

**"Injustice anywhere
is a threat to justice
everywhere."**

— Dr Martin Luther King Jr

JUST IS *as* JUST DOES

CLCS WORKING FOR JUSTICE

08

NATIONAL CLC CONFERENCE
17–20 AUGUST 2008 DARWIN, NT


NACLC
National Association of
Community
Legal Centres

Conference Welcome

On behalf of the National Association of Community Legal Centres I acknowledge the Larrakia Nation and pay my respects to their Elders.

The National Association of Community Legal Centres together with Northern Territory Community Legal Centres welcomes you to this year's National Community Legal Centre's Conference. Traditional owners of Darwin will welcome us to country at the opening of the conference. In accepting their welcome we acknowledge their ownership and continuing custodianship of this land and we thank them.

The conference theme is *Just is as Just Does*. Justice is about what you do and how you do it. It is not about the compilation and enforcement of rules and regulations without regard for human rights.

CLCs use the law creatively and inclusively to achieve just solutions for our clients and communities and join with our communities in arguing and campaigning for changes where laws/procedures/policy work against justice and fairness.

The 2008 Conference has a strong Indigenous and Human Rights focus. All our areas of work are about basic human rights: from housing to income security, to safety from violence to freedom of association, to our right to a peaceful and sustainable future.

We will also bring to the forefront the centrality of access to justice in any effective Social Inclusion program. No Social Inclusion agenda will be successful unless it includes access to justice. For socially excluded people the legal system is punitive not just. It is often unclear, frequently indecipherable and routinely unfair.

The national conference enables us to share our skills and tactics to use the law creatively to achieve just solutions for our clients and communities. And share the odd convivial moment where great plans may be hatched over a cuppa or a coldie.

Liz O'Brien

NATIONAL CONVENOR

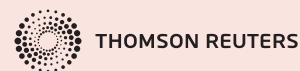
**There is
no Justice,
Just Us.**

—Mahatma
Propagandi,
AIDEX 1991

Thank you to our sponsors:



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ANU Legal Workshop



Acknowledgments

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 shoestring 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 Northern Territory Association of Community Legal Centres (NTACLC), the national organising committee, and all the people and organisations 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 at this conference who would not have been able to afford to attend. In particular we acknowledge the financial support the Australian Government has provided to the conference.

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.

JUST IS as JUST DOES

CLCS WORKING
FOR JUSTICE

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General Information

Registration Desk

The registration desk is the key information point and will be staffed throughout the duration of the conference. Please wear your name badge, as proof of registration, at all times through the conference.

Message Board

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

Email Facilities

Conference delegates will have access to email, BBS, computer and printing facilities in the Annexe off the Litchfield Room. These facilities will be available during the day, 9am to 5pm provided there is no IT session taking place.

Childcare

Childcare will be available throughout the main conference 17–20 August at the Holiday Inn Esplanade. Hours of operation are consistent with the main conference program and extend to cover the conference dinner on Tuesday night, but parents must collect their children at the end of the final session on Tuesday and provide dinner for them. Please register your child/ren at the Registration Desk on Monday August 18 from 8.30am. Please advise of any special requirements your child/ren may have.

MCLE/CPD Points for Solicitors

Solicitors from NSW, NT, Queensland and Victoria can claim MCLE/CPD points for attending the conference. The systems are based on self-assessment; if a workshop is relevant to your professional development

you can claim 1 MCLE / CPD unit per hour of seminar. NT solicitors can only claim a maximum of 6 points from this conference.

The CPD system in WA has recently changed. NACLC have made an application to the Legal Practice Board of WA to have the national conference approved as an activity for which you can collect CPD points. The competency areas and points available from this conference are subject to that application being approved. CLE / CPD is currently not mandatory in the ACT, SA or Tasmania.

Sexual Harassment

The NACLC and the National CLC Conference Organising Committee 2008 opposes sexual harassment in the workplace. We consider the conference to be an extension of the work place. Sexual harassment makes people uncomfortable, and it is against the law. Sexual harassment is unacceptable behaviour.

Sexual harassment can include 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
Chris Gabelish, WA
Jane Hutchison, TAS



Expressions of Regret and Apology

To the Larrakia 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 colonialism and generations of discrimination and marginalism.

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 autonomy and the independence of your ways and culture.

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 NACLC 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
NORTHERN TERRITORY 2008

SUNDAY 17 AUGUST 2008

All day –
various times

2.00 – 5.00pm
Ballroom Lobby

5.30 – 7.00pm
Northern Territory
Parliament House
cnr Mitchell and
Herberts Streets

Network meetings
– contact **Network Convenors** for details

Conference Registration & Information Desk

Welcome Reception
Hosted by **Dr Chris Burns MLA**
Minister for Justice & Attorney-General NT
Liz O'Brien, NACLC Convenor

MONDAY 18 AUGUST 2008

9.00 – 11.00am
Arafura Ballroom

PLENARY

Welcome to Country
Richie Fejo, Larrakia Nation

Response to Welcome to Country
NACLC Convenor and Representative of
the NACLC Indigenous Women's Network

9.30am

OPENING OF THE 2008 CONFERENCE
by **The Hon Robert McClelland MP**,
Commonwealth Attorney-General

9.45 – 11.00am

KEYNOTE PRESENTATIONS

JUST IS AS JUST DOES – CLCS WORKING FOR JUSTICE

OPENING ADDRESS

Liz O'Brien, NACLC Convenor

KEYNOTE SPEAKERS:

Barbara Shaw, Mt Nancy Town Camp, Alice Springs
Barbara's community has been "prescribed" by the NT Intervention.
She will be speaking about the Intervention and the activist work
she has done in relation to it.

Maureen Colley, National Manager of the Indigenous Unit,
Commonwealth Ombudsman
Maureen will be speaking about the role of the Commonwealth
Ombudsman in the NT Intervention and some of the issues they
have dealt with since the start of the Intervention.

Questions/Comments – Open to Floor

Barbara Shaw lives at the Mt. Nancy Town Camp in Alice Springs and is
an executive member of the local Tangentyere Council. Her community
has been "prescribed" under the Federal Intervention in the NT and
Barbara has been doing a lot of activist work on the Intervention,
including traveling to the UN in May to speak at the Permanent Forum
on Indigenous People. She is also an active community member, being
a Board Member of the Institute for Aboriginal Development and the

11.00 — 11.30

11.30 — 1.00

SESSION 1
Ballroom One

Central Australian Aboriginal Alcohol Program. Barbara is also a human rights campaigner, raising \$40,000 for and attending the Convergence on Canberra in February this year, and she is active in the Intervention Rollback Action Group.

Maureen Colley joined the Commonwealth Ombudsman's office in 2004. She is the National Manager of the Indigenous Unit, which was established in response to the NT Emergency Response Measures. Maureen has travelled to many of the prescribed communities in the NT. Prior to working for the Commonwealth Ombudsman, Maureen served as a part-time member of the Social Security Appeals Tribunal, hearing appeals against Centrelink decisions.

MORNING TEA

CONCURRENT SESSIONS 1 — 7

The Future of "Special Measures"

Jonathon Hunyor, Director,
Human Rights and Equal Opportunity Commission

A number of recent developments in Australian law invite a discussion of 'special measures' under the *Racial Discrimination Act 1975* (Cth) ('RDA').

The Commonwealth's 'Northern Territory National Emergency Response' legislation purports to be a 'special measure' for the purposes of the RDA. This is despite the fact that the legislation has a range of potentially negative effects on rights of Aboriginal people and was introduced by the government without consultation with, or the consent of, the Aboriginal people who are subject to it.

Similarly, the WA government's decision to close the Swan Valley Nyungar Community was found by the Federal Court in *Bropho v WA* to be a 'special measure' designed to advance the human rights of women and children in that community, although alleged to be at the expense of other rights of the community as the whole and opposed by a large number of women in that community. The appeal from this decision was heard by a Full Federal Court in November 2007 and I anticipate that a decision will be handed down before this conference.

These recent examples, as well as others such as the *Native Title Act* and the history of 'alcohol bans' in parts of Central Australia (also said to be 'special measures'), raise for consideration some complex questions, such as:

- Typically 'special measures' refer to measures taken by way of affirmative action. Can something be a special measure where it has a negative impact on some rights of a group, but a positive effect on others?
- Who decides whether something is a 'special measure' – Parliament or the 'beneficiaries'? Is consent and/or consultation needed for something to be a 'special measure'?
- What is the role of 'group rights' under the RDA and how can these be reconciled with the rights of individuals? Are 'special measures' adequate to protect the unique rights of Indigenous peoples?

This paper will seek to address these issues and consider whether there is a need to revisit how racial discrimination is understood in Australia, most particularly in the context of Indigenous rights.

National Management Committee Guide for Community Legal Centres
Rachna Muddagouni, NACLC Consultant

The *National Management Committee Guide for Community Legal Centres* is a resource to help new and current Management Committee members understand the different facets of their role and, by being better informed and prepared, improve their performance. It is also a tool for centre staff to help them understand the functions of the Management Committee, and their respective rights and obligations. The training will offer insight on how the Executive Officer/ Managers can use the guide as an effective tool for supporting their MC, improving retention of existing members and helping to attract new ones.

