)
- Debt / Bills / Consumer problems including Scams
- Tenancy / Housing
- Employment Law including Sexual Harassment and Bullying
- Stalking & Family Violence
- Family Law
- Discrimination
- Minor Criminal Matters

If you are not sure if your problem is a legal problem - contact the legal service to discuss and if unable to help a referral will be made to other appropriate services.

Students can access the **Sort It Deakin Legal Service for Students**, located in DUSA offices by:

- Visiting the **DUSA** website to request an appointment (<http://dusa.org.au/pages/support/legal-advice>)
- Call Eastern Community Legal Centre directly on **9285 4822** for Burwood campus. Visit www.eclc.org.au/Deakin
- Call Barwon Community Legal Service directly on **1300 430 599** for Warrnambool & Warrnambool campuses. (Off-campus students are advised to make contact with the location that is nearest you.)
- For further information visit eclc.org.au/deakin - barwoncls.org.au - dusc.org.au



'Sort It' lawyer Connie Chen deals with the 'Men in Black' who roamed the campus to promote the new service



Volunteer Dinner 2012



ECLC Patron, Chief Magistrate Ian Gray

On Thursday, 19 July, we welcomed a record number of volunteers, partners and guests (over 90 in fact!) to the annual Volunteers Dinner at Black Lime Restaurant and Lounge.

The host of the evening, ECLC Patron and Chief Magistrate, Ian Gray reminisced about his days as a volunteer with the Centre and reaffirmed the importance of volunteers and volunteering in the sector, to ensure we continue to provide much-needed support to the most needy in our community. This theme was echoed in the address given by our CEO, Michael as he spoke about the purpose and importance of the Community Law Australia campaign, outlined the key achievements of the Centre over the past 12 months, and highlighted our great desire to do more.



ECLC night service lawyer and proud 'Green Team' volunteer Malcolm Cumming

ECLC Night Service volunteer and local Maurice Blackburn lawyer Malcolm Cumming gave a unique insight into what it means to volunteer for a CLC, describing the satisfaction of working within a close-knit team to help clients solve legal problems.

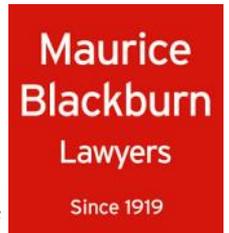


Volunteer dinner keynote speaker David Manne, CEO of the Refugee and Immigration Legal Centre

In the much-anticipated keynote address, David Manne spoke on the topic of "small places doing big things," and emphasised that the achievements of CLCs and the volunteers that support them, are not just "big" things, they are also "beautiful" things. In an account of his team's work to protect the human and legal rights of asylum seekers, the audience was left feeling proud of these accomplishments and re-inspired to work collaboratively for a greater good.

And who could forget quiz masters extraordinaire, ECLC Secretary, Kate Hamond and Principal Lawyer, Bee who managed to engage the whole room – from politicians to partners, to volunteers and guests – in a friendly battle of the tables, where knowledge was shared and good friends made. The chocolate-y prizes went down a treat as well... no pun intended!

Special thanks must go to Maurice Blackburn for their event sponsorship and to Malcolm Cumming in particular, who represented both the firm and the volunteers, and captured the essence of what it is to be an ECLC volunteer. The evening was a resounding success, but could not have been so without the hard work and support of every staff



member. It was truly a team-effort and one that we should all be very proud of.

Katiana Velcek, People and Development Coordinator

The Voices of ECLC Volunteers...

"I love the people and culture at ECLC. It is a fantastic place to volunteer!"

"It is awesome to help the people who need it the most!"

"I love giving back to my local community!"

"Thank you ECLC for another wonderful year of enjoyable night services and thank you to my team for making ECLC such a fun and rewarding environment."



ECLC Volunteers (l-r) Erin Varker, Sarah Reid, Max Rowe

"What a privilege to help the local community with their legal issues! It's been a fantastic experience and I'm proud to be an ECLC volunteer."



