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Albury Wodonga
Community Legal
Service

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PRINCIPAL SOLICITORS REPORT

This last year has been one of considerable change for the Community Legal Service (CLS). Not only have we seen changes in our staffing, but we have also moved into our own office at 227 Lawrence Street, Wodonga.

Previous Principal Solicitors Helen McGowan and Natalie Greenham have moved into different careers. Helen is now working as a Director at Upper Murray Family Care and Natalie as a full-time mother to her two young children. Coordinator, Allison Bruce, who has been with the service since July 1999, finished at the end of June and is now the Mediator and Coordinator of the Family Mediation Service. Veronica Haccou finished her contract as paralegal with the CLS and Rebecca Eberle is back from maternity leave in that position. Congratulations to Veronica on completing her law degree and her finding employment locally commencing in January 2007.

We spent the last few weeks of the last financial year preparing for our move. Our first day of business in the new location was 3 July 2006. The move was a stressful but very interesting experience but now that we are well settled, it was all worth while! We now have more space at 227 Lawrence Street with a large reception area with lots of inbuilt shelving and cupboards and 2 large individual offices. We are not quite sure how we managed to fit ourselves and all our materials into the 2 rooms that we previously had at 29 Stanley Street!

*Our beautiful new office—227 Lawrence Street,
Wodonga*



After negotiations through most of the past year, Victoria Legal Aid has advised us that they will fund a family law solicitor to be situated at our service. This position is full time to be supported by a half time administration assistant and will provide casework, court representation, minor work and advice services in the area of family law.

Sadly, on 29 June 2006 the Community Legal Aid Assistance Scheme (CLAAS) run capably for over 3 years by volunteer Ms Brenda McKinnon closed its doors. Ms McKinnon not only assisted clients in completing their legal aid applications but also sent all applications to the relevant legal aid office, appealed any unsuccessful decisions and found a solicitor for successful clients. Ms McKinnon spent an average of 4 hours working for each client which included the interview, all paperwork and liaising with the local legal profession (a total of 17 in the Albury Wodonga area) on the client's behalf.

Despite the loss of CLAAS and a reduction in our staffing levels we have all maintained a strong commitment to providing access to justice to individuals and groups within our community.

Karen Bowley
Principal Solicitor

ACCESS & EQUITY

CLS seeks to provide a service which is accessible, equitable, non-discriminatory and non-judgmental.

CLS provides legal advice, information, referral, casework, community legal education and law reform activities in North East Victoria and the Southern Riverina of New South Wales. Any person who is in the region by virtue of their residing in, visiting, or legal issue arising in are eligible to receive service from CLS. No means test applies.

The service does have limited resources however, so within the general framework of eligibility for the service, special attention is paid to meeting the needs of the target groups. Broadly these are people who are considered to be disadvantaged in some way in dealing with the law.

There are two main categories of disadvantage:

- ◆ Those people who are denied access to legal assistance as a result of limited financial resources, whether they are recipients of social security benefits or in low income employment.
- ◆ Those people who are otherwise disadvantaged in their access to justice i.e. indigenous people, people from non-English speaking backgrounds, youth, people who have a physical disability or mental health problems, women living in circumstances of domestic violence or people who live in rural or remote areas.

HOURS OF OPERATION

9am to 5pm Monday to Friday

Telephone Advice & Information

Monday 9am to 12 noon & Wednesday 2pm to 5pm
By appointment

Face to Face Clinics

Wodonga Office on Tuesday evenings
Wangaratta Office on Tuesday evenings (fortnightly)
By appointment

Family Court Clinics

Wodonga office on Wednesday mornings
By appointment

Rural outreach

Corryong and Tallangatta
Deniliquin
Mt Beauty and Myrtleford
By appointment

Intervention Order Court Support Program

Wodonga Magistrates Court on Thursdays

Permanent Staff as at 30 June 2006**Karen Bowley** – Principal Solicitor

Karen started as a volunteer with the service working at the Tuesday evening advice clinics in 2001 and has gradually moved into the role as Principal Solicitor full-time working on projects and policies as well as client work. Karen has practiced law for 8 years in the private and government sector.

Beth Simpson – Solicitor

Beth works with the service 2 days per week running the Family Court Advice Clinic and the Intervention Order Support Scheme. Beth has been practicing law on and off since 1981 and has worked with the service since 2002.

**Allison Bruce** – Coordinator

Allison has been employed with the service since its inception in 1999. She works with the service one day per week with the other days working as a Mediator at the Family Mediation Service.

**Ashlie Mason** – Administrator

Ashlie commenced working with the service in January 2005 as the full-time Administrator. Before becoming Administrator, Ashlie was a legal secretary at a local law firm.

**Rebecca Eberle** – Paralegal

Rebecca has recently returned from maternity leave and is currently working one day per week as a Paralegal, working on CLE, Community Development and Service Enhancement. Rebecca has worked with the service since May 2003.



Other staff employed during 2005-06:

Helen McGowan – Project & Policy Solicitor/Principal Solicitor

Natalie Greenham – Project Worker

Veronica Haccou – Paralegal

20 solicitors volunteer at weekly Wodonga evening advice clinics and 7 solicitors volunteer at the fortnightly Wangaratta evening clinics on a roster basis.

Volunteers as at 30 June 2006:

WODONGA

Yvonne Cox (Robb & Associates)
Kathy Skrypnykiw (Robb & Associates)
Andrew Farrow (Robb & Associates)
Peter Uniake (Adams Leyland)
Dirk de Zwart (Adams Leyland)
Kate Singline (Kell Moore)
Emma Hill (Adams Leyland)
Kym Connell (Dick & Williams)
Eugene Butkowski
Sarah Newton (McHargs)
Dusan Jovetic (Trivett Keating)
Greg Duncan
Derek Norquay
Andrew Johanson (Potter Gillespie)
David Avery (Keating Avery)
Helen McGowan
Paul Gatto (Nevin Lenne & Gross)
Tara Harpley (Robb & Associates)
Joseph Monaghan (Kell Moore)
Dione Garwell

WANGARATTA

Mike Noble (Stewart & Noble)
Alisdair Stewart (Stewart & Noble)
Lesley Davis (Norman Thompson)
Jodie Humphries (Campagna Gray & Mallinder)
Sarah Noble (Harris Lieberman Boyd)
Nancy Battiato
Vic Campagna (Campagna Gray & Mallinder)



Pictures from our Annual Volunteer Dinner held at Stanley Pub on Friday 26 May



Continued...

