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**We gratefully acknowledge
the financial assistance of:**

Commonwealth
Attorney-General's Department
Department of Justice (Vic)
Consumer Affairs Victoria
Victoria Legal Aid
City of Casey
City of Glen Eira
City of Kingston
Frankston City Council
Mornington Peninsula Shire

**Donations over \$2.00
are tax deductible**

**Service to the Community
since 1977**



Pro Bono Partnership Announcement

Peninsula Community Legal Centre is excited to announce that it has formed a pro bono partnership with Russell Kennedy. Following the Attorney General's Community Law Roundtable in late 2009, Peninsula CLC met with Russell Kennedy's Pro Bono Committee, led by Pro Bono Principal, Mr. Victor Harcourt, to discuss the possibility of forming a pro bono partnership.

The in-kind support provided through the partnership enables the freeing of time and limited resources to provide more assistance for our clients, who are in desperate need of legal assistance. Russell Kennedy has already provided assistance in the production of newsletters and pamphlets; hosting professional development for staff of the Centre; provision of event support for the Centre's

strategic planning day; legal support in relation to employment matters and lease agreements; and a \$4,000.00 client disbursements fund. Peninsula CLC is grateful for Russell Kennedy's pro bono support to date, and looks forward to a successful and ongoing relationship that will strengthen the Centre's capacity to respond to client and community need.



Pictured Left to Right: Attorney-General and Deputy Premier, The Honourable Rob Hulls MP; Andrea Florance, Manager Volunteer & Education Programs, Peninsula CLC; and Victor Harcourt, Pro Bono Principal, Russell Kennedy.

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This newsletter was produced with pro bono support from Russell Kennedy

Case Study

Client X sought paternity testing in respect of her child with assistance from Peninsula CLC's Child Support Program. The paternity testing identified the father of the child, but Client X is struggling to maintain the basic costs of living on a Centrelink payment and could not afford to pay for a new birth certificate. With Russell Kennedy's pro bono support, Peninsula CLC has been able to pay the \$60.60 for the child to have a new birth certificate with both parents' names recorded – essential to the child's sense of identity, as well as helping protect any future inheritance rights.

Family Law Act Review

The Attorney-General, the Honourable Robert McClelland, sought a review of the *Family Law Act* in 2009, following suggestions that the current legislation places women and children at risk of family violence. Three major reports on the family law system have since been released – The Chisholm Report; Australian Institute of Family Studies Report and the Family Law Council Report.

The report by former Family Court Judge, the Honourable Richard Chisholm, recommends changes to the legislation to better protect children and parents in violent situations. It also recommends shifting the emphasis from shared care, to making this one of many options open for consideration by judges in making Orders concerning children. Chisholm proposes to repair the shared parenting provisions, through breaking the link between parental responsibility and care arrangements and not privileging any type of parenting. Further, the proposal seeks to remove "equal shared parental responsibility" entirely and remove "additional" from the factors considered in ascertaining the child's best interests, making each of the factors of equal importance.

The Chisholm report seeks to make it less problematic for parties to raise issues of violence. He sees the inclusion of costs provisions for those making false allegations, as "the system [being] suspicious of those who allege violence". According to Chisholm, more than 70% of separating families whose matters proceed to trial report family violence.

Chisholm also recommends the inclusion of additional factors in determining risks to children, which will be given equal weight in consideration by Judges. At present the *Family Law Act* recognizes the risk of impacts of direct or indirect violence or abuse to children, however Chisholm argues that in addition, other risks of trauma - for example depressed and/or suicidal parent - should be considered as should risks that the child's

developmental needs will not be met.

The Australian Institute of Family Studies Report (AIFS) and Family Law Council reports concluded that the current wording of the Act had led to a misconception about shared care being a right. Shared parental responsibility in making decisions about children, is an entirely different matter to shared care. Whilst the AIFS report did not make specific recommendations, the approach of the Family Law Council ties in with the AIFS Report findings, recommending better education of the public about areas of the Act where misunderstandings and misconceptions have been identified.

All of the current reports demonstrate that the system is not adequate or addressing a sizeable minority of separating parents involved in situations of domestic violence – approximately 20%. They provide an excellent basis for improving a system which, although it has many positive features, is also continuing to fail a significant and vulnerable minority. At present, the Federal Government has indicated that it will support a public education campaign to address many of the issues raised by the Reports.

