



05

SCALING NEW HEIGHTS

COMMUNITY LAW
IN THE 21ST CENTURY
NATIONAL COMMUNITY LEGAL
CENTRES CONFERENCE
CANBERRA
9 -12 OCTOBER 2005
HYATT HOTEL, CANBERRA ACT
www.naclc.org.au



THANKS TO....

ACKNOWLEDGEMENTS

The National Association of Community Legal Centres (NACLC) would like to thank all those people who have contributed to making this year's National Community Legal Centres Conference a success.

Each year this conference is organised on a shoe string budget. Without the enormous in-kind contribution and financial support of our members and allies, this conference would not happen.

In particular NACLC would like to acknowledge the contribution of the ACT Community Legal Centres, the organising committee, and more than 100 people who have contributed to developing and presenting the high quality program.

NACLC expresses a warm thank you to our sponsors. Without your support, there are many people attending this conference who would not have been able to afford to attend.

NACLC specially thanks the ACT Department of Justice and Community Safety and the Chief Minister for their support in cash and in kind.

Thank you also to our official guests and key note speakers. We appreciate the role you have taken in extolling and supporting the important work of Community Legal Centres. We look forward to your continued support.

A SPECIAL THANKS TO OUR SPONSORS



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WELCOME

We acknowledge the Ngunnawal people, the traditional owners of the land on which we meet.

The National Association of Community legal Centres together with ACT Community Legal Centres welcomes you to this year's National Community Legal Centre's Conference. The Ngunnawal people will welcome us to their land at the opening of the conference. In accepting their welcome we acknowledge their prior ownership and continuing custodianship of this land and we thank them.

Scaling New Heights – Community Law in the 21st century is a statement of optimism and confidence in our communities. Although it is sometimes hard to keep perspective, it is true that our practice does improve the lives of ordinary people. We see vulnerable people acting together and we see the improvements in our lives and communities that come from co-operation and commitment. Our best moments come when we join with others in protecting and advancing the conditions of humanity. While we support the agenda of individual human rights that is making some headway in various jurisdictions, our focus is on collective rights. Everyday we deal with the failure of our society to endorse the right to food, health, housing, income support and protection of the person. Until Human Rights laws in Australia are extended to cover social justice issues the task is a long way from complete. This is going to be a campaign for Community Law in the 21st Century

All around us Governments and institutions are plumbing new depths of panic and prejudice. CLCs see the victims of the inane sloganeering of the media and we are constantly insulted by demonising of Australian citizens and their communities. The sort of policies and programs we need are centuries away from what we get. Those that really make us safer are those that aim to eliminate violence against women, ensure social justice for Indigenous Australians, stop the rise of homelessness and poverty and strengthen the ability of citizens to protect their environment. The sort of government policies we get are law and order campaigns which do nothing to solve the causes of crime but they do increase the incarceration of disadvantaged groups. Our gaols are full of poor people. We get proposals that people should be locked up for a month with no contact or legal assistance. We get High Court decisions that conclude that it is legal for someone who has been neither charged nor convicted to be incarcerated indefinitely. Everyday we say to a client "I know it isn't fair, but it's legal". The law needs to reacquaint itself with social justice. That's what we're here for.

Keynote speakers this year include Jon Stanhope, Chief Minister and Attorney General of the ACT, Dr Boni Robertson, from the Gurnurri Centre, Griffith University, Steven Hynes and Lenny Abramovicz from the UK and Canada community legal service sectors, Michael Raper from the National Welfare Rights Network, Chris Walton from the ACTU, John North, President of the Law Council of Australia, Hilary Charlesworth, Professor of Law, ANU and Shanti Diariam, Director of the International Women's Rights Action Watch Asia Pacific. All these people provide rungs on the ladder with which we will all Scale New Heights

And while we're contemplating the heights, boing the depths and finding our ladders, the conference is a time to exchange ideas, tactics and strategies (and maybe building hints). Many a grand idea or great campaign has resulted from the capacity of CLCs to get together and have a little fun, maybe even a little song and dance!

Liz O'Brien
National Convenor

PS: the rumour that I will conduct the demonstrators' tour of Canberra may be true!

EXPRESSION OF REGRET AND APOLOGY

To the Ngunnawal people and to our indigenous colleagues and your families and communities, the National Association expresses deep and sincere regret and apology for the untold human suffering and injustice that you have experienced as a result of colonisation and generations of discrimination and marginalisation.

We recognise ourselves as the descendants and beneficiaries of colonialism and we share with you our feelings of shame and horror at the atrocities your peoples have suffered.

We respect your work and the autonomy and independence of your ways and cultures.

We offer our support and commitment to your determination to empower your communities in the struggle for justice and freedom.

We acknowledge your human right to self-determination.

We commit to working in solidarity with you in the ways that you choose and determine.

We thank you for your wisdom and we share our dilemma at how to ensure that our actions and expressions best assist your work. We accept your anger at our clumsiness and intrusiveness.

We accept that our words must match our actions and we will work without ceasing to remove racism and ignorance from our communities and ourselves.

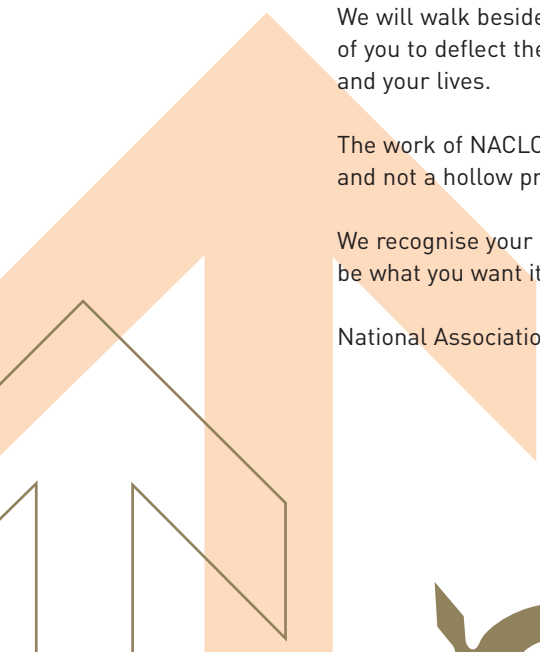
We will not ask for, nor will we work for reconciliation without justice.

We will walk beside you, we will walk behind you and, when we should, we will stand in front of you to deflect the outrageous blows of the legacy of European occupation of your land and your lives.

The work of NACLIC will be guided by your vision of a future where reconciliation is a reality and not a hollow promise.

We recognise your leadership, we honour your visions, and we hope for a future that will be what you want it to be.

National Association of Community Legal Centres, Canberra 2005



GENERAL INFO

REGISTRATION DESK

The registration desk is the key information point and will be staffed throughout the duration of the conference.

ONSITE GUIDE

Please register and collect your Onsite Guide as soon as you register. You will be given a name badge as proof of registration, please wear this at all times throughout the conference

MESSAGE BOARD

There will be a message board at the registration desk for the use of the delegates.

REFUND POLICY

Full refunds will be made 2 weeks prior to conference. After this, refunds will not be made, however, a replacement delegate can be sent. In exceptional circumstances a centre may apply to the Conference Organising Committee for a partial refund. The application must be made within two weeks at the end of the Conference.

EMAIL FACILITIES

Conference delegates will have access to email, BBS, computer and printing facilities in the Murrumbidgee room at The Hyatt Hotel. These facilities will be available during the day, 9am to 5pm, throughout the main conference 10 - 12 October. Photocopying facilities are available, please contact the Registration desk for assistance.

VIDEO CONFERENCING

With thanks to Steve Neville from Polycom, Ballroom plenary sessions and sessions in the Mt Ainslie Room, Ballroom North and Centenary 2 Room will be available to rural and remote participants via video-link.

CHILDCARE

Childcare will be available throughout the main conference 10-12 October in the Assembly Room at The Hyatt Hotel. Hours of operation are consistent with the main conference program and extended to cover the dinner.

Please register child/ren at the Registration desk on Sunday 9 October between 2pm and 6pm. Please advise of any special requirements your child/ren may have.

There is a 1 1/2 hour break between activities on the Tuesday evening from 5.00pm – 6.30pm dinner not provided, when parents/carers will need to care for their children. Childcare has been arranged through until 11pm on the Tuesday evening for parents/carers booked to attend the dinner.

Parents/carers need to provide meals for all children 0-4 years of age. Children 4-14 years are catered for either at the hotel or by picnic or other arrangement when being entertained away from the hotel venue. If your child has a special toy or comforter, please bring it along for them.

SEXUAL HARASSMENT

The NACLC and the National CLC Conference Organising Committee 2005 opposes sexual harassment in the workplace. We consider the Conference to be an extension of the workplace. Sexual harassment makes people feel uncomfortable, and it is against the law. Sexual harassment is unacceptable behaviour.

Sexual harassment can include unwanted sexual or sex based behaviours such as suggestive remarks, touching, offensive sexual jokes, unwelcome requests for sexual activity and sexual assault or rape. There will be three Sexual harassment Officers attending the National Conference at all times.

These officers can be contacted through the Conference Registration Desk. Outside these times please phone 0404 245 339

SEXUAL HARASSMENT OFFICERS

Gai Walker, WA
James McDougall, NSW
Jane Hutchison, TAS

AGENDA 2005

SUNDAY
9 OCTOBER

2pm - 5pm
Ballroom Foyer

Conference Registration & Information Desk

5.30- 7pm

WELCOME RECEPTION

will be held at - University House, Balmain Crescent, Australian National University
To catch the BUS from the City Interchange to the ANU, take bus 34 alight at Liversidge Street near Balmain Crescent.