Rachna is the Senior Projects and Program Development Officer at Victoria Legal Aid (VLA). She worked for many years at the Fitzroy Legal Service in Victoria, spending 5 years as their Executive Officer. She is also a consultant for NACLC, having worked on the *Financial Management Guide* and the *National Management Committee Guide for Community Legal Centres*.

Fair bargain? Working with clients at disadvantage in consumer disputes
Peter Longfield, Macquarie Legal Centre

The seminar will be aimed at community workers, advocacy workers, legal practitioners and all those who assist clients at disadvantage to be heard in disputes with suppliers of goods and services.

There will be a review of consumer protection legislation in Australia under the *Trade Practices Act 1974* (Cth), and in New South Wales under the *Fair Trading Act 1987* (NSW) and the *Consumer Claims Act 1998* (NSW). The Australian Competition and Consumer Commission resource '*Don't Take Advantage of Disadvantage*' will be discussed as a normative national consumer protection resource.

The seminar will give participants and consumer advocates across Australia a chance to explore common approaches to working with clients at disadvantage in consumer transactions.

The seminar will consist of a PowerPoint presentation and group discussion of the issues disadvantaged consumers face in dealing with contracts, obligations, pressure, advertising and unsatisfactory products.

Advancing Justice through CLE? Youth Advocacy Centre's perspective
Debra Wardle and Lee-Anne Hoyer, Youth Advocacy Centre, Queensland

CLE should be seen as an intrinsic component of CLC work in its provision of information and education to members of the community regarding the law and legal processes of our society.

By drawing on the experiences and showcasing some examples of CLE, YAC will explore how it practically utilises 'A framework for CLE delivery' developed by the National CLE Advisory Group in 1995. This analysis will also include the planning tool developed at the NACLC 2005 Conference in engaging in community development activities. This interactive workshop will also explore strategies and challenges in creating and undertaking CLE opportunities and how to engage in advancing justice so that issues of injustice are addressed.

SESSION 5

Litchfield Room

Thomson Reuters Online Legal Resources Presentation

Diahanna Senko and Mercedes Bertus, Thomson Reuters

Thomson Reuters have an agreement with NACLC to provide CLCs with a portfolio of 34 legal online services at your desktop. This workshop will feature a presentation of the services available to community legal centres. The portfolio includes services such as:

- FirstPoint - the hub of legal research providing case summaries and history back to 1925
- Authorised and unreported Report
- Authoritative commentary practice works, ranging from Bankruptcy, Criminal law & Environmental law to Court Practices & the Lawyers Practice Manuals

This workshop will showcase the functionality of the services and how they seamlessly integrate with one another.

SESSION 6

Kakadu Room

COSL, the Credit Crunch and CLCs

Raj Venga, Ombudsman, Credit Ombudsman Service Limited, Sydney

Consumers in many parts of Australia are experiencing severe mortgage stress with the recent hikes in interest rates and food and petrol prices. More and more borrowers are finding it difficult to juggle their mortgage repayments and household bills. Others have fallen on hard times, losing their jobs or falling ill.

Many consumers are facing complete financial ruin and risk losing their homes. Frequently, they don't know what their options are. Most can't afford to defend legal proceedings to evict them and take possession of their homes.

COSL is an independent ASIC-approved external dispute resolution scheme, providing consumers with an alternative to legal proceedings. COSL operates exclusively in the non-bank sector – most non-bank lenders and mortgage brokers are members of COSL.

This workshop will show you how COSL can help your clients – at no cost to them. It will explain COSL's complaint processes and the types of complaints that it can deal with. Given the current socio-economic climate, the main focus of the workshop will be how COSL can assist borrowers in financial hardship.

SESSION 7

Annexe off
Litchfield Room

IT Session – CLSIS Workshop: Q&A

Justin Finighan, Finrea, NACLC CLSIS Consultant

Justin will be available to answer specific CLSIS questions that people may have. This may relate to data definitions, administration and backup issues, reporting etc.

1.00 – 2.00

LUNCH – THE RAFT/WATER GARDENS

2.00 – 3.30

Arafura Ballroom

PLENARY SESSION

Human Rights

Launch of *Anti-Terrorism Law: A Guide for Community Lawyers* by **Marika Dias** and **Patrick Emerton** on behalf of the Anti-Terrorism Laws Working Group of the Federation of Community Legal Centres (Vic) Inc.

Key-note speakers:

Malarndirri McCarthy, MLA NT Parliament, Member for Arnhem
Malarndirri will speak about the 7th State & Human Rights –
“Walking Together Towards Statehood”.

Priscilla Collins, CEO, North Australian Aboriginal Justice Agency
Priscilla will speak about the NT Intervention and Welfare Rights

Helen Wodak, Advocacy Manager,
North Australian Aboriginal Justice Agency
Helen will present NAAJA’s submission on the Inquiry on Regional
and Remote Indigenous Communities

Chair: Liz O’Brien, NALC Convenor

Malarndirri McCarthy MLA is a Yanyuwa woman from Borroloola in the Northern Territory. She was elected to the Northern Territory Parliament as the Labor Member for Arnhem on 18th June 2005. Malarndirri is Chair of the Legal & Constitutional Affairs Committee and the Statehood Steering Committee, and is currently a member of Sport & Youth; Substance Abuse in the Community; Environment & Sustainable Development; and House Parliamentary Committees. She is one of six Indigenous members of the NT Labor Government which won a resounding 19 seats in the 25 seat assembly in 2005. Prior to becoming the member for Arnhem, she worked as a journalist in news and current affairs for 16 years in Sydney, Canberra, Darwin and Alice Springs. She also co-established, with her husband Norm Grogan, the Borroloola Radio Station 102.9 FM ‘The Voice of the Gulf’, the Lijakarda Arts Culture and Media Training Centre and two festivals. Over the years Malarndirri has participated on the Australia Arts Council’s ‘Community Development Fund’, contributed on behalf of Indigenous women on the Federal Government’s Office of Women Committees, is a member of EMILY’S LIST and is patron for SIDS & KIDS NT.

Priscilla Collins is Eastern Arrernte from Central Australia. She is the CEO of the North Australian Aboriginal Justice Agency (NAAJA), a non-profit private company that provides high quality and culturally appropriate legal aid services for Indigenous people in the Top End of the Northern Territory. Prior to this, she was the CEO of the CAAMA Group, the largest Indigenous owned and operated multimedia organisation in Australia, managing the commercial enterprises of the CAAMA Group through Radio Broadcasting, Remote Indigenous Broadcasting, Independent Music Label, Film and Television Production Company, Shops and Television Broadcasting. She has also been the Deputy Director of the Australian Indigenous Communications Association, Board Director of Imparja Television, Board Director of National Indigenous Television Service and Board Director of Indigenous Business Australia. After 19 years at CAAMA Priscilla decided to make a career change to legal services in order to provide legal representation and advice to Indigenous people and in providing this service, pursue the rights of Indigenous people through law and policy reform.

Helen Wodak graduated in Arts and Law at University of New South Wales in 2001. At that time, the Law School did not award honours but Helen was placed 6th in her graduating class of 288. Helen was admitted to practise as a solicitor in New South Wales in 2002. Helen worked for two years at Mallesons Stephen Jaques in Sydney. In 2004, Helen went to Vanuatu as an Australian Youth Ambassador for Development in Vanuatu

SESSION 8

Annexe off
Litchfield Room

3.30 — 4.00

4.00 — 5.30

SESSION 9

Ballroom One

SESSION 10

Ballroom Two

for 12 months, working in both the Public Prosecutor's Office and the Vanuatu National Council of Women. Helen relocated to Darwin in June 2005 and worked as a senior solicitor and then acting principal solicitor at the Top End Women's Legal Service. Helen commenced with NAAJA in March 2006. She worked as a senior solicitor in the Civil Section, before commencing as Advocacy Manager in September 2007.

Launch of publication *Recruitment and Retention of Lawyers in RRR areas* written by **Trish Mundy**, Griffith University Law School, on behalf of the Northern Rivers Community Legal Centre, NSW

IT Session: Thomson Reuters Online Legal Resources Training

Mercedes Bertus, Thomson Reuters

Thomson Reuters have an agreement with NALCLC to provide CLCs with a portfolio of 34 legal online services at your desktop. This workshop will feature an overview and training in the use of the services available to community legal centres. The portfolio includes services such as:

- FirstPoint - the hub of legal research providing case summaries and history back to 1925
- Authorised and unreported Reports
- Authoritative commentary practice works, ranging from Bankruptcy, Criminal law & Environmental law to Court Practices & the Lawyers Practice Manuals

This training will be a hands-on session showing the functionality of the services, how best to search them and how they seamlessly integrate with one another.