Also during this year, two law students volunteered on a weekly basis. One on Wednesday and Thursday mornings (10 hours per week) assisting with completion of family court documents at the Family Court Advice Clinic and assisting the solicitor in court from March until June. This student has now ceased volunteering due to study commitments but plans to recommence volunteering in November.

Our other volunteer assists with front of house duties on a Tuesday evening at the Wodonga office face to face appointments (2 hours per week) and has done so since the beginning of March.

At the Tuesday evening Face to Face advice clinic we also have another volunteer. This volunteer has been assisting the solicitor by updating solicitor referral sheets that are handed out to the clients and assisting with the preparation of power point presentations for the CLE sessions that have been run.

A volunteer paralegal worker was also employed to assist people to complete Legal Aid application forms. The worker was based at the Wodonga Community Information and Referral Service and receives ongoing support from the CLS.

What a volunteer has to say.....

I became a volunteer with the Albury Wodonga Community Legal Service in February 2006, after relocating to Wodonga the previous year. I am studying a Bachelor of Laws (Graduate) by distance education through Charles Darwin University and becoming involved with the Service has been the perfect way to meet local legal professionals, to see how theory is put into practice and to assist the local community.

As a volunteer, I have had the ability to participate in many of the activities of the Service. My primary involvement is the Tuesday night Legal Advice Clinics. I assist with the administration of the clinic; greeting clients, obtaining personal details for the files, and when required I seek out resources for the Solicitor or client to assist with their matter. When possible I sit in with the Solicitor giving the advice. As a student, I gain benefit from seeing how the Solicitor interacts with each client and how they apply the law to each fact scenario.

In addition to the Legal Advice Clinics, my role as a volunteer has also extended to assisting Planning Days as well as drafting letters to local Politicians.

I look forward to eventually being able to volunteer with the Albury Wodonga Community Legal Service as a Solicitor when admitted.

Sally Lean
Law Student volunteer

PRO BONO WORK

Last year our service formed a pro bono partnership with Coudert Brothers, an international law firm, with an office in Sydney. Coudert Brothers helped us with the funding application to the Law & Justice Foundation for the \$3,000.00 for the printing of the Separation Support Kit. However, the firm was disbanded. With the assistance of one of the solicitors from Coudert Brothers and the National Probono Resource Centre, we were able to form another probono relationship with Clayton Utz. This has been particularly advantageous for us being a cross border service as Clayton Utz is a large national firm. They are therefore able to offer us assistance in both NSW and Victorian matters. Clayton Utz has been of great assistance by being available to answer any legal questions that we may have from time to time, offering Community Legal Education seminars, assisting with the formatting and printing of our annual report and taking on casework in areas where we lack the resources and knowledge to do so.

For example, the Melbourne office of Clayton Utz have made an application for an order for sale in VCAT for an elderly client in country Victoria. They have drafted all the relevant documents and will represent our client at the Tribunal hearing. This has not only been of great assistance to an isolated and vulnerable client but a great learning experience for us here at the service.

ADVICE & CASEWORK

During the year an appointment system was established for the telephone advice sessions. This has enabled the solicitors to provide the clients with an efficient service.

Appointments are made between the allocated hours (Monday 9 am - 12 pm & Wednesday 2 pm – 5 pm) allowing 20 minutes for each caller. This system has streamlined the calls. The solicitors are able to get to the heart of the problem quickly as both the caller and solicitor are aware they have limited time before the next call comes in. Compared to 2004-05 the service has provided 54 more advices to clients.

Our “Top 5” areas of legal inquiries were:

1. Child Contact and Residency
2. Divorce/Separation
3. Intervention Orders
4. Property—marriage & defacto
5. Motor vehicle offences

Total Advice activities

1310

Our casework this year has included:

- Recovering compensation for property damage and loss of wages for a client as a result of a motor bike accident;
- assisting a client to recover money owed to him by a company by Statutory Demand;
- assisting a client recover lost entitlements from his former employer through the General Employee Entitlement and Redundancy Scheme (GEERS) scheme;
- successfully applying for an attachment of earnings order on a judgment debt to ensure that money owed to a client was regularly repaid;
- drafting of Consent Orders and Applications and accompanying Affidavits for clients seeking residence and contact orders and change of name applications in the Family Court and Federal Magistrates Court through our Family Law Clinic; and representing clients in Intervention Order applications in the Wodonga Magistrates Court on Thursdays.

Continued...

Our "Top 5" areas of casework were:

1. Intervention Orders
2. Child Contact and Residency
3. Motor vehicle property damage
4. Credit & Debt
5. Civil property ie possessions etc

<i>Total cases open during period</i>	<i>214</i>
- Open at period start	26
- New (opened in period)	188
- Still open at period end (ongoing)	30
<i>Total cases closed during period</i>	<i>184</i>

