BREAKING NEW GROUND

CLCs advancing justice

National CLCs Conference

24–27 October 2010 Melbourne Vic

NACLC
National Association of Community Legal Centres

Conference Welcome

On behalf of the National Association of Community Legal Centres I acknowledge the Wurundjeri people and pay my respects to their elders.

Traditional owners of Melbourne 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 National Association of Community Legal Centres together with the Federation of Community Legal Centres (Victoria) welcome you to this year's 31st National Community Legal Centres Conference.

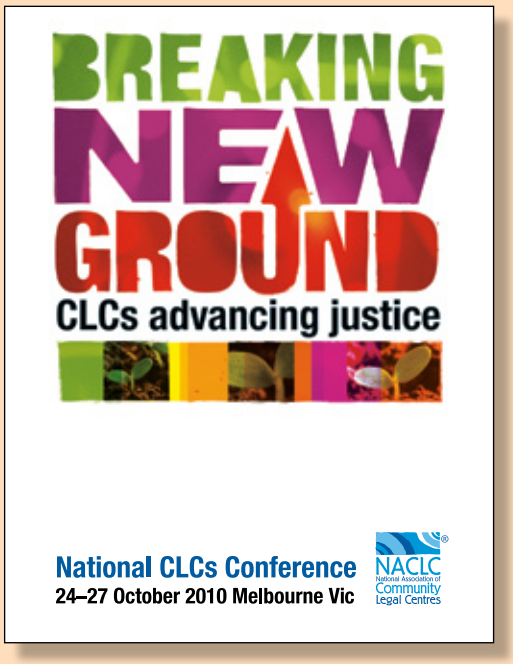
Community Legal Centres have been working for justice throughout Australia for over 35 years.

This year's theme is ***Breaking new ground – CLCs advancing justice***.

The 2010 National CLCs Conference will focus on innovation, partnerships and exploring the ways CLCs can best respond to community needs. The Conference enables us to share our skills and experiences and to plan for our communities.

Liz O'Brien
Chair, Conference Organising Committee

Thank you to our sponsors:



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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 Federation of CLCs (Vic), 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.

BREAKING NEW GROUND
CLCs advancing justice

NATIONAL CLCs CONFERENCE
24—27 October 2010 Melbourne Vic

INDEX

General information 1
Expression of Regret and Apology 2
Agenda at a glance *(detach from Program)* 15—18

Program
Sunday 24 October 3
Monday 25 October 3
Tuesday 26 October 12
Wedesday 27 October 27

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 basic printing facilities in Room 217. These facilities will be available from 8.00am on Monday 25th October till 4pm Wednesday 27th October provided there is no IT session taking place.

Childcare
Childcare will only be available to those who have pre booked prior to 3 September 2010.

Childcare will be available throughout the conference, 25–27 October 2010 at the Hilton Hotel, next door to the conference venue. 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. Children must have had their dinner before being dropped off for care on Tuesday evening. Please confirm your child/ren's attendance at the Registration Desk on Monday 25th October from 8am.

MCLE/CPD Points for Solicitors
Solicitors from NSW, Queensland, Victoria and Western Australia can claim MCLE/CPD points for attending the conference. The NSW and Victorian systems are based on self-assessment; if a workshop is relevant to your professional development you can claim 1 MCLE/CPD unit per hour (excluding breaks).

For more information contact your State/ Territory Association or Law Society.

Sexual Harassment
The NACLC and the National CLC Conference Organising Committee 2010 opposes sexual harassment in the workplace. We consider the conference to be an extension of the work place. Sexual harassment is unacceptable behaviour, and is against the law.

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 (Gai).

Sexual harassment officers
Matthew Atkinson (SA)
Jane Hutchinson (TAS)
Gai Walker (WA)

Expression of Regret and Apology

To the Wurundjeri 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
Victoria 2010

Sunday 24 October 2010

Conference venue – Melbourne Convention and Exhibition Centre, South Wharf – Level 2

All day – Various times

Networks meetings
Contact Network Convenor for details

3.00—5.00pm
Conference venue
Level 2 Foyer

Conference Registration & Information Desk

5.30—7.00pm
Queen's Hall
Parliament House,
Spring Street
East Melbourne

WELCOME RECEPTION

Guest speaker: Victorian Deputy Premier and Attorney-General
The Honourable Rob Hulls MP

Monday 25 October 2010

8.00am
Level 2 Foyer

Conference Registration & Information Desk

9.00—11am
Room 203/204

PLENARY

9.00am

Conference Open
Liz O'Brien, Chair of the Conference Organising Committee

9.15am

Welcome to Country
Auntie Doreen Garvey Wandin-Wurundjeri Wandoon Senior Elder.
Auntie Doreen is a Senior Wurundjeri Wandoon elder with an ancestral blood line connection to Wurundjeri Ulabul, the line of the Ngurungaeta (king) and senior custodian of what is now known as Melbourne and the Yarra Valley.

Response to Welcome to Country by a representative from the Aboriginal and Torres Strait Islander Women's Network

9.30am

Announcement of new NACLC National Convenor, acknowledgement of Liz O'Brien's contribution as convenor

Conference Housekeeping

10.00—11.00am

KEYNOTE PRESENTATION

Muriel Bamblett, Chief Executive Officer of the Victorian Aboriginal Child Care Agency

11.00—11.30am

MORNING TEA

Level 2 Foyer

11.30—1.00pm

MONDAY CONCURRENT SESSIONS 1—8

SESSION 1
Room 203
11.30—1.00pm

Does community policing stop racism & police violence?

Young people, community lawyers, workers & academics come together for a panel discussion.

Complaints against police are not new in Victoria. Police violence against African youth drew media attention in 2004 with the reporting of the brutal beating by police of a young Somali man in Footscray. Again in 2006 a series of complaints about police brutality, racism and harassment in the Flemington region drew media attention. Now a new report by Springvale Monash Community Legal Centre, Fitzroy Legal Centre and Western Suburbs Legal Centre called "Boys, you want to give me some action?" reveals that violence and harassment by police against young Africans is widespread and continuing.

While the Chief Commissioner acknowledges that racism exists within Victoria police, he confines the problem to "a few bad apples". Victoria police also blame confusion and lack of education on the part of young Africans for the problems.

