

**Albury/Wodonga  
Community  
Legal Service**

**2004 -05  
Annual Report**

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## Hours of operation

9am to 5pm Monday to Friday

## Number of advices undertaken

Total Advice activities	1256
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## Casework & Number of files open & closed

Total cases open during period	151
- Open at period start	14
- New (opened in period)	137
- Still open at period end (ongoing)	26
Total cases closed during period	125
Closed involving court representation	52

## Duty Lawyer services

Intervention Order Support Scheme was provided in Wodonga and Magistrates' Court on a weekly basis.

## Community Legal Education

Total open during period	62
- Open at period start	22
- New (opened in period)	40
- Still open at period end (ongoing)	21
Total projects completed during period	41
- Minor projects completed	7
- Medium projects completed	19
- Major projects completed	15
CLE projects completed	30
Law Reform/Legal Policy projects completed	10

Regular Community Legal Education delivered during this period included the quarterly divorce classes in Albury.

Other major projects included:

- Law Week 2005 (see Appendix 1);

- Family Law training for Community Workers – Wodonga
- Intervention Order training – Wodonga & Wangaratta
- Outreach Enhancement Project (see Appendix 2)
- Separated Parents Kit (ongoing)
- Registration of Births project (ongoing)
- ABC Goulburn-Murray Radio Talkback
- Wangaratta Family Violence Integration Project

## **Law Reform & Legal Policy**

- Review of Suspended Sentences Victoria
- Response to Australian Government's Discussion Paper – A New Approach to the Family Law System (see Appendix 3)

## **Research**

Nil

## **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:

- a) 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.
- b) 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.

## 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
- Wangaratta Family Violence Integration Project
- Multicultural Interagency Network
- Border Interagency Group for Young People
- Victorian Regional Rural & Remote Community Legal Service network
- National Regional Rural & Remote Community Legal Service network
- National CLEWS network
- Albury & District Law Society
- Law Week committee
- North East Law Association

## Staff

Staff employed as at 30 June 2005:

**Karen Bowley** – Principal Solicitor  
**Beth Simpson** - Solicitor  
**Helen McGowan** – Project & Policy Solicitor  
**Natalie Greenham** – Project Worker  
**Allison Bruce** – Coordinator  
**Veronica Haccou** – Paralegal  
**Ashlie Mason** – Administrator

Other staff employed during 2004-05:

**Rebecca Eberle** – Paralegal (currently on maternity leave)  
**Deborah McLay** – Locum Solicitor  
**Susanne Formichi** – Administrator  
**Margaret Prendergast** – Consumer & Tenancy Advocate

## Volunteers

13 solicitors volunteer at weekly Wodonga evening advice clinics and 6 solicitors volunteer at the fortnightly Wangaratta evening clinics on a roster basis. There are also 2 Article Clerks who provide advice at these clinics on a supervised basis.

Also during this year a law student volunteered on a weekly basis on Tuesdays and Wednesday mornings (11½ hours per week) from February until end of June. This student has now commenced a paid part-time position

with the service replacing our paralegal worker whilst she is on maternity leave for twelve months.

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

## **Training**

Solicitors attended the following training/professional development:

- Law Institute Wills & Estates training
- National Conference of Community Legal Centres in Adelaide
- Victorian Federation of CLC's State Conference
- Family Law Superannuation workshop
- Victorian RRR strategic planning day
- NSW Combined Group of Community Legal Centres quarterly meeting – Nov 04, Feb 05, May 05
- Women's Health Goulburn North East – Family Law training
- Risk Management Seminar
- Albury & District Law Society CLE day
- College of Law MCLE training
- Trust Account Seminar

Administration staff attended the following training/professional development:

- Leo Cussen's Legal Secretary training
- Leo Cussen's Intermediate Family Law training
- National Conference of Community Legal Centres in Adelaide
- CLSIS Training
- Victorian RRR strategic planning day
- Diploma of Welfare Studies (CLS partially subsidises fees of Paralegal)
- Victoria Legal Aid seminar for community workers

## **Additional Income**

During the period 1 July 2004 to 30 June 2005, CLS conducted the Consumer Advocate Project funded by Consumer Affairs Victoria. The project included delivery of:

- Information services to clients face to face, including responding to enquiries, reviewing and explaining documents, and providing information and advice on rights and processes.
- Dispute resolution services to clients through face to face contact with their client, and by utilising a range of negotiation, advocacy or conciliation techniques to assist in the resolution of disputes with traders or landlords.

- Tribunal Support Services for clients, including preparation of, and assistance in the preparation of tribunal documents and for tribunal appearances.
- Tribunal Appearance Services, appearing with the client at a VCAT hearing.

Remuneration for the project included a minimum total payment of \$15,000 for the year (billed as \$3,750 per quarter) and reimbursement for any out of pocket expenses including travel expenses, accommodation and meals. If the total value of services provided each quarter exceeded the retainer amount of \$3,750, CLS was able to submit a tax invoice to CAV for the amount in excess of the retainer. The project was capped at \$25,000 for the year.