Family law issues affect around half of the clients assisted by Peninsula CLC. In addition to its general legal services, the Centre operates a Family Law Program, including duty lawyer services at the Dandenong Family Law Courts.



Peninsula Community Legal Centre is an independent, not-for-profit organisation that has been providing free legal services to Melbourne's south-eastern communities for more than 30 years.

The Centre helps people use the law to protect and advance their rights, offering free advice on most legal issues. Ongoing assistance is targeted to assist clients who are experiencing disadvantage. In addition to its general services, the Centre operates Family Law, Child Support, Family Violence, Tenant and Consumer Advocacy Programs.

Community legal education, special projects and participation in law reform are also important aspects of the Centre's work.

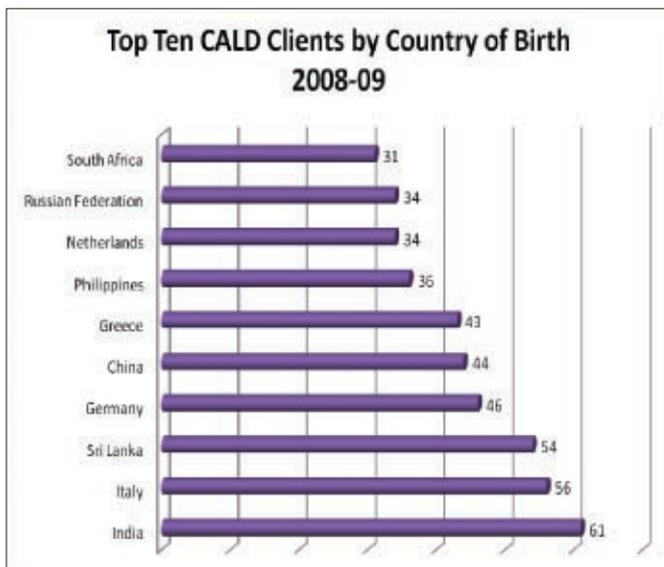
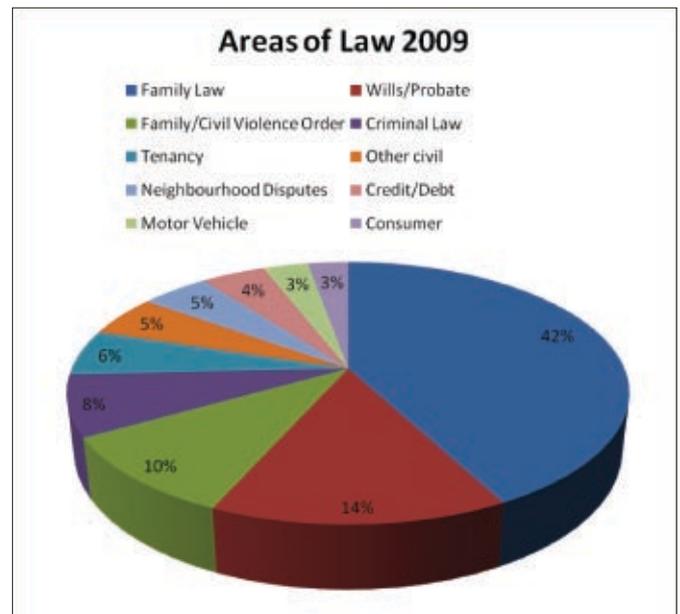
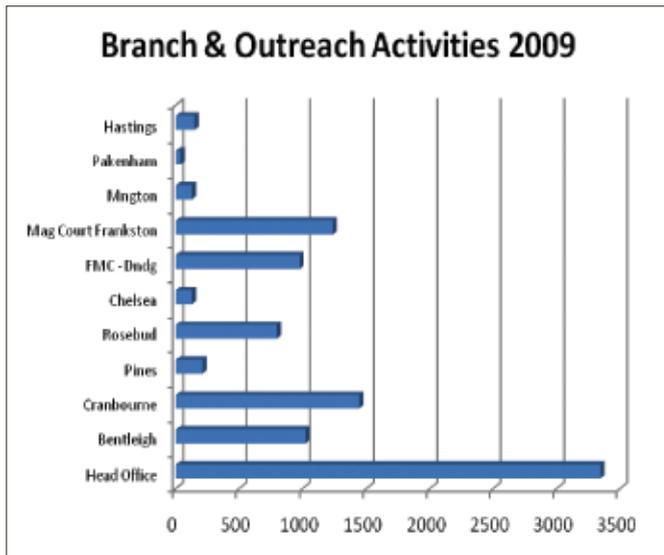
2009 – A Snapshot