Police have by and large placed the solution to the problem in "Community Policing" strategies including more police on the beat, youth camps and trips overseas, cricket and soccer games, multi-cultural liaison officers, police taking trips to Africa, and setting up specific racial and religious taskforces.

Does community policing reduce police violence and racism? Come and find out!

SESSION 2
Room 204
11.30—1.00pm

CLCs in NSW breaking new ground: a new evidence-based approach to strategic planning

Alastair McEwin, Director, CLCNSW, **Tracey Willow**, Executive Officer, Elizabeth Evatt CLC, **Nassim Arrage**, Principal Solicitor, Marrickville Legal Centre, **Frederica Mantel**, Coordinator, Marrickville Legal Centre

In October 2009, Community Legal Centres NSW (CLCNSW) completed Phase 1 of the Legal Needs project. This Phase developed and trialed a model of evidence-based legal needs research and strategic planning for community legal centres. The outcomes of the project were the development of the Legal Needs Assessment Framework (LNAF), comprehensive reports (with mappings) and a data analysis and strategic planning toolkit.

From November 2009 to June 2010, CLCNSW undertook Phase 2 of this project, with the primary aim of implementing the LNAF and planning toolkit across the NSW CLC sector. Working with a consultancy, CLCNSW assisted four CLCs (2 metropolitan Sydney CLCs, 2 RRR CLCs) to use the LNAF and associated materials to develop their centres' strategic plans.

Representatives from CLCNSW, Elizabeth Evatt CLC and Marrickville LC will draw upon their experiences of using the LNAF and planning toolkit to discuss the opportunities and challenges for CLCs using legal research tools, provide an evaluation of the LNAF and provide tips on how other CLCs can develop skills and resources in legal needs research and analysis, which lead to evidence-based strategic plans.

SESSION 3
Room 205
11.30—1.00pm

Professional Indemnity Insurance (PII)

Closed Session – CLCs only
National PII Network & **Justin Finighan**, NACLC IT Consultant

SESSION 4
Room 207
11.30—1.00pm

Getting on the record: legal recognition of transgender and intersex Identities

Dr. Chris Atmore, **Sally Goldner**, **Simone Cusack**, Federation of CLCs (Vic)

Being able to obtain and use official documents and records such as a birth certificate, passport or driver's licence is crucial in the era of information and regulation. Legal recognition of one's own self-defined identity is also fundamental to being able to effectively assert human rights, including the right to equality and freedom from discrimination.

Perhaps the most fundamental marker of identity – often the first choice of boxes on a form - is sex/gender. But what if the law doesn't recognise that you belong to the box you have ticked? What if you feel you belong to more than one box, or the box you want to tick isn't there - or you don't want to tick any box?

With reference to cases and examples in different Australian jurisdictions, we address the social justice issues for transgender and intersex people who want their/our legal documents and records to be consistent with self-identification. Drawing on the Australian Human Rights Commission's 2009 paper, *Sex Files: the legal recognition of sex in documents and government records*, we suggest possible future directions for advocates and activists.

SESSION 5
Room 208
11.30—1.00pm

Working fairly well? The Fair Work Act one year on

Toni Emmanuel, Principal Solicitor, Employment Law Centre WA
Gabrielle Marchetti, JobWatch

Fifteen months into the new regime, what is the impact on CLC clients?

The Employment Law Centre of WA and JobWatch present an analysis of key trends, landmark cases and the approach taken by Fair Work Australia and the Federal Court in relation to the significant Forward with Fairness workplace relations reforms of 2009.

The session outlines how the Full Bench has applied the new 'exceptional circumstances' test in relation to extensions of time and how the general protections disputes claim compares to that of unfair dismissal. Trends in relation to compensation and the effect of the new safety net modern award system are discussed. The National Employment Standards are evaluated with particular focus on new flexible working arrangements and additional parental leave provisions. The effect of 2009's major workplace reforms are explored in light of recent case law and issues raised by CLC clients.

SESSION 6
Room 209
11.30—1.00pm

Settle Down

Katie Fraser, Community Development Solicitor, Footscray CLC (Vic)
Marlena Pitrone, Web/Publications Coordinator, Fitzroy CLC

Most CLCs see clients from a refugee background. Refugees often have the kinds of legal problems experienced by other low-income clients, including debts arising from car accidents, fines, and consumer law issues. Many of these problems could be prevented if refugees were given information about common legal problems and how to avoid them immediately after arrival in Australia.

Katie Fraser has worked with AMES to try and improve the legal and financial information given to refugees. She has also travelled to refugee camps in Thailand and Kenya, where she observed the "Australian Cultural Orientation" program, which provides information to prepare refugees for travel and arrival in Australia.

Katie will provide an overview of the settlement process, outline "gaps" in settlement information and suggest ways in which CLCs can provide CLE to prevent legal harm.

Marlena will provide an overview of some of the online resources developed by Fitzroy CLC, which can be used by non-lawyers, such as settlement workers who are assisting refugee clients.

AND

Community Car Connections: An innovative education program to help new arrivals settle and become 'roadworthy'.

Andrea Florance, Manager of Volunteer and Education Programs, Peninsula CLC, **Bob George**, Convenor, Community Car Connections Steering Committee, **Jana Runge**, Settlement Social Worker, New Hope Foundation, New Hope Migrant & Refugee Centre, and **Katie Fraser**, Community Development Solicitor, Footscray CLC

Many newly arrived refugees and migrants are completely overwhelmed by Australian laws, particularly those relating to driving.

Frankston has only recently played host to new arrivals from Africa, Afghanistan and Burma – for them the challenges of obtaining even a learner's permit are huge, but driving is essential for employment, accessing services and integrating fully into Australian life.

The Community Car Connections Program was developed in 2007 in response to these needs. It is based on principles of community development and collaboration, and is supported by 10 partner organisations. Participants undertake an eleven-week education program (with interpreters) to help them understand road laws and form links with local agencies, with some free and subsidised driving lessons available.

This workshop will explore driving as a settlement issue for newly arrived communities, as well as the structure and delivery of the Community Car Connections Program.