# Management Committee

## Upper Murray Family Care Incorporated Directory of the Executive Committee of Management for 2005

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## **Appendix 1: Law Week 2005 – Report for Albury/Wodonga**

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**

Rebecca Eberle – Community Legal Service  
Michelle Head – Albury City Library  
Tim Eggleston – Upper Murray Regional Library  
Paul Gibney – Albury & District Law Society

### **Events Held (please see attached timetable)**

#### **Shopping Centre Displays, Monday 16<sup>th</sup> May to Friday 20<sup>th</sup> May**

The Community Legal Service and the Albury City Council set up static displays at Centro Wodonga and West End Plaza Albury to promote Law Week and the local legal profession and services. The displays received very good feedback from the community and the one at Centro Wodonga was featured in the Border Mail with a photo and article. The West End Plaza display was featured on Prime News on Monday, 16<sup>th</sup> May.

#### **ABC Murray Goulburn Radio, Tuesday 17<sup>th</sup> May**

Helen McGowan and Warwick McLachlan attended at ABC Murray Goulburn radio station in Wodonga at 9.30am for a half hour radio talkback session on Wills. They received 4 calls from the community and were able to answer them effectively. Helen and Warwick enjoyed this session and thought it was a very worthwhile way to educate the community and promote the Community Legal Service.

#### **Free Legal Advice Clinic, Tuesday 17<sup>th</sup> May**

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 17<sup>th</sup> May 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, 18th May**

The Community Legal Service, Albury City Library and Warwick McLachlan (Wills & Powers of Attorney Specialist) collaborated on this seminar which was delivered at the Commercial Club, Albury to 28 members of the community from 10 to 11.30 am. The seminar was presented by Warwick McLachlan who had prepared a very entertaining PowerPoint presentation which was well received by the audience. Warwick was asked many questions during and after his presentation and was able to answer them all. The venue was very good and morning tea was provided. The seminar was a free event and was funded by the NSW Law Society.

### **Lawyers in the Park BBQ, Thursday, 19<sup>th</sup> May**

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 help 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 Victoria Law Foundation provided funding for a re-print of the brochure titled "Finding the Law in Albury-Wodonga" which re-launched at the BBQ. The BBQ was a great success and received lots of media coverage. We would like to continue to run this event as an annual event.

### **Law Week Social Night – Volunteer Dinner, Friday 20<sup>th</sup> May**

The Community Legal Service hosted their volunteers for dinner at the New Albury Hotel, Crown Lounge. 20 people attended the dinner which included bread and a main meal as well as games with prizes. The dinner is an annual event and is funded by the Community Legal Service. This was the first year that it was held during Law Week.

### **Media Coverage**

Please see attached copies of media release and articles. The media release was sent out to all local newspapers, radio stations and television stations.

Prime News covered Law Week on Monday, 16<sup>th</sup> May by filing the Law Week static display at Westend Plaza. Southern Cross Ten news covered the Lawyers in the Park BBQ on Thursday, 19<sup>th</sup> May.

### **Publications**

Please see attached "Find the Law in Albury-Wodonga" brochure which was funded for reprint by the Victoria Law Foundation.

## **Appendix 2: Outreach Enhancement Project**

### **REVIEW OF OUTREACH 2005**

#### **WHY DO WE DO OUTREACH?**

Outreach is a necessity for all Regional, Rural and Remote (RRR) Community Legal Centres (CLCs). It is easy for services to become centralised due to the resources required to conduct outreach and Services often struggle with how best to conduct outreach in often large geographical areas with widespread populations. Very few services have specific funding to conduct outreach however the added expenses involved in servicing these widespread, various communities are rarely considered in the funding we receive resulting in RRR CLC's being forced to choose which communities they will service.

The aims of outreach are to:

1. provide one on one assistance to people within our catchment area who are disadvantaged in their access to face to face legal advice due to remoteness and lack of resources such as transport.
2. provide legal education to the general community and workers without the need for them to travel long distances.
3. promote our service and increase knowledge of our service outside our base area (i.e. Albury-Wodonga and Wangaratta) thus improving numbers of referrals.
4. improve relations with services within our catchment community thereby increasing our workers' knowledge of our wider communities.

Our service has found it difficult to do outreach "successfully". Historically we have gauged how successful outreach was by reference to the number of clients we could see at any given location as our focus was on face to face client advice. This approach ignores the other important aims of outreach and therefore for outreach to be a positive and useful exercise there needs to be a shift away from this focus.

#### **HISTORY OF OUTREACH WITHIN OUR SERVICE**

The Albury Wodonga Community Legal Service (CLS) has a catchment area that includes the Southern Riverina of NSW and the North-East of Victoria. This is an area that includes 28 city and rural shire council areas with a total population of approximately 387,846 people. Major centres within the catchment area include Albury-Wodonga, Wagga Wagga, Wangaratta and Griffith (20,000 plus).

Locations for outreach have focussed on accessibility for our service (eg. travel times, whether accommodation is required), isolation of communities (eg. Corryong), need gauged by attending the community or expressions of interest from the community or workers (eg. Deniliquin following CLE for workers).