Peninsula CLC consistently responds to community need, offering legal support when and where required. The Centre offers services through outreaches in geographically isolated areas and provides community legal education across its large catchment, which includes the municipalities of Glen Eira, Kingston, Frankston, Casey, Cardinia and Mornington Peninsula.

The need for free legal assistance continues to be high, with an increase in service provision in 2009. These statistics demonstrate the vital services provided by Peninsula CLC and highlight the many vulnerable clients who might otherwise have been unable to obtain legal assistance.

Peninsula CLC is committed to meeting the needs of the community and is always striving to engage migrant communities within our catchment, as evident through our involvement in the Community Car Connections: Frankston Newly Arrived Driving Program in partnership with a range of organisations, which assists newly arrived migrant and refugee communities to obtain the necessary skills and knowledge to obtain their Learner's Permit and ultimately their Driver's Licence, so that they can participate more fully in Australian life.

The most required area of law in 2009 was family law, including an extensive child support and family violence response, demonstrating the importance of duty lawyer services provided by Peninsula CLC at both the Frankston Magistrates' Court and the Federal Magistrates' Court at Dandenong.



These diagrams represent only a sample of the statistics for 2009, which demonstrate the work of Peninsula CLC. Peninsula CLC thanks the many volunteers, supporters and dedicated staff who make it possible to provide this level of service to the community.

Peninsula Community Legal Centre is running a series of Civil Claims Workshops to assist consumers to prepare for and self-represent at a VCAT hearing. For more information on these workshops, please contact our Head Office.

Towards a Fairer Justice System – Law Reform Highlights

The client-driven work of Peninsula CLC informs our law reform and policy activities. Workers within Peninsula CLC collaborate on common areas of justice concerns arising through the casework program.

Recent initiatives include:

- Workshops for those working with young people to explain the introduction of new police powers arising from the amended *Summary Offences Act 1966* (Vic) and the *Control of Weapons Act 1990* (Vic), which give police power to 'move on' people and conduct random strip searches in designated areas. The Victorian Government proceeded with the legislative amendments, notwithstanding the acknowledged incompatibility with the Victorian Charter of Rights. Peninsula CLC had recommended that the amendments not be given legislative effect and that a consultative process be established to consider how to address concerns of violence as well as protecting fundamental human rights.
- A submission in response to the VCAT President's Review Report on the Discussion Paper 'The Role of VCAT in a Changing World', welcoming the Recommendations of the Report and highlighting areas which the Centre considered required further attention to ensure access to justice for tenants and consumers.
- A comprehensive submission to the Federal Government's review of the federal civil justice system, 'Access to Justice' Report, broadly accepting the terms and recommendations of the Taskforce Report. The acknowledgement of the need for a more strategic, system wide approach to access to justice was particularly welcomed. However, Peninsula CLC's response also noted that significant improvements in the manner of engagement of individuals with the legal system and in their use of the legal system will be required to increase and improve access to justice. The taskforce report demonstrates that is the most marginalised members of our community that are most overlooked in the justice system – children, Indigenous Australians, the homeless and people suffering from mental illness.
- Peninsula CLC endorsed the submission of the National Association of Community Legal Centres (NACLC), which called for a national system for the protection of human rights, which should include those rights and freedoms that Australia has agreed to protect in International Conventions, including but not limited to the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child. The need for urgent public education about human rights was also noted.
- Concerns have been voiced in respect of the City of Frankston's introduction of non-smoking designated outdoor areas and employment of private security guards to monitor Frankston's central business area and foreshore. A number of media articles have been published outlining Peninsula CLC's opposition to these initiatives, which will affect the Frankston community.
- Submission to the Australian Law Reform Commission's Family Violence: Improving Legal Frameworks, Consultation paper, outlining a series of proposals for a more integrated approach between the civil, criminal and family law approaches to family violence.

Peninsula CLC law reform submissions and media releases are available on www.pclc.org.au.