Light refreshments will be served and you will be able to purchase drinks at bar prices

MONDAY
10 OCTOBER

8.00 am

Registration & Information Desk

9.00 - 9.30am

CONFERENCE OPENING - HYATT FEDERATION BALLROOM

9.00am

Indigenous Welcome to Land - Michelle House for the Ngunnawal people
Response to Welcome to Land - Convenor or Representative of the National Network of Indigenous Women's Legal Services

Memorandum of Understanding - Chris Gabelish, Regional Rural and Remote Network & Convenor or Representative of the National Network of Indigenous Women's Legal Services

9.30 - 1100am
KEYNOTE
PRESENTATIONS

OPENING ADDRESS Scaling New Heights: Community Law in the 21st Century
Jon Stanhope MLA Chief Minister ACT, Attorney General & Minister for Indigenous Affairs, Multicultural Affairs and the Environment
Dr Boni Robertson Director, Gumurri Centre Griffith University
Liz O'Brien National Convenor, National Association of Community Legal Centres
Questions/Comments - Open to Floor

11.00-11.30am

MORNING TEA

11.30- 1.00pm
SESSION 1
Ballroom North

CONCURRENT SESSIONS 1 - 7

In whose interests? - What is changing for children's cases?

Who is influencing family law policy? Why should we care?

Joanna Fletcher Law Reform Coordinator, National Network of Women's Legal Services,
Sarah Vessali, Principal Solicitor, Women's Legal Service Victoria
Dr Michael Flood, Post Doctoral Fellow, Australian Research Centre in Sex Health & Society, La Trobe University

SESSION 2
Ballroom South

Reuniting Refugee Families

Judy Burgess, Solicitor, UTS Community Centre

SESSION 3
Centenary 1

Family Violence Units

Lillian Davis, Client Service Officer, Central Australian Aboriginal Family Legal Unit Alta Winmar, National Network of Indigenous Women's Legal Services,
Rene Adams, IWP Coordinator, NSW Women's Legal Resource Centre - Indigenous Women's Program. Deanna Roberts, Aboriginal Community Development Worker, Helen Wodak, Senior Solicitor and Joanna Martin, Principal Solicitor, Top End Women's Legal Services

SESSION 4
Centenary 2

Public Interest: what public, what interest?

Tabitha Lovett, Manager, Public Interest Law Clearinghouse Vic.
Robin Banks, CEO, Public Interest Advocacy Centre and
Jeff Smith, Director, Environmental Defender's Office NSW

SESSION 5

Mt. Ainslie Room

and justice for all?

Mark Woods, Law Council of Australia, Chris Staniforth, National Legal Aid, Louise Blazejowska, Legal Aid NSW and Polly Porteous, Director, Combined CLCs Group NSW

SESSION 6

Black Mountain Room

Human Rights of Immigration Detainees: the New Zealand experience

Richard Small, Managing Solicitor, Hutt Valley Community Law Centre

SESSION 7

Murrumbidgee IT Room

Money: Whether we like it or not we can't live without it - Basic MYOB Training

Neville Gasmier, Far West CLC, NSW

1.00 - 2.00pm**LUNCH****2.00 - 3.30pm**

Federation Ballroom

PLENARY SESSION**Welfare to Work and the New Industrial Relations Agenda**

Michael Raper, President, National Welfare Rights Network & Chris Walton, Assistance Secretary, ACTU

SESSION 8

Murrumbidgee IT Room

BBS Training: first time users

Vicki Harding, Manager, NACLCL

3.30 - 4.00pm**AFTERNOON TEA****4.00 - 5.30pm****CONCURRENT SESSIONS 9 - 15****SESSION 9**

Ballroom North

Law Reform - The case for an Independent Right to Social Security

Tamar Hopkins, Solicitor, Flemington & Kensington CLC

SESSION 10

Ballroom South

In the Best Interests of Children -reforming the Child Support Scheme

Sheila Bird, Assistant General Manager, Child Support Agency
Michael Bowman, Solicitor, Hobart CLC, Joseph Ho, Solicitor, Caxton CLC
Mary Rahilly, Child Support Worker, Springvale Monash Legal Service

SESSION 11

Centenary 1

The New 'Stolen Generation': how Queensland's Dept. of Child Safety is creating a new 'stolen generation' of indigenous children

Cathy Pereira, Solicitor, & Jennifer Ekanayake, Solicitor, Aboriginal & Torres Strait Islander Women's Legal & Advocacy Service (ATSIWLAS)

SESSION 12

Centenary 2

Welcome to Community Legal Centres

Julie Bishop, Director, National Association of CLCs
Philippa Davis, Solicitor, Marrickville CLC

SESSION 13

Black Mountain Room

Students: Educating for Social Justice

Anna Cody, Kingsford Legal Centre

SESSION 14

Mt Ainslie Room

Another day, another dollar : 'fair dismissal', 'better bargaining' and other challenges to workers rights

Dr Shae McCrystal, Lecturer ANU, The Hon.
The Hon. Paul Munro, former Commissioner, Australian Industrial Relations Commission

SESSION 15

Murrumbidgee IT Room

System Administration: managing your centre's computers, network and related equipment

Justin Finighan, NACLCL, IT Consultant

9am - 11.00am

PLENARY SESSION

9.00am

Nicola Roxon MP Shadow Attorney General

9.15am

Launch of the CLC Volunteers Website

John Corker, Director, National Pro Bono Resource Centre & Julie Bishop, Director NACLC

9.30am

Scaling New Heights : Community Law in the 21st Century - What's happening abroad?

- Steven Hynes, Director, UK Federation of Community Law Centres
 - Lenny Abramovicz, Executive Director, Association of Community Legal Clinics Ontario Canada
 - Julie Bishop, Director, National Association Community Legal Centres
- Questions/Comments/Discussion from the floor

11 -11.30am

MORNING TEA

11.30 - 12.45pm

CONCURRENT SESSIONS 16 - 22

SESSION 16

Ballroom North

SLAPP Suits, Gunns 20 & Defamation Law: stifling community activism

Robin Banks, CEO, Public Interest Advocacy Centre, Senator Bob Brown, Dr Peter Cashman, Public Interest Law Clearinghouse Vic. Benedict Bartl Solicitor, Hobart CLS

SESSION 17

Ballroom South

What's Changing at the Family Court?

Deputy Chief Justice Faulks, Family Court of Australia

SESSION 18

Centenary 1

ASIO and the Justice system

Gary Sullivan, Principal Solicitor, West Heidelberg Legal Service

SESSION 19

Centenary 2

Community Development is what CLC's do best

Richard Duffy, Community Legal Education & Law Reform Worker, Eastern & Whittlesea CLC's
Pauline Spencer, Executive Officer, Federation of CLC (Vic)
Polly Porteous Director, Combined CLCs Group (NSW)

SESSION 20

Black Mountain Room

Right Out There - The role of rural regional and remote CLCs

Frances Gibson, Senior Lecturer, La Trobe University Bendigo

SESSION 21

Mt Ainslie Room

Integrating Access to Justice and legal Need Data into Legal Service Delivery

Geoff Mulherin, Director, Emily McCarron, Socio-legal Researcher, Suzie Forell, Senior Researcher
Dr Christine Coumarelos, Principal Researcher, Law and Justice Foundation NSW

SESSION 22

Murrumbidgee
IT Room

BBS Training

Vicki Harding, Manager, NACLC

12.45 - 1.30pm

LUNCH

1.30 - 3.00pm

CONCURRENT SESSIONS 23 - 30

SESSION 23

Ballroom North

Talking Turkey: legal information for lesbian mothers and sperm donors

Natalie Ross, Principal Solicitor, Inner City Legal Centre

SESSION 24

Ballroom South

Child Support Agency Class Action

Karyn Bartholomew, Principal Solicitor
Nerissa Bradley, Generalist Solicitor, Illawarra Legal Centre

SESSION 25

Centenary 1

Access to Justice - Identifying and Removing Barriers

Liz Curran, Lecturer, School of Law
Mary Anne Noone, Senior Lecturer, La Trobe University Melbourne

SESSION 26

Centenary 2

Will a Victorian Charter of Human Rights protect free speech and privacy?

Elizabeth Beale, Director & Nick Moustakas, Legal Officer
Communications Law Centre, Vic

SESSION 27 Centenary Centre	Working with Culturally & Linguistically Diverse Communities - myths and realities Rachna Muddagouni, Coordinator, Fitzroy Legal Service
SESSION 28 Black Mountain Room	1. Paralegal Course Chris Gabelish, Coordinator, Geraldton Resource Centre 2. Regional Legal Practice Panel facilitated by Helen McGowan, Community Lawyer, Albury Wodonga CLC
SESSION 29 Mt Ainslie Room	Financial Management Training - Advanced MYOB Training Neville Gasmier, Far West CLC NSW
SESSION 30 Murrumbidgee IT Room	Future Planning for CLC Information Technology Needs Justin Finighan, IT Consultant, NACLC
3.00 - 3.30pm	AFTERNOON TEA
3.30 - 5.00pm	CONCURRENT SESSIONS 31 - 37
SESSION 31 Ballroom North	1. A Capital Experiment: learning from the ACT's experiences of the first Australian Bill of Rights Nathan Hancock, Human Rights Unit, ACT Dept. of Justice & Community Safety Dr Rowena Daw, Human Rights Legal Adviser, ACT Human Rights Office Jane Stratton, Policy Officer, PIAC, Simone Elias, Convenor Federation of CLC (Victoria) Hilary Charlesworth, Professor of Law, ANU in the Research School of Social Sciences and the Law Faculty 2. Making the most of limited Bills of Rights Gabrielle McKinnon, Australian National University Human Rights Project
SESSION 32 Ballroom South	What Rights? The High Court in Fardon and implications for the rights and freedoms of individuals Cathy Pereira, Solicitor, Aboriginal and Torres Strait Islander Legal and Advocacy Service (ATSIWLAS)
SESSION 33 Centenary 1	1. Country Lawyers Project Chris Gabelish, Coordinator, Geraldton Resource Centre 2. Outreach at the National Conference Karen Bowley, Lawyer, Wodonga CLS & John Rouw, Solicitor, Gippsland CLS
SESSION 34 Centenary 2	Working with the National Risk Management Guide National Professional Indemnity Insurance Committee - Ian Trantham NT Natalie Ross NSW, Genevieve Bolton ACT, Gary Sullivan Vic, Vicki Harding NACLC
SESSION 35 Black Mountain Room	What's my credit card got to do with human rights? Amy Kilpatrick, Principal Solicitor, Consumer Law Centre ACT
SESSION 36 Mt Ainslie Room	Working in a Multidisciplinary Team - professional obligations & implications for insurance Merran Lawler, Principal Solicitor NSW Central Coast CLC Ros Williams, Solicitor & Mary-Jo Simpson Social Worker, Caxton Legal Centre
SESSION 37 Murrumbidgee IT Room	CLC Data Query System Justin Finighan, IT Consultant, NACLC
7.00 - 11.00 Federation Ballroom	CONFERENCE DINNER & ENTERTAINMENT

The CLC Storybook is a NACLC publication showcasing centre work using case studies. It will be launched at the dinner.