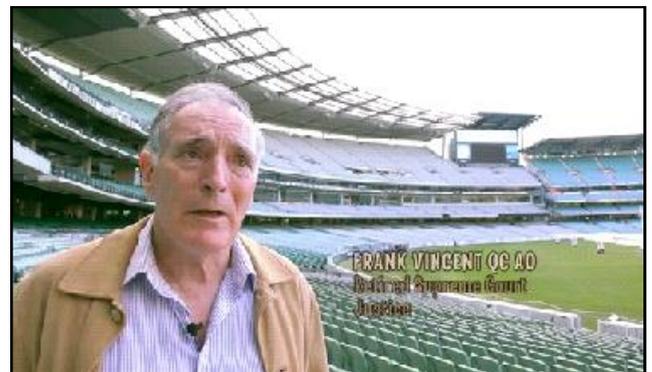
Elder Abuse Update

Did you know: ECLC has produced a DVD about elder abuse with Seniors Rights Victoria that can be viewed on ECLC's website? It features many well known identities including Max Walker, Tom Hafey (long time VFL coach), Frank Vincent (ex Supreme Court Judge) and Clint McKay (Victorian/Australian cricketer).

And did you know: An Elder Abuse Toolkit will soon be released for local government staff and volunteers? It will contain a comprehensive range of information, work sheets and references about identifying and responding to elder abuse.

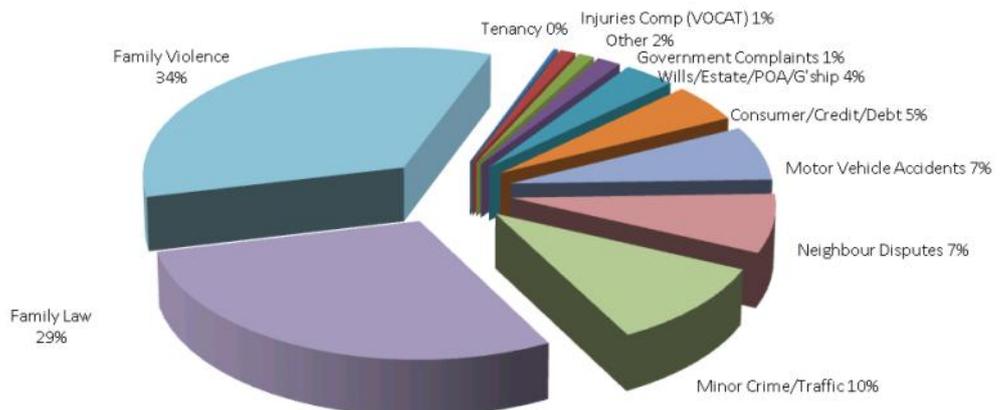
And don't forget: An Elder Abuse Network has been formed in the Eastern Region. To find out more and to get involved, contact Kaz MacKay, Seniors Rights Partnership on 9762 6235.

Be sure to visit www.eclc.org.au for more details!



ECLC 2011-12 Client Statistics

It has been another big year at ECLC and our client statistics again reveal the diversity of legal problems facing our community. ECLC assisted about 2,000 clients over the 2011-12 year. Stay tuned for more in our upcoming Annual Report. In the meantime, here is a snapshot of 'Matters Seen at ECLC in 2011-12':





'Community Law Australia' Campaign

Community Law Australia launched a national campaign in to improve access to legal services across the country and ensure that people in need are not missing out on legal support.

An estimated 500,000 Australians are missing out on legal assistance every year, Community Law Australia highlights in a new report, *Unaffordable and out of reach: The problem of access to the Australian legal system*.



The campaign report launched at the High Court on 16 July 2012

Campaign spokesperson Hugh de Kretser said that the crisis in access to the legal system was caused by the high cost of legal fees and the chronic underfunding of free legal services like community legal centres.

"An estimated 500,000 Australians each year are missing out on the legal help they need, mainly for financial reasons.

"People don't budget for legal fees for issues like marriage breakdown, unfair dismissal, eviction, discrimination, getting ripped off or debt problems. Most Australians would find it difficult to pay for a lawyer for anything but the most basic legal issue. When they turn to government funded legal services for help, they find that due to chronic funding shortages, many people can't get the help they need.

"Community legal centres are often the first port of call and help many people who can't afford the cost of a private lawyer but don't qualify for help from a legal aid commission.