DUTY LAWYER SERVICES

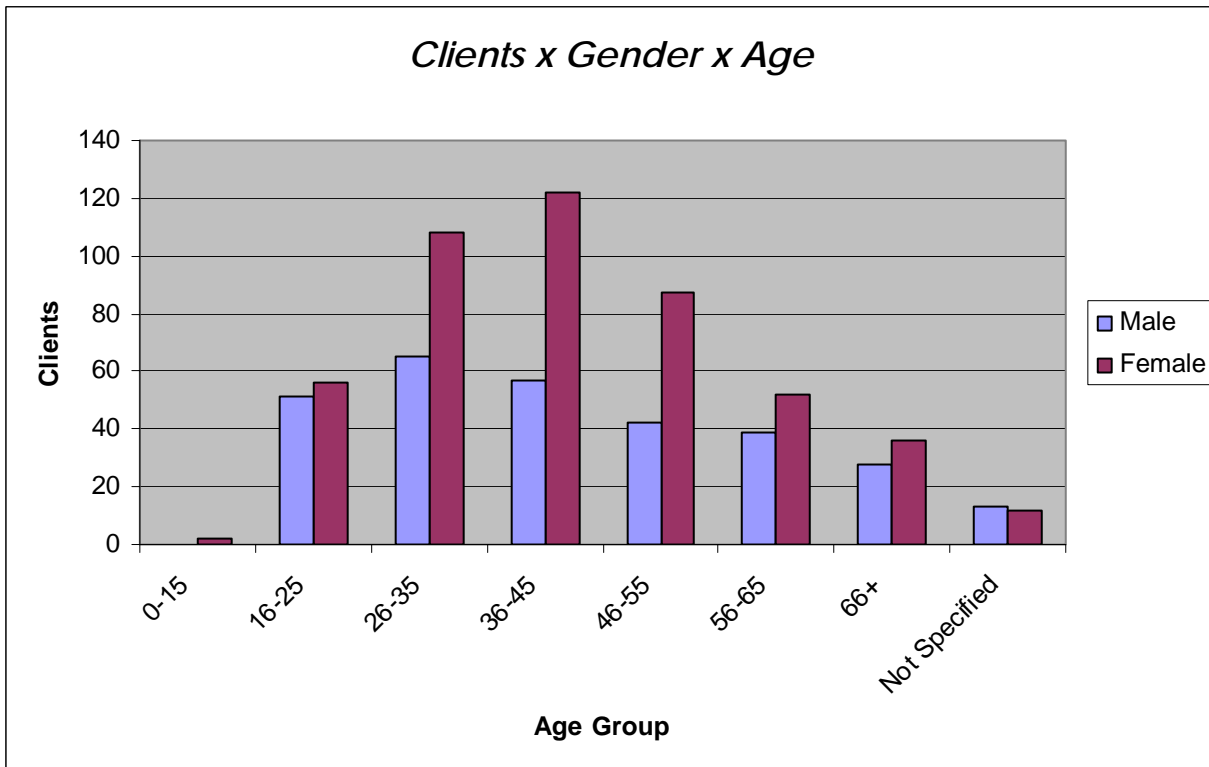
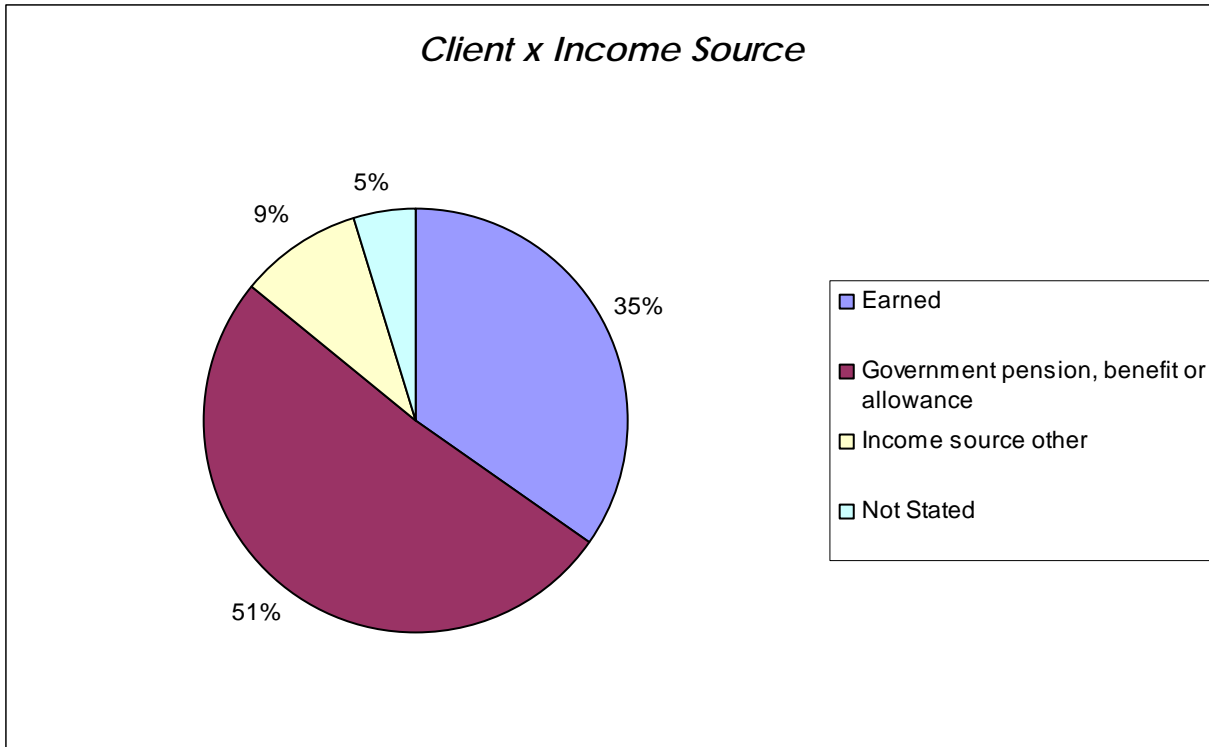
Intervention Order Support Scheme was provided in Wodonga and Magistrates' Court on a weekly basis. We support men and women, applicants and defendants. This is a duty solicitor scheme so we do not represent clients in contested hearings. We try to resolve the matter to avoid litigation. We give family law advice where applicable at the same time.

A lot of matters arising from the breakdown of relationships can be adequately dealt with by the defendant giving an undertaking to the court to restrict or modify their behaviour for a specified period of time. This usually gives both parties time to resolve other issues the most common being with whom a child will live, spend time with and the circumstances of the changeover. In the majority of cases, undertakings appear to be effective and are a way of resolving a matter on the first day it goes to Court rather than prolonging the court process culminating in a contested hearing.

Occasionally the court will ask our Duty Solicitor to assist with other matters where no other legal representation is available, most commonly in the areas of family law and child protection.