At present our outreach service is centred around face-to-face appointments with prospective and existing clients. Generally when there are no appointments for a scheduled visit it is cancelled.

We have attempted some education programs with limited success, for example in Mt Beauty in August 2003. A trip around NSW – Deniliquin, Griffith and Tumut - was conducted in 2003 which involved training for workers. This was on the whole well attended with positive and useful feedback.

The following is a summary of our current Outreach:

#### Mt Beauty & Myrtleford monthly visits – Alpine Shire

Our service commenced visiting Mt Beauty each month in 2002 in conjunction with visits to Bright. We were originally visiting Mt Beauty with the Consumer and Tenancy Advice Service (CATAS). In July 2003 visits ceased to Bright due to low numbers and instead, after visiting Mt Beauty in the morning Myrtleford was to be visited in the afternoon. Mt Beauty and Myrtleford were to be visited 11 times in 2004 – 9 of these were cancelled at Mt Beauty while 6 were cancelled at Myrtleford. In total five appointments were made at Mt Beauty and fifteen appointments were made at Myrtleford for the year. In 2005, after four visits, including the May visit, there had been three client appointments in Mt Beauty and thirteen in Myrtleford.

We have found that despite efforts such as a Community education session (which was not well attended) and radio spots on Alpine Radio commencing in September 2004 (as there is no local newspaper) client numbers have not picked up in Mt Beauty – the last five visits for 2004 were cancelled.

While numbers have again been low in 2005 it is felt that a change of location may improve this. We have been attending a centre that often has no other workers present when we attend. We hope that a change to the Neighbourhood centre can be arranged in June 2005.

Mt Beauty is quite literally at the end of the line with smaller towns such as Tawonga, Dederang, Falls Creek being nearby.

In terms of Myrtleford we have found the centre where we attend to be very busy as they have a number of other services based there and that visit regularly – eg. Financial Counselling, Centrelink. We also advertised in the Myrtleford Times when we commenced visits to the centre which appeared to be successful.

Travel times: Wodonga to Mt Beauty 45 minutes; Mt Beauty to Myrtleford 45 minutes; Myrtleford to Wodonga 1 hour  
Total travel time: 2 hours 30 minutes

#### Corryong & Tallangatta bi-monthly visits – Towong shire

In 2002 these locations were visited monthly. Due to low client numbers these visits were reduced to bi-monthly and outreach was commenced in Deniliquin (see below). Corryong is visited in the morning with the afternoon spent in Tallangatta.

Corryong and Tallangatta were to be visited four times in 2004 - three of these were cancelled at Tallangatta and two cancelled at Corryong. A total of two appointments were made for Tallangatta and four appointments at Corryong for the year. For the two visits in 2005 (March and May) Corryong had two appointments and we attended a rural health week expo, while four clients have been seen in Tallangatta.

We originally commenced visiting Corryong with CATAS. This is a very isolated, and therefore rather self-sufficient town. Smaller towns around Corryong include Khancoban, Cudgewa, and Walwa.

We advertised in the Corryong Courier from February 2003 to June 2003. The costs for advertising were approximately \$50.00 per ad. There was a request for some editorial about our visits however it is unclear whether this occurred.

Tallangatta is located approximately 30 minutes from Albury-Wodonga and it is visited on the return trip from Corryong. Smaller towns or areas around Tallangatta include Mitta Mitta, Tallangatta Valley, and Bullioh. It is felt that perhaps due to its relative closeness to Albury-Wodonga people are able to access us elsewhere and therefore do not require our outreach service.

We advertised in the Tallangatta Herald from February 2003 to June 2003. This is a small local paper with a small readership.

Travel Times: Wodonga to Corryong 1.5 hours, Corryong to Tallangatta 1 hour, Tallangatta to Wodonga 30 minutes.  
Total travel time: 3 hours

#### Deniliquin bi-monthly visits

Our service commenced bi-monthly visits to Deniliquin in March 2004. This was following the success of our worker training in June 2003 and our desire to service a community in NSW as we had focused on closer, Victorian locations when our service commenced outreach visits. A major factor for choosing Deniliquin was shorter travel time when compared to places such as Tumut and Griffith and the large response to our training day.

Deniliquin was to be visited five times in 2004, on only one occasion there were no appointments (this was the first scheduled visit in March). Fifteen appointments were made in Deniliquin, averaging 3-4 appointments per

attendance in 2004. In 2005 four appointments were made for the first visit and five appointments for the second visit, along with a meeting at the shire council.

Deniliquin is currently our furthest outreach and therefore a whole day is allowed for the outreach. Smaller towns around Deniliquin include Finley and Echuca.

Advertising has been conducted through the "Pastoral Times" since outreach commenced. This is at a cost of approximately \$70 per ad.

Travel times: Wodonga to Deniliquin: 2 hours 15 minutes  
Total travel time: 4 hours 30 minutes

#### Wangaratta fortnightly visits

Our service conducts an advice clinic every second Tuesday evening utilising local volunteer solicitors. This is held in the Upper Murray Family care building in Wangaratta and we generally have 1 solicitor attend, seeing 3 clients. The clinics are supervised by our solicitor when paralegals are seeing clients.