WEDNESDAY 12 OCTOBER

10.00 - 11.00 am

CONCURRENT SESSIONS 38 - 43

SESSION 38

Ballroom North

1. Our Strong Women Speaking Up Speaking Out

Denese Griffin, National Network of Indigenous Women's Legal Services

2. Indigenous Women's Unit NQWLS

SESSION 39

Ballroom South

Copyright Plus.....What CLCs Need to Know

Robyn Ayres, Executive Director, Arts Law Centre of Australia

SESSION 40

Centenary 1

Bullying or Racial Discrimination and Harassment - a community legal education project in secondary schools in Melbourne's west

Helen Yandell, Community Legal Education Worker, Western Suburbs Legal Service
Rebecca Smith, Community Development Worker, Western Suburbs Legal Service VIC.

SESSION 41

Centenary 2

Valuing Volunteers Project & Kit

Ros Horridge and Gillian Wilks, Project Workers, Peninsula CLS & Teachers at Chislom Institute of TAFE

SESSION 42

Black Mountain Room

Violence Against Women Integrated Services Partnership

Sue Moore, VAWIS Project Consultant, Wendy Jones, Solicitor, South West CLC

SESSION 43

Mt Ainslie Room

Superannuation: it's your money!

Mark Ashby, Business Development Manager, Northern HESTA Superfund

Murrumbidgee IT Room

Available for entry of conference resolutions by network & workshop facilitators

11.00- 11.30am

MORNING TEA

11.30 - 1.00pm

CONCURRENT SESSIONS 44 - 50

SESSION 44

Ballroom North

Every Picture Tells a Story

Sue Pidgeon, Assistant Secretary, Family Law Pathways Branch, Attorney General's Dept.

SESSION 45

Ballroom South

Model National Legal Profession Laws (CLC Participants Only)

Gary Sullivan, Principal Solicitor, West Heidelberg Legal Service
Bill Mitchell, Principal Solicitor, Townsville CLC

SESSION 46

Centenary 1

Planning Community Legal Education - Youth Advocacy Centre's Perspective

Debra Jumpertz, Legal Education Officer, Lee-Anne Hoyer, Caseworker Youth Advocacy Centre

SESSION 47

Centenary 2

Cconciliation in the Human Rights & Anti-Discrimination Law Context: possibilities, parameters & practice

Tracey Raymond, Principal Training & Policy Officer - Complaint Handling, Human Rights & Equal Opportunity Commission

SESSION 48

Black Mountain Rooms

Improving Access to the Law for Women Living with HIV/AIDS

Sian Aldis, Coordinator/Office Manager, HIV/AIDS Legal Centre

SESSION 49

Mt Ainslie Room

Women & Legal Aid: identifying disadvantage

Tracey De Simone, Coordinator Women's Legal Aid Qld.

Louise Whitaker, Coordinator, Regional Access Strategies, Legal Aid Qld.

SESSION 50

Murrumbidgee IT Room

CLISIS Data Query System

Justin Finighan, IT Consultant, NACLC

1.00 -2.00pm

LUNCH

2.00 - 3.30PM

Federation Ballroom

CLOSING PLENARY

John North, President Law Council of Australia

Women, Human Rights and the Law - Hilary Charlesworth, Professor of Law at the ANU in the Research School of Social Sciences and the Law Faculty

International Human Rights Agenda for Women

Shanthi Dairiam, Director, International Women's Rights Action Watch Asia Pacific
Member of CEDAW (Convention on the Elimination of all forms of Discrimination Against Women)

Close of Conference

Liz O'Brien

PROGRAM 2005

SUNDAY 9 OCTOBER

2.00 – 5.00pm
Ballroom Lobby

Registration & Information Desk

5.30 – 7.00pm

Welcome Reception

University House, Balmain Crescent, Australian National University

MONDAY 10 OCTOBER

9.00 – 9.30am
PLENARY BALLROOM

Indigenous Welcome to Land

Michelle House for the Ngunnawal people

Response to Welcome to Land

Convenor or Representative of the National Network of Indigenous Women's Legal Services

Memorandum of Understanding

Chris Gabelish, Regional Rural and Remote Network & Convenor or Representative of the National Network of Indigenous Women's Legal Services

9.30 – 11.00am

KEYNOTE PRESENTATIONS

Scaling New Heights – Community Law in the 21st Century

OPENING ADDRESS

Jon Stanhope MLA Chief Minister ACT, Attorney General & Minister for Indigenous Affairs, Multicultural Affairs and the Environment

KEYNOTE PRESENTATIONS

Dr Boni Robertson, Director, Gumurri Centre Griffith University
Liz O'Brien, National Convenor, National Association of Community Legal Centres

Questions/Comments – Open to Floor

11.00– 11.30am

MORNING TEA

11.30 – 1.00pm

CONCURRENT SESSIONS 1 –7

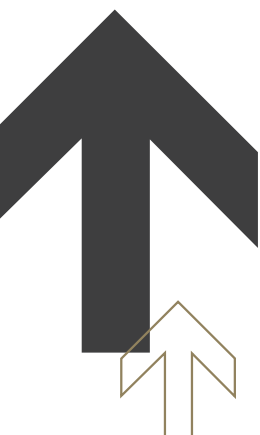
Session 1
Ballroom North

In whose interests? – What is changing for children's cases? Who is influencing family law policy? Why should we care?"

Joanna Fletcher, Law Reform Coordinator, National Network of Women's Legal Services,
Sarah Vessali, Principal Solicitor, Women's Legal Service Victoria
Dr Michael Flood, Post Doctoral Fellow, Australian Research Centre in Sex Health & Society, La Trobe University

Overview of the impending changes to the *Family Law Act* including compulsory mediation in a 'lawyer-free zone' and changes to the *Family Law Act* that preference equal parenting time. What is the likely impact of these changes on our clients? How can we assist clients to deal with the impending changes? How did these changes come about? Discussion of the ideologies, agendas and influence of fathers' rights groups and the efforts of women's legal services and other women's organisations to respond to the proposed changes. How can we be more effective in ameliorating the influence of fathers' rights groups and in influencing positive change in the future?

Session 2
Ballroom South



Reuniting Refugee Families

Judy Burgess, Solicitor, UTS Community Law Centre

Many refugees arrive in Australia without all their family members. Family members often go missing or become separated during the conflict situations from which the families are fleeing. One of the most important issues for newly-arrived refugees is to propose or sponsor the remaining members of their families.

Most refugees do not have the English or literacy skills to understand the complex application forms they need to complete to bring their family members to Australia but few community legal centres offer assistance to these highly disadvantaged members of the community.

This workshop is aimed at building skills for you to be able to assist refugees wanting to sponsor family members.

We will look at:

- What are the visa options available?
- How are offshore humanitarian visas processed?
- Common problems that may be encountered and how to resolve them.
- What assistance can you provide if you are not a registered migration agent.

Session 3
Centenary 1

Family Violence Units Panel

Denese Griffin, Coordinator, **Alta Winmar**, Communications Officer, National Network of Indigenous Women's Legal Services
Denese and Alta will provide an overview of the new Indigenous Family Violence Prevention Legal Units that have been established nationally.

Rene Adams, Indigenous Women's Program State Coordinator, NSW Women's Legal Resource Centre

Rene will describe her involvement in establishing several Family Violence Prevention Units throughout NSW, outlining why these services have been established and why they are valuable.

Lillian Davis and **Phynea Clarke**, Client Service Officer, Central Australian Aboriginal Family Legal Unit

Lillian and Phynea will describe where they go and what they do in a day's work at the Central Australian Aboriginal Family Legal Unit.

Deanna Roberts, Aboriginal Community Development Worker, **Helen Wodak**, Senior Solicitor, **Joanna Martin**, Principal Solicitor, Top End Women's Legal Service
The Top End Women's Legal Service would like to explore the provision of services to remote communities, including discussing how technology can or cannot be utilised to provide these services in a very unique environment.

Session 4
Centenary 2

Public interest: what public, what interest?

Tabitha Lovett, Manager Public Interest Law Clearinghouse Vic. **Robin Banks**, CEO Public Interest Advocacy Centre NSW, **Jeff Smith**, Director Environmental Defender's Office NSW

This session will consider the current ways in which CLCs are working 'in the public interest': identify the 'public interest' and whether or not it is appropriate; and identify key public interest cases and debates.

It will also discuss the various current public interest foci of centres and consider future directions for public interest litigation in the changing environment of increasing challenges by government to community-based advocacy, and involvement of larger private firms in pro bono casework.

Session 5
Mt Ainslie Room

and justice for all?