AFTERNOON TEA – LEVEL 1

CONCURRENT SESSIONS 9– 15

Intervention Workshop

Barbara Shaw, Mt Nancy Town Camp, Alice Springs
and **Lyle Cooper**, Bagot Aboriginal Community, Darwin

Barbara Shaw from the Mt Nancy Town Camp in Alice Springs and Lyle Cooper, President of the Bagot Aboriginal Community in Darwin, will be running this workshop where they will be telling delegates about the NT Intervention, how it is affecting their communities and the people in them, what they are doing in relation to it, what CLC workers need to know and what we can do to assist these communities.

Human Rights in Australia – An UnChartered Nation:

The Role of CLCs in the Debate over a Federal Charter of Human Rights

Ben Schokman, Lawyer, Human Rights Law Resource Centre, Victoria and
Brenda Bailey, Senior Policy Officer, Public Interest Advocacy Centre (PIAC)

Australia remains the only developed nation without comprehensive legislative or constitutional protection of basic human rights at a federal level.

The Australian Government intends to conduct a national consultation regarding the need for a federal charter of human rights. This commitment is a key plank of the ALP's national policy on 'Respecting Human Rights and a Fair Go for All', which provides that 'Labor will initiate a public inquiry about how best to recognise and protect the

human rights and freedoms enjoyed by all Australians' during its first term. Details of the public consultation have not yet been announced.

All CLCs in Australia can – and should – play a significant role in the debate about the need for a federal charter of human rights. This workshop will explore:

- why Australia needs a charter of human rights;
- responding to the critics of charters of human rights;
- a public consultation and your community;
- how a charter of human rights will affect CLC clients; and
- the important role that CLCs can play in a public inquiry.

Emerging from the Dark Ages: New Opportunities for CLCs to Promote Human Rights in Australia

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

The recent change in Federal Government presents new and challenging opportunities for the protection and promotion of human rights in Australia. The Rudd Government's intention to engage more positively with the United Nations provides an exciting opportunity for CLCs to use a human rights framework to assist them in their day to day work.

This year, a large coalition of NGOs submitted reports to the United Nations on Australia's compliance with the key international human rights treaties, the ICCPR and ICESCR. These two reports – together *The FREDAs Reports* – comprehensively document the current 'state of play' of fundamental human rights in Australia. Importantly, the FREDAs Reports are an invaluable resource for CLCs to engage with governments on significant human rights issues.

This session will also explore how CLCs can use the international human rights mechanisms – such as the Special Procedures and Treaty Bodies – and will explore strategies for collaborative engagement by Australian NGOs with the United Nations' human rights bodies. In particular, an exciting new website is being developed that will enable and assist Australian NGOs to strategically use human rights in their domestic case work and advocacy.

Criminalising CALD Communities

Marika Dias, Western Suburbs Legal Service,
Convenor Anti-Terrorism Laws Working Group (Vic)

This paper will look at the criminalisation of culturally and linguistically diverse (CALD) communities in Australia, focussing on the criminalisation and over-policing of new emerging CALD communities. It will look at Australia's history of over-policing and criminalising CALD communities. It will then look at more recent legislative changes and policing practices that target CALD communities. In particular, the paper will examine how Australia's anti-terrorism laws, counter-terrorism policing and intelligence gathering have disproportionately affected certain CALD communities. It will look at the trend of 'community policing' and how that may be exacerbating the targeting of CALD communities. Marika will also discuss the problem of racial profiling in policing.

SESSION 11 Darwin Room

SESSION 12
Territory Room

Go Bush Young Lawyer!

Trish Mundy – NSW Rural Solicitor's Shortage Project, Associate Lecturer, Griffith Law School, Griffith University, working on behalf of Northern Rivers Community Legal Centre, NSW

Judy Harrison, RRR CLC PLT Project, Senior Lecturer and Director of Clinical Programs, ANU

Chris Gabelish, Jane Stewart and Rose van Keppel, WA Country Lawyers Project – Attracting and Retaining Solicitors in the Bush

Recruitment & Retention of Lawyers in Rural, Regional & Remote NSW

Trish Mundy, Associate Lecturer, Griffith University, working on behalf of the Northern Rivers Legal Centre, NSW

In January 2008 Northern Rivers Community Legal Centre (NRCLC), with support from the NSW Combined Community Legal Centres' Group, received small grant funding from the NSW Law and Justice Foundation to look at the problems concerning recruitment and retention of lawyers in rural, regional and remote (RRR) areas.

This project was motivated by increasing anecdotal evidence across the legal sector which suggests that there is a significant shortage of solicitors willing to work in RRR areas, resulting in difficulties in filling vacancies within the government, non-government and private sectors. Surveys conducted by the NSW Law Society show increasing evidence that the number of lawyers in RRR areas is falling, particularly in the last decade. This trend appears to be replicated in other states and territories.

The first stage has taken the form of a literature review of available information and materials on the issue as it exists in NSW and other Australian jurisdictions. This review examines 3 major questions:

1. What is the extent of the problem affecting recruitment and retention of lawyers in RRR areas, in NSW in particular?
2. What are the potential factors contributing to this problem?
3. What existing proposals and strategies have been canvassed or adopted to address recruitment and retention of professionals?

It is hoped that this review will help identify existing literature on questions 1 and 2. Once completed, it is envisaged a far more detailed research study would follow on from those findings in the literature review in relation to these but particularly question 3.

RRR CLC PLT Project

Judy Harrison, Legal Workshop, ANU

Placing law graduates in CLCs as part of Professional Legal Training. Is there a role for CLCs in social justice legal education? Can it be a two-way street?

Country Lawyers Project - Attracting and Retaining Solicitors in the Bush

Chris Gabelish, Geraldton Resource Centre, **Jane Stewart**, Legal Aid WA, **Rose van Keppel**, Kimberley Community Legal Service

At the NACLC Conference in Adelaide in 2004, CLC and LAWWA reps met to discuss the problems associated with the attraction and retention of solicitors in Country WA. From this meeting was born the Country Lawyers Project with participants representing Community Legal Centres, Legal Aid WA, Law Society WA, Aboriginal Legal Services, Indigenous Family Violence Prevention Legal Services and the Federal Attorney-General's Department.

SESSION 13
Litchfield Room

The collaborative and innovative work of the participants is successfully addressing attracting and retaining solicitors. Projects within Country Lawyers include RRR Video Conference Network, funded video conferencing units linking Country CLCs, Welfare Rights and LAWa for training and service delivery purposes; the Country Lawyer Graduate Programme, a 4 year country rotation programme supported by a professional team; Learning Management System providing an online Continuing Legal Education resource for practitioners; Unrestricted Practitioners Programme aimed at external attraction of solicitors also supported by the Country Lawyers team; and the Research Team, endeavouring to provide specific locality information that informs the CLP team as to the inherent positives and negatives of attracting and retaining solicitors in those locations.

A range of CLP participants will provide information and perspective of the importance of working together and highlight the successes of the Project to date.

Best practice banking standards to reduce the incidence of elder financial abuse: barriers and solutions

Peter Noble, Principal Solicitor,
Loddon Campaspe Community Legal Centre, Victoria

Older persons rely upon their banks for assistance with banking and financial transactions. Banks occupy a privileged position in the financial affairs of older persons and have the potential to be the “first line” defence against financial abuse by identifying the abuse at its outset before the customer’s assets are dissipated. They are uniquely placed to observe the habits of their older customers and to identify any signs of vulnerability, to spot irregular transactions and to intervene if they suspect financial abuse on the part of someone handling the older person’s affairs. Notwithstanding this privileged position, banks are often reticent to intervene for fear of breaching customer privacy, confidentiality and the banking contract.

This seminar will address the barriers faced by banks in taking a more proactive role in detecting and responding to suspected financial elder abuse and explores some of the potential solutions to overcoming these barriers.

When justice takes its toll!
Assisting traumatized clients in the legal system

Sarah Vessali, Principal Lawyer, and
Allyson Foster, Legal Educator, Women’s Legal Service Victoria

Many clients who seek assistance at community legal centres are traumatized as a result of violent crime. A client’s experience of trauma can impact severely on their ability to access the legal system. This session aims to:

- raise awareness of the impact of trauma on clients
- explore how trauma, as an emotional state, affects a client’s ability to navigate the legal system and its processes
- develop strategies to overcome the difficulties faced when assisting a traumatized client, and
- develop strategies to address the impact of vicarious traumatization on lawyers

SESSION 14
Kakadu Room

SESSION 15

Annexe off
Litchfield room

5.45 – 6.30 pm

SESSION 16

Ballroom One

IT session: BBS training (beginners)

Sarah Mitchell, NACLC and BBS administrator (accounts)

Suitable for CLC staff who have not used the BBS before or who have not had a chance to explore the BBS much on their own. This session will cover the basics of what the BBS is, why it is so useful for CLC staff, and give you a hands-on introduction to using the BBS.

Meet the International delegates and hear about their work.