SESSION 7
Room 216
11.30—1.00pm

Establishing Common Ground

Christine Robinson, Coordinator, **Rachael Martin**, Principal Solicitor, **Thea Deakin-Greenwood**, Solicitor, and **Josie Smith**, Administrator, from the Wirringa Baiya Aboriginal Women's Legal Centre.

Wirringa Baiya will highlight a number of projects, events and resources that we have designed, developed, distributed and contributed towards over the years. These projects include the Drink Safe, Blackout Violence Campaign and Legal Education and Advice in Prison (LEAP). We will highlight a trademark event for the organisation, which is the Aboriginal Women's Corroboree. Wirringa Baiya will be showcasing a number resources produced by the Centre including the Wirringa Baiya Factsheets, The Little Black Book for Strong Black Women, the Ehla Diary, the Drink Safe posters and wallet card and the Don't be Shame card. All of these resources have been designed and developed specifically for Aboriginal and Torres Strait Islander women, children and youth.

SESSION 8
IT Room
Room 217
11.30—1.00pm

BBS Training – Beginners
Phillip Byrne NACLC BBS Trainer

1.00—2.00pm

STANDING BUFFET LUNCH – LEVEL 2 FOYER

2.00—3.30pm
Room 203/204

MONDAY PLENARY SESSION + Session 9 (IT)
Accreditation & MSO Launch
Julia Hall, Executive Director NACLC, **Jane Bradfield** & **Julie Nyland**, Bradfield Nyland Group & Management Support Online NGO Services

This session will launch the NACLC Accreditation Scheme for CLCs, with an overview of the Scheme and its benefits. NACLC will also launch the online services it is providing to CLCs to support them in the accreditation process – the Standards and Performance Pathways (SPP) - and to provide them with further resources and assistance in the running of their organisations – Management Support Online (MSO).

SESSION 9
IT Room
Room 217
2.00—3.30pm

BBS Training – Intermediate
Phillip Byrne, NACLC BBS Trainer

3.30—4.00pm
Level 2 Foyer

AFTERNOON TEA

4.00—5.30pm

MONDAY CONCURRENT SESSIONS 10—17

SESSION 10
4.00—5.30pm

Strategic public interest litigation: Opportunities and hurdles for Community Legal Centres
Emily Howie, Director – Advocacy and Strategic Litigation, Human Rights Law Resource Centre, **Mark O'Brien**, CEO, Tenants Union Vic, **Felicity Millner**, Principal Solicitor, EDO Vic, **Gregor Husper**, Director of Referrals, Public Interest Law Clearing House and **Natasha Case**, Senior Solicitor, Public Interest Advocacy Centre.

Community legal centres are uniquely placed to use litigation to advance policy and law reform objectives. This session will consider both the opportunities and limitations of using strategic public interest litigation to effect change.

The panel will discuss 'successful' public interest case studies that demonstrate how litigation can support systemic change and the broader campaign work of the sector. Panelists will discuss lessons learned from successful and unsuccessful cases, look at some barriers to bringing litigation and ways to overcome these. Some issues to be discussed include: the definition of 'strategic litigation' and the 'public interest', working with clients on public interest litigation, bringing the case in the name of your (or another) CLC, funding and costs.

This session hopes to generate ideas and discussion in the community legal sector about how and when opportunities can be created, and the benefits and some pitfalls, of strategic public interest litigation.

SESSION 11
Room 204
4.00—5.30pm

Chuck out the powerpoint presentation – think playstation

Eastern Community Legal Centre, Western Suburbs Legal Service, Youthlaw

Community Legal Education works best when it is interactive, student driven and entertaining.

Sport and games are cutting edge tools to provide legal education to the community. Crossing linguistic and cultural boundaries, sport and games connect people across many different ages and experiences.

In this session, workers from a range of Community Legal Centres in Victoria will explore techniques used by their Centres to teach people about legal issues and connect with communities including:

- Human Rights are Aussie Rules Project
- Legal Lingo Bingo
- Role plays, quizzes and more

SESSION 12
Room 205
4.00—5.30pm

ADR and the activist tradition

Lucinda O'Brien, Policy Officer, Federation of CLCs (Vic)

Alternative dispute resolution (ADR) is now the centrepiece of state and federal civil justice policy. The rise of ADR presents significant challenges to the CLC movement, in both practical and philosophical terms. Advocates of ADR believe that it promotes access to justice. Skeptics assert that it is simply a pragmatic attempt to cut costs, and that it compromises fundamental principles of fairness and transparency.

In some ways, CLC clients stand to benefit from ADR more than any other social group. Low-income people have an interest in faster, cheaper processes without the formality of traditional courts. The self-help ethos of ADR also has some parallels in CLC community legal education.

At the same time, CLCs must reconcile ADR with their tradition of activism and their focus on systemic change. The individualised, private nature of ADR may limit CLCs' capacity to evaluate new laws, engage in strategic litigation and use casework as a basis for lobbying. Some ADR procedures may also limit lawyers' ability to represent clients and protect their interests.

This session will consider how the movement can respond to the rise of ADR. It will include case studies and will draw on recent interviews with CLC advocates.

AND

Remaining relevant – alternative dispute resolution in an era of rapid change

Vaughan Williams, Principal Snr Investigations Officer, Telecommunications Industry Ombudsman

The evolution of the mobile phone from a simple telephone into a small computer has provided consumers with new opportunities to incur significant debt in a short time through premium content like games and ringtones or internet access.

In an environment of rapid technological change and a variety of large and small industry participants, remaining relevant is a constant challenge for the Telecommunications Industry Ombudsman (TIO). The appearance of new products like IPTV – television delivered over the

internet – and newer more fully-featured versions of old products like smartphones, have proven fertile ground for new kinds of disputes, often involving large amounts of money.

In the small business market, ever more complex arrangements for the supply of new gadgetry continue to appear, some of which end up in the grey zones at the edge of the scheme's jurisdiction.

In 2010, the TIO trebled the monetary limit for binding determinations to $30,000, while a number of other powers are under review. This paper will discuss some of the challenges for an industry scheme in keeping up with new technology, new products and new players.

SESSION 13
Room 207
4.00—5.30pm

Legal assistance for victims of sexual assault

Facilitated by Women's Legal Services NSW

Involvement in the legal system can be confusing and traumatic for victims/survivors of sexual assault.