Mark Woods, Law Council of Australia, **Louise Blazejowska**, Legal Aid NSW, **Polly Porteous**, Combined CLCs Group NSW, **Chris Staniforth**, National Legal Aid

There is something seriously ill in the way that Australians are approaching the rule of law. In the space of only a few short years we seem to have migrated from a community which, from the poorest to the richest, valued the capacity of this country to allow a fair go to each of its citizens (even if that didn't in fact happen) to a community based on disinterest and jealousy.



The paradigm of justice seems to have shifted to the point where a fair go should not be allowed to all because, in the minds of many, that would allow someone to get a bit further ahead than they are themselves (even if that didn't in fact happen).

Speakers from the Australian Legal Assistance Forum (ALAF) will explore the current approach to justice and offer ways to open a process of fixing the problem.

Part of the fix will be collaboration amongst those currently 'doing justice' such as ALAF. The session will also look at state-based collaborations such as the recently formed NSW Legal Assistance Forum (NLAF).

Session 6

Black Mountain Room

Human Rights of Immigration Detainees: the New Zealand experience

Richard Small, Managing Solicitor, Hutt Valley Community Law Centre

In 1999 New Zealand introduced the Immigration Amendment Act to increase the effectiveness of the removal regime for persons unlawfully in New Zealand. The 62 hour fast track removal regime, the abolition of access to the Review Authority, inaccessibility of High Court review and the abolition of legal aid for non refugee detainees have seriously eroded human rights previously guaranteed to all persons in New Zealand under our Bill of Rights Act and international instruments. The workshop will look at the right of access to counsel, to security of the person (particularly in domestic violence cases) and the rights of the child.

A quiet revolution has occurred as the use of immigration detention has more than doubled since 1999 and at risk people are being sent back to unsafe situations without access to counsel or effective review. The abolition of the humanitarian residence category, changes to Ombudsmen protocol in pre removal situations and the role of the Privacy Commissioner will also be considered along with the pending review of the New Zealand Immigration Act, along the lines of Australian legislation. The recent loss of citizenship of children born to overstayers and bans on education and housing can also be discussed. Comparative discussion of Australian provisions would be welcome.

Session 7

Murrumbidgee IT Room

Money: whether we like it or not we can't live without it – basic MYOB training

Neville Gasmier, Coordinator, Far West CLC, NSW

This session will be broken down into two sections. The first session will be an overview of financial processing and will cover the following:

- Supporting Documentation (GST)
- Petty Cash
- Budgets
- Chart of Accounts
- Statement of Financial Performance
- Statement of Financial Position
- How they link together

The session answers the questions:

What is a 'Statement of Financial Performance' and 'Statement of Financial Position' and how do they link together? What are the requirements and obligations for financial accountability and transparency?

What are variable costs how do they affect my budget?

The second section will cover 'Working with MYOB accounting software'.

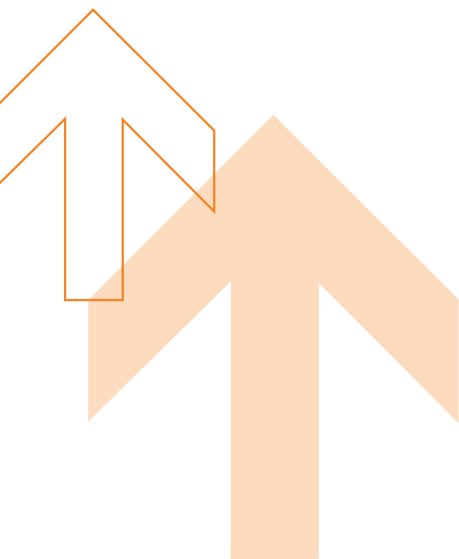
In this section Neville will describe the different command centres of MYOB and discuss which transactions or procedures can be completed in each command centre. Participants will explore the ways to receive and spend money in MYOB, examine payroll categories and how they are created and learn how to receive customer payments etc.

There will be time for questions and discussion.

LUNCH

1.00– 2.00pm

Ballroom foyer



2.00 – 3.30pm
Federation Ballroom



Session 8
Murrumbidgee IT Room

3.30 – 4.00pm

4.00 – 5.30pm

Session 9
Ballroom North

PLENARY SESSION

Welfare to Work and the New Industrial Relations Agenda

Michael Raper, President, National Welfare Rights Network

At about the time of the NACLRC conference, the new 'hostile Senate' will be passing the 'Welfare to Work' legislation announced in the May 2005 Budget. That legislation will most likely eliminate Sole Parent Pension once the youngest child turns 6, drastically cut payment levels for people with disabilities and sole parents from 1 July 2006, introduce radical new assessment procedures and activity requirements for all those on the new 'disability dole' and 'parent dole' and impose a new 'suspension of payments' compliance regime.

This paper will assess the impact of the brave new welfare world for both claimants and community welfare organizations and place them in policy and political context.

Chris Walton, Assistant Secretary, ACTU

There is something seriously ill in the way that Australians are approaching the rule of law. In the space of only a few short years we seem to have migrated from a community which, from the poorest to the richest, valued the capacity of this country to allow a fair go to each of its citizens (even if that didn't in fact happen) to a community based on disinterest and jealousy.

Also expected around the time of the conference is the Government's proposed Industrial Relations legislation. The ACTU has been working for several months to inform the community about the proposed legislation.

Both pieces of legislation will impact on our clients, our centres and ourselves. This session will discuss the likely impact by assessing both the policy and the political context surrounding the new legislation.

BBS Training: First time users

Vicki Harding, Manager, National Association of CLCs

The BBS is the national Community Legal Centre intranet and Bulletin Board System. Using the BBS allows CLC workers to connect nationally, across all areas of the law, CLC policy and administration. It features a free email account and access to around 200 conferences or folders of information posted by others in the sector.

This session will be a hands-on workshop, covering the basics of using the BBS - ideal for workers who are new to the sector or those who haven't set up their BBS account on a computer yet. Topics to be covered include: installation, setting up an account, emailing, conferences and folders, introduction to the calendar and private chatting.

AFTERNOON TEA

CONCURRENT SESSIONS 9 – 15

Law Reform – The case for an Independent Right to Social Security

Tamar Hopkins, Solicitor, Flemington Kensington Community Legal Centre

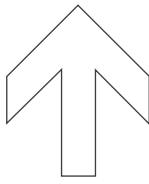
In this presentation Tamar will outline some arguments for why it is not appropriate for the *Social Security Act 1991* to tie a person's entitlement to a social security benefit to their heterosexual partner.

In the 1970's the Industrial Relations Commission removed the dependent spouse component from the minimum wage. Despite this dramatic shift, the assumption of financial dependence still lurks within the SSA.

Not only does this assumption discriminate on the grounds of (heterosexual) marital status, it uses an outdated breadwinner/homemaker relationship model which does not reflect the way we live.

The SSA forces people in heterosexual relationships to support each other financially when often this support is unrealistic, undesirable and often impossible, particularly where children from previous relationships are involved. The model also leaves people, particularly primary care givers, vulnerable to violence: living in extreme personal poverty and reliant on their spouse to meet their financial needs.

Session 10
Ballroom South



In the Best Interests of Children –reforming the Child Support Scheme

Sheila Bird, Assistant General Manager, Child Support Agency

Without doubt, the most topical child support issue at present is the recently tabled Taskforce report, *'In the Best Interests of Children - Reforming the Child Support Scheme'*. We now await the Government's response to the report's 30 recommendations. The report covers complex and important issues that affect families following separation and recommends significant changes to the current Child Support Scheme. The Government is currently considering those recommendations and will respond in the coming months.

Michael Bowman, Solicitor, Hobart CLC, **Joseph Ho**, Solicitor, Caxton CLC and **Mary Rahilly**, Child Support Worker, Springvale Monash Legal Service

A different perspective will be offered by representatives of the NACLC Child Support Network, which consists of solicitors and child support workers assisting both payer and payee parents. The Network has many concerns with the Taskforce report and will present some of these issues in relation to the effects of the recommendations on our clients.

Session 11
Centenary 1



The new 'Stolen Generation': how Queensland's Dept. of Child Safety is creating a new 'stolen generation' of indigenous children

Cathy Pereira, Solicitor & **Jennifer Ekanayake**, Solicitor, Aboriginal & Torres Strait Islander Women's Legal & Advocacy Service (ATSIWLAS)

This paper will discuss the powers of the Department of Child Safety ('the department') in Queensland today, and how its practices and policies have had a devastating impact on indigenous children and their families.

The manner in which children are removed is usually extremely traumatic to the mother and damaging to the whole family. Children are often questioned by the department and the police at school without notification to the parent and without an adult guardian or parent having the opportunity to be present. If and when children are returned to their families, there are few supportive mechanisms to support the parent/s and children through a reunification process, often setting families up to fail.

The department's practices frequently reflect attitudes which are discriminatory towards indigenous families and breach international protections and standards. This paper will discuss the problems in practice and current legislation, and consider current administrative practices in the light of the very wide and unfettered legislative powers which the department currently has, the lack of safe administrative practices within the department and the lack of accountability by the department either internally or to an independent body.

Session 12
Centenary 2



Welcome to Community Legal Centres

Julie Bishop, Director, National Association of Community Legal Centres and **Philippa Davis**, Solicitor, Marrickville CLC

This session is provided as orientation to those who are new to the sector, or those who just would like to know more about the work, history and services of NACLC and centres in general.

The session will cover:

- Brief history of CLCs and NACLC
- Differences between Legal Aid and CLCs
- What it's like to work at a centre
- National Networks
- Intro to the aims, structure and recent achievements of NACLC
- NACLC contributions and how the money is spent

Outline of services NACLC provides:

- Commonwealth liaison, including service agreement and CLSIS
- Lobbying/policy work - submissions etc
- BBS
- Insurance

Session 13

Black Mountain Room



Students: educating for social justice

Anna Cody, Director, Kingsford Legal Centre

As many universities explore clinical legal education as something to offer their students, community legal centres are increasingly becoming involved in clinical legal education or in internship programs. This workshop will focus on clinical legal education programs at the University of New South Wales and the varying ways to engage with students. The benefits and challenges of clinical legal education will be discussed. A description of the programs run through Kingsford Legal Centre will be given as well as some analysis of the challenges of working with law students to encourage critical thinking about the law.