"Australians who are underpaid by their employer, struggling with debt issues, or victims of family violence seeking legal protection need community legal centres but often find it difficult to access overstretched services.

"Community legal centres across the country are under extreme pressure and do not have the resources to meet the demand for their service. Many communities don't have access to a community legal centre at all.

"Unless we act to improve access to the law, people in need of legal help will continue to fall through the cracks.

"We can't ignore this crisis any longer. We need a major investment from government to ensure our stretched legal centres can meet the overwhelming demand," Mr de Kretser said.

The Community Law Australia campaign has maintained a welcome profile in the media since the 16 July launch at the High Court of Australia. Some of the recent highlights include:

[Limited legal aid equals justice denied: lawyers](#), ABC News Online, 6 August 2012

[Nation's vulnerable are being turned away by welfare organisations](#), ABC TV News, 12 August 2012

[Community sector survey](#), ABC Radio National *Breakfast*, 13 August 2012

[Housing top worry for disadvantaged, agency's poll shows](#), *The Age*, 13 August 2012

[20,000 are refused help with housing](#), *The Australian*, 13 August 2012

[Community welfare groups face big cuts to vital funds](#), *Sydney Morning Herald*, 16 August 2012



ECLC CEO and NALC Convenor Michael Smith speaks about the nation's vulnerable being turned away from legal services on ABC TV News (12 August 2012)

Eastern CLC actively supports the campaign.

To find out more, including how you can support the campaign, please visit www.communitylawaustralia.org.au.



Creating links: Young Refugees in Maroondah

ECLC's two offices situated in Box Hill and Boronia are at the centre of two significant refugee and migrant communities. The Centre's community development work seeks to make in-roads into these communities and create links to foster communication and mutual support.

In November 2010 the Centre participated in a youth forum held by the Centre for Multicultural Youth. A number of legal issues for young refugees were identified and the idea for a legal education workshop emerged, through the partnership team of the Maroondah Refugee Action Group with the Eastern Community Legal Centre as the lead agency. The workshop was held on 26th April, with over 60 students from three local Maroondah secondary schools and students from the Swinburne TAFE Ucan2 program participating.

In the morning, stand up comedian Khaled Khalafalla ran a workshop on racism. Khaled is part of the 'Stand Up for Your Rights' program and focused on what racism actually is and tips on how to deal with it in a humorous and friendly environment. Students then moved on to a driver safety session run by Max Harris from the 'Fit to Drive' program and Senior Constable Stuart Sorrell. Driver safety was explored through a series of interactive games and activities. Finally, students moved on to the virtual retail shopping experience run by Helene Lim from Consumer Affairs Victoria. The virtual shopping experience demonstrated how and when you could get refunds, your rights in relation to bag searches and the final teaser was how easy it is to be tricked into signing a contract that you do not know or understand the contents of.



The theme of games and education continued through the lunch break when students had an opportunity to play the recently launched "Handball for Human Rights" online game developed by ECLC. The promise of a free football for everyone able to reach 'Respect' (the end of the game) motivated many students to have a go. Meanwhile those of us who prefer real-life footy tried to handball through the Handball for Human Rights live action game.

After lunch an Australian College of Dramatic Arts local youth theatre group performed 15 'freeze-frame' scenes addressing a range of issues relevant to all young people covering bullying, drugs, alcohol, tagging, public safety and more. ECLC's Community Development worker Amy Johnstone and Chin community member Damte explored the various legal and social issues with the audience and then facilitated a lively discussion between the theatre students and the audience around the issues that they all faced.

The day wrapped up with Senior Constable Stuart Sorrell and ECLC lawyer Bonnie Renou taking questions on young people's rights and responsibilities. All audience members were given a take-away bag of information and resources, and one participant took away the lucky door prize - an android tablet!

The feedback from the event has been overwhelmingly positive and many stakeholders have already asked when then next event will be. Stay tuned for more!

Bonnie Renou, ECLC Community Lawyer, CLC Law Graduate Program





Congrats to our Mates at Loddon Campaspe CLC!



ECLC congratulates the 'CLC for the Goulburn Valley' campaign on their success in gaining funding for a new CLC, based in Shepparton.