We commenced these clinics on a weekly basis in September 2002 and would have 3 solicitors attending each night. These were reduced to fortnightly in April 2004 due to low numbers of clients. In 2004 there were 29 scheduled clinics, 7 of which had no client appointments booked. The average number of clients per clinics where appointments were made was 3.5. In 2005 up to mid-May there have been 9 clinics with an average of 2 clients per clinic.

Smaller towns around Wangaratta include Benalla, Euroa, Mansfield and Corowa.

Advertising has been conducted in the past through The Wangaratta Chronicle.

In the past our service has been fortunate to have staff who resided in Wangaratta who could be involved in this clinic. This is currently not the case and therefore it is difficult to have a staff member attend.

Travel time: Wodonga to Wangaratta 45 minutes  
Total travel time: 1 hour 15 minutes.

\* NB the client numbers have been collated from the Diaries for each year and do not factor in "client no-shows".

## **FACTORS TO CONSIDER IN DELIVERY OF OUTREACH – WHERE WE VISIT AND WHY?**

### **What services are accessible to the community?**

Our service provides legal information, advice, referrals and education. Due to our large geographical catchment area we have relied on telephone advice to overcome access issues for people requiring legal advice and often clients prefer this as they can receive the advice quickly and, often do not need to leave their home. Despite this, face to face advice appointments have been the focus of our outreach efforts. This has been with a view to overcoming transport difficulties for clients requiring more assistance than they can receive over the telephone.

Accessibility relies on communities being aware that you exist and that you are available to service them. It may be that a number of outlying areas are not aware of our service or that they can use our service – therefore it is necessary to improve our profile within these communities through relationship building activities and promotion.

Historically our service has attempted to work alongside private practitioners and legal aid without duplicating services that are already available. Our catchment area has 2 legal aid offices – in NSW, Wagga Wagga and in Victoria, Shepparton.

The following outlines what our local legal aid offices provide in the way of outreach.

### **Wagga Wagga Legal Aid**

Attends Griffith once a month for Family Law matters – duty work and appointments.

Attends Albury weekly – AVO's at Albury Local Court and appointments for family law matters.

Conducts monthly Divorce classes in Wagga Wagga.

### **Shepparton Legal Aid**

Has telephone advice.

Attends prison.

Attends Cobram Magistrates Court – duty work and appointments – every second Wednesday.

CLE – Divorce seminar monthly (third Wednesday) in Shepparton.

It is necessary to work with these organisations to ensure our regions are being serviced in the most effective manner.

### **Is there an identifiable need?**

Firstly, it is important to research what services are available in the way of client advice for each location – for eg. does Legal Aid or other CLC's provide outreach to? Do local solicitors undertake legally aided matters?

For example, if an area is already serviced by legal aid that area may not require more involvement by our service, we may need to provide a different service or we may be able to work in tandem with the other service. Currently Wagga Wagga Legal Aid attends Griffith once a month for client appointments therefore if our service is to service Griffith it may be appropriate for this to be in the form of education such as Divorce classes.

It is vital that we liaise with and local, private practitioners and local workers about their dealings with local solicitors. This will provide us with the tools to give clients appropriate referrals and will assist us in the types of activities we conduct in the area. For example, if it appears that very few firms are willing to conduct family law matters that are legally aided it may be useful to speak with the local solicitors and legal aid offices to change this. We could also provide specific family law advice clinics for self-represented clients.

Secondly, need should not only be gauged according to the number of clients requiring face to face advice because, as a CLC, this should not be our core business. In the past when numbers have fallen in outreach centres we have reduced the number of visits or changed the location of outreach – whilst client numbers may be interpreted as lack of need it may actually be due to lack of knowledge of our service and what we do. Development of relationships is crucial for effective servicing of a community. CLS workers must document all relationship building activities for future reference. Through this, need can be gauged and strategies can be put in place to better serve each community, for example, by way of education in relation to specific issues relevant to that community.

It is important to ensure that outreach is being conducted in the neediest locations – not just the closest geographically so that travel time and costs are kept low, yet we are seen to be providing outreach. In relation to client contact if there is transport available to our major centres any outreach may be unnecessary and our time may be better spent travelling to places further away. We need to look at regional hubs (see below), for example, it may be that people in and around Tallangatta and Mt Beauty regularly travel to Albury-Wodonga (1 hour and 1 ½ hour round trips respectively) and therefore would prefer to access legal advice or education there.

### **Is the centre/town a major location within a region?**

In the past we have focused on smaller, rural communities to conduct our outreach visits. It is necessary to also look at the larger rural cities and their surrounding towns, however. Largely populated areas such as Wagga Wagga and Griffith may also need servicing by our service in the form of regular visits for networking and education.