CLCs can play a valuable role in empowering victims including assisting with:

- access to non-legal support services, including counseling;
- making informed decisions about reporting;
- interaction with the criminal investigation and prosecution process through awareness of and access to legislative protections in court proceedings;
- accessing complaints procedures.

The presentation will showcase a pro bono partnership project involving Women's Legal Services NSW that provided legal representation for victims claiming Sexual Assault Communications Privilege in the course of criminal trials. Case studies will illustrate the help provided.

The presentation will also focus on Sexual Assault Communications Privilege provisions throughout Australia and look at the different approaches in each State. The principles adopted recently by the States Combined Attorneys General will be considered.

AND

Crimes Compensation

Robert Frajsman, Team Leader, Whittlesea CLS,
Rani Flory, Project Worker, Victims of Crime Assistance Tribunal (VOCAT)

Less than 10% of victims of crime seek compensation in Victoria. This low rate is due to a variety of reasons, such as the lack of public awareness of crimes compensation, the seemingly daunting legal process, the trauma of victims having to recall their experiences and the reluctance of legal practitioners to engage in crimes compensation.

These factors reflect some of the barriers that people can face when seeking justice.

In response, the Whittlesea Community Legal Service obtained funding from the Legal Services Board to conduct a project on the Victims of Crime Assistance Tribunal (VOCAT). This tribunal is one of the few legal avenues available to victims seeking assistance.

The purpose of this project is to examine the challenges faced by people seeking crimes compensation through VOCAT, explore ways to improve the flow of information to the community and to provide a best practice manual for practitioners, particularly in the community legal sector.

Although based in Victoria, this project will serve as a valuable discussion point on the issue of crimes compensation for other community legal centres throughout Australia.

SESSION 14
Room 208
4.00—5.30pm

Using Human Rights to advance justice for clients: experiences of the Victorian Charter

Catherine Leslie and **Barbara Shalit**, Lawyers, Mental Health Legal Centre Inc., **Damian Stock**, Senior Lawyer, Tenants Union of Victoria

The Mental Health Legal Centre and the Tenants Union of Victoria have been at the forefront of human rights litigation and advocacy since the introduction of the Victorian Charter. Abuse of human rights is a familiar experience for people with mental health issues and for tenants facing eviction.

Particular human rights relied upon have included the rights to privacy, a fair hearing, equality before the law and the right to be free from cruel, inhuman and degrading treatment. Test cases in the Supreme Court, VCAT and Mental Health Review Board using the Charter have resulted in ground-breaking declarations of breaches of human rights in both areas of mental health and tenancy law.

The panel discussion will use recent cases to highlight the ways in which human rights arguments can have wide-ranging implications for systemic reform in practice.

AND

Using human rights in practice – some ideas from the UK about how a Human Rights Act might change the work of CLCs

Emma Golledge, Principal Solicitor, Kingsford Legal Centre

How would a Human Rights Act work in Australia and what possibilities would it offer to clients of CLCs for new forms of redress? How would it change what CLCs do?

The Human Rights Act in the UK has provided new opportunities for many vulnerable clients to challenge their treatment at the hands of the state. Judicial review of government decision-making under the Human Rights Act in the UK has brought about significant and exciting changes to the way in which government is brought to account for human rights breaches.

This workshop is designed to demystify litigation under a Human Rights Act and to inspire you with insights from recent developments in the United Kingdom. This workshop is drawn on the speaker's own experience in dealing with these challenges in the UK and seeing the possibilities for its operation in Australia.

This workshop will also assist in lobbying for a Human Rights Act as it will highlight the gulf between current legal protections and how a Human Rights Act would impact on the clients of clcs. The workshop will have a particular focus on prisoners and the rights of vulnerable people

SESSION 15
Room 209
4.00—5.30pm

Inside Access: advocacy in prison for people with mental illness

Venetia Bombas, Solicitor, Mental Health LC

Inside Access is a pilot project providing civil legal services to people in prison with mental illness. Our main work to date has been providing legal services to women at Dame Phyllis Frost Centre, and we have recently commenced a legal service to the Melbourne Assessment Prison.

This service operates in partnership with law firms to provide pro bono legal assistance.

This paper will explore the experiences of people with mental illness in the prison system, especially women. We will describe the project and the challenges in working in the prison context, including access to appropriate treatment whilst incarcerated.

AND

The PLSV will provide a 2 part workshop: partnerships in prison law

Ben Cording, Coordinator/Solicitor, Brimbank Melton CLC

Part 1. The establishment of the Prisoners Legal Service Victoria (PLSV), and what constitutes "prison law".

The PLSV is the first dedicated legal service in Victoria for prisoners. We provide representation, advice and information, along with educational materials and seminars, with the aim of increasing prisoners' access to justice. Our presentation will cover the barriers to justice for prisoners, the challenges we have faced in establishing a legal service for prisoners, the partnerships we have been able to develop between service providers (particularly with the Metropolitan Remand Centre and two universities), and the type of legal services we provide. We will provide a general overview of this prison law, including the *Corrections Act 1986* and *Corrections Regulations 2009*, and the Directors Instructions, Commissioner Requirements and Local Operating Procedures, and relevant case law.

Part 2. A group discussion on available remedies and legal avenues for prisoners.

We will engage with attendees/practitioners to discuss experiences in prison law and how they have sought to address both individual and systemic issues affecting prisoners' rights. We will also seek to discuss the role of alternative remedial avenues as opposed to litigation in this field, and the unique challenges faced by practitioners of prison law.

SESSION 16
Room 216
4.00—5.30pm

Pro bono matchmaker – the elements of a successful community law partnership

Hugh de Kretser, Executive Officer, Federation of CLCs (Vic) as the Chair, **John Corker**, Director, National Pro Bono Resource Centre and representatives from law firms and CLCs.

Brief presentation followed by facilitated discussion – this session will outline a range of ways that CLCs can work with private-law firms. It will discuss the range of relationships that are possible, from short term or one-off assistance through to formal long term partnerships. It will distil the elements of successful CLC law firm collaboration. The session will be focused on identifying the range of ways that firms can work with CLCs and how to establish and manage these collaborations.