Closed involving court representation **90**

INTERESTING STATISTICS



“LAWYERS GO BUSH” VICTORIA LAW FOUNDATION CLC FELLOWSHIP 2005

In July 2005, Helen McGowan was awarded the Victoria Law Foundation CLC Fellowship. Helen had been working as a solicitor in our service for six years and the Fellowship allowed her to have a sabbatical for six months to explore an area of legal interest.

During this time she focused on the provision of regional summer clerkships. The intention was to discern what it takes to find and keep lawyers in regional Australia. She worked collaboratively with the legal profession in regional Victoria – private, public and community legal centres. Her supervisor was Fran Gibson from the Bendigo Law School of La Trobe University who has expertise in teaching law and supervision of law students.

Undergraduate law students from five Victorian law schools were involved and there were 150 applicants for the summer clerkships. Fifty six clerkships were offered by regional legal practices between November 2005 and February 2006. Helen says “For many students this was their first legal work experience. Some liked it; others had a shock. It would be good to have an ongoing system to match students to clerkships in regional Australia.”

If you care to learn more about the Fellowship, Helen’s report and recommendations can be found at http://www.victorialaw.org.au/clc_fellowship_past_winners.asp

What did one of the law students have to say.....

I was fortunate to be selected to participate in the Regional Summer Clerkship Program coordinated by Helen McGowan. I live in North East Victoria and travel to Melbourne to attend Monash University where I am currently completing the LLM (LP) course. I chose placement at the Community Legal Service rather than a private law firm as an interest in community law was my primary motivation for undertaking my course.

For two weeks I worked under the supervision of Principal Lawyer Karen Bowley and alongside a committed team of people who display an amazing dedication and commitment to the service. The experience was more diverse than I could have hoped for, from drafting correspondence, conducting research, observing legal clinic in operation, to spending a day assisting the duty solicitor at the local Magistrates Court.

The opportunity to understand the practical application of the law in a wide variety of different circumstances was very enlightening and the experience increased my motivation to continue my commitment to my studies. I’m looking forward to completing my studies and hopefully having the opportunity to make a valuable contribution in this most interesting and important area of the law.

*Judyann Clarke
Law Student*

COMMUNITY LEGAL EDUCATION

During the year regular Community Legal Education was delivered throughout our catchment area. Our most popular seminar is on wills and powers of attorney. We gave a day and evening seminar on this topic in Corryong as part of Victorian Law Week and also during Seniors Week in March 2006 at the invitation of the Wodonga City Council. Another popular seminar is the Divorce Classes held quarterly in Wodonga. Due the popularity in surrounding areas we extended the Divorce Classes to Wangaratta and Denilquin on a bi-annual basis.

During the period, 46 projects in total were completed. A summary of a few of the major projects are below.

Law Week 2006

Appendix 1 & 2

Law Week 2006 was held over two different weeks for each State this year. In NSW, Law Week was held from 25 to 31 March and in Victoria, 20 to 26 May 2006. Our service organised and participated in events during both weeks including shopping centre displays, Wills and Powers of Attorney Seminars (Albury and Corryong), Know Your Rights Youth Seminar, Lawyers in the Park BBQ, ABC Talkback Radio, the Albury and Wangaratta launch of the Separation Support Kit, Wodonga Magistrates' Court Tour and our Annual Volunteer Dinner.

All events were well attended and the feedback from participants was positive.

Separation Support Kit

The primary aim of the Separation Support Kit project was to disseminate and provide separated couples and families in the Albury Wodonga Region, with the practical support in the form of access to information about the steps they need to take to successfully manage their lives post separation, with particular emphasis on parenting of children, child welfare, dispute resolution and available community services.

The kit was developed by a collaborative team which included the Family Mediation Service, Children's Contact Service, Upper Hume Community Health Service, Centrelink, Child Support Agency, the Family Court of Australia and the Community Legal Service.

The Separation Support Kit saves the time and resources of the network programs and agencies because workers are able to provide clients with the Kit rather than going over the same information multiple times with multiple clients. The Kit is a good starting point for the separated people when they are in the early stages of separation and are feeling overwhelmed by information and the feedback to the Kit has been very positive.

The Separation Support Kit was funded by the Law & Justice Foundation of NSW and Registrar of the Albury Local Court.

Continued...

ABC Goulburn-Murray Radio Talkback

By invitation from presenter Gaye Pattison at ABC Goulburn Murray the Community Legal Service has been conducting a talkback segment once a month. Topics covered have included motor vehicle accidents and family violence. In 2006 topics have followed the alphabet, "The ABC of the Law". We have discussed such issues as Powers of Attorney, Births and their registration and Community Legal Centres. These sessions are on the second Wednesday of every month at 9.15 am.

Community Legal Aid Assistance Scheme

In May 2002, our service trained Ms McKinnon, to assist people (with low literacy skills) to apply for legal aid. She established the Community Legal Aid Assistance Scheme (CLAAS) at the Community Information and Referral Centre in Wodonga (which is a not for profit community based organisation similar to the historical Citizens Advice Bureaux). She was so successful in this role that both Victoria and NSW Legal Aid Commissions referred clients to her, as did many private law firms that do legal aid work. Ms McKinnon has done all of this work on a voluntary basis. However, this service has had to close due to Centrelink's demand that Ms McKinnon finds paid work and cease her volunteer work.

Ms McKinnon is a single parent supporting 2 children. She has worked long hours in her voluntary capacity, in addition to completing numerous courses that assist her in her community work. For example, Ms McKinnon is a Justice of the Peace and has recently completed the Independent Person Training to provide assistance in police interviews. She has also completed numerous TAFE courses in business and secretarial work to assist her in her valued community support role. She has never been paid for any of the work that she does in relation to assisting people with legal aid applications.

Ms McKinnon supports herself and her 2 children on a Centrelink benefit and child endowment payments. Centrelink gave her an ultimatum, we assume due to the new Welfare to Work reforms. They stated that Ms McKinnon must find a minimum of 18 hours paid work per week or lose her Centrelink Parenting Payment. She is accused of not doing enough to find paid work. In order to do this they advised her to close CLAAS.