In relation to smaller regional areas it is important that the location for outreach is strategic, therefore “business centres” for regions should be used. For example, Corryong has smaller more remote areas such as Khancoban, Cudgewa and Walwa from which people may regularly visit Corryong to shop, post mail, bank, etc. People within these areas would be better able to



access services if they are available in Corryong rather than travelling to Albury-Wodonga (a 3 hour+ round trip).

The more remote areas, whilst potentially the neediest, also require the most amount of travel time, therefore if a centre is a “hub” for a region it is important that wider promotion is conducted around the region. In the past our service has focussed advertising on the location we attend. Through developing relationships and “getting to know” our wider catchment community our service can be utilised more widely – not just for one on one advice but also education sessions specific to each community.

### **How best is our time spent?**

In relation to one on one, face to face advice it is often felt that outreach is not an efficient use of resources. This is related to reporting requirements which often focuses services on the “numbers game”. It seems, therefore, that services need to reassess the purpose of outreach and to view it as a chance for community development and education both about the service and the law. Reporting requirements need to account for RRR CLCs’ need to service often large geographical areas. We need to give networking and meeting with workers the same value as seeing a client.

There are possible difficulties with conducting face to face client advice by way of outreach, such as difficulties in obtaining subsequent instructions, documents signed, etc. This often means any assistance given may need to be of a minimal nature. As already noted above, often people cannot wait for our next visit to the area and will therefore opt for telephone advice. By viewing outreach as an opportunity to empower the community through relationships we can look at training workers to give legal information to their community similar to what we are able to provide over the telephone. This would then service the community more effectively as there would be workers within the community with adequate knowledge to provide immediate initial information. Through relationship building local workers will also feel more comfortable referring to us, and vice versa therefore clients will be directed to a broader, more appropriate range of services.

It is easy to think that travelling for 4 hours is an inefficient use of resources – workers are out of the office and unable to do casework (in the case of solicitors), they may become tired and overworked, and they are absent both while conducting outreach and often later due to accrued TIL after completing the outreach. Focusing on these negatives is again based on our focus on reporting requirements and client numbers – if we can see 10 clients in our normal office, without travelling 4 hours, compared to 2 clients after travelling 4 hours – which looks better for our service? We need to give community networking the recognition it deserves – we are here to serve a community, often a large one made up of smaller ones. If they don’t know we exist and we don’t know their community we cannot begin to service their needs. We need to push funding bodies to recognise the importance of outreach in the form of relationship building and the difficulties RRR CLC's face when attempting to properly service their regions, which are often large and ill-defined.

## **RECOMMENDATIONS**

Currently we have outreach, in the form of advice clinics in 6 locations. It is felt that for the remainder of 2005 focus should be made on networking and promotion within these communities. New locations are to be added as recommended below.

Tallangatta, Mt Beauty and Wangaratta are close in proximity to our base of Albury-Wodonga. In terms of Tallangatta and Mt Beauty, client numbers have been low since commencement of outreach. This may be in part due to very small populations and or ability to travel to Albury-Wodonga. It is suggested that these locations be visited until the end of 2005 as allocated. During this period it is felt that a change of venue (the Neighbourhood centre) may be beneficial in Mt Beauty – it is hoped this will be organised in conjunction with Consumer Affairs, commencing after the June visit. At the end of 2005 a decision must be made as to whether these locations continue to be visited or be replaced by visits to new locations. Whilst they are convenient to visit in conjunction with other outreach locations the time spent there could in effect be used to go to other, farther regions (however not as often). It is felt that the shires in which these towns are located are currently being over-served given their populations and therefore this is unfair to the remainder of our catchment community.

Despite a reduction in appointments in Wangaratta it is felt this service needs to be continued due to Wangaratta being one of the largest centres in our catchment area. It is necessary to increase promotion of our service through networks and local media. Smaller towns and regions around Wangaratta should also be targeted. A promotional plan has been developed with a view to obtaining as much free publicity as possible about all of our visits to outreach locations. This includes networks of workers and community groups and involves regularly sending details of our visits and keeping record of how people are finding our service. It is suggested that in relation to Wangaratta, that a standard letter be sent to various organisations, free publicity be attempted through the media and requests for details of visits be included in newsletters of such places as Neighbourhood houses and schools.

It is recommended that a number of large regional centres which we do not currently attend be noted for future regular visits. Wagga Wagga and Griffith both have populations of over 20,000 people and fall within our catchment area yet we have only visited Griffith on one occasion to provide training and have not attended Wagga Wagga to provide services.

Historically we have not visited Wagga Wagga as there is a Legal Aid office located there. It is recommended that initially networking with workers within the Wagga Wagga area commence, leading to provision of community and worker education. We do not want to compete with or duplicate Legal Aid services therefore it is essential that we liaise with their office about what services we could provide to the region or have an arrangement in terms of

working together. Despite the relative closeness of Wagga Wagga it may only be possible to visit quarterly due to commitments to visit elsewhere.

Griffith has monthly visits from Wagga Wagga Legal Aid for the purpose of client advice, therefore it is recommended that our efforts focus on community education and networking with and training service providers as in Wagga Wagga. It is recommended that at least one trip be made to Griffith each quarter, with an overnight stay.