SESSION 17
IT Room
Room 217
4.00—5.30pm

NACLC Accreditation Standards Assessment Tool and Management Support Online - registration and orientation

Jane Bradfield/Julie Nyland, Bradfield Nyland Group and Management Support Online NGO Services

SESSION 18
IT Room
Room 217
8—9.30am

CLSIS Q&A

Justin Finighan, NACLC IT & CLSIS Consultant

9.30—11.00am
Room 203/204

PLENARY SESSION + SESSION 19 (IT)

Simon Rice, Associate Professor ANU
The challenge of remaining 'unfinished' in the campaign for justice
and **Paula O'Brien**, La Trobe University
Public interest and social justice

SESSION 19
IT Room
Room 217
9.30—11.00am

Using online resources

Trainer from Thomson Reuters
Thomson Reuters have an agreement with NACLC to provide CLCs with a portfolio of 34 legal online services, including The Laws of Australia, FirstPoint – the hub of legal research providing case summaries and history back to 1925; the Lawyers Practice Manuals. This workshop will feature a presentation of the services available and answer any questions CLCs may have about making the most effective use of these tools.

11.00—11.30am
Level 2 Foyer

MORNING TEA

11.30—1.00pm

TUESDAY CONCURRENT SESSIONS 20—27

SESSION 20
Room 203
11.30—1.00pm

Using the UN Declaration on the Rights of Indigenous Peoples for Effective Domestic Advocacy

Ben Schokman, Director – International Human Rights Advocacy, Human Rights Law Resource Centre

Australia has recently announced its formal support for the UN Declaration on the Rights of Indigenous Peoples. Australia's endorsement of the Declaration represents an important acknowledgement of the fundamental human rights of Indigenous peoples.

But what legal status does the Declaration have in Australia? How binding is it? And how can it be used to advance the human rights of Aboriginal and Torres Straight Islander peoples in real and concrete ways?

This session will provide practical guidance on how international human rights standards and principles can be used in Australia to empower communities to advocate for their human rights.

The session will focus on how human rights can be used:

- as a framework for the design and delivery of public services,
- as standards and principles that provide guidance for decision makers and
- as a language to empower people through awareness-raising, education and capacity building.

While directly relevant for the protection and promotion of the rights of Aboriginal Australians, this session will also be provide practical guidance for advancing justice for all Australians through the implementation of Australia's human rights treaty obligations more broadly.

AND

Indigenous peoples and international law: Update from ALSWA on attending the United Nations Permanent Forum on Indigenous Issues and ongoing dialogue with the Special Rapporteur

Tammy Solonec, Managing Solicitor and **Seranie Gamble**, Solicitor, Aboriginal LS WA (Inc)

ALSWA has turned to international mechanisms and frameworks to empower Aboriginal peoples and advocate for their fundamental human rights. In 2009 we hosted a community forum with the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples and saw many of the issues we raised at the meeting contained in his final report on the situation in Australia released in March 2010. For the first time ALSWA is sending delegates to participate in the United Nations Permanent Forum on Indigenous Issues in New York and Expert Mechanism on the Rights of Indigenous Peoples in Geneva through our involvement in the Indigenous Peoples' Organisation Network (IPON) and efforts to gain NGO consultative status with the UN Economic and Social Council. This seminar will provide valuable insight into the work ALSWA has been involved in preparing for and attending these forums

SESSION 21
Room 204
11.30—1.00pm

Policy & law reform skills workshop series

Teena Balgi, Principal Solicitor, Top End Women's LS, **Anna Cody,** Director, Kingsford LC, **Nicole Rich**, Policy & Campaigns Director, Consumer Action Law Centre

Workshop 1 – Policy/law reform skills – an introduction
Group Discussion

This workshop looks at the barriers that hinder CLCs from engaging in law reform and policy work and encourages participants to come up with ways to overcome those barriers. The workshop will then look at the range of achievable law reform activities that can be utilised by CLCs of varying capacities to deal with systemic issues which they come across in their work.

SESSION 22
Room 205
11.30—1.00pm

NSW Tenancy Law Update

Grant Arbuthnot, Principal Solicitor and **Ken Beilby**, Litigation Solicitor, Tenants Union of NSW

This paper will report on the state of NSW tenancy law. In December 2007 the NSW Government invited responses to a tenancy law reform proposal document. Responses were provided by NGOs, industry and the public. In late 2009 a Draft Exposure Bill was published. The usual suspects responded again. It is possible that a Bill will be in Parliament before the conference. We will report on progress of the proposed reform and put it in context by comparing it to the *Residential Tenancies Act 1987* and the Tenants Union of NSW submissions in the above process.

AND

A Better Lease on Life – Improving Australian Tenancy Law

Penny Carr, Coordinator, TU QLD and **Deb Pippen**, NATO
In 2009 National Shelter (national peak housing organisation) received funding from the Federal Government to undertake several research projects.

One of these projects was a comprehensive overview of tenancy legislation, and issues, across the country. Accordingly, National Shelter called on NATO as their member network with expertise in this area to undertake the work.

The briefing was to:

- compare and report on Australian legislative models and the extent they provide protection for all tenure types and identify good practice Australian and international examples that improves protection for tenants and reduce the risk of homelessness,
- examine and report on specific aspects of tenancy law including: without grounds evictions, effect of privacy law on databases, lessor behaviour, the supply of affordable housing and head lease /tenancy succession,
- identify and report on specific issues relating to specific population groups: people who are homeless or at risk of homelessness, Indigenous Australians, newly arrived refugees and migrants, people with disabilities and women, and
- propose options to reform tenancy legislation and policies nationally and in States and Territories, with regard to existing legislation, current reforms and government process at federal and state levels.

This workshop will go through the resulting report and provide an opportunity for discussion of issues.

SESSION 23
Room 207
11.30—1.00pm

Two tribes, one aim? Differences and commonalities between Family Lawyers and Family Dispute Resolution Practitioners

Allyson Foster, Women's Legal Service Victoria (WLSV)

Attorney General's Department funded WLSV to provide inter-professional training to Victorian and Tasmanian Family Relationship Centres and Community Legal Centres staff participating in the "Building Better Partnerships Project". The impetus for WLSV's proposal was observations made by Rhoades *et al* in their report *Enhancing Inter-Professional Relationships in a Changing Family Law System* which notes "many practitioners have little collaborative contact with the other profession, and there are significant misunderstandings and tensions between the two groups." WLSV believes that these deficiencies are potential barriers to establishing successful partnerships between FRC and Legal Services. This session overviews potential areas of misunderstanding between the professions and identifies ways in which legal practice can support and complement the FDR process leading to better outcomes for vulnerable clients.