The international delegates are: Fiu Mataese Elisara, Papalii Dion Ale and Leuluaialii Tali Malifa from Western Samoa; Julianus Septer Manufandu from Papua (Indonesia); Gilda Guillermo and Glenda Tayam Litong from the Philippines; Tabrani Abby from Indonesia; Barbara Malimali from Fiji; Rita Naviti from Vanuatu; Mr Kepas Paon from Papua New Guinea ; Jose Pedro Camoes, Timor-Leste Bar Association, East Timor, Papalii Dion Ale, O le Siosiomaga Society Inc (OLSSI), Samoa, Fiu Mataese Elisara, O le Siosiomaga Society Inc (OLSSI), Samoa, Leulua'iali'i Tasi Malifa, Samoan Simple Law Inc, Samoa, Tabrani Abby, Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation), Indonesia, Gilda Guillermo, Alternative Law Research & Development Center, Inc., Philippines, Barbara Paulini Briar Malimali, Legal Aid Commission, Fiji Islands, Glenda Tayam Litong, Institute of Human Rights, Philippines University of Philippines, Philippines, Rita Bill Naviti, Senior Magistrate, Vanuatu, Kepas Paon, Law & Justice Sector Program, Papua New Guinea, Julianus Septer Manufandu, Foker LSM Papua, Indonesia.

Chair: Bill Mitchell, Townsville Community Legal Service

TUESDAY 19 AUGUST 2008

9.30am

Arafura Ballroom

PLENARY SESSIONS

Environmental Justice and Indigenous Communities

Key-note speakers:

Joe Morrison, Foundation Director,
North Australia Indigenous Land and Sea Management Alliance.

Joe Morrison will speak about Indigenous environmental issues and the opportunities for the north.

Professor Donna Craig, Professor in Law and the Co-Director of the Environmental Law Centre at Macquarie University and Director of their Indigenous rights research program

Donna will speak about Environmental Justice, Human Rights and Indigenous Communities: International and National Approaches

Chair: Donna Jackson, Coordinator,
Top End Aboriginal Conservation Alliance.

Questions/Comments/Discussion from the floor

Joe Morrison is both Dagoman and Torres Strait Islander, and comes from Katherine in the Northern Territory. He has worked closely with Traditional Owners across northern Australia on natural and cultural resource management for 17 years. He has assisted the establishment of many community based ranger and natural resource management



■ SUNDAY 17 AUGUST 2008

All day – various times **NETWORK MEETINGS –**
contact Network Convenors
for details

2pm – 5pm **Conference Registration
Level 5 & Information Desk**

5.30 – 7pm
Northern Territory
Parliament
House
cnr Mitchell
& Herberts
Streets

WELCOME RECEPTION
Hosted by **Dr Chris Burns MLA**
Minister for Justice
& Attorney-General NT
Liz O'Brien, NALCLC Convenor

■ MONDAY 18 AUGUST 2008

BALLROOM FOYER

8.00am **Conference Registration
& Information Desk**

9.00am **Welcome to Country**
Richie Fejo, Larrakia Nation

Responses to Welcome to Country
NALCLC Convenor and Representative
of the NALCLC Indigenous Women's
Network

9.30 am **Opening of the 2008 Conference**
by The Hon Robert McClelland MP,
Commonwealth Attorney-General

KEYNOTE PRESENTATIONS

& OPENING ADDRESSES: 9.30 – 11.00am

The NT Intervention

Barbara Shaw, Mt Nancy
Town Camp, Alice Springs
Barbara's community has been
"prescribed" by the NT Intervention.
She will be speaking about the
Intervention and the activist work
she has done in relation to it.

Maureen Colley, National Manager of
the Indigenous Unit, Commonwealth
Ombudsman
Maureen will be speaking about
the role of the Commonwealth
Ombudsman in the NT Intervention
and some of the issues they have dealt
with since the start of the Intervention.
Chair: **Liz O'Brien**, NALCLC Convenor
Questions/Comments – Open to Floor

11.00 – 11.30am MORNING TEA

CONCURRENT SESSIONS 1 – 7 11.30 – 1.00pm

- SESSION 1 *The Future of "Special Measures"*
Ballroom *The NTER purports to be a special*
One *measure for the purposes of the*
 Racial Discrimination Act
 Jonathon Hunyor, Human Rights
 and Equal Opportunity Commission
- SESSION 2 *National Management Committee*
Ballroom *Guide for Community Legal Centres*
Two **Rachna Muddagouni**, NALCLC Consultant
- SESSION 3 *Fair bargain? Working with clients at*
Darwin Room *disadvantage in consumer disputes*
 Peter Longfield, Macquarie Legal
 Centre, NSW
- SESSION 4 *Advancing Justice through CLE?*
Territory *Youth Advocacy Centre's perspective*
Room **Debra Wardle** and **Lee-Anne Hoyer**,
 Youth Advocacy Centre, Queensland
- SESSION 5 *Thomson Reuters Online*
Litchfield *Legal Resources Presentation*
Room **Diahanna Senko** and **Mercedes Bertus**,
 Thomson Reuters
- SESSION 6 *COSL, the Credit Crunch and CLCs*
Kakadu Room **Raj Venga**, Ombudsman, Credit
 Ombudsman Service Limited
- SESSION 7 *CLSIS Workshop: Q&A*
Annexe off **Justin Finighan**,
Litchfield **Finrea**, NALCLC CLSIS Consultant
Room

1.00 – 2.00pm LUNCH – The Raft/Water Gardens



MONDAY 18 AUGUST, 2008

PLENARY SESSION + Session 8 (IT) Arafura Ballroom 2.00 – 3.30pm

Human Rights

Launch of *Anti-Terrorism Law: A Guide for Community Lawyers* by Marika Dias and Patrick Emerton on behalf of the Anti-Terrorism Laws Working Group of the Federation of Community Legal Centres (Vic).

KEY-NOTE SPEAKERS:

Malarndirri McCarthy,
MLA NT Parliament, Member for Arnhem
Malarndirri will speak about the 7th State and Human Rights – “Walking Together Towards Statehood”.

Priscilla Collins,
CEO, North Australian Aboriginal Justice Agency
Priscilla will speak about the NT Intervention and Welfare Rights

Helen Wodak, Advocacy Manager,
North Australian Aboriginal Justice Agency
Helen will present NAAJA's submission on the Inquiry on Regional and Remote Indigenous Communities.

Launch of publication *Recruitment and Retention of Lawyers in RRR areas* written by **Trish Mundy**, Griffith University Law School, on behalf of the Northern Rivers Community Legal Centre, NSW

Chair: **Liz O'Brien**, NACLCL Convenor

SESSION 8 **Thomson Reuters Online**
IT Room **Legal Resources Training**
Annexe off **Mercedes Bertus**,
Litchfield Thomson Reuters
Room

3.30 – 4.00pm AFTERNOON TEA Level 1

CONCURRENT SESSIONS 9 – 15 4.00 – 5.30pm

SESSION 9 **Intervention Workshop**
Ballroom **Barbara Shaw**, Mt Nancy Town Camp,
One Alice Springs and **Lyle Cooper**, Bagot
Aboriginal Community, Darwin

SESSION 10 **Human Rights in Australia**
Ballroom An UnChartered Nation: The
Two Role of CLCs in the Debate over a
Federal Charter of Human Rights
Ben Schokman, Human Rights
Law Resource Centre, Victoria
and **Brenda Bailey**, Public Interest
Advocacy Centre, NSW

**Emerging from the Dark Ages:
New Opportunities for CLCs to
Promote Human Rights in Australia**
Ben Schokman and **Teena Balgi**,
Kingsford Legal Centre, NSW

SESSION 11 **Criminalising CALD Communities**
Darwin Room **Marika Dias**, Western Suburbs
Legal Service, Victoria

SESSION 12 **Go Bush Young Lawyer!**
Territory **Trish Mundy**, NSW Rural Solicitors'
Room Shortage Project, Griffith University Law
School, **Judy Harrison**, Senior Lecturer
and Director of Clinical Programs, ANU
Chris Gabelish, **Jane Stewart** and **Rose
van Keppel**, WA Country Lawyers Project
– Attracting and Retaining Solicitors in
the Bush

SESSION 13 **Best practice banking standards
to reduce the incidence of elder
financial abuse: barriers & solutions**
Litchfield **Peter Noble**, Loddon
Room Campaspe CLC, Victoria

SESSION 14 **When justice takes its toll! Assisting
traumatized clients in the legal system**
Kakadu Room **Sarah Vessali** and **Allyson Foster**,
Women's Legal Service, Victoria

SESSION 15 **BBS training (beginners)**
Room 81 **Sarah Mitchell**, NACLCL, and
BBS administrator (accounts)

MONDAY SESSION 5.45 - 6.30 pm

SESSION 16 Meet the International Delegates from
Ballroom Samoa, Papua (Indonesia), Philippines,
One Indonesia, Fiji, Vanuatu, PNG, East Timor
and hear from them about their work.

