

## **Mediation in Children's Issues in Family Law**

### **Preparing women to participate effectively**

**Angela Lynch**, community legal education worker, Women's Legal Service and **Ms Rachael Field**, Senior Lecturer, Law Faculty, Queensland University of Technology & President, Women's Legal Service Inc.

#### Synopsis:

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## **Environmental Protection and Community rights: Public participation in environmental decision-making – a national overview**

**Jo-Anne Bragg**, Principal Solicitor,  
Environmental Defenders Office (Queensland),

**Jessica Wood**, Senior Solicitor,  
Environmental Defenders Office (NSW – Northern Rivers),

**Rachel Walmsley**, Policy Director, Environmental Defenders Office (NSW),

**Annette Jones**, Solicitor, Environment Defenders Office (Victoria),

**Ruth Beach**, Solicitor, Environmental Defenders Office (South Australia)

#### Synopsis:

This session will discuss the role of the EDO's in advocating public participation in environmental decision-making, with particular focus on environmental and health impact and climate change considerations in environmental law that impact on communities.

EDO's consider their role as specialist environmental law CLC's as critical in testing and improving environmental law, particularly in the area of climate change. A number of EDO's have taken on ground-breaking test cases in the area of climate change considerations in environmental law and the EDO's and ANEDO have also been involved in law reform in this area.

In recent years the combination of environmental and health effects of development and associated pollution, as well as the impacts of climate change have been raised in important EDO litigation case studies and law reform projects highlighting the following issues:

- Access to information in relation to environmental decision-making;
- Public participation in environmental decision-making;
- Access to legal advice, scientific advice, litigation funding.

### **Bringing international law home: A guide for Australian NGOs on the UN human rights system**

**Ben Schokman**, Lawyer, Human Rights Law Resource Centre and  
**Teena Balgi**, Solicitor/Clinical Supervisor, Kingsford Legal Centre

The Australian Government is expected to submit its periodic reports on the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic Social and Cultural Rights (ICESCR) sometime this year. Australian NGOs have historically provided to the relevant UN Committees a “shadow report” documenting the real state of human rights compliance in Australia.

Together with a coalition of other non-government organisations (NGO) the National Human Rights Network of the National Association of Community Legal Centres (NACLCC) is embarking on an exciting project that not only involves the production of the shadow reports, but also involves a broader strategy to improve human rights protection in Australia.

The workshop will discuss what is currently happening in terms of the shadow reporting process and the broader strategy. It will also look at “where to from here” in terms of the UN processes and our domestic human rights agenda, and will explore strategies for collaborative Australian NGO engagement with UN human rights bodies. The exact nature of the workshop will be determined by what happens in terms of the shadow reports and the Federal election.

### **Health as a human right – the treatment of persons in institutional care settings**

**Carol Berry**, Solicitor, Public Interest Advocacy Centre

Synopsis:

The right to health will be explored in the context of quality of care and treatment regimes in various institutional settings in Australia, such as prisons, immigration detention, aged care facilities, and mental health units. People within institutional care settings are some of the most vulnerable and disadvantaged within our community.

A number of case studies will be explored within a rights context and framework. The abuse of rights, as well as models of best practice will be explored.

How can the right to health, as an example of an important of social, cultural and economic right, be explored in contexts of the limitation of, or deprivation of liberty? How well are we, as a nation, performing in terms of the health care treatment of vulnerable populations such as the aged, the mentally ill, prisoners, young people in nursing homes and people detained in immigration detention?

Conference participants with an interest in social, cultural and economic rights and the treatment of some of the most vulnerable in the Australian community will find this paper of interest.

### **PII – Emerging Issues in CLC Practice**

#### **NACLC PII Committee Representatives**

**David Berry**, AON Risk Services Australia – State Manager,

Synopsis:

Professional & Consumer Services. Broker for NACLC Account.

This session will look at some emerging issues for centres in PII management with an opportunity to meet and talk to NACLC's broker, and State PII Representatives. You will also be given the opportunity to ask other insurance questions.

Issues covered:

Coverage of CLCs under the Privacy Act 1988 (C'th) – including a discussion around CLC coverage under “complaints” schemes which might crossover into PII issues, for example, legal services commissions, privacy commissions etc.

Exemptions from Statutory Time Limits for CLCs – including a discussion around some Queensland specific issues that other states might like to consider.

Risk management issues around volunteers and observers.

Update on CLCs and the Model Legal Profession Laws.

### **Researching legal need at a centre level– Preparing for your 3-year strategic plan**

**Polly Porteous**, NSW Community Legal Centres,

**Suzie Forrell**, Law & Justice Foundation of NSW,

**Jenny Lovric**, Legal Aid NSW

Synopsis:

Community legal centres will soon need to start preparing their next 3-year strategic plans for 2008-2011. In NSW, the peak body Combined Community Legal Centres' Group NSW is encouraging and assisting centres to use the Strategic Service Delivery Model when preparing their plans. The model, described in the 2006 Report of the *Joint Commonwealth /NSW Review of the Community Legal Centres Funding Program*, recommends that centres first assess local (or specialist) legal need before deciding what legal services the centre will provide in the next 3 years. CCLCG has been working with the Law and Justice Foundation of NSW and Legal Aid NSW to develop practical legal needs assessment tools for CLCs that may also be useful for other justice sector organisations. Many questions will be asked during this session, and it is

hoped that participants can help develop responses: eg how can centres do this research given they have no additional funds? Is there work the state and/or national peak bodies can do for the sector to help gather this information? What are some “best practice” models of conducting legal research and using that information to inform the service delivery of an organisation?