SESSION 24
Room 208
11.30—1.00pm

Women's rights in Australia: does what the United Nations say matter?

Simone Cusack, Strategic Policy Coordinator, PILCH (Vic) and **Edwina MacDonald**, Law Reform and Policy Solicitor, Women's LS NSW

In July 2010, the UN Committee on the Elimination of Discrimination against Women analysed the adequacy of steps taken by the Australian Government to implement the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In its Concluding Observations, the CEDAW Committee called on the Australian

BREAKING NEW GROUND *CLCS ADVANCING JUSTICE*

Agenda at a glance 2010

CONFERENCE VENUE – MELBOURNE CONVENTION AND EXHIBITION CENTRE, SOUTH WHARF – LEVEL 2

SUNDAY 24 OCTOBER 2010

All day – various times — **NETWORKS MEETINGS** – contact Network Convenor for details

3.00–5.00pm Conference Venue, Level 2 Foyer — **Conference Registration and Information Desk**

5.30–7.00pm Queen's Hall Parliament House, Spring Street East Melbourne — **WELCOME RECEPTION**
Guest Speaker:
Victorian Deputy Premier and Attorney-General
The Honourable Rob Hulls MP

MONDAY 25 OCTOBER 2010

8.00am Level 2 Foyer — **Conference Registration and Information Desk**

9.00—11am PLENARY Room 203/204

9.00am — ***Conference Open***
Liz O'Brien, Chair of the Conference Organising Committee

9.15am — ***Welcome to Country***
Auntie Doreen Garvey Wandin-Wurundjeri Wandoon Senior Elder

Response to Welcome to Country

9.30am — ***Announcement of new NACLC Convenor, thank you to Liz O'Brien***

Housekeeping

10.00–11.00am — ***Keynote Presentation*:**
Muriel Bamblett
Chief Executive Officer, Victorian Aboriginal Child Care Agency

11.00–11.30am MORNING TEA Level 2 Foyer

MONDAY CONCURRENT SESSIONS 1—8 11.30am—1.00pm

SESSION 1 Room 203 — ***Does community policing stop racism & police violence?***
Young people, community lawyers, workers & academics come together to form a panel discussion

SESSION 2 Room 204 — ***CLCs in NSW breaking new ground: a new evidence-based approach to strategic planning***
Alastair McEwin, Director, CLCNSW, **Tracey Willow**, Executive Officer, Elizabeth Evatt CLC, **Nassim Arrage**, Principal Solicitor, Marrickville Legal Centre, **Frederica Mantel**, Coordinator, Marrickville Legal Centre

SESSION 3 Room 205 — ***Professional Indemnity Insurance (PII) Closed Session – CLCs only***
National PII Network & **Justin Finighan**, NACLC IT Consultant

SESSION 4 Room 207 — ***Getting on the Record: legal recognition of transgender and intersex identities***
Dr. Chris Atmore, **Sally Goldner**, **Simone Cusack**, Federation of CLCs (Vic)

SESSION 5 Room 208 — ***Working fairly well? The Fair Work Act, one year on***
Toni Emmanuel, Principal Solicitor, Employment Law Centre WA and **Gabrielle Marchetti**, JobWatch

SESSION 6 Room 209 — ***Settle Down!***
Katie Fraser, Community Development Solicitor, Footscray CLC and **Marlena Pitrone**, Web/Publications Coordinator, Fitzroy CLC

Community Car Connections: An innovative education program to help new arrivals settle and become 'roadworthy'
Andrea Florance Manager of Volunteer and Education Programs, Peninsula CLC, **Bob George**, Convenor, Community Car Connections Steering Committee. **Jana Runge**, Settlement Social Worker, New Hope Foundation, New Hope Migrant & Refugee Centre and **Katie Fraser**, Community Development Solicitor, Footscray CLC (Vic.)

SESSION 7 Room 216 — ***"Establishing Common Ground"***
Christine Robinson, Coordinator, **Rachael Martin**, Principal Solicitor, **Thea Deakin-Greenwood**, Solicitor and **Josie Smith**, Administrator, from the Wirringa Baiya Aboriginal Women's Legal Centre.

SESSION 8 IT Room Room 217 — ***BBS Training – Beginners***
Phillip Byrne, NACLC BBS Trainer

1.00—2.00pm STANDING BUFFET LUNCH Level 2 Foyer

PLENARY SESSION + Session 9
2.00—3.30pm

Room 203 /204
Accreditation & MSO Launch
Julia Hall, Executive Director, NACLC, **Jane Bradfield** & **Julie Nyland**, Management Support Online NGO Services

SESSION 9
IT Room
Room 217
BBS Training – Intermediate
Phillip Byrne, NACLC BBS Trainer

3.30—4.00pm AFTERNOON TEA Level 2 Foyer

MONDAY CONCURRENT SESSIONS 10—17
4.00pm—5.30pm

SESSION 10
Room 203
Strategic public interest litigation: Opportunities and hurdles for Community Legal Centres
Emily Howie, Director – Advocacy and Strategic Litigation, HRLRC, **Mark O'Brien**, CEO, Tenants Union Vic, **Felicity Millner**, Principal Solicitor, EDO Vic, **Gregor Husper**, Director of Referrals, PILCH and **Natasha Case**, Senior Solicitor, PIAC

SESSION 11
Room 204
Chuck out the powerpoint presentation – think playstation
Eastern Community Legal Centre, Western Suburbs Legal Service, Youthlaw

SESSION 12
Room 205
ADR and the activist tradition
Lucinda O'Brien, Policy Officer, Federation of CLCs (Vic) AND
Remaining relevant – alternative dispute resolution in an ear of rapid change
V**aughan Williams**, Principal Snr Investigations Officer, Telecommunications Industry Ombudsman