It is recommended that the focus of all outreach become relationship building and promotion of our service. Community education should be conducted in Wangaratta, Deniliquin, and Griffith starting with Divorce classes in each location over the last six months of 2005. As we already have the materials prepared for this we would simply need to promote the dates for the visits through local agencies and media. In arranging this it will be crucial to liaise with Wagga Wagga Legal Aid and other CLC's to ensure we are not duplicating services and to obtain their assistance in promotion, etc. Future areas of education will develop through consultation with local workers, with some focus on providing training to those workers.

For each location we visit an "Outreach Community Directory" (OCD) is to be developed for future reference. This will include details of schools, libraries, youth services, aged service, child and maternal health services, private solicitors, local community groups, counsellors, etc. This will be used initially to co-ordinate meetings with workers and help us to "get to know" the community. From these meetings plans for servicing the community in the future can be developed. The OCD will then be used for promotion regarding our visits (either client advice or CLE).

It is recommended that in the future any decision to provide face to face client advice in an outreach location only be made following relationship building activity within the community and development of these community directories. It is thought that through this work, demand for our service will increase leading to the need to conduct more regular visits for the purpose of client contact. If outreach is given priority in relation to service provision there may be the need to reduce or remove other services provided by CLS unless additional funding can be obtained. Funding sources should be researched and each shire that is serviced should be approached regarding possible funding.

In relation to each outreach location a number of folders are to be created. An "Outreach Development Folder" shall be created and stored in the office. This shall contain details of the town we visit and surrounding towns, service providers' brochures and "Information sheets", details of media coverage of our visits and any correspondence relevant to the outreach. Each location will also have an "Outreach folder" that will be taken on each visit. This will include a copy of the year planner with all outreach visits, CLSIS sheets, "Information sheets" for service provider meetings, CLS brochures, and any other useful material.

Finally, it is recommended that a dedicated worker co-ordinate all outreach activity to ensure sustainability of these services. Without this it is likely that work related to developing outreach will be overlooked due to other work pressures. It is the writer's view that this role would complement the CLE worker's role therefore their title would become "CLE/Outreach Co-ordinator". This will ensure that all requests for outreach or CLE are filtered through one worker who will have a strong grasp of the SSPI and workers' loads and therefore can make strategic decisions. Their role, in terms of outreach, will include arranging dates and locations for visits each year, development and amendment of the CLS Community Directory for each location, maintenance of folders for each location, promotion of our visits, arranging meetings and information sessions, ensuring CLS workers are available to conduct the outreach, providing proposals for outreach activity (such as CLE sessions), seeking funding and reviewing all locations regularly to ensure successful outreach.

It will require a dedicated approach and change of focus to enable outreach to be a successful tool for servicing the community, it is envisaged that the above recommendations will enable this.

Natalie Greenham  
Outreach Enhancement Project Worker  
14 June 2005

**Appendix 3: Response to Discussion Paper: A New Approach to the Family Law System**

Upper Murray Family Care  
ABN 99 081 624 768

*Caring, Nurturing, Strengthening.*

Response to the Discussion Paper

**A new approach to the Family Law System**

Children's Contact Service  
Family Mediation Service  
Community Legal Service

Contact Helen McGowan, Director of Community Services  
Ph 02 6022 8000  
Fax 02 60 22 8099  
29 Stanley Street, WODONGA, VIC 3690

14 January 2005

# Summary

## **Areas we agree on**

The commitment to co ordinate the plethora of existing services with a 'one stop shop' is admirable. (Work needs to be done on bringing together both state and federal areas of responsibility so the individual can be assisted regardless of the legal issue.)

The demystifying of pathways is important. For most people, the experience of family breakdown is unwelcome and painful. The FRC aim to assist people to navigate towards a solution when they are at their lowest is commendable.

We recognize the importance of education to promote communication between separated parents and affect the culture of conflict.

## **Concerns**

Whilst shared parenting is desirable, why is the Australian Government only concerned about encouraging equal shared parenting time when the family separates? More cross sector legislative support (workplace, superannuation, and industrial relations) would enhance this outcome for all families.

We question the assumption that parenting plans are a panacea. Many families have informal arrangements that are unwritten yet work. Informality allows flexibility however these successes may not be visible because they are doing it for themselves.

Do not develop a Family Tribunal. We do not need a parallel level of administrative decision making. If the idea of a Family Tribunal is to change the system to more of an inquisitorial one (not adversarial) we recommend this be done within the existing judicial hierarchy using the experience of the pilot project in the Family Court.

Property disputes are often an integral part of the family breakdown. The FRC needs to have the capacity to assist in these matters too regardless of the type of relationship (married, domestic, same sex).

Focus on 'shared equal parenting time' threatens the principle that the child's interests are paramount. We prefer a focus on shared responsibility. The FRC intervention needs to be about protecting children's interests not satisfying the parent's desire for possession of, or control over, their child.