### **The benefits of the use of Restorative Justice for the community of Rotorua New Zealand (adults and youth 8-13 years)**

**Kevin Lee**, Mana Social Services Trust, NZ

Synopsis:

Restorative justice in Rotorua, is a culturally appropriate process that allows for the healing and reconciliation between two or more parties, often through a facilitated meeting of those most affected by the inconsiderate action.

It looks at ways that the person who caused the action to occur, can make up for what they have done and identify and help put in place strategies so that the chance of this action occurring again is minimised.

In Rotorua, RJ is delivered for the community by Mana Social Services Trust through 2 streams. Firstly is the adult RJ programme which largely received referrals through the Rotorua District Court and secondly our Awhi Whanau programme which is targeted at 9-13 year olds.

By having both streams operating alongside the mandated Family Group Conference processes, Rotorua is in a unique position of having an inclusive, culturally appropriate and supportive wrap around service, based on RJ principals, for its whole community, that encourages the repairing of relationships rather than the implementation of enforcement actions that do not account for individual circumstances that may have been affected by these negative actions.

### **A Discussion of the interface between state domestic violence legislation and the Family Law Act**

**Linda Debenham**, Coordinator/Family Lawyer, Legal Aid Queensland

Synopsis:

A discussion of the interface between state domestic violence legislation and the Family Law Act. Comparison of different terminology used and how applied in each jurisdiction. Challenges of evidence gathering including a lack of corroboration will be outlined. Some useful tips will be outlined when drafting affidavits in the family court where a key issue is domestic violence. The importance of linking facts made in domestic violence applications consistently with later family court proceedings will be emphasised. Some barriers to taking instructions from clients affected by domestic violence will be identified.

### **Prison Law and the Rule of Law**

**Matilda Alexander**, Acting Coordinator, Prisoners' Legal Service

Synopsis:

As the ‘tough on crime’ rhetoric finds its way into legislative provisions, basic human rights become threatened. This workshop will examine recent developments of prison law in Australia and question the effect that these changes have had in eroding basic civil liberties.

### **Effect of Climate Change on CLCs and their communities**

This plenary will be an overview of climate change as it impacts on disadvantaged Australians and how the social justice community can ensure our voice is heard.

**Michael Raper** will report on the “Equity in response to the climate change” round table and the important matters for our practice

**Professor Jan McDonald** will speak on climate change adaptation and the law

**Michael Raper**, President, National Welfare Rights Network  
Biography: Michael Raper has been Director of the Welfare Rights Legal Centre, Sydney, Australia, since 1990 (a community Legal Centre which specialises in Social Security law and policy advocacy). He was President of the Australian Council of Social Service (ACOSS), the national peak body for the community welfare sector in Australia, from 1997 to 2001 and remains an active member of the ACOSS Board as principal economics and tax policy adviser and as an international policy adviser. He was re-elected to the Board for a sixth term in November 2005. He was awarded the Australian Human Rights Medal in 2002.

**Professor Jan McDonald**, Deputy Director (Research) Griffith University  
Biography: Jan joined Griffith University in 2002 as the inaugural John F Kearney Chair in Law, based at the Gold Coast campus. She is currently Deputy Director (Research) and served as Head of School in 2003, and Deputy Head of School (Gold Coast Campus) in 2002. Before coming to Griffith, she was Associate Professor of Law and Associate Dean at Bond University. In 2004-2005, Jan served as Environment Program Manager to the United Nations Development Program (UNDP) Solomon Islands office, in Honiara. Jan works at the interface of environmental law, policy, and development studies. Her research has explored the relationship between international trade liberalisation, environmental protection and sustainable development, and the role of law in promoting resource conservation in the Pacific.

### **Who pays for assimilation: Indigenous money and the stolen generations**

**Natasha Case**, Senior Solicitor, PIAC

Synopsis:

This session will report on:

- (a) the Baird litigation and Qld political response to it, and
- (b) implementation of the NSW stolen wages repayment scheme.

It will also consider the NSW and Qld experiences of litigious and

political models for recovery of unpaid indigenous wages and benefits with a discussion of the relationship between the stolen generation and unpaid wages.

**Supporting our colleagues and their communities in the Northern Territory:  
Family Violence IS Everyone's Business**

**Phynea Clarke & Vanessa Lethlean, CAAFLUAC,**

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**Accessing National TIS Services**

**Chris Greatorex**, Director, TIS National

**Ron Trudgen**, Operations TIS National

Synopsis:

The Australian Government, through the Department of Immigration and Citizenship, provides translating and interpreting services for people who do not speak English and for English speakers needing to communicate with them. The Translating and Interpreting Service (TIS National) operates nationally and is available 24 hours a day, 7 days a week.

TIS National has a Memorandum of Understanding with the Commonwealth Attorney-General's Department to provide interpreting services to Community Legal Centres (CLC) funded under the Commonwealth Community Legal Services Program. The focus of the TIS National presentation is to inform CLC representatives of the TIS services that area available and how they can be accessed.

## **Financial Management Guide Training**

**Rachna Muddagouni**, Executive Officer, Fitzroy Legal Service

### Synopsis:

The Financial Management Guide (FMG) has been developed by the NACLC for all CLCs. The FMG was initially developed for NSW and has now been adapted to meet the needs of other states. The guide is a tool for Administrators/Finance workers in small and large CLCs. The guide has identified some best practice examples and also provide practical information for staff who work in the finance area.