SESSION 13
Room 207
Legal assistance for victims of sexual assault
Facilitated by WLSNSW AND
Crimes Compensation
Robert Frajsman, Team Leader, Whittlesea CLS and **Rani Flory**, Project Worker, Victims of Crime Assistance Tribunal (VOCAT)

SESSION 14
Room 208
Using Human Rights to advance justice for clients: experiences of the Victorian Charter
Catherine Leslie and **Barbara Shalit**, Lawyers, Mental Health Legal Centre Inc, **Damian Stock**, Senior Lawyer, TUV AND
Using human rights in practice – some ideas from the UK about how a Human Rights Act might change the work of CLCs
Emma Golledge, Principal Solicitor, Kingsford Legal Centre

SESSION 15
Room 209
Inside Access: advocacy in prison for people with mental illness
Venetia Bombas, Solicitor, Mental Health LC AND
The PLSV will provide a 2 part
Workshop: partnerships in prison law
Ben Cording, Coordinator/Solicitor, Brimbank Melton CLC
PART 1. ***The establishment of the Prisoners Legal Service Victoria (PLSV), and what constitutes "prison law"***
PART 2. ***A group discussion on available remedies and legal avenues for prisoners***

SESSION 16
Room 216
Pro bono matchmaker – the elements of a successful community law partnership
Hugh de Kretser, Executive Officer, Federation of CLCs (Vic) as the Chair, **John Corker**, Director, National Pro Bono Resource Centre and representatives from law firms and CLCs

SESSION 17
IT Room
Room 217
NACLC Accreditation Standards Assessment Tool and Management Support Online – registration and orientation
Jane Bradfield/Julie Nyland, Management Support Online NGO Services

▶ TUESDAY 26 OCTOBER 2010

8.00–9.30am
SESSION 18
IT Room
Room 217
CLSIS Q&A
Justin Finighan, NACLC IT & CLSIS Consultant

PLENARY SESSION + SESSION 19

9.30–11.00am
Room 203/ 204
Simon Rice, Associate Professor ANU
The challenge of remaining 'unfinished' in the campaign for justice
and **Paula O'Brien**, La Trobe Univerity
Public interest and social justice

SESSION 19
IT Room
Room 217
Using online resources
Trainer from Thomson Reuters

11.00—11.30am MORNING TEA Level 2 Foyer

TUESDAY CONCURRENT SESSIONS 20—27
11.30am—1.00pm

SESSION 20
Room 203
Using the UN Declaration on the Rights of Indigenous Peoples for Effective Domestic Advocacy
Ben Schokman, Director – International Human Rights Advocacy, Human Rights Law Resource Centre AND
Indigenous peoples and international law: Update from ALSWA on attending the United Nations Permanent Forum on Indigenous Issues and ongoing dialogue with the Special Rapporteur
Tammy Solonec, Managing Solicitor and **Seranie Gamble**, Solicitor, ALSWA

DETACH AND KEEP

SESSION 21
Room 204

Policy & law reform skills workshop series
Teena Balgi, Principal Solicitor, Top End Women's LS, **Anna Cody**, Director, Kingsford LC and **Nicole Rich**, Policy & Campaigns Director, Consumer Action Law Centre

SESSION 22
Room 205

NSW Tenancy Law Update
Grant Arbuthnot, Principal Solicitor and **Ken Beilby**, Litigation Solicitor, Tenants Union of NSW AND
A Better Lease on Life – Improving Australian Tenancy Law
Penny Carr, Coordinator, TU QLD and **Deb Pippen**, NATO

SESSION 23
Room 207

Two tribes, one aim? Differences and commonalities between Family Lawyers and Family Dispute Resolution Practitioners
Allyson Foster, WLSV

SESSION 24
Room 208

Women's rights in Australia: does what the United Nations say matter?
Simone Cusack, Strategic Policy Coordinator, PILCH (Vic) and **Edwina MacDonald**, Law Reform and Policy Solicitor, Women's LS NSW

SESSION 25
Room 209

From the Ground Up: the best new work in Community Legal Education 2010
Patrick O'Callaghan, Western NSW CLC, **Wendy Herman**, Tenants' Union of QLD and **Michelle Burgermeister**, Tenants Advice Service WA

SESSION 26
Room 216

Hints for effective budget proposals or tales from the dark side
Lou Schetzer, Research & Policy Officer, PIAC

SESSION 27
IT Room
Room 217

NACLC Accreditation Standards Assessment Tool and Management Support Online – registration and orientation
Jane Bradfield/Julie Nyland, Management Support Online NGO Services

1.00—2.00pm **STANDING BUFFET LUNCH Level 2 Foyer**

TUESDAY CONCURRENT SESSIONS 28—35 2.00—3.30pm

SESSION 28
Room 203

Using a Human Rights framework to counter the "Law and Order" agenda
Ben Schokman, Director, Human Rights Law Resource Centre and
Hugh de Kretser, Executive Officer, Federation of CLCs (Vic) AND
A sensible system of criminal justice in Aotearoa New Zealand
Kevin Campbell, Solicitor, Coalition of CLCs of Aotearoa Inc.

SESSION 29
Room 204

From surviving to thriving – governance of community legal centres & beyond?
Sue Woodward, PilchConnect, **Jan Owen AM**, Foundation for Young Australians, **Nerida Nettlebeck**, Matrix on Board, **Michael Smith**, Eastern CLC and others.

SESSION 30
Room 205

The Youth Referral and Independent Person Program: partnering with the community
Vivianne Dias, Statewide Coordinator and **Anna Radonic**, Principal Solicitor, Centre for Multicultural Youth AND
"Bail Me Out" young people and bail
Katrina Wong, Convenor of the NSW Youth Justice Coalition (YJC) and Children's Solicitor, Marrickville Community Legal Centre.