We detect confusion around the role of the Parenting Advisor. We prefer this role involves intake and referral in the first instance. We presume an advisor gives direction. If so, they need to recognize possible conflicts of interest and avoid taking a role in any subsequent dispute resolution. If there is a breach of a parenting plan, will the advisor be involved? We have existing state

funded parenting programs in this community which fulfil an educative role. To what extent will the FRC work with the local knowledge and established services? It is important that intake workers are trained in child development, dispute resolution, and relationship counselling.

We need to recognize the difference between conciliation (when there is an active intervention to bring the parties together which the parenting advisor may do) and mediation (which is neutral and facilitates the parties coming to their own agreement). There needs to be an awareness that the disputing parties may be at different parts of their 'grief' cycle which could frustrate genuine attempts to move on. Parties need to be ready to converse and prepared to negotiate.

Family Relationship Advice Line and website: Can this be incorporated into the existing Family Law Hotline with recognition that state legal aid commissions have telephone advice lines handling these types of inquiries. Perhaps a 'warm transfer' from the states to the federal service whilst allowing for state based law on same sex and domestic relationships.

How will the FRCs affect the existing local FRSP services? We suggest an initial commitment to maintain parallel services with agreement to cross refer and collaborate.

## **Recommendations**

### **Badging**

We recommend a low profile 'badging' of the FRC. We acknowledge the benefit of a national profile for the FRC network and fear this may threaten the identity of the existing agencies that will provide the services. We are concerned that the profile of local community services will be overridden by a strongly badged quasi government service. More discussion is needed on the level of 'badging' so the FRC can piggyback on the established good will of the local community agencies.

### **Develop one 'conflict resolution' gateway for all people with 'family' disputes**

This requires a high level agreement between state and commonwealth governments to co operate and share resources. Currently the area is complex and people require a local family lawyer to explain their choices. This is expensive and sometimes hard to find.

If a family breaks down, the existing pathways are complex. Whilst this paper focuses on issues covered by the Family Law Act and married families in particular, other family breakdown issues include;

- child protection, both state and commonwealth jurisdictions become involved.
- Disputed deceased estates, relatives resort to the state supreme courts which is costly and time consuming

- Shared property in a 'non married' relationship, the state law differs to the FLA and between states.

### **Australian government 'covers the field' for all families**

Australian government accept a referral of state judicial powers to deal with all family disputes (including same sex and domestic relationships)

### **Shared parenting**

This commitment to the best interests of the child through meaningful parental involvement in their lives be reflected in complementary workforce legislation.



## Our response to the questions raised in the Discussion paper

### A new system

What are the support services needed by families going through separation?

We suggest a 'one stop' shop for information, advice, assistance, education which has a profile in the community. People would know where to go and where to send their friends. It will be a referral gateway and clearing house with a common purpose of assisting the client to navigate the system. This would give the appearance of a co ordination of Australian Government funded programs and state funded programs.

If the 'one stop' shop is the FRC role, it would have all the local information relevant to;

- Accommodation options (supported accommodation, refuge, private rental, public housing) and related state funded support agencies (NSW ACE, Vic Consumer Affairs, Rural Housing Network, Albury Supported Accommodation, Albury Community Housing)
- Counselling (child and adolescent, relationship, mental health, psychiatrists, psychologists)
- Family Violence (family violence prevention workers, police liaison, court support, anger management programs)
- Parenting (parenting skills, parent support groups, maternal and child health, parenting after separation courses, father support groups, mother support groups)
- Legal (legal aid, community legal services, private family lawyers, on line resources, relationship agreements)

We are concerned about the proposed lawyer free zones. Whilst few families use lawyers when they separate, those that do can be encouraged to use lawyers committed to collaborative legal practice used in parts of the USA and Europe.<sup>1</sup>

An alternative is the use of paralegal caseworkers to assist litigants. The NSW Domestic Violence Court Assistance Scheme (DVCAS) allows for individual case management when the parties are before the courts. The paralegal worker meets the client before the court hearing to explain options and likely outcomes and to familiarize them with the legal process; assists the client to self represent at court or acts as liaison when there is a lawyer; and after the judicial determination explains what happened and the impact of the order.

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<sup>1</sup> November 2004 Law Society of NSW journal article

Apart from doctors, child care centres, lawyers and schools, who else in the community can help refer parents to Family Relationship Centres (FRC)?

Community workers in mental health, housing, maternal and child health, all community agencies working with families, hospitals (accident and emergency, maternity) police, local government.

### **Parenting Plans**

What other ways could be used to encourage parents to develop parenting plans as the basis for their parenting arrangements after separation?

Make an example freely available through government websites, maternal and child health centres and at maternity hospitals. Allow freedom to tailor a unique plan. Give options about what could be included (see attached Appendices 1 and 3 Areas for Consideration and Options for parenting plans) FRC would use the solution focused skills of 'miracle questions. There are internet resources available from other jurisdictions.'<sup>2</sup>

Encourage their use in all families; even those intact. This would normalize sharing of the parenting responsibility and encourage discussion as circumstances change. Support this planning with facilitated family meetings to discuss; finance, education, extended families, religion, sport, We already have (binding financial) agreements for married couples, partnership agreements for businesses, succession plans and leases. This is another tool to allow for planning and communication about things that matter.