While Ms McKinnon has tried to find paid work in the past, she feels that CLAAS is a valuable service and needed in this area. In the 2004-2005 Annual Report of the Community Information & Referral Centre Wodonga, Ms McKinnon reported that she saw 114 clients and completed 42 NSW applications and 53 Victorian applications.

Continued...

The Community Legal Service has requested that Victoria and NSW Legal Aid Commissions, Albury and Wodonga Councils give financial assistance and recognition to Ms McKinnon for the work that she does in assisting the community and the state Legal Aid Commissions. However, we have not been successful.

Without CLAAS our community will be disadvantaged, including clients seeking aid and access to justice, private practitioners who rely on Ms McKinnon to assist clients in their applications for legal aid and community workers who support these clients in other ways. Our community legal service cannot assist these clients without the skills of Ms McKinnon.

Ms McKinnon continues to fight for the funding of CLAAS by lobbying politicians at both federal and state levels but so far without success. Her dedication to our community is commendable.

Criminal Justice Support Network

In association with the Criminal Justice Support Network (CJSN) Outreach Worker, Leonie Kirwin, and Justine Summers, Manager of the Disability Advocacy and Information Service, the Community Legal Service has facilitated the formation of a local CJSN committee, culminating in a 2 day training course for those who want to develop their knowledge and skills to better support people with disability in the criminal justice system. It is hoped that a volunteer support network will be established in the near future.

Some other projects completed during 2005-06 included:

- *Intervention Order training — Wodonga and Wangaratta*
- *Raw Law Bulletin and Newsletter*
- *Big for Youth*

Compared to last year, our Law Reform and Legal Policy has dropped by 3, however 2 of the Law Reform and Legal Policy works produced are as follows:

Albury Local Court Access

In late 2005 it was discovered the Local Court in Albury did not have disability access to certain areas of the building, in particular the Jury Assembly Room. After discussions with Disability Advocacy & Information Service (DAIS) we found that the NSW Government had allocated money to remedy this situation in 2004. Our aim was to ensure the Attorney General's Department used the allocated money from 2004 to ensure that the Albury Local Court was accessible for people with a mobility or physical disability. This was achieved by mid 2006 with a ramp built to provide disabled people access to jury facilities.

Shared Parental Responsibility Bill Submission

Annexure 3

The service, in association with the Family Mediation Service made submissions to the House of Representatives Standing Committee on Legal and Constitutional Affairs regarding its inquiry into the exposure draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005. In particular we made submissions on the proposed amendments in relation to Shared Parental Responsibility, removal of the terms "Residence" and "Contact", Parenting Plans and Parenting Orders, Substantial Time, the two tiered approach to the best interests of the child, the role of grandparents and other relatives, children's views and compulsory mediation/dispute resolution prior to Court proceedings.

In additional meetings were arranged with local Federal members of parliament to discuss our concerns before the Bill was debated.

Other projects completed during this period included:

- *Family Law Advice at Beechworth Prison*
- *National Regional Rural & Remote Community Legal Service Network*
- *Volunteer Student Project*
- *Networking with NSW Legal Aid*
- *Charter of Human Rights Submission*

Throughout the year there has been 2 projects researched.

Registration of Births

This project is still currently being researched. Within the region there are many enquiries about whether or not mothers should place the fathers name on the Birth Certificate. We are working on producing an information brochure for mothers to help answer any questions they have regarding this and the benefits and consequences of the decision. This will then be distributed throughout our catchment area.

Grandparents as Carers Project

We have had an influx of callers wanting information regarding this issue. We had looked into this and found that there were a number of Grandparents as Carer Support groups who were wanting us to do CLE's for them. We then began researching this topic but due to the changes in the Family Law Act, the Family Court of Australia currently researching and producing information and also due to being unable to receive funding for its production, we have now ceased further research.

COMMUNITY DEVELOPMENT WORK

Staff of the service are involved in the following committees/networks:

Albury/Wodonga Community Legal Service Advisory Committee

Victorian Community Council Against Violence

Integrated Response to Family Violence Network

Wangaratta Family Violence Integration Project

Multicultural Interagency Network

Border Interagency Group for Young People

Victorian Regional Rural & Remote Community Legal Service network

NSW Regional Rural & Remote Community Legal Service network

National Regional Rural & Remote Community Legal Service network

Albury & District Law Society

Law Week committee

North East Law Association

Albury Wodonga Court Users Forum

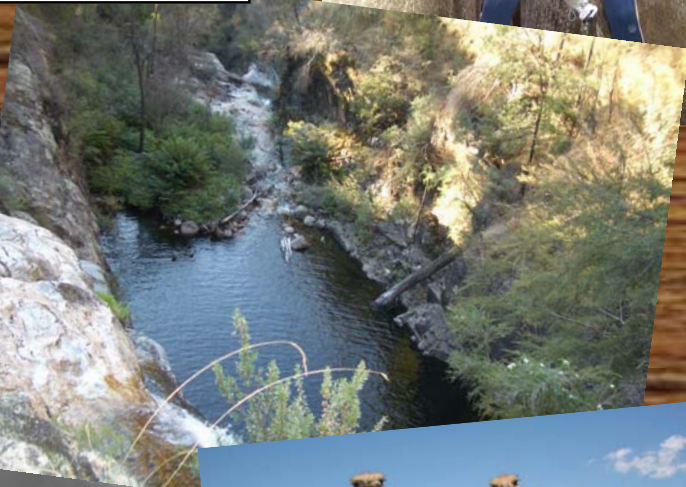
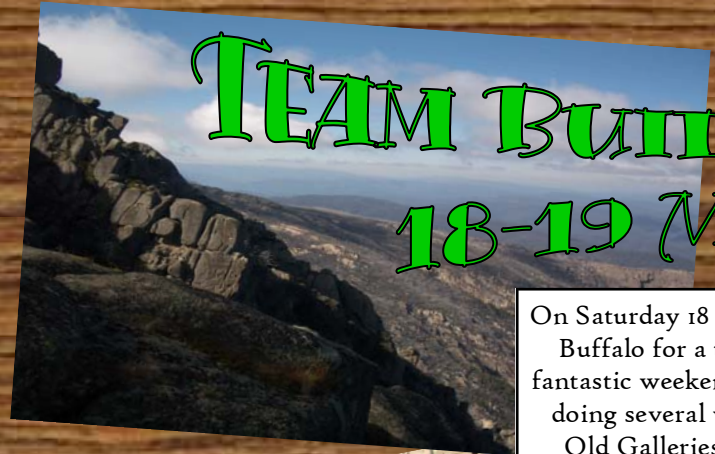
Criminal Justice Support Network