Session 14

Mt Ainslie Room

Another Day, Another Dollar : 'fair dismissal', 'better bargaining' and other challenges to workers' rights

Dr Shae McCrystal, Lecturer ANU, **The Hon. Paul Munro**, former Commissioner Australian Industrial Relations Commission

The Federal government has recently announced that it plans to make significant changes to the law on workplace relations.

The changes that the government has foreshadowed will have a significant impact on employees. It appears likely that we will see a decrease in the quality of working conditions and wages; increased insecure, casual and part-time employment; removal of access to unfair dismissal; increasing vulnerability of people to unemployment and lower standards of living; weakening of the unions and violations of a range of human rights.

This workshop will be driven by a panel discussion about industrial relations in Australia and the impact of the government's reform agenda. The panel will provide a number of different perspectives on changes to the industrial relations system.

It is important for all working people to be aware of the proposed reforms. For those working in community legal centres, it will be particularly useful to understand the potential impact of the proposed reforms on our client base and the communities that we service.

Session 15

Murrumbidgee IT Room

System Administration: managing your centre's computers, network and related equipment

Justin Finighan, IT Consultant, NACLCL

What's involved in maintaining your computers, printer, network and backups? You can do it. Justin Finighan will show you how.

CONFERENCE CLOSE

TUESDAY 11 OCTOBER

9.00 – 11.00am

Federation Ballroom

PLENARY SESSIONS

9.00am

Nicola Roxon MP Shadow Attorney General

9.15am

Launch of the CLC Volunteers Website

John Corker, Director, National Pro Bono Resource Centre
& **Julie Bishop**, Director, NACLC

Many people become a volunteer at a CLC through a word-of-mouth referral from someone who already has an association with the CLC. There are other potential volunteers such as law students, who contact CLC looking for volunteering opportunities. Responding to queries from potential volunteers takes time. It also means that less known centres have difficulty recruiting volunteers.

In response to some of these issues, the National Pro Bono Resource Centre (NPBRC) and NACLC have developed the *CLC Volunteers website*. The website builds on the work of www.lawvolunteers.org.au developed in Victoria by the law student societies of Monash and Latrobe Universities. It has a database of volunteering opportunities at CLCs nationally. It is found at www.clcvolunteers.net.au. The website also includes answers to 'Frequently Asked Questions' such as what is involved, what is expected and what is the minimum commitment. Each CLC is able to vary their information and volunteer vacancy status in the database by advising NACLC of the changed details.

Scaling New Heights: Community Law in the 21st Century - What's happening abroad?

Commencing with a brief description of CLCs in the UK and Ontario, the panel will open a discussion with the audience on challenges facing centres in each of our countries. What can we learn from each other? How can we work together for the benefit of our communities?

9.30am

Steve Hynes, Director, UK Federation of Community Law Centres
Lenny Abramovicz, Executive Director, Association of Community Legal Clinics Ontario Canada
Julie Bishop, Director, National Association Community Legal Centres
Questions/Comments/Discussion from the floor

11.00 – 11.30am

MORNING TEA

11.30 – 12.45pm

CONCURRENT SESSIONS 16- 22

Session 16

Ballroom North

SLAPP Suits, Gunns 20 & Defamation Law: stifling community activism

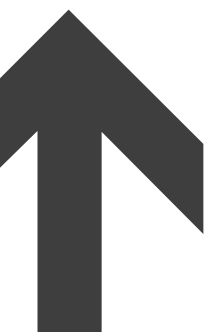
Robin Banks, CEO, Public Interest Advocacy Centre NSW, **Senator Bob Brown**,
Dr Peter Cashman, Public Interest Law Clearinghouse Vic.
Benedict Bartl, Solicitor, Hobart CLS

On 13 December 2004, logging company Gunns filed a \$6.3 million writ in the Victorian Supreme Court alleging damage had been caused to its business in the course of a forest campaign. Defendants to this action include Senator Bob Brown, The Wilderness Society and individual activists.

Meanwhile, the Federal Government has been urging the states and territories to adopt uniform defamation laws that allow corporations to sue for defamation. These, along with the growth of SLAPP suits (Strategic Litigation Against Public Participation), have a very real potential to limit community activism.

This session will discuss SLAPP suits generally, the Gunns 20 litigation, changes to defamation law and the recent decision of the European Court of Human Rights in the 'McLibel' case.

Session 17
Ballroom South



What's Changing at the Family Court?

Deputy Chief Justice Faulks, Family Court of Australia

This workshop will examine changes relating to the Children's Cases Program, the Combined Registry with the Federal Magistrates Court and new roles for court counsellors.

The Children's Cases Program is being piloted at the Sydney and Parramatta registries. Parties who are part of the pilots have the same judge throughout the proceedings and the judge takes a more direct role in speaking with the parties and deciding the issues on which he or she wants to receive evidence. It aims to be less adversarial and more child focussed. It has been well received and there are plans to roll it out in other registries.

The Combined Registry Project aims to give people a clearer pathway into the family law court system. The Family Court and the Federal Magistrates Court have been consulting extensively on how to streamline their processes with the Federal Magistrates Court becoming the single entry point for most cases.

The Family Court is also proposing changes to the way its counsellors and mediators work in children's matters. They will no longer provide privileged counselling as the community sector is increasingly taking over this role. They may become 'family and child specialists' with a more defined role in providing evidence and advice to the court.

Session 18
Centenary 1



ASIO and the Justice System

Gary Sullivan, Principal Solicitor, West Heidelberg Legal Service

National security legislation has been growing rapidly. International terrorism is the pretext for laws that not only permit 'detention for questioning', but also encroach on the lawyer-client relationship and subjugate our courts to the Executive. Laws to close courtrooms from public scrutiny will not be restricted to criminal proceedings but will also apply to civil proceedings.

Is the Federal Government putting its spy agencies above the courts and the law? Why should a lawyer be prohibited by the Attorney-General from calling a witness? If a Court is required by law to not give the highest priority to ensuring a fair trial, does that legislation breach the Australian Constitution? Who polices the [secret] police? How ought CLCs respond in the event that ASIO goes too far?

Security clearances for lawyers: why agree to a security clearance check? What if the authorities refuse to issue a security clearance to a CLC lawyer?

This session will proceed on the premise that before we can provide the right answers, we have to work out the right questions to ask.

Session 19
Centenary 2 Room



Community Development is What CLCs do Best.

Pauline Spencer, Executive Officer, Federation of Community Legal Centres (VIC)
Polly Porteous, Director, Combined Community Legal Centres' Group NSW
Richard Duffy, CLE and Law Reform Worker, Eastern and Whittlesea CLCs in Victoria.

People who come along to this session will:

- See how Community Development (CD) is integral to our work in CLCs.
- Help celebrate how CD makes CLCs different to other public and private legal services and see why this is a good thing for our communities.
- Find out how easy it is to see if your centre is using CD and what to do if its not.
- Learn from other participants who will share their CD skills and experiences.
- Have a laugh.

Session 20
Black Mountain Room

Right Out There – the role of rural regional and remote (RRR) CLCs

Frances Gibson, Senior Lecturer, La Trobe University Bendigo

The 'traditional' model of community legal centres envisages small community based organisations aimed at achieving structural change in law and policy for the benefit of disadvantaged people. RRR centres are often located in areas where there are no other free legal services, are expected to provide legal services over vast distances and are often the product of 'gaps on the map' rather than a local community movement. Does the demand for basic legal services and problems of distance and resources mean that RRR centres are unable to fulfil the traditional CLC role? Where new funding becomes available in RRR areas should CLCs be advocating it be used to set up government legal aid offices as priority over new CLCs? What is the role of RRR centres in the 21st century?

Session 21
Mt Ainslie Room



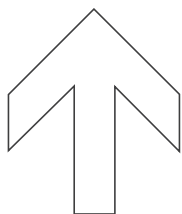
Session 22
Murrumbidgee IT Room



12.45 – 1.30pm

1.30 – 3.00pm

Session 23
Ballroom North



Session 24
Ballroom South



Integrating Access to Justice and Legal Need Data into Legal Service Delivery

Geoff Mulherin, Director, **Emily McCarron**, Socio-legal Researcher, **Suzie Forell**, Senior Researcher and **Dr Christine Coumarelos**, Principal Researcher, Law and Justice Foundation NSW

This session will provide information about access to justice and legal need data available from the Foundation; facilitate discussion how access to justice and legal need data may be useful in informing decision making about legal service delivery; and provide an opportunity for CLCs to indicate how access to justice information can better meet their needs.

BBS Training

Vicki Harding, Manager National Association of CLCs

The BBS is the national Community Legal Centre intranet and Bulletin Board System. Using the BBS allows CLC workers to connect nationally, across all areas of the law, CLC policy and administration. It features a free email account and access to around 200 conferences or folders of information posted by others in the sector.

This session will be a hands-on workshop, covering all you need to know about using the BBS - ideal for workers who are new to the sector but very comfortable with emailing and those who think there might be more to learn about the BBS. Topics to be covered include: conferences and folders, using the calendar, setting up lists, dealing with spam and private chatting.

LUNCH

CONCURRENT SESSIONS 23- 30

Talking Turkey: legal information for lesbian mothers and sperm donors

Natalie Ross, Principal Solicitor, Inner City Legal Centre (ICLC)

ICLC is a generalist CLC based in the inner city area of Sydney. The Centre also specialising in providing advice and representation to the gay, lesbian and transgender communities in NSW.