Chair: **Bill Mitchell**,
Townsville Community Legal Service

TUESDAY 19 AUGUST 2008

ARAFURA BALLROOM PLENARY SESSION + SESSION 17 (IT) 9.30am — 11.00am

Environmental Justice and Indigenous Communities

Key-note speakers:

Joe Morrison, Foundation Director, North Australia Indigenous Land and Sea Management Alliance
Joe will speak about Indigenous environmental issues and the opportunities for the north.

Professor Donna Craig, Professor in Law and the Co-Director of the Environmental Law Centre at Macquarie University and Director of their Indigenous rights research program

Donna will speak about Environmental Justice, Human Rights and Indigenous Communities: International and National Approaches

Chair: **Donna Jackson**, Coordinator, Top End Aboriginal Conservation Alliance

SESSION 17 *Essential CLSIS: what EVERYBODY needs to know about CLSIS*
IT Room – **Justin Finighan**,
Annexe off Finrea, NALC CLSIS consultant
Litchfield Room

11.00 — 11.30 MORNING TEA – Level 1

CONCURRENT SESSIONS 18 — 24 11.30am — 1.00pm

SESSION 18 *Environmental Justice: Environmental decision-making in a human rights context*
Ballroom One
Brendan Sydes, Environmental Defenders Office, Victoria and
Charles Roche Environment Centre NT

SESSION 19 *The Family Law Act 2006 threw out the baby and kept the bathwater!*
Ballroom Two
Panel discussion:
Mark Woods – Chair, LCA Access to Justice Committee, family lawyer, Gippsland VIC and
Zoe Rathus – Senior Lecturer School of Law, Griffith University. Zoe was formerly the co-ordinator of the Women's Legal Service, Qld.

SESSION 20 *Workshop on older persons' legal issues*
Darwin Room
Susannah Sage-Jacobson, PILCH Victoria and **Stephen Newell**, The Aged-care Rights Service, NSW (TARS)

Successful Ageing – is this a myth?
Nalika Padmasena, TARS

Older Persons and the Law
Margaret Small, TARS

SESSION 21 *Financial Management Guide training*
Territory Room
Rachna Muddagouni, NALC Consultant

SESSION 22 *Yongu Matha DVD – the Australian Legal System*
Litchfield Room
Fiona Hussin, NT Legal Aid Commission with **Trevor Gurruwuwu** and **Dianne Biritjalawuy**, from Elcho Island in North East Arnhem Land

SESSION 23 *Resolving Discrimination Complaints – with a focus on Disability Discrimination Complaints in Employment and Education.*
Kakadu Room
Joanna Shulman, NSW Disability Discrimination Legal Centre and
Sofie Georgalis, HREOC Conciliator

SESSION 24 *General IT: New technologies: WebEx, VoIP, teleconferencing*
IT Room – **Justin Finighan**,
Annexe off Finrea, NALC CLSIS consultant
Litchfield Room

1.00 — 2.00pm LUNCH – The Raft/Water Gardens

ARAFURA BALLROOM TUESDAY PLENARY SESSION + SESSION 25 (IT) 2.00 — 3.30pm

Social exclusion – its legal! Homelessness, Human Rights and Access to Justice

Speakers:

Liz O'Brien, Convenor NALC
Caroline Adler, Manager/Principal Lawyer, PILCH Homeless Persons' Legal Clinic, Victoria
Teena Balgi, Solicitor and Clinical Supervisor, Kingsford Legal Centre Co-convenor of the National Human Rights Network

Chair: **Julia Hall**, NALC Executive Director

SESSION 25 *BBS training (intermediate)*
IT Room – **Phillip Byrne**,
Annexe off BBS administrator and
Litchfield Room Tenants Union, NSW

AFTERNOON TEA 3.30 — 4.00pm



08 Agenda at a glance

TUESDAY CONCURRENT SESSIONS 26 — 32 4.00 — 5.30pm

SESSION 26 **Public Service, Mental Illness & Politics of Appearance**
Ballroom One
Jaleh Johannessen, Welfare Rights & Legal Centre, ACT

Making Justice more Accessible to People with Psychiatric Disability
Vivienne Topp, Mental Health Legal Centre, Victoria, **Gerard Cleveland**, Mental Health Law Centre, WA and **Stephen Kilkeary**, Public Interest Advocacy Centre, NSW

SESSION 27 **Police Accountability: What is best practice?**
Ballroom Two
Will Crawford, Fitzroy Legal Service, Victoria

SESSION 28 **Doing it the GRC way: the paralegal model of service delivery in a RRR context**
Darwin Room
Staff from the Geraldton Resource Centre, WA

SESSION 29 **The case for CLCs to open their doors to trafficked women and girls**
Territory Room
Belinda Lo, Fitzroy Legal Service, Victoria and **Shirley Woods**, Project Respect

SESSION 30 **Professional Indemnity Insurance workshop**
Litchfield Room
PII State Reps
— **CLOSED SESSION: CLC STAFF ONLY** —

SESSION 31 **Workshop on collaborative project between WLS SA, NPY Women's Council to provide legal advice, representation & community legal sessions to Aboriginal women in remote areas**
Kakadu Room
Terri Di Salvo, Aboriginal Family Violence Legal Service, **Zita Ngor** and **Khatija Thomas**, Women's Legal Service, South Australia

SESSION 32 **BBS training (beginners)**
IT Room — Annexe off Litchfield Room
Phillip Byrne, BBS administrator and Tenants Union, NSW

6.30 — 11.00
Darwin Sailing Club
CONFERENCE DINNER & ENTERTAINMENT
— No dress code — cash bar
Leah Flanagan + band performing

WEDNESDAY 20 AUGUST 2008

CONCURRENT SESSIONS 33 — 39 9.30 — 11.00 am

SESSION 33 **Pro Bono Partnerships**
Ballroom One
Partnerships between Clayton Utz and the Geraldton Resource Centre, and Blake Dawson and the North Australian Aboriginal Justice Agency in Katherine.

SESSION 34 **How to sue the state: public interest litigation for CLCs**
Ballroom Two
Natasha Case, Public Interest Advocacy Centre, NSW

SESSION 35 **Update on legal issues for Lesbian, Gay, Bisexual, Transgender & Intersex Communities**
Darwin Room
Heidi Yates, Women's Legal Centre (ACT & Region)

SESSION 36 **Young Renters Program**
Territory Room
Catherine Currie, Peninsula CLC, Victoria

SESSION 37 **Tackling domestic violence through a shared responsibilities approach**
Litchfield Room
George Yip, North Australian Aboriginal Family Violence Legal Service, NT

SESSION 38 **New Models in Anti-Discrimination Law — developing strategies to campaign for change**
Kakadu Room
Shirley Southgate, Kingsford Legal Centre, NSW and **Dr Belinda Smith**, Law School, Columbia University, New York

SESSION 39 **CLISIS Strategic Data Use)**
IT Room — Annexe off Litchfield Room
Justin Finighan, Finrea, NALCL CLSIS Consultant

MORNING TEA 11.00 — 11.30am — Level 1 foyer

CLOSING PLENARY SESSION ARAFURA BALLROOM

11.30 — 11.45 **Network Resolutions**

11.45 — 12.00 Launch by Attorney-General's Department representative of the *National Management Committee Guide for Community Legal Centres* written by **Rachna Muddagouni** for NALCL

1.30pm
The Raft/
Water Gardens
LUNCH
CLOSE OF CONFERENCE

SESSION 17
Annexe off
Litchfield Room

11.00 – 11.30

11.30 – 1.00

SESSION 18
Ballroom One

groups to ensure that Indigenous Australians have a strong and custodial role in managing their ancestral estates, as they have been doing for millennia. He is the Foundation Director of the North Australian Indigenous Land & Sea Management Alliance, an Indigenous NGO. He has also been instrumental in developing initiatives such as the Working on Country Program, additional resources for carbon abatement and increased employment opportunities for community rangers.

Professor Donna Craig is currently Professor in Law and the Co-Director of the Environmental Law Centre at Macquarie University and Director of their Indigenous rights research program. Among other positions she holds, she is also a Member the Northern Territory Environmental Protection Authority (2007-2010), Foundation and a continuing member of Advisory Board of Greenland-based *International Training Center of Indigenous Peoples* (ITCIP). She was also the Foundation Professor of Desert Knowledge. She is a specialist practitioner in the area of international and national environmental law and policy, with a Masters degree in Environmental Law from York University, Canada and over 30 years experience in research, legal practice, teaching and working with communities, indigenous peoples' organisations, governments and corporations.

Essential CLSIS: what EVERYBODY needs to know about CLSIS

Justin Finighan, Finrea, NACLCLSIS consultant

Session on data definitions, collecting service delivery data, the correct interpretation of concepts such as "Case", "Advice" and "Matter". Suitable for all CLC staff, especially centre managers and lawyers.