TEAM BUILDING WEEKEND

18-19 MARCH 2006

On Saturday 18 March 2006 our team headed to Mt Buffalo for a team building weekend. It was a fantastic weekend, we started early in the morning doing several walks up Mt Buffalo—The Horn, Old Galleries, Rollasons Falls Tracks and the Gorge Heritage Walk. We then had a lovely lunch at the Chalet and then continued on 2 more beautiful walks during the afternoon and into the early evening. After a non stop day we went out and enjoyed dinner at a Bright Indian Restaurant.

On Sunday morning we were up early and travelled to Smoko for morning tea and then went onto the Deer Farm at Eurobin where we finished the weekend with our Planning Day over a beautiful lunch.



TRAINING & PROFESSIONAL DEVELOPMENT

Solicitors attended the following training/professional development:

National Conference of Community Legal Centres in Canberra
Victorian RRR strategic planning day
Perin System
Ethics for Family Lawyers
Goulburn Valley & North East Law Association LIV Regional Conference
RDM Training
The new family law parenting system
Preparing Affidavits in Family Law Proceedings
Mungabareena Aboriginal Corporation—Diversity & Equity
Family law Seminar
Albury & District Law Society—Practice Platforms
Advocating for financially & Socially disadvantaged people in relation to credit & debt
Industrial Relations Seminar
CAYPINS
NSW Combined Group of Community Legal Centres quarterly meeting – Feb 06
Trust Account Regulations-Understanding Your Obligations

Administration staff attended the following training/professional development:

National Conference of Community Legal Centres in Canberra
Victorian RRR strategic planning day
Victorian Federation of CLC's State Conference
Diploma of Welfare Studies (CLS partially subsidises fees of Paralegal)
Advanced Diploma of Business (Legal Practice) (CLS partially subsidises fees of Administrator)
Managing Difficult Callers Seminar

ADDITIONAL INCOME

We received additional funding from several sources throughout the year for various projects.

1. **Victoria Law Foundation**—Helen McGowan was funded \$50,000.00 for her Fellowship from July 2005 to February 2006. This funding was primarily used for salary, travel and promotional material.
2. **Victoria Law Foundation**—we received \$3,000.00 to assist with the costs for the printing of the Separation Support Kit publication.
3. **Law Society of NSW**—we received \$1,000.00 to fund advertising, Wills and Powers of Attorney Seminar, Lawyers in the Park BBQ and the Know Your Rights Youth Seminar held during Law Week in NSW.

Management Committee

Upper Murray Family Care Incorporated
Directory of the Executive Committee of Management for 2006

President Sue Blake Dip Ed. B Ed. M Ed.	581 Cookinburra Road Barnawartha 3688	02) 6026 7155 (home) 02) 6055 6558 (fax) 0416 247 736 (mobile) sue@blakeconsulting.biz
Vice President Jeff Wittig	1756 Warby Range Road Killawarra 3678	03) 5721 6099 (work) 03) 5721 9222 (fax) 03) 5726 9346 (home) 0428 573 075 (mobile)
Treasurer Phil Oates Dip Bus. (Acc)	7 Hall Court Wodonga 3690	02) 6024 2698 (home) philmer27@hotmail.com
Member Ray Park FCPA. B.Bus (L.Govt)	2269 Glenrowan Myrtleford Road Markwood 3678	02) 6071 5100 (work) 0419 381 535 (mobile) tgarden@dragnet.com.au
Member Gillian Mallinder LL.B	21 Billabong Drive Wangaratta VIC 3677	03) 5721 4591 (work) 03) 5721 4693 (home) gillmall@bigpond.net.au
Member Lester Sawyer B.Arch. ARAIA	PO Box 830 Albury 2640	02) 6021 8484 (work) 0414 273 584 (mobile) 02) 6021 8829 (fax) 02) 6021 3394 (home) lestersawyer@bigpond.com.au
Member Denise O'Brien Dip T, B.Ed, M.Ed, MACE	CEO Wodonga Institute of TAFE PO Box 963 Wodonga Vic 3690	02 6055 6622 (Work) 02 6055 6611 (Fax) 0408 334 370 (Mobile) Email: do- brien@wodonga.tafe.edu.au
Member Wendy Cisar BSW Grad Dip Comm Dev	4 Wilca Way Wodonga 3690	02) 6056 8825 (home) 02) 6055 6504 (work) 0400 482 072 (mobile) lucasfamily@westnet.com.au
Director Luke Rumbold BA. BSW. MSW. PhD. FAIM	C/- UMFC 7/22 Stanley Street Wodonga 3690	02) 6022 8100 (work) 02) 6022 8199 (fax) 0418 970 182 (mobile) lrumbold@umfc.com.au
Finance Manager Donna Guille CPA, B.Bus(Acc), M.Comm (Acc), JP	C/- UMFC 7/22 Stanley Street Wodonga 3690	02) 6022 8115 (work) 02) 6022 8199 (fax) 0403 006 149 (mobile) dguille@umfc.com.au

Annexure 1:

LAW WEEK 2006
REPORT FOR ALBURY

The Albury-Wodonga Community Legal Service, Upper Murray Regional Library, Albury City Library and Albury & District Law Society worked together to organise the events held in the Albury-Wodonga area during Law Week.

Committee Members

Veronica Haccou – Community Legal Service
Veronica Lane – Albury City Library
Rebecca Eberle – Community Legal Service
Michelle Head – Albury City Library
Melanie Robb – Albury & District Law Society

Events Held:-

Shopping Centre Displays, Monday 27th March to Friday 31st March

The Community Legal Service and the Albury City Council set up a static display at West End Plaza Albury to promote Law Week and the local legal profession and services. The display received very good feedback from the community and was mentioned in an article about Law Week in The Post on 16th March 2006 and was also advertised in the Law Week Timetable in the Border Mail on Saturday, 25th May.