SESSION 31
Room 207

Contemporary casework guidelines for CLCs
Bill Mitchell, Principal Solicitor Townsville CLS

SESSION 32
Room 208

FRC/CLC Pilot: exploring the national experience
Women's Legal Service NSW

SESSION 33
Room 209

Policy & law reform skills workshop series
Teena Balgi, Principal Solicitor, Top End Women's LS, **Anna Cody**, Director, Kingsford LC and **Nicole Rich**, Policy & Campaigns Director, Consumer Action Law Centre Vic.
Workshop 2 – Policy/law reform skills – planning, case studies, reports – interactive

SESSION 34
Room 216

"Establishing Common Ground" – cultural awareness
Christine Robinson, Coordinator, **Rachael Martin**, Principal Solicitor, **Thea Deakin-Greenwood**, Solicitor and **Josie Smith**, Administrator, Wirringa Baiya Aboriginal Women's Legal Centre

SESSION 35
IT Room
Room 217

NACLC Accreditation Standards Assessment Tool and Management Support Online – registration and orientation
Jane Bradfield/Julie Nyland, Management Support Online NGO Services
Note: This session will conclude at 3pm

3.30—4.00pm **AFTERNOON TEA Level 2 Foyer**

TUESDAY CONCURRENT SESSIONS 36—43 4.00—5.30pm

SESSION 36
Room 203

When justice takes its toll! Assisting traumatised clients in the legal system
Allyson Foster, Legal Educator, WLSV

DETACH AND KEEP

SESSION 37
Room 204

Policy & law reform skills workshop series
Teena Balgi, Principal Solicitor, Top End Women's LS, **Anna Cody**, Director, Kingsford LC and **Nicole Rich**, Policy & Campaigns Director, CALC
Workshop 3 – Policy/law reform skills – media work – Interactive

SESSION 38
Room 205

NACLC RRR - law graduate placement
Liz O'Brien, Kimberley CLC and **Rachna Muddagouni**

SESSION 39
Room 207

Is community a crime?
Terror Panel. Why do anti terrorism laws evoke such strong images for everyone?
Panel discussion – anti terrorism laws and its affect on targeted communities
Carmen Tommasi, CD Worker, Moreland CLC, **Gillian Davy**, Convenor, Federation of CLCs (VIC) Anti Terror Laws Working Group, **Dr Patrick Emerton**, Lecturer, Monash University, **Brian Walters SC**, member Victorian Bar, representative of the Kurdish Association of Victoria (KAV), representative of the Australian Tamil Rights Advocacy Council

SESSION 40
Room 208

Working with Indigenous Communities in the Australia/Pacific region
Amelia Thorpe, International Director EDO NSW and **Sue Higginson**, EDO NSW

SESSION 41
Room 209

Week without violence
Victorian Community Development & Community Legal Education Working Group, **Karen Keegan**, Hume Riverina CLS, **Flora Culpan**, Broadmeadows CLS, Aboriginal Family Violence Prevention and Legal Service and Spectrum Migrant Resource Centre

SESSION 42
Room 216

Not out of reach – advancing justice in prisons and beyond
Nicki Petrou, Darwin CLS, **Penny Taylor**, Top End Women's Legal Service, **Kieran Boylan**, North Australian Aboriginal Justice Agency,
Kat Armstrong, Women in Prison Advocacy Network and **Felicity Munt** Corrections Victoria

SESSION 43
IT Room
Room 217

CLSIS data trends
Justin Finighan, NACLC IT & CLSIS Consultant

▶ WEDNESDAY 27 OCTOBER 2010

WEDNESDAY CONCURRENT SESSIONS 44—51 9.30—11.00am

SESSION 44
Room 203

National Consumer Credit Protection Act – increased consumer protection
Amanda Barker, ASIC and **Tom Willcox**, CALC

SESSION 45
Room 204

CLC Q&A: adventures in policy & law reform – hosted by Chris "TJ" Atmore
CLCNSW, FCLC (Vic), NACLC, WLS NSW, **Julie Hourigan Ruse**, Coordinator, Homeless Person's Legal Service (PIAC); **Liz Curran**, Director, West Heidelberg Community Legal Service, **James Farrell**, Manager, Homeless Persons Legal Clinic

SESSION 46
Room 205

What is clinical legal education? How do we do it in CLCs?
Anna Cody, Director, Kingsford Legal Centre

SESSION 47
Room 207

Bulk debt negotiations – protecting CLC clients
Denis Nelthorpe, Lawyer, West Heidelberg CLC

SESSION 48
Room 208

Telling our clients' stories – the benefits and implications of a case studying system
Eila Pourasgheri, Legal Educator and **Zione Walker-Nthenda**, Law Reform & Policy Lawyer, Women's Legal Service Vic.

SESSION 49
Room 209

Valuing volunteers
Gillian Wilks, General Manager, Projects & Development, Peninsula CLC Inc.

SESSION 50
Room 216

Remote Community Housing in WA and the Aboriginal Housing Legislation Amendment Bill
Tammy Solonec, Managing Solicitor, Law & Advocacy Unit, ALSWA

SESSION 51
IT Room
Room 217

WebEx
Justin Finighan, NACLC IT & CLSIS Consultant

11.00—11.30am MORNING TEA Level 2 Foyer

CLOSING PLENARY SESSION 11.30am—1.00pm

11.30–12.00
Room 203/ 204

The Value of working in CLCs: life beyond CLCs (DVD)
Alastair McEwin, Director, CLCNSW

12.00–12.45

Rob Stary Accredited Criminal Law Specialist

12.45

Conference wrap-up

1.00–2.00

Close of conference and lunch

Government to take steps to implement a more robust legal framework capable of bringing about the elimination of all forms of discrimination against women and the achievement of substantive equality.

The panellists will reflect critically on the CEDAW Committee's Concluding Observations on Australia and invite discussion on steps the community legal sector can take to ensure that the CEDAW Committee's Concluding Observations are implemented by the Australian Government. The panellists will also examine whether or not the NGO reporting process was an effective tool to advance women's rights in Australia.

SESSION 25
Room 209
11.30—1.00pm

From the Ground Up: the best new work in Community Legal Education 2010

Patrick O'Callaghan, Western NSW CLC, **Wendy Herman**, Tenants' Union of QLD and **Michelle Burgermeister**, Tenants Advice Service WA

Community Legal Education plays a critical part in CLCs' mandate to demystify the law and encourage community input into laws and the legal system. The National Community Legal Education Workers Network showcases three inspiring CLE projects undertaken in the last year.

Projects you may hear about include:

Tenancy education partnerships with TAFE migrant English program
The Tenants' Union of Queensland have recently been skilling up TAFE teachers to increase service promotion and distribution of tenancy information to students from migrant communities. Listen in as the TUQ explain the background to