MORNING TEA – Level 1

CONCURRENT SESSIONS 18 – 24

Environmental Justice: Environmental decision-making in a human rights context

Brendan Sydes, Principal Solicitor Environmental Defender's Office, Victoria and **Charles Roche**, Coordinator, Environment Centre Northern Territory

The session combines a discussion of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and its implications for environmental and planning decision making in Victorian with a case study on the NT McArthur River Mine - where the rights of Indigenous people have been arguably infringed as a result of the Northern Territory government's decision to allow the expansion of the mine.

The Victorian *Charter of Human Rights and Responsibilities Act 2006* came into full operation on 1 January 2008. The Act, among other things, requires all legislation within the jurisdiction to be interpreted consistently with human rights. Further, it makes it unlawful for Public Authorities to act in way that is incompatible with a human right, or to fail to give proper consideration to a relevant human right when making decisions. While the human rights protected by the *Charter* are civil and political rights, derived primarily from the *International Covenant on Civil and Political Rights 1966*, implementation of the *Charter* extends to planning and environmental decision making. Brendan Sydes will explore the implications of the *Charter* in a planning and environmental context.

SESSION 19

Ballroom Two

In 2003, McArthur Riving Mining Pty Ltd proposed an expansion of the McArthur river mine, located 45kms from Borroloola in the Gulf region of the NT. The proposed expansion necessitated re-routing a 5km section of McArthur River. In December 2006, concerned with environmental and cultural impacts of the proposed expansion, representatives of the registered native title claimants from within the four Traditional Owner groups stood united and took proceedings in the Northern Territory Supreme Court, seeking a judicial review of the Minister for Mines and Energy's decision to grant approval to an expansion of the McArthur River Mine. The case was ultimately successful, however in May some two days after the Supreme Court judgment, *the McArthur River Project Amendment (Ratification of the Mining Authorities) Bill 2007* ('the Bill') was introduced to the Northern Territory Parliament. The Bill removed any limitations that were emphasised by the Court's decision, and ratified the ability for the mine expansion to proceed. The case illustrates the need for greater protection of Traditional Owner rights against mining activities, as well as adequately addressing threats to the environment.

Charles Roche worked closely with traditional owners in the Borroloola area in the lead up to and during the Supreme Court case. He will discuss the proposal, the environmental and cultural impacts of the mine expansion in addition to the traditional owners' experiences in negotiating through the decision making process to approve the mine.

The Family Law Act 2006 threw out the baby and kept the bathwater!

Panel discussion with **Mark Woods** – Chair, LCA Access to Justice Committee, family lawyer, Gippsland VIC and **Zoe Rathus** – Senior Lecturer School of Law, Griffith University, formerly the co-ordinator of the Women's Legal Service QLD

A panel discussion about what are our main priorities for fixing the *Family Law Act 2006*.

In the first recorded parenting dispute, King Solomon's legendary wise decision was to cut the baby in two and give one half to each competing party. Is this how Family Law works after the 'shared responsibility' amendments? How has it affected the safety of women and children?

SESSION 20

Darwin Room

Workshop on Older Persons Legal Issues **Elder abuse and assessing capacity**

Susannah Sage-Jacobson, Pro Bono Manager, Senior Rights Victoria and **Stephen Newell**, Manager, Legal Service, The Aged-care Rights Service, NSW

The workshop will involve the presentation of a number of case studies illustrating the particular issues facing older clients to CLCs. The cases will have a particular focus on the incidence of elder abuse including the detection of and triggers for abuse and assessing capacity when acting for older clients.

Stephen and Susannah will lead and facilitate discussion with participants in the workshop around the topics raised by the case studies. They will also seek to work through possible practical responses to these cases based on the experience gained through their specialist centres.

Successful Ageing – is this a myth?**Nalika Padmasena, Solicitor, The Aged-care Rights Service, NSW**

What sort of issues affect successful ageing and what are the impact of those on older people. What sorts of remedies are available to older people as legal rights.

This paper intends to explore the impact on older people of domestic violence, family violence and various forms of elder abuse and how it impact on their ageing and retirement.

This paper will discuss part 15 of the *Crimes Act, Retirement Villages Act 1999* and the *Aged Care Act*.

Older Persons and the Law**Margaret Small, The Aged-care Rights Service, NSW**

The prosperity of a country is in accordance with its treatment of the aged
— Hasidic Saying

Older persons' lives should be comfortable and as free of care as possible. They should also be as secure as we can hope that they should be and their futures well planned. Unfortunately for many older persons who thought that they planned their future with some degree of certainty, it is not happening. Also there are many who thought that the government would always provide a financial back stop when they were unable to do so themselves because of the social and economic barriers that had existed in their lifetimes. Sadly these people are finding that the poverty line that the pension provides is not a lifestyle but rather an existence. Older people have the right to justice, be it through their quality of life or correct and considered legislative means. Older people cross all racial barriers and all genders, yet they have limited access to justice, advocacy and legal education. In September 2007 the House of Representatives Standing Committee on Legal and Constitutional Affairs issued a Report on *Older people and the law* and as a result Older Persons' Legal Centres should be operating in all States in the not too distant future. The aged is one of the communities that is most disadvantaged and the older individual is one who is at a great risk within our society.

Financial Management Guide Training**Rachna Muddagouni, NACLC Consultant**

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 provides practical information for staff who work in the finance area.

Yongu Matha DVD – the Australian Legal System**Fiona Hussin, NT Legal Aid Commission,**

Trevor Gurruwui and Dianne Biritjalawuy, from Elcho Island in North East Arnhem Land, who assisted with the development of the DVD

The focus of this session is the DVD, *Romgu Dhukarr Dhiyal Australia: The Australian Legal system*, which was co-developed by the Marthakal Homelands Resource Centre, Duduynyu Pty Ltd, local film makers and clan leaders from Galiwin'ku in North East Arnhem Land and legal services from the Top End of the NT. The DVD was filmed in Galiwin'ku

SESSION 21
Territory Room

SESSION 22
Litchfield Room

SESSION 23
Kakadu Room

and is in Yongu Matha, the first language spoken in North East Arnhem Land. It explains the Australian Legal System with reference to Yolngu law.

The session will be presented by Fiona Hussin of the NT Legal Aid Commission and Trevor Gurruwuwi and Dianne Biritjalawuy, from Elcho Island in North Arnhem Land who assisted with the development of the DVD. The session will provide some background to the project, some information about the project methodology and some of the challenges faced. Parts of the DVD will also be played.

Resolving Discrimination Complaints — with a focus on Disability Discrimination Complaints in Employment and Education

Joanna Shulman, NSW Disability Discrimination Legal Centre and **Sofie Georgalis**, Human Rights and Equal Opportunity Commission

An increase in awareness and disclosure means a large and growing number of people are seeking advice and advocacy in respect to disability discrimination complaints. In the last year, the Human Rights and Equal Opportunity Commission received 802 complaints under the Disability Discrimination Act, equating to 45% of total complaints lodged under the various Human Rights Acts. This is an interesting and dynamic area of the law and Community Legal Centres are well placed to advise and represent these clients in conciliations at HREOC and equivalent state human rights institutions.

Joanna Shulman will provide a brief overview of discrimination law with a particular focus on the leading cases in the areas of employment and education discrimination. She will also discuss the Disability Standards for Education and give tips for conciliating and settling discrimination complaints.

SESSION 24
Annexe off
Litchfield room

General IT: New technologies

Justin Finighan, Finrea, NACLC CLSIS consultant

Introducing the new technologies that are rolling out across the country for CLCs: VoIP, WebEx, teleconferencing and other IT developments

Delegates can also bring along specific IT questions which will be addressed during the workshop where possible. This may include IT systems development advice, particular IT problems, and so on. Questions relating to backup and general data security will be particularly welcome!

1.00 – 2.00PM

LUNCH – The Raft / Water Gardens

2.00 – 3.30pm
Arafura Ballroom

PLENARY SESSION

Social Exclusion – it's legal!

Homelessness, Human Rights & Access to Justice

Liz O'Brien, NACLC Convenor,
Welfare Rights and Legal Centre, ACT

Caroline Adler, Manager/Principal Lawyer,
PILCH Homeless Persons' Legal Clinic, Victoria

Teena Balgi, Solicitor and Clinical Supervisor, Kingsford Legal Centre
Co-convenor of the National Human Rights Network

Social inclusion is a new Rudd Government agenda. A Minister for Social Inclusion, the Hon Julia Gillard MP, has been appointed. Senator the Hon Ursula Stephens is the Parliamentary Secretary for the portfolio.

The Government material on the issue states that Social Inclusion is about ensuring all Australians can participate in the economic, social and civic life of the nation. It therefore looks at a range of issues such as health education and employment. The Government is proposing to set up a Social Inclusion Board that will lead consultation in the community, listening to leading welfare advocates, economists and policy specialists to develop ideas. A Social Inclusion Unit within Prime Minister's Department will also be set up. It will apparently develop policy as recommended by the board. These bodies are supposed to take a whole of government approach.

The Government has said that the community sector has a vital role to play in the social inclusion agenda.

No Social Inclusion agenda will be successful unless it includes access to justice.