From experience we know there can be confusion around common terms such as 'half the school holidays'. Which state? Which day? What time? Public or private school? The FRC could assist in checking the detail.

### **Joint Sessions**

Have you any comments on the proposed information, advice and dispute resolution services to be provided by the FRC?

What are the priority services they should be providing?

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<sup>2</sup> Model Parenting Time Plans for parent/child access" 2001 Arizona Supreme Court (Administrative office of the courts, courts services division, family law unit ph 602 542 9250

When a family relationship breaks down the support will depend on the type of breach and the reasons for the breach. We recommend the clients be offered another session at the FRC to assess what intervention may be effective.

### **Screening**

What training needs to be provided to help parenting advisers identify violence or child abuse?

FRC programs could adopt existing programs offered by state funded family violence programs (Victorian Domestic Violence and Incest Resource Centre, Women's Legal Resource Group, NSW Domestic Violence Court Support Scheme) which skill workers in recognizing, and working with, child abuse and family violence.

We question how violence is defined. Does there need to be proof in the form of an intervention order or is a doctors report sufficient? Can a client alleging violence opt not to proceed with dispute resolution or does this need to be verified by the FRC? If violence is disclosed, the parties need to be encouraged to get evidence as this will affect the rebuttable presumption of shared parenting.

The trained worker will recognize clients with mental health issues or who are drug affected. The parenting advisor needs to refer to the FLA regulations 62 (assessment of mediation suitability) which sets out the criteria for suitability.

We encourage the adoption of 'child inclusive practice' so that the voice and views of the child are fed into the parent's decision making.<sup>3</sup>

### **Preventing Separation**

What is the most effective way of supporting pre marriage education?

Beware the moral bias that marriage is the best solution for all people intending to have a family. Is it a fact that children raised in a married relationship are better off than children in an unmarried relationship?

We suggest relationship education (not necessarily pre marriage education) be made generally available for all committed partnerships. Education can be promoted through financial institutions when joint accounts are opened, and through local estate agents, civil/marriage celebrants and local government.

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<sup>3</sup> Refer La Trobe University work of Jenny McIntosh

To encourage pre marriage education, we suggest that when the formal notice to marry is filed with the Marriage Celebrant, they notify the parties of the programs.

What services are needed to prevent family separation?

The development of a common understanding of the factors that strengthen families and sustained policy development and implementation of such support. Supportive elements may include parenting education (through schools, neighbourhood houses, hospitals, maternal and child health) support networks, parent mentors or buddies.

### **Implementing the new system**

How can the FRC best meet the needs of families across Australia?

The FRC needs a profile of its community and aim to reflect its client base.

What methods of outreach would be most effective for these sorts of services?

We suggest the development of a standard for all Australian Government programs funded to provide services to regional communities. The standard will recognize that whilst many services are delivered through an urban 'centre', the service includes a regional community. Successful tenders will design outreach programs which give broad coverage to their region and a regular audit will reflect uptake in areas outside urban communities.

Methods may include the use of

- Videoconferencing links in rural centres (telecottages) supplemented by face to face outreach. (Women's Justice Network, Toowoomba Q)
- mobile units (farm based childcare Albury Wodonga, Consumer Affairs Victoria)
- trained community workers (Geraldton Resource Centre WA)

### **Help for grandparents**

What more can be done to make it easier for grandparents to have an ongoing relationship with their grandchildren after separation?

Without a court order 'permission' for contact usually is with the parent who has residence of the child. Grand parents can be encouraged to request contact and to pursue dispute resolution if permission is not forthcoming. Perhaps a precedent 'letter of request' can be offered to grandparents to use in the first instance.

The FRC would take an educative role with the local community groups where the grandparent cohort could be found (U3A, Aged Concern, Seniors Activity groups) and Centrelink could provide information on what to do through its aged pensioner database.

Grandparents are frequently not included as a party in the Application for orders. Perhaps the s 75 (2) factors can be enlarged to make it mandatory to address the child's right to have regular contact with their grandparents.

## **Changes to the law to support shared parenting**

### **Equal Shared parental responsibility**

Refer Appendix 2: Shared Parenting guidelines taken from Family Law CCH p 3 Issue 454 (9 March 2004)

Entrenched conflict will be difficult to define. What factors should be used to identify entrenched conflict?

One way is to check the court record for number and frequency of applications to do with the children.

### **Compulsory dispute resolution**

Should there be other exceptions to the requirement to attend a dispute resolution before filing a parenting dispute in the courts?

The parenting advisor needs to refer to the FLA regulations 62 (assessment of mediation suitability) which sets out the criteria for suitability.

Dispute resolution would be inappropriate when there is a;

- Manifest reluctance to negotiate by one party.
- Power imbalance, the safety of the parties is threatened or the emotional or possible compromise to the physical health of the parties.

How can we ensure that people in rural and remote parts of Australia are best able to meet the proposed requirement?

Work with the existing state based services which have developed regional outreach models (Dispute Settlement Centre of Victoria, NSW Community Justice Centre)