In conjunction with NSW Gay and Lesbian Rights Lobby ICLC are about to publish website materials for lesbian mothers and intending mothers and sperm donors. The material covers the range of legal issues around donor conception, and also includes pro forma agreements between mothers and donors, and a kit to obtain parenting orders in the Family Court for the partner who is not the birth mother.

The materials are based on NSW legislation as well as Federal legislation. We will use the workshop to highlight the legal issues involved in this area, give an overview of the differences in legislation in each state, encourage CLCs to adopt the materials for use in their state/territory, and identify areas in need of law reform.

Child Support Agency Class Action

Karyn Bartholomew, Principal Solicitor & **Nerissa Bradley**, Generalist Solicitor, Illawarra Legal Centre

At the National Conference in Hobart in 2003 we presented a paper in anticipation of filing a representative action in the Human Rights and Equal Opportunity Commission (HREOC) against the Commonwealth for its failings in collecting child support. In the class action we argued that the Commonwealth had breached the International Convention on the Rights of the Child, and the International Convention on Civil and Political Rights.

HREOC has now found that the Commonwealth has not breached its international obligations, however in the course of compiling the complaint, and by virtue of the response provided by the Child Support Agency, we have identified areas where the Child Support Agency is deficient in administering the child support scheme.

We are currently in the process of lodging a complaint with the Commonwealth Ombudsman seeking an investigation into several of the CSA's administrative processes. The substance of the complaint challenges the transparency and accountability of the CSA to its clients. We believe these issues would be evident in any and all government bodies. Consequently, our complaint will resonate with any community which relies on the government to administer and uphold its rights.

Session 25
Centenary 1

Access to Justice – Identifying and Removing Barriers

Liz Curran, Lecturer School of Law
Mary Anne Noone, Senior Lecturer, La Trobe University Melbourne

Issues involved in problem solving in legal matters include what are the appropriate forms of advice, representation, legal interventions and the need for more integrated services both legal and non-legal. These concerns are significant because of what they tell us about the level of capacity which members of the community have to participate fully in their citizenship and the realisation of their human rights. There is a serious lack of research on issues around legal need and access to justice.

This conference presentation will focus on recent developments in legal aid research in mainly Commonwealth countries and report on the most interesting of these for community legal centres and what we might learn from this research as we look at community law into the 21st Century. It will outline some of the issues in Australia in this type of research on access to justice based on recent experience of the presenters.

Session 26
Centenary 2

Will a Victorian Charter of Human Rights protect free speech and privacy?

Elizabeth Beale, Director, and
Nick Moustakas, Legal Officer, Communications Law Centre, Vic

The Victorian Government is considering the introduction of a Charter of Human Rights. This presentation will consider existing legislation that affects an individual's freedom of speech or expression and privacy rights and examine the potential effect of introduction of a Charter of Rights on the present legal regime.

Case studies drawn from the work of the CLC, competing federal legislation (such as classification laws) and international comparative analysis will form the platform for the presentation. For instance, the ongoing importance of protecting the right to free speech is seen in the restriction that community organisations and individuals face from lobbying against corporations and political parties. The media (particularly independent media) are afraid of SLAPP defamation law suits and are restricted by this justifiable fear from publishing criticisms of individuals and organisations. A legal right to privacy could assist low-income individuals and children to mitigate against media intrusions on privacy. Presently such groups are particularly affected as they are often unable to assert rights (e.g. sue for defamation) or handle the consequences of negative publicity (e.g. relocate or easily get a new job).

Session 27
Centenary Centre

Working with Culturally & Linguistically Diverse Communities – myths and realities

Rachna Muddagouni, Coordinator, Fitzroy Legal Service

Community Legal Centres work with many communities from culturally and linguistically diverse (CALD) backgrounds. The paper will explore how legal needs of these communities are identified. Issues for casework planning and community legal education will be discussed. Benefits of working with interpreters and bilingual workers will be explored with some relevant examples. It is very important for organisations to plan for activities, identify skills and the knowledge base of staff, identify opportunities for partnership, evaluate service delivery for CALD communities and develop ongoing strategies based on their demography.

Finally the paper will attempt to demystify the perception about clients from culturally and diverse backgrounds for workers. Best practice models adapted from health promotion principles will be presented and relevant strategies for organisational development will be identified

Session 28
Black Mountain

1. Paralegal Courses

Chris Gabelish, Coordinator, Geraldton Resource Centre

The Paralegal Courses are nationally accredited Certificate 3 and Certificate 4 courses which are designed to skill up staff in community legal centres and trusted Community Members. They aim to increase the legal knowledge base within communities and provide for quicker and more appropriate referrals to legal and other services.

The Paralegal Courses are a partnership between Geraldton Resource Centre, Legal Aid WA, the Association of Community Legal Centres (WA) and the Central West College of TAFE.



Session 29
Mt Ainslie Room



Session 30
Murrumbidgee IT Room

3.00 – 3.30pm

3.30 – 5.00pm

Session 31
Ballroom North



Although only operating in WA at this time, as nationally accredited courses the model is replicable across Australia. The workshop will be of interest to co-ordinators, solicitors and those who may currently provide information/advice/referral within legal centres who are not legal practitioners.

2. Regional Legal Practice

Helen McGowan, Community Lawyer, Albury Wodonga CLC

This interactive workshop will focus on how we attract and retain lawyers to regional legal practice and CLCs in particular. This will involve a panel of 4 speakers, followed by a discussion on the good, the bad and the ugly side of regional legal practice.

The workshop addresses 2 conference themes;
Rural, Regional and Remote issues
Pro bono legal services and volunteers

Financial Management – Advanced MYOB Training

Neville Gasmier, Coordinator, Far West CLC NSW

This session is a more detailed look at how to set up and process transactions in MYOB. We will look at how MYOB deals with the following:

- Salary Sacrificing
- BAS
- Entitlements
- Jobs (Budget and Reports)

Salary Sacrificing

We will look at how the Far West Community Legal Centre treats salary sacrificing with Public Beneficiary Institution status? How do we treat Payment Summaries, where do we report the FBT requirement?

• **BAS**

How can I make the BAS easier? How do I set it up?

• **Entitlements**

How do I set up an entitlement category?

• **Jobs**

I have special funding where do I enter that budget and how do I get a report for that money?

Future Planning for CLC IT Needs

Justin Finighan, IT Consultant, NACLCLC

How do you work out what your IT needs will be in the coming years?

How do you know if what you are buying today will cause you problems when you purchase your next lot of equipment? Are you being charged too much?

How do you know what you need and when you will need it? Justin Finighan

will discuss the fundamentals of how to plan your IT upgrades and expansion.

AFTERNOON TEA

CONCURRENT SESSIONS 31 – 37

A Capital Experiment: learning from the ACT's experiences of the first Australian Bill of Rights

Dr Rowena Daw, Human Rights Legal Adviser, Nathan Hancock, Principal Legal Officer Human Rights Unit, ACT Dept. of Justice & Community Safety,

Jane Stratton, Policy Officer, Public Interest Advocacy Centre,

Simone Elias, Convenor, Federation of CLC (Victoria) Hilary Charlesworth, Professor of Law at the ANU in the Research School of Social Sciences and the Law Faculty

What can we learn from the 'capital experiment' of the *Human Rights Act 2004* (HRA)? With other jurisdictions beginning to engage seriously with the idea of a Charter of Rights, PIAC and the NACLCLC Human Rights Network are convening this session to offer an open conversation that gives you an insight into how the ACT has breathed life into its own Charter of Rights, and where it might be gasping for air. We will bring together ACT public servants from the Department of Justice and Community Safety and the



Session 32
Ballroom South



Session 33
Centenary 1

ACT Human Rights Office; a researcher currently engaged in the review process of the HRA; and community advocates from NSW and Victoria, to think about the experience of enacting, implementing and reviewing Australia's first Bill of Rights.

What lessons inhere in the ACT experience for other jurisdictions? We will explore these questions in a moderated discussion, with participation from the audience.

Making the most of limited Bills of Rights

Gabrielle McKinnon, Australian National University Human Rights Project

The ACT is the first of the States and Territories to introduce a bill of rights.

The ACT Human Rights Act represents a significant achievement, implementing at a domestic level human rights recognized in the International Covenant on Civil and Political Rights. However the Act has a number of limitations, and thus far it has been under utilized by the legal profession.

The Bracks Government in Victoria has established a committee to consult with the community about a bill of rights, and has stated its preference for a model similar to the ACT. There are signs that Western Australia and Tasmania might also follow suit.

This workshop will focus primarily on the ACT Human Rights Act, and will consider creative possibilities for test cases, within the constraints of an interpretive bill of rights which does not provide a new cause of action. We will explore the use of the Human Rights Act in conjunction with administrative law and common law actions, and will also consider the implications of declarations of incompatibility.

What Rights? The High Court in Fardon and implications for the rights and freedoms of individuals

Cathy Pereira, Solicitor, Aboriginal & Torres Strait Islander Legal & Advocacy Service (ATSIWLAS)

The case of *Fardon v Attorney-General for the State of Queensland*, more than any other case in recent High Court history, highlights significant gaps in our system of parliamentary democracy. The lack of any guarantees to legal protection of individual rights and freedoms, in the absence of legislatively enshrined common law principles, leaves individuals exposed to the whims of parliamentary excesses. The case of *Fardon* has confirmed that in a political environment of ever increasing and often paranoid restrictions upon the civil liberties of individuals there is scarce protection for individual rights and freedoms, which until now have been taken for granted.

The High Court has found no legal objection to recent radical changes to laws affecting individuals' rights and judicial practice. Far from being progressive, this new-found legislative radicalism represents serious incursions into civil liberties. In the present legal environment the concept of an "implied Bill of Rights" (as suggested by some former High Court justices) is unlikely to find support with the courts.