We will discuss what the Government's agenda involves and explore the idea of how CLCs can impact on this agenda. The work of Homelessness Legal Services highlights the nexus between poverty and access to rights. The workshop will discuss ways to build on this approach, the importance of getting Access to Justice on the agenda and using a rights based framework. CLCs have a critical role in convincing other stakeholders that exclusion from the legal process impacts unfairly on disadvantaged communities.

Questions/Comments/Discussion from the floor

SESSION 25

Annexe off
Litchfield Room

3.30 – 4.00

4.00 – 5.30

SESSION 26

Ballroom One

BBS training (intermediate)

Phillip Byrne, BBS administrator and Tenants Union, NSW

Suitable for CLC staff who have used the BBS and want to learn more about the increased functionality of the new version of the software

AFTERNOON TEA – Level 1

CONCURRENT SESSIONS 26 – 32

1. Public Service, Mental Illness & Politics of Appearances

Jaleh Johannessen, Welfare Rights & Legal Centre ACT

Statistics display an alarming increase in the number of individuals who are suffering from one form or another of mental illness. A significant number of sufferers either do not acknowledge their illness or do not have the financial means to obtain expert opinion.

Welfare rights of such individuals are invariably encroached by the strong machinery of the bureaucracy, through ignoring the problem and or by misusing the privacy laws to do nothing.

Politics and bureaucracy score advantage by keeping the mentally ill assisted individuals on New Start assistance. They manipulate the statistics and utilise the fictitious numbers in making unreal points in real political games, while the serious problem of the mentally ill population is passed by or passed on from one NGO to another.

The 21st century is proceeding with an unprecedented number of new or newly labelled mental illnesses, when the existing infrastructure is ill equipped to cater for the safety and welfare of those affected. A great number of diagnosed sufferers are children with autism, ranging in degree and extent from mild to life threatening. The politicians have remained safely away from the issue while our schools, community legal centres, and welfare rights agencies are struggling to find ad hoc solutions for individual clients on a daily basis.

What can be done?

2. Making Justice More Accessible to People with Psychiatric Disability

Vivienne Topp, Mental Health Legal Centre, Victoria

Gerard Cleveland, Mental Health Law Centre, WA

Stephen Kilkeary, PIAC Mental Health Legal Services Project, NSW

- How do we make legal services more accessible to people with lived experience of mental illness and/or the mental health system?
- How do we involve consumers in the services that we deliver?
- How do we adapt our work practices to best meet the needs of consumers?

Speakers from the Mental Health Legal Centre in Melbourne, the Mental Health Law Centre in Perth and the Mental Health Legal Services Project, based at PIAC in Sydney will discuss the topic of how to improve access to justice for people who are, have been or are/were assumed to be mentally unwell. In so doing, they will explore the themes of consumer participation, collaborative decision-making and the diversity of legal needs which consumers encounter. The speakers will draw from their own work experience as well as reflect on what change strategies are required to address this significant human rights issue.

This panel presentation will include time for questions and comments from the floor.

SESSION 27 Ballroom Two

Police Accountability: What is best practice?

Will Crawford, Community Lawyer, Fitzroy Legal Service

Police corruption and violent misconduct is a regular occurrence everywhere. There has been much debate in Victoria about the deficiencies of the current police accountability and complaints system and the need for an independent, well-resourced anti-corruption and misconduct commission. Fitzroy Legal Service has recently conducted a comparative research project on the various models of police accountability in Australia. The first half of this presentation will cover the findings of this project and examine the police accountability and complaints mechanisms across Australian jurisdictions. A summary of the research findings will be provided to participants.

The second half will be dedicated to a facilitated discussion with session participants asked to share their experiences with police complaints in their jurisdictions, the strengths and weaknesses of each jurisdiction's practices and debate around anti-corruption and misconduct best practice. Questions to be discussed may include:

- Whether a Royal Commission is a pre-requisite to any long-term strategy?

SESSION 28

Darwin Room

- Whether an independent anti-corruptions commission should be limited to police activities or extended to public service members and politicians?
- Whether anti-corruption and misconduct bodies should be staffed by serving or former police?
- How to ensure that any police accountability regime does not neglect police violence and racial profiling and harassment?

Doing it the GRC way: the paralegal model of service delivery in a RRR context

Jan Biggar, Paralegal

Zane D'Mello, Co-ordinator, Gascoyne Community Legal Service

Sandy Morgan, Paralegal & **Alison Muller**, Principal Solicitor, Rural Womens Outreach,

Beverley Quartermaine, Paralegal, Indigenous Women's Outreach

Geraldton Resource Centre ("GRC") delivers legal services into a vast area of regional, rural and remote Western Australia primarily by paralegals and advocates under the supervision of a principal solicitor. Being part of a multi-disciplinary agency also enables the Centre to meet the often complex social needs of our clients in an integrated and streamlined manner.

This presentation will combine pre-recorded scenarios with explanations from our team focusing on the following issues:

1. Fusion: of social and legal programs providing integrated service delivery;
2. Collaboration: between the various services within GRC;
3. Continuity: of service delivery;
4. Confidence: in the accuracy and professionalism of the services delivered;
5. Mentoring: providing quality control through supervision and a commitment to skills development, education and training;
6. Community Connections: by employing local people with a knowledge of their community's needs and networks;
7. Culturally Appropriate: through having an understanding of the culture of the local community;
8. Partnerships: with other organisations to broaden the services available to our clients.

The presentation has been developed by the entire GRC legal team.

SESSION 29

Territory Room

The case for CLCs to open their doors to trafficked women and girls

Belinda Lo, Fitzroy Legal Service and **Shirley Woods**, Project Respect

Chronic poverty, violence against women and children, lack of decent work opportunities, coupled with restrictive migration and immigration policies, have all played their role in creating multinational trafficking industries. The International Labor Organisation estimates that more than 2.5 million people globally are trapped in the cycle of trafficking.

Traffickers prey on the needs, aspirations and lack of opportunity for women and children to change their circumstances.

This workshop will focus on a community response to the trafficking industry in Australia. In particular it will focus on women and children who are trafficked as sex slaves. A number of CLC representatives will present on the case for CLCs to use their casework, community legal

SESSION 30
Litchfield Room

education and policy law reform capacity to support Project Respect and The National Network against Trafficking in Women and Girls for Prostitution.

Professional Indemnity Insurance Workshop
NACLC PII Committee Representatives

CLOSED SESSION: CLC STAFF ONLY

Introduction and overview of the NACLC PII scheme by the PII Committee.

Presentation and discussion about file management and supervision in CLCs, as outlined in the Risk Management Guide.

Highly recommended for the "Responsible Person" (as outlined in the Risk Management Guide) for PII in every community legal centre. This session is also an excellent opportunity to gain CPD / MCLE points in the competency area of Legal Skills and Practice / Practice Management or the equivalent in your jurisdiction.

SESSION 31
Kakadu Room

Workshop on collaborative project between WLS SA, NPY Womens Council to provide Legal advice, representation & community legal sessions to Aboriginal women in remote areas

Terri Di Salvo, Aboriginal Family Violence Legal Service,
Zita Ngor & Khatija Thomas, Women's Legal Service, SA

In April 2007, Women's Legal Service SA Inc and the NPY Women's Council embarked on a collaborative project to provide legal advice, representation and community legal sessions to Aboriginal women living in remote areas of South Australia. The workshop will explore the frameworks implemented for establishing and maintaining this collaborative project between the two services. We will also cover the challenges and successes encountered by the two organisations in delivering and providing a legal service to Aboriginal women and children living remotely on the APY Lands.

Organisations

Women's Legal Service SA Inc & Ngannytjarra Pitjantjatjara
Yankunytjatjara Women's Council (NPY Women's Council)

SESSION 32
Annexe off
Litchfield Room

BBS Training - Beginners

Phillip Byrne, BBS administrator and Tenants Union, NSW
Suitable for CLC staff who have not used the BBS before or who have not had a chance to explore the BBS much on their own. This session will cover the basics of what the BBS is, why it is so useful for CLC staff, and give you a hands-on introduction to using the BBS.

7.00 – 11 pm
Darwin Sailing Club

CONFERENCE DINNER – NO DRESS CODE/ CASH BAR
Get there by 6.30 pm to witness the spectacular Darwin sunset!

ENTERTAINMENT – Leah Flanagan + band performing

9.30 – 11.00am

SESSION 33
Ballroom One

SESSION 34
Ballroom Two

SESSION 35
Darwin Room

CONCURRENT SESSIONS 33– 39

Pro Bono Partnerships

This session is a showcase of pro bono partnerships, and in particular the partnerships between both Clayton Utz and the Geraldton Resource Centre, and Blake Dawson and the North Australian Aboriginal Justice Agency in Katherine. By having the CLC representatives working side-by-side with the pro bono representative from a law firm, we demonstrate how multi-tiered relationships result in the delivery of a broad range of pro bono services, as well as provide some insights on how such partnerships can be formed.