Free Legal Advice Clinic, Tuesday 28th March

The Community Legal Service holds a free advice clinic every Tuesday evening. During Law Week the extra promotion of this clinic meant that additional volunteer lawyers were added to the roster for the clinic on the 28th March which was completely booked out. The promotion done for the free legal advice clinic during Law Week gives the Community Legal Service a higher profile in the community and leads to more people accessing the regular Tuesday evening clinics.

Wills & Powers of Attorney Seminar, Wednesday, 29th March

The Community Legal Service, Albury City Library and Mrs Patricia Strachan of Kell Moore Pty Ltd collaborated on this seminar which was delivered at the Albury Library to 19 members of the community from 11 am to 12 noon. The seminar was presented by Mrs Patricia Strachan which was well received by the audience. Patricia was asked many questions during and after her presentation and was able to answer them all. The seminar was a free event.

Know Your Rights Seminar, Wednesday, 29th March

The Community Legal Service, Albury & District Law Society and the Albury City Council collaborated on this free event for local youth, which was delivered at the Albury Youth Café from 4.45 to 6.00pm. The seminar was presented by Emma Hill of Adams Leyland Lawyers which was well received by the audience. Emma was asked many questions during and after her presentation and was able to answer them all. The seminar was a free event.

Approximately 15 young people attended and were very interested in many different areas of law.

Law Week 2006—Report for Albury Con't

Lawyers in the Park BBQ & Launch of Separation Support Kit, Friday 31st March

A public BBQ was held in QE2 Square from 12 noon to 2 pm in the centre of Albury at lunchtime. Legal Information tables were set up with pamphlets provided by the Community Legal Service and the Albury City Library. Members of the Albury & District Law Society and the Community Legal Service were on hand to answer general questions about the law and legal institutions.

The BBQ was offered as a free event for the community and was funded by the NSW Law Society who paid for the BBQ service (300 sausages in bread) and the signage. The BBQ was a huge success and many people who might not have access to the law came along to speak to one of the solicitors. Solicitors attended the BBQ over the two hour period that it was held and Southern Cross Ten news covered it.

The informal and social approach will helped members of the community feel comfortable seeking information from the legal profession as well as providing an opportunity to get to know the resources, programs and systems available to them in the Albury/ Wodonga community.

The Law & Justice Foundation of NSW provided funding for a Separation Support Kit to be produced by the Community Legal Service in collaboration with the local Child Support Agency, Family Court, Centrelink, Upper Hume Community Health Service, Family Mediation Service, Department of Human Services and the Children's Contact Service. The kit was launched by the Mr Brian Fenn, Albury Court's Chamber Registrar and was well received. The kit will now be distributed in the community.

Media Coverage

The media release was sent out to all local newspapers, radio stations and television stations.

Prime News covered Law Week on Monday, 27th March.

Annexure 2:

LAW WEEK 2006
REPORT FOR VICTORIA

The Albury-Wodonga Community Legal Service, Wodonga Magistrate's Court and Upper Murray Family Care worked together to organise the events held in North East Victoria area during Law Week.

Events Held:-

Shopping Centre Displays, Monday 22nd May to Friday 26th May

The Community Legal Service set up a static display at Centro Wodonga Plaza to promote Law Week and the local legal profession and services. The display received very good feedback from the community and was mentioned in articles about Law Week in The Border Mail on 24th May and The Post on 25th May 2006 and was also advertised in the Law Week Timetable in The Age on Saturday 20th May.

ABC Goulburn Murray Legal Talk Back, Monday 22nd May 9.30am

Karen Bowley, Principal Solicitor of the Community Legal Service had an interview with Joseph Thomson of ABC Goulburn Murray. The purpose of the interview was to inform listeners about Victorian Law Week and to let them know about the activities planned for the week so as to increase community participation.

Free Legal Advice Clinic, Tuesday 23rd May

The Community Legal Service holds a free advice clinic every Tuesday evening. The promotion done for the free legal advice clinic during Law Week gives the Community Legal Service a higher profile in the community and leads to more people accessing the regular Tuesday evening clinics.

Wills & Powers of Attorney Seminar at Corryong, Wednesday, 24th May

The Community Legal Service and the Elyne Mitchell Public Library in Corryong collaborated on this seminar which was delivered at the Elyne Mitchell Library to 15 people at 1pm and again to 8 people at 7pm. The seminar was presented by Karen Bowley which was well received by the audience. Karen was asked many questions during and after her presentation and was able to answer them all. The seminar was a free event.

Wangaratta Community Launch of the Separation Support Kit, Thursday, 25th May

Helen McGowan, Director at Upper Murray Family Care organised the launch of the Separation Support Kit at an informal ceremony at the Wangaratta office of Upper Murray Family Care. Sue Blake, President of the Board of Upper Murray Family Care launched the kit to 15 service providers from the Wangaratta community. There were participants from the Wangaratta Magistrate's Court, Child Support Agency, Centrelink and other community service organisations who work with separated parents. After the launch the community members were given the chance to network and chat about working with separated parents over a light lunch. The feedback from the participants was that the kit was well done and would be useful in the Wangaratta area for parents who have recently separated.

Wodonga Magistrate's Court Tour, Friday 26th May

The Community Legal Service and Court Clerk, Danny, lead the Wodonga Court Tour. Two members of the public attended and were very impressed by the court. Danny was very good and the participants related to him very well. The tour was offered as a free event.

Media Coverage

The media release was sent out to all local newspapers, radio stations and television stations.

Annexure 3:

SUBMISSION RE EXPOSURE DRAFT OF THE Family Law Amendment (Shared Responsibility) Bill 2005

The Albury-Wodonga Community Legal Service is a cross-border, generalist legal service. While we give generalist advice, information and referrals we have specialist services such as a family law advice clinic and Intervention Order Court Support Scheme meaning we deal with numerous clients with issues relating to arrangements for children following separation.