This paper will consider the implications for individual rights and freedoms of the *Fardon* case in the context of the current political and legal environment in Australia and in international law in which Australia participates as a global citizen. It will argue that Australia must be accountable for the protection of human rights and civil liberties through a Bill of Rights, and that CLC's can encourage the development of the courts' concepts of justice by litigating issues affecting individuals' and society's rights and freedoms.

1. Country Lawyers Project

Chris Gabelish, Coordinator, Geraldton Resource Centre

Western Australia is the largest geographical jurisdiction in the world and there are 148 country lawyers in regional WA, often in isolated towns and cities. Attraction and retention of lawyers is difficult which affects the capacity of people living in the bush to access justice.

The project is a partnership between Legal Aid WA, the Law Society of WA, Aboriginal Legal Service WA and the Association of Community Legal Centres (WA) and aims to:

Improve employment and retention of lawyers in the country and improve access to professional development, including continuing legal education (CLE) for country lawyers in WA, especially north of Perth and in the Goldfields.



The workshop will be of interest to co-ordinators, solicitors, and management committees, particularly those from rural, regional, remote areas. The outcomes will hopefully be of benefit to solicitors in the city as well as in the bush, with elements that are transferable across the country.

2. Outreach at the National Conference

Karen Bowley, Lawyer, Wodonga CLS and **John Rouw**, Solicitor, Gippsland CLS

At meetings of RRR centres in both NSW and Victoria the issue of successful outreach clinics has been one of continuing discussion. Gippsland, Armidale and Albury Wodonga all run successful outreach services and will facilitate a discussion group for the National Conference. Different centres will describe their particular outreach service and its successes and failures before involving the whole group in the following discussion: the problems associated with such services such as the long distances involved, staffing, suitable premises from which to operate, erratic number of clients seen, how to increase community awareness of the service, the form of outreach, assessment of its success, maximisation of such a service, minimisation of problems and the place of outreach services in community law in the 21st century.

The aim of the session will be to develop a good practice model for a sustainable outreach service.

Session 34 Centenary 2

Working with the National Risk Management Guide

National Professional Indemnity Insurance Committee – **Ian Trantham** NT, **Natalie Ross** NSW, **Genevieve Bolton** ACT, **Gary Sullivan** Vic, **Vicki Harding** NACLCL

In this session the National Professional Indemnity Insurance (PII) Committee will work through the National Risk Management Guide (RMG), highlighting areas that have been updated in the revised version. There will also be some general discussion about the sort of notifications made to the insurer by centres, areas of risk as identified by annual cross checks and the terms of the current policy.

This session will be ideal for Coordinators and Solicitors who are new to the sector and for any centre employee or volunteer who is interested in learning more about running an effective legal service.

Delegates are requested to bring their updated Risk Management Guide to this session.



Session 35 Black Mountain Room

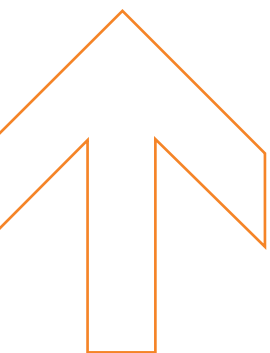
What's my credit card got to do with human rights?

Amy Kilpatrick, Principal Solicitor, Consumer Law Centre ACT

The right to physical and mental health is a basic human right which is expressly noted in Article 12 of the International Covenant on Economic Social and Cultural Rights (ICESCR). The responsibility for the provision of health care under the ICESCR lies with the State. However, as Australia's health system moves away from bulk-billing and the Medicare "safety net" rises, consumers' access to medical treatment is dramatically shifting. More and more, low and middle income earners must

use their credit care to realise their right to health. As a result, access to medical treatment is becoming a very expensive commodity.

Significantly, some credit providers have seen a profit making opportunity in this shift and are creating credit cards aimed at covering the widening (never ending?) gap in the Medicare "safety net" and the lack of bulk-billing GPs. This workshop will examine what the risks are for a society moving into "medical credit" by examining lessons from overseas. It will explore relevant consumer protection legislation, with a view to curtailing the potentially dangerous impacts.



Session 36 Mt Ainslie Room

Working in a Multidisciplinary Team – professional obligations & implications for insurance

Merran Lawler, Principal Solicitor, NSW Central Coast CLC

Ros Williams, Solicitor & **Mary-Jo Simpson**, Social Worker, Caxton Legal Centre

Community Legal Centres have always tried to address their clients' legal problems by considering these problems within a broader social context. In this sense, CLCs have been pioneers in establishing multi-disciplinary practices employing lawyers and social workers, as well as financial counsellors, community development workers, tenancy advice/housing workers and community legal education workers to work collaboratively within the CLC team.



This workshop will identify some systemic issues faced by these types of Multi-Disciplinary Teams (MDTs) and consider how centres can minimise the tensions which sometimes emerge in file management practices where solicitors, social workers and other centre workers are assisting the same client.

The workshop will be divided into a theoretical component and a practical component involving analysis of scenarios. Participants are invited to forward relevant questions to the presenters prior to the conference.

Session 37

Murrumbidgee IT Room

CLSIS Data Query System

Justin Finighan

Can't get the reports you need out of CLSIS? The Data Query System is a powerful tool in the Version 4 of CLSIS that enables you to create and save reports that only your centre needs. Justin Finighan will take you through this tool.

The CLC Storybook is a NACLC publication showcasing centre work using case studies. It will be launched at the dinner.

7.00 – 11.00am

Federation Ballroom

CONFERENCE DINNER & ENTERTAINMENT

No dress code

The CLC Storybook is a NACLC publication showcasing centre work using case studies. It will be launched at the dinner.

WEDNESDAY 12 OCTOBER

10.00 – 11.00am

Session 38

Ballroom North

CONCURRENT SESSIONS 38– 43

1. Our Strong Women Speaking Up Speaking Out

Denese Griffin, Coordinator, National Network of Indigenous Women's Legal Services

The National Network of Indigenous Women's Legal Services Inc. launched a national training project, called Our Strong Women – the Next Step promoting indigenous women's leadership and advocacy in partnership with the Public Interest Advocacy Centre. The project was funded by the Australian Government Office for Women.

A Training Kit – Our Strong Women – Speaking Up, Speaking Out was developed for indigenous women by indigenous women. The project piloted the training in 5 locations around Australia: Moree NSW; Port Augusta SA; Townsville QLD; Darwin NT; Broome WA; and Port Augusta SA from May – August 2005 with fifty-six indigenous women participating in the training.

2. Indigenous Women's Unit NQWLS

In May, 2005 the Indigenous Women's Unit relocated from the office of the North Queensland Women's Legal Service (NQWLS Inc.) and into their own office as the first step toward becoming an independent Indigenous community controlled legal service.

This was a staged process that began with gaining NQWLS Inc. Management Committee approval. The IWU office relocation followed soon after, and the IWU staff began to develop a program of culturally appropriate service delivery.

The formation of a regional Indigenous Women's Reference group will ensure a grassroots approach to the legal issues affecting Indigenous women in areas of family law, and reflect the needs of the community.

Session 39

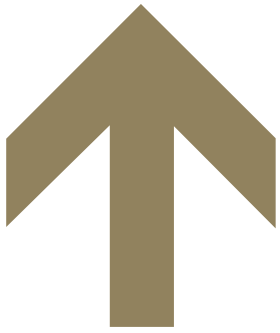
Ballroom South

Copyright plus.....What CLCs need to know

Robyn Ayres, Executive Director, Arts Law Centre of Australia

The Arts Law Centre of Australia is the national community legal centre for the arts. We provide legal advice, information and education to artists across all arts sectors (eg musicians, actors, writers, filmmakers, new media artists) and to arts organisations on a broad range of legal issues. Arts Law also has an Indigenous service Artists in the Black, staffed by 2 Aboriginal staff.





Session 40
Centenary 1

Copyright, moral rights and indigenous cultural and intellectual property (ICIP) are affecting CLCs more and more on an everyday basis. CLCs are a creative lot, with most producing materials such as information kits, CLE materials, brochures, posters, annual reports, and websites. Some of this work is done by staff, consultants or volunteers. Copyright, moral rights and ICIP are probably relevant to some if not all materials that CLCs produce. What are your rights in relation to the work? Do you need to acknowledge the authors? What rights do you have over work done by volunteers? This session helps to explain these and many other issues:

Copyright basics

- Moral rights
- ICIP for consideration
- Licensing agreements

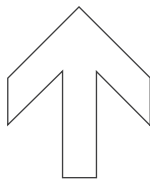
Bullying or Racial Discrimination and Harassment – a community legal education project in secondary schools in Melbourne’s west

Helen Yandell, Community Legal Education Worker,
Rebecca Smith, Community Development Worker, Western Suburbs Legal Service

The session will look at this pilot program delivered to a Year 10 class in a secondary school in the western suburbs of Melbourne. It was a truly collaborative project, involving the students (aged 14 - 15 years) in the planning, delivery and evaluation of the content.

The project came about after a regular Community Legal Education (CLE) session in a local school highlighted alarming rates of overt racism amongst a school community. The pilot program ran over a period of four weeks and looked at the students awareness and understanding of the concepts of racial discrimination and harassment, behaviours that define racism, in the school environment and in the broader community, particularly for young people and at the laws that exist to protect members of the community from such abuse. It incorporated the use of relevant music, film and media and the staging of role plays and mock hearings. The students developed strategies for change both at an individual level and at a school level.

This session aims to explore ways of using the experiences from this pilot program and incorporating them into the community legal education activities of CLCs. This is particularly pertinent in communities where there is a high density of ethnic groups who may feel they are the target of current laws and community backlash.



Session 41
Centenary 2

Valuing Volunteers Project & Kit

Ros Horridge, and **Gillian Wilks**, Project Workers, Peninsula CLC and Teachers at Chisholm Institute of TAFE

In 2004 Peninsula Community Legal Centre received funding from the Victoria Law Foundation to undertake a project to develop volunteer training resources with relevance and application to all Victorian community legal centres, and Australian community legal centres generally. The project aimed to build on to existing CLC resources and expertise in the area and to produce training materials relevant to the sector. The project was undertaken in partnership with Chisholm Institute of TAFE.