Chaired by: **John Corker**, National Pro Bono Resource Centre, NSW

Speakers: **David Hillard** - Partner, Pro Bono, Clayton Utz; **Chris Gabelish**, Coordinator, Geraldton Resource Centre, WA; **Anne Cregan**, Partner, Blake Dawson; and **Helen Wodak**, Advocacy Manager, North Australian Aboriginal Justice Agency.

How to sue the state: public interest litigation for CLCs

Natasha Case, Acting Principal Solicitor, PIAC

Got a client who not only wants to sue the state but actually has grounds to do so? Here's a guide and forum for discussion about how to get it going:

- (a) is this the right client?
- (b) are you the right lawyer?
- (c) preliminary advices - how to get help and who to get it from
- (d) Counsel - who to get, when to get them and how to make them do what you want
- (e) win or lose - how to get the most out of your case for the client, the sector and the profession

Outcome: This workshop will result in the establishment of a CLC sector voluntary register of experienced legal and policy professionals.

Update on legal issues for Lesbian, Gay, Bisexual, Transgender and Intersex Communities

Heidi Yates, Women's Legal Centre (ACT and region)

Co-presented by the Women's Legal Centre (ACT & Region) and Inner City Legal Centre, this will be an informal workshop for discussion and information-sharing around legal issues affecting LGBTI communities (please bring your ideas along!). The workshop will include:

- a. An update on LGBTI law reform issues 2007/2008, including the Same Sex: Same Entitlements Recommendations, relationship recognition (registries and civil partnerships), parenting issues, discrimination and passport issues for transgender people.
- b. A brief presentation of *Talking Turkey: A Legal Guide for Lesbian Mothers and Sperm Donors in NSW* and any other CLEs designed for the LGBTI communities.
- c. Discussion regarding potential LGBTI lobbying activities for 2008/2009.

SESSION 36

Territory Room

Young Renters Program**Catherine Currie**, Program Worker, Peninsula CLC Victoria

This workshop will provide an overview of the innovative Young Renters Program being delivered by the Peninsula Community Legal Centre. It will also provide an opportunity to discuss the initiative and possible relevance to other community legal centres, issues around youth housing and tenancy generally, program outcomes and future directions.

The rental market is tougher than ever with a significant decline in the availability of affordable rental properties throughout Australia. Tenants are struggling to find properties to rent with the market at a twenty-five-year low. In such a highly competitive rental market, young people face increasing difficulties in accessing affordable rental accommodation.

In response, the Peninsula Community Legal Centre developed the Young Renters Program. The objective of the Program is to 'address the high level of vulnerability and disadvantage facing young renters, including prejudices and perceptions that they are 'high risk' tenants, lack of knowledge about rights and responsibilities and problems arising from shared tenancies'. By offering free workshops and resource materials, the Program equips young renters with practical strategies in how to apply for, secure and maintain private rental accommodation.

The Program is supported by Reference Groups comprising of key stakeholders including real estate agents. The Program works closely with youth/housing services which actively support the Program by referring their clients to workshops, particularly those in transitional housing properties. The Program also links participants to local estate agents and encourages agencies to be more amenable to considering these young people as potential tenants.

SESSION 37

Litchfield Room

Tackling domestic violence through a shared responsibilities approach**George Yip**, Senior Solicitor,

North Australian Aboriginal Family Violence Legal Service, NT

Underpinning the *Little Children Are Sacred Report* (the Report) is the concept of shared responsibilities of tackling the serious social problems of child sexual abuse and domestic violence between the Governments and the Indigenous communities. Much of the violence and sexual abuse occurring in Northern Territory is a direct reflection of the past and current social dysfunction of Indigenous communities developed over many decades.

To tackle such serious social problems resulting from decades of neglect in housing, education, employment and other essential services for Indigenous Australians living in remote area requires a long term focussed and shared approach at its root causes. There is strength and resilience in Aboriginal culture and traditional governance to which family violence prevention legal services such as North Australian Aboriginal Family Violence Legal Service (NAAFVLS) could call upon.

Our Solicitors, Family Support Officers and community based Legal Workers deal with the immediate family support needs and legal needs of victims of domestic violence in obtaining Restraining Orders and dealing with other legal issues.

Our Community Legal Education (CLE) workers are employed to develop long-term strategy of prevention in an important forefront. To develop

SESSION 38 Kakadu Room

partnership with community groups and other agencies such as Family and Communities Services (FACS), Family Support Services and the Police to build up trust and strong working relationship in the combat against violence and crimes at the communities.

Education remains the key issue to foster safe and well adjusted families.

CLE workers work closely with traditional elders to foster Aboriginal culture and traditional governance in which domestic violence is prohibited. They conduct community legal education at communities and at schools to inform the residents (elders and women) and school children of the legal framework of domestic violence scheme in the context of Aboriginal culture, customary law and traditional governance which forbids domestic violence. They encourage the setting up of cultural workshops to promote youth and educational enterprises both as empowering projects and possible employment outlets. By taking a multi-pronged approach, our Service hopes to enhance the communities' involvement in the Government's attempt to tackle the issues in a holistic way and from a bottom up rather than from a top down approach.

New Models in Anti-Discrimination Law – developing strategies to campaign for change

Shirley Southgate, Principal Solicitor, Kingsford Legal Centre and
Dr Belinda Smith, Law School at Columbia University in New York

The workshop is intended as a practical starting point for a national law reform campaign. In this workshop we intend to:

- examine the models of anti-discrimination law that we work with in the various Australian jurisdictions;
- look at other models of human rights, equal opportunity and anti-discrimination law as they operate in other jurisdictions;
- determine what the gaps and limitations are in our current ways of working;
- formulate strategies to campaign for law and policy reform, in order to address the shortcomings of the current legislative regime; and
- bring together a group of interested people to work on the law reform campaign.

SESSION 39 Annexe off Litchfield Room

CLSIS Strategic Data Use

Justin Finighan, Finrea, NACLC CLSIS Consultant

Use your CLSIS data to inform service management and development, looking at key reports that can reveal trends in data over time, and enable you to best present the work of your centre to potential funders.

11.00 – 11.30

MORNING TEA

11.30 – 11.45

CLOSING PLENARY – Arafura Ballroom

11.45 – 12.00

Network Resolutions

Launch by Attorney-General's Department representative of the *National Management Committee Guide for Community Legal Centres* written by Rachna Muddagouni for NACLC

12.15 – 1.30

Just Doing Justice - Australian Legal Assistance Forum

Panel Discussion: **Jenny Hardy**, Chief Executive Officer of Legal Aid Queensland; **Tony Parsons**, Managing Director of Victoria Legal Aid; **Mark Woods**, Chairman of the Access to Justice Committee of the Law Council of Australia and current chair of ALAF; **Liz O'Brien**, NACLC Convenor.

A conversation between Legal Aid, the Law Council of Australia and NACLC on the future of legal aid and justice. The plenary will involve ideas and suggestions for rebuilding the legal aid system in Australia including the NLA Strategic Plan and unmet legal needs, civil law, Aboriginal Legal Services and the manifestly unjust consequences of under-resourcing access to justice.

A high level of audience participation is called for. The panel will offer hopes and strategies, inspire wild ideas and outrageous optimism with a healthy dose of pragmatism. This session will start a conversation that will continue in the Access to Justice conference in November and will form an integral part of ALAF's reform agenda which will be actively pursued with the Attorneys General and the Standing Committee of Attorneys General.

Jenny Hardy is the Chief Executive Officer of Legal Aid Queensland, a position she commenced in 2006. She has extensive experience within the legal aid sector both within the Northern Territory and at a national level. Jenny was the Deputy Director of the NT Legal Aid Commission for four years and had five years advising National Legal Aid on policy and law reform issues as its Executive Officer. Jenny has also helped to improve Indigenous peoples' experiences with the justice system through her various roles with the North Australian Aboriginal Legal Service and the National Aboriginal Youth Law Centre. She was awarded the Law Council of Australia's Young Australian Lawyer of the Year in 1993 and has experience in criminal, family and civil law and has worked in defence, prosecution and policy roles.

Tony Parsons is the the Managing Director of Victoria Legal Aid, a position he commenced in 2000. From 1987 to June 2000 was principal of Slades & Parsons, a Melbourne law firm specialising in criminal law. Tony is a deputy chair of the Executive of the Criminal Law Section of the Law Institute of Victoria and is accredited by the Law Institute as a specialist in the practice of criminal law. He holds a Bachelor of Laws from the University of Melbourne.

Mark Woods is a Barrister and Solicitor and an accredited specialist in family law and criminal law. He is a member of various boards and institutes as he is passionate about improving access to the justice system for all Australians. In particular, he serves on the Community Committee for Victoria Legal Aid, and is currently chairman of the Access to Justice Committee of the Law Council of Australia. He is also the Law Council of Australia's representative on ALAF and is the current chair of ALAF. Amongst other achievements in his career, he was President of the Law Institute of Victoria 1995-96.

Close of Conference

Liz O'Brien, NACLC Convenor

1.30 pm

LUNCH – The Raft / Water Gardens