Our service made a submission to the initial inquiry into child "custody" arrangements which can be provided if required. We note the short time that was provided to prepare submissions and advise that we have not addressed all proposals due to this.

We look forward to further consultation regarding these proposed amendments.

Shared Parental Responsibility – s.61DA

Regarding the presumption of joint or shared parental responsibility this is provided for in the current legislation. In our experience when orders are sought or consent orders drafted both parents retain joint responsibility for long term matters and deal with day to day matters when the child is in their care. It is very rare for a court to remove a parent's parental responsibility. There is also the risk that this presumption maybe emphasised over the child's best interests or parents will feel pressured to make decisions that they do not feel are in the child's best interests.

We also have concerns that a presumption of "shared parental responsibility" may be misinterpreted by parents as a presumption of "shared care", ie. 50/50 care – which has been rejected. Since the release of *Every Picture Tells a Story* we have found that this is occurring leading to a lot of confusion and anger. Another concern is in relation to the requirement that parents must consult each other about "major long-term issues" under the Shared Parental Responsibility. In theory this is the case under the current law, however we often find that parents are unwilling or unable to do this. This may lead to parents putting themselves in danger to attempt to reach agreement or violent partners using this as a tool to commit further abuse. It may also lead to more contravention applications – against resident parents who make decisions without consultation. On the other hand it is unlikely (as is the case currently when contact parents refuse to have contact) that contravention applications would be successful against a parent that refuses to be involved in this decision making role.

This recommendation is, in our view, unnecessary.

Removal of the terms "residence" and "contact"

It is submitted that the removal of terms such as "residence" and "contact" and replacement with "parenting orders" will create further confusion within the community. Despite terms such as "contact" and "residence" being introduced to remove concepts of ownership individuals continue to refer to "custody" and "access" and it is submitted that regardless of education campaigns people will continue to use these terms. Whilst the attempt to focus on the relationship that the parents have with their children rather than the amount of time they spend with them is commendable in practical terms there is the necessity to be able to identify whom a child spends the majority of time with (if this is the case and there is not shared care). The reality is that parents will still feel that there is a winner and a loser and this will be according to who "gets" the children or who has the most the time with them

Parenting Plans and Parenting Orders

The inclusion of "other communications" which can be dealt with in parenting plans or orders is commendable and will hopefully result in parents looking at alternative ways to have "contact" with their children. There is concern, however, at the inclusion of "time" rather than "contact", as it is submitted that this will remain the focus of parents rather than the relationship they have with their child.

Agree that better co-ordination of the family law system and State and Territory child protection systems

is preferable to new investigative bodies. Legislative change could ensure this.

It appears that the “re-introduction” of Parenting Plans is fraught with difficulties. These are not legally binding yet there is a requirement that advisors inform parents they can create these. In addition to this courts must have regard to these plans, which may be developed in inappropriate circumstances and may not be in the best interests of the child as they have not been through any checks such as consent orders when they are filed in court. Parenting Orders are to be subject to Parenting Plans which may lead to more complexity, confusion as to a parent’s obligations and claims of more contraventions.

It is our view that regardless of these “parenting plans” legal advisors will continue to advise parents to formalise arrangements through consent orders to avoid confusion and to be able to enforce these orders if necessary.

Substantial Time

Requirements that advisors inform parents of the need to consider this and that courts are required to also consider this where parents both want “residence” appear to emphasise parents’ rights over the children’s. Parents may feel pressured into making arrangements that are not in the child’s best interests. Again, there is concern with the use of the term “time” as discussed above. It is very rare for “shared care” arrangements to work and they require a lot of co-operation between the parents. If an application is before the court and both parent is seeking residence it is likely to be a high conflict situation and not suitable for this.

It is submitted that s.63DA(2) and s.65DAA not be introduced.

Two tiered approach to best interests of the child

The recommended first tier of consideration relating to the best interests of the child may, in our view, conflict and result in the first factor (a meaningful relationship with both parents) being the primary consideration while issues of protection from harm may not be addressed adequately. Currently court practices show that there has developed what appears to be a presumption of contact regardless of the presence family violence or abuse. From our dealings with Intervention Order applications we see that even where there is violence towards the child contact will still be allowed, albeit it sometimes facilitated. It is submitted that the protecting children from harm should always be the primary consideration.

Children’s views to be considered

We agree with promotion of child-inclusive practices, however it is submitted that legislative change could set out requirements to ensure this is always considered by the relevant decision-maker. Through use of separate representatives often children are included.

It is submitted that the removal of the child’s “wishes” is appropriate children are then not being asked to choose between their parents.

Compulsory mediation/dispute resolution prior to court

With the introduction of the Pre-action Procedure the codification of the requirement for dispute resolution to be attempted before going to court will force couples to attempt, or be seen to attempt, to reach agreement. Compulsory dispute resolution compromises the benefit of tools such as mediation as participants are not willingly or voluntarily attending with the goal of resolving the matter. This approach to divert parents from formal court systems is currently practiced without legislative change. We hold concerns regarding the exceptions to this requirement. For example, individuals will need to prove there are “reasonable grounds” of family violence to be granted an exception from mediation. Will this mean numerous court events to determine this? Given that in most cases of family violence there are no independent witnesses, individuals claiming family violence will have difficulty proving it (as is often the case). This will complicate the court process more for these couples and may result in more individuals being reluctant to disclose details of violence. This in turn may result in inappropriate matters being resolved at mediation despite intimidation and pressure leading to the agreement.

In relation to the exclusion of "entrenched conflict" as an exception to compulsory mediation we fail to see how mediation will assist these couples if they cannot speak to each other or are not willing to resolve the matter. Our experience is that often individuals are hell bent on having their day in court and therefore they will simply go through the motions with no real attempt at resolving the matter. Whilst the approach to encourage mediation is commendable it is worth pointing out that not all mediated outcomes are sustainable, and often this is where problems arise.

Families Tribunal

The Albury-Wodonga Community Legal Service agrees that a Families Tribunal should not be established as this will not ensure that the court process is easier to navigate.