UnitingCare: Cutting Edge, Loddon Campaspe CLC and members of the Goulburn Valley community have worked

hard to document need, campaign and secure this vital support. CLC 'blackspots' such as this are in desperate need of recognition and government support.



Much loved member of the ECLC family, Sara Molenaar was admitted as a lawyer by ECLC's own Tanja Kovac!

ECLC is also delighted that Sara Molenaar, a fantastic volunteer and staff member with us since 2008 is joining the Goulburn Valley CLC team as a community lawyer. Sara will no doubt make a great impact for justice for this community.

ECLC confirms that the Yarra Ranges remains in critical need of

similar recognition and funding. This is an area with significant disadvantage and clear lack of access to legal services, in relation to family violence, tenancy and other legal issues.

People's access to quality legal help should not be dependent on their postcode. ECLC renews its call to government to fund the Yarra Ranges CLC as soon as possible.

NEWSFLASH!

The Australian Human Rights Commission's National Anti-Racism Strategy Consultation Report has identified ECLC's Human Rights are Aussie Rules Project as a 'Recommended Best Practice Program' for tackling racism through sport.

The report, which reviewed the submissions of hundreds of individuals and organisations across the country will now be used to develop a National Anti-Racism Strategy to assist the Federal Government to comply with its international human rights obligations.

You can download a copy of the Consultation Report from www.hreoc.gov.au/antiracism/consultation.html

FVIP Update

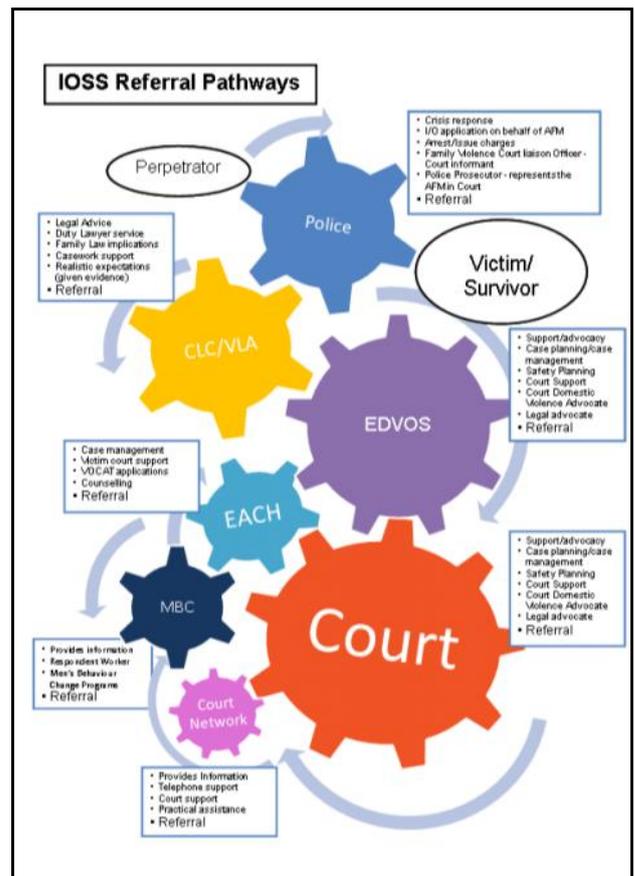
Intervention Order Support Services' Information Sessions

A number of hugely successful information sessions have been held at the Ringwood Magistrates' Court for service providers (both specialist and generalist) who work with victims/survivors or perpetrators of family violence. These have provided opportunities to share information about the Court process and the support services available at the Court as well as an opportunity to build relationships with the Intervention Order Support Services at the Ringwood Magistrates' Court.



The Intervention Order Support Services Guide

The IOSS Guide provides information about the Intervention Order Support Service at the Ringwood Magistrates' Court for service providers. It includes information about the role of the Court and each of the Support agencies involved in providing support to Court Users accessing the Court for an Intervention Orders. For more information and to access a copy of the guide, visit www.eclc.org.au





Law Reform—Sexting

The Victorian Parliament recently asked the Law Reform Committee to undertake an inquiry into the creation, sharing, sending or posting of sexually explicit messages or images via the internet, mobile phones or other electronic devices by people, especially young people (known as 'sexting').