The Valuing Volunteers Training Kit: A Training Resource for Volunteers at Community Legal Centres was launched on 22 June 2005. The kit contains four initial modules:

1. Orientation to Community Legal Centres
2. Effective Communication
3. Legislation, Legal Practice Requirements, Insurance & Accountability
4. Advice, Information & Referrals.

The workshop will cover:

- Background to the Valuing Volunteers Project
- Introduction to Kit
- Training in content and delivery of the modules
- Discussion regarding project recommendations and opportunities for further development
- Opportunity for CLC workers to network, share information and discuss relevant issues regarding volunteer recruitment, training and management.





Session 42

Black Mountain Room

Violence Against Women Integrated Services Partnership

Sue Moore, VAWIS Project Consultant, Wendy Jones, Solicitor, South West CLC

Violence Against Women Integrated Services (VAWIS) was funded by the Reichstein Foundation in 2004 and again in 2005. It is a partnership between a number of local organisations in Warrnambool including:

- Victoria Police
- Warrnambool Magistrates Court
- Emma House Domestic Violence Services Inc
- South West CASA
- South West Community Legal Centre
- Lifeline South West Inc
- South West Healthcare
- Salvation Army
- Victims Assistance Program
- South West Community Health Centre's Women's Health Program
- Barwon South West Family Violence Prevention Network

VAWIS aims to actively expand, promote and maintain a common response framework amongst its partners for understanding, preventing and responding to violence against women in Warrnambool.

Sue Moore and Wendy Jones will deliver a presentation about the VAWIS Partnership, why it was established, what its aims are, what its successes are as well as what has not worked as planned. They hope to demonstrate the VAWIS model used in Warrnambool as an example of what can be done in practical terms at a local level which aims to achieve optimum outcomes for women who have experienced violence.

Session 43

Mt Ainslie Room

Superannuation: it's your money!

Mark Ashby, Business Development Manager, Northern HESTA Superfund

This session will cover all you need to know about managing your superannuation investment. It will cover issues in relation to the new choice legislation, additional cover, different sorts of contributions (eg. Government contribution, extra contribution before and after tax etc), industry versus retail funds and fund performance.

Murrumbidgee IT Room

Available for entry of conference resolutions by network and workshop facilitators

11.00 – 11.30am

MORNING TEA

11.30 – 1.00pm

CONCURRENT SESSIONS 44 - 50

Session 44

Ballroom North

Every Picture Tells a Story

Sue Pidgeon, Assistant Secretary, Family Law Pathways Branch, Attorney General's Dept.

In response to the Parliamentary report, *Every picture tells a story*, the Australian Government has announced the biggest ever investment in the family law system, to be implemented at a cost of \$397m over the next four years. The centrepiece of the reforms is the establishment of a new network of Family Relationship Centres. The reforms also include a range of other new and expanded services and changes to family law.

Sue Pidgeon will outline what is proposed, how the reforms will be implemented and how they might affect community legal centres.

Session 45

Ballroom South

Model National Legal Profession Laws - (CLC Participants Only)

Gary Sullivan, Principal Solicitor, West Heidelberg Legal Service
Bill Mitchell, Principal Solicitor, Townsville CLC

It is a curious fact that even though CLCs have been around for decades, they do not exist in the relevant legislation in some states. Reform is in the air and we are being swept along. In some states we are described in great detail, in others a gentle paragraph suffices. National Model Laws for the Legal Profession are being implemented in State Parliaments.



Session 46
Centenary 1 Room

Practising certificates, the right to recover legal costs against opponents in successful litigation, the “right of audience” before courts and tribunals, the freshly-minted statutory concept of the “supervising legal practitioner”.

One size fits all? Will there be the flexibility to deal with all manner of different structures and practices?

Our aim is to obtain feedback from the sector - this just might be your only chance to have a say about the future of CLCs. You know you might not want to attend this session, because you know you have to! This is our chance to scale the heights!

Planning Community Legal Education – Youth Advocacy Centre’s Perspective
Debra Jumpertz, Legal Education Officer, Lee-Anne Hoyer, Caseworker, Youth Advocacy Centre

This paper will provide a snapshot of how CLE has been delivered in innovative and responsive ways by the Youth Advocacy Centre in Brisbane. It will draw upon the Centre’s experience in developing, implementing and evaluating youth specific CLE activities while utilising ‘A framework for CLE delivery’ developed by the National CLE Advisory Group in 1995. A rights-based framework enables young people’s experiences to be valued, and fosters a community where diversity is valued. The objective of this paper is to provide an opportunity to improve the effectiveness, quality and efficiency of community legal education.

Session 47
Centenary 2 Room

Conciliation in the Human Rights & Anti-Discrimination Law Context: possibilities, parameters & practice

Tracey Raymond, Principal Training & Policy Officer, Human Rights & Equal Opportunity Commission

Alternative Dispute Resolution (ADR) in this legal context raises a range of issues for advocates, lawyers and ADR practitioners. For example, the apparent tension between the individualistic, private nature of complaint resolution and the broader social reforming potential of human rights/anti discrimination law raises questions about the possibilities and parameters of ADR in this context. There is also a question of the most appropriate approach to ADR in this context – a communication/problem solving model or an adversarial bargaining approach with reference to legal rights? This workshop will consider the possibilities, parameters and practice of conciliation in this legal context with reference to the following questions:

1. What is the value of conciliation in the human rights/anti-discrimination law context?
2. What models and approaches to conciliation are used by human rights/anti-discrimination agencies and why?
3. What is the appropriate role and approach of advocates/lawyers in conciliation in light of:
 - the traditional view that conciliation provides an alternative to adversarial litigation; and
 - the possible tension between representation of individual client interests and goals of broader social reform.

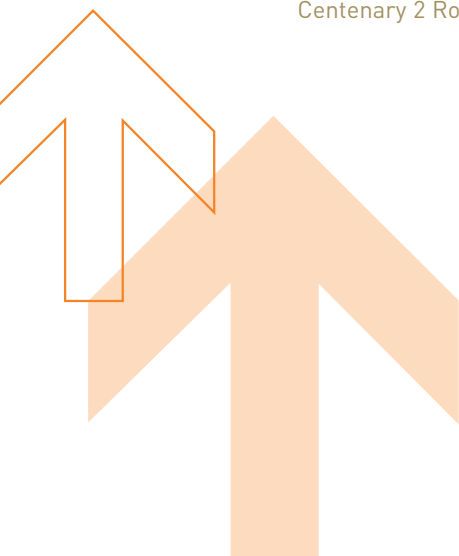
Session 48
Black Mountain Room

Improving Access to the Law for Women Living with HIV/AIDS
Sian Aldis, Coordinator/Office Manager, HIV/AIDS Legal Centre

Women living with HIV face multiple challenges. A socially and geographical diverse minority group, women living with HIV are more likely to experience isolation. For most, finding answers to questions and concerns about legal issues and family can be difficult and confusing.

With the financial assistance of the NSW Department for Women, the HIV / AIDS Legal Centre have realised a resource that is unique in providing positive women, and their service providers, with easy access to plain legal information on questions that they themselves have identified as being of common concern.

‘Unravelling the law: A resource for women living with HIV/AIDS’ provides answers to questions such as; ‘I am having unprotected sex and my sexual partner does not know I am positive. If I tell my doctor/nurse/counsellor/social worker are they required to take it further?’, ‘If I need to go to court is there a way I can protect my privacy?’, ‘Do I need to disclose my own or my child’s status to their kindergarten or school?’, ‘If I am unable to care for my children what legal care arrangements can I make?’.



Session 49

Mt Ainslie Room

Women & Legal Aid: identifying disadvantage

Tracey De Simone, Coordinator, and Louise Whitaker, Coordinator, Regional Access Strategies, Women's Legal Aid Qld.

Legal Aid Queensland and Griffith University, with the support of the Australian Research Council, are collaborating on a 3 year research project which aims to examine the barriers experienced by Indigenous women, women from non-English speaking backgrounds, older and younger women, women with disabilities and women in rural and remote areas, in accessing legal aid in Queensland. One of the central questions the research asks is why and in what circumstances are women in the target groups refused legal aid for family law, domestic violence and anti-discrimination law.

This paper will provide an overview of research findings in relation to this question. 326 women from 5 different regions in Queensland who had been refused legal aid gave permission to have their Legal Aid files examined. The results are revealing. For instance over half of women refused for domestic violence matters were respondents; most applicants had previous or subsequent contact with Legal Aid Queensland; Guidelines were most likely to be a basis for refusal in family law cases; and the means test appears to have a particularly adverse impact on some groups of women and in some areas of law. These findings and others reveal patterns that will assist Legal Aid in developing strategies to improve access for women to legal aid.

Session 50

Murrumbidgee IT Room

CLISIS Data Query System

Justin Finighan, IT Consultant, NACLCL

Can't get the reports you need out of CLISIS? The Data Query System is a powerful tool in the Version 4 of CLISIS that enables you to create and save reports that only your centre needs. Justin Finighan will take you through this tool.

1.00 – 2.00pm

LUNCH

2.00 – 3.30pm

Federation Ballroom

CLOSING PLENARY

John North, President Law Council of Australia

Women, Human Rights and the Law

Hilary Charlesworth, Professor of Law at the ANU in the Research School of Social Sciences and the Law Faculty

International Human Rights Agenda for Women

Shanthi Dairiam, Director, International Women's Rights Action Watch Asia Pacific Member of CEDAW (Convention on the Elimination of all forms of Discrimination Against Women)

CLOSE OF CONFERENCE

Liz O'Brien, National Convenor, NACLCL