ECLC prepared a submission addressing the government's consideration of the appropriateness and adequacy of existing laws. ECLC supports the government's review of laws relating to sexting, particularly as they affect young people. However, the Centre has also noted alarming rates of sexting as a form of coercion in family violence cases.

Entrenchment of Family Violence

In the course of operating the family violence intervention order duty lawyer service at the Ringwood Magistrates Court, ECLC has noticed a concerning trend whereby young adult women have felt coerced to stay in abusive relationships for fear of a sexual image (which may have originally been provided consensually, or non-consensually) being released to third parties.

It is possible to obtain an order under the Family Violence Protection Act 2008 (Vic) to prohibit another person from publishing on the internet, by email or other electronic communication any material about the protected person. However, sometimes this particular order is not adequate protection for victims of sexting, particularly threatened sexting.

The threat of sexting an image or recording can often be used as a form of coercion for our clients who are victims of family violence. Clients have instructed that they have felt the need to reconcile, or worse, to engage in unwanted sexual relations as a way to prevent the threat from eventuating. Even in the circumstances where intervention orders have been granted, often the threat of sexting an image or recording has been made over a period of time, or the image has actually been emailed or texted to third parties. By this stage, intervention orders can only recall the image that has already been released, or to stop threats that have been acted upon over a period of time. In the interim period, our clients have been suffering from extended acts of family violence caused by the threat of the sexted image.

Recommendations

ECLC recognises that laws already exist to charge people who use sexting in this manner. However, the Centre's experience suggests the police do not charge people in these circumstances. This may be due to the relatively new nature of sexting and its burgeoning consequences are only now becoming realised. However, the threat of releasing an image via sexting can clearly fit within existing offences and education should be provided to the police, legal and general community about the consequences of threatening to release an image/recording within these existing offences.

For the full submission see www.parliament.vic.gov.au or www.eclc.org.au

Support

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

- Victoria Legal Aid
- Australian Government
- Attorney-General's Department
- Victoria Law Foundation
- Legal Services Board
- Department of Justice (Vic)
- Department of Planning and Community Development (Vic)
- City of Boroondara
- City of Whitehorse
- Knox City Council
- Manningham City Council
- Maroondah City Council
- Helen Macpherson Smith Trust
- Victorian Multicultural Commission
- Sports Without Borders
- Victorian Equal Opportunity & Human Rights Commission
- Anglicare Victoria
- Balwyn Welfare Association
- Barwon Community Legal Service
- Blackburn English Language School
- Box Hill Citizen's Advice Bureau
- Bulleen Baptist Church
- Bulleen & Templestowe Community House
- Carp Productions
- Castan Centre for Human Rights Law (Monash University)
- Centre for Multicultural Youth
- Centrelink
- Consumer Affairs Victoria
- Council On The Ageing (Victoria)
- Court Network
- Darwin Community Legal Service
- Deakin University Student Association
- Devenish & Co
- DLA Piper
- EACH
- Eastern Men's Behaviour Change Consortium
- EDVOS (Eastern Domestic Violence Service)
- EMR Family Violence Partnership
- Family Access Network
- Federation of Community Legal Centres
- Gateway LLEN
- GordonCare
- Healesville Indigenous Community Services Association
- Healesville Living and Learning Centre.
- Holding Redlich
- Inner East Community Health Centre
- Inner East PCP
- JH Legal
- Knox Community Health Service
- Knox Infolink
- Loddon Campaspe CLC
- Louise Multicultural Community Centre
- Maurice Blackburn
- Migrant Information Centre (Eastern)
- Moores Legal
- NACLC
- Northern Suburbs CLS (WA)
- Outer East Health & Community Support Alliance
- Public Interest Law Clearing House
- Redfern Legal Centre
- Ringwood Family Relationship Centre
- Ringwood Magistrates' Court
- Robinson Gill
- Seniors Rights Victoria
- Shire of Yarra Ranges
- Victoria Police
- Whitehorse Community Health Centre
- Women's Legal Service Victoria
- Yarra Valley Community Health Service
- Volunteers and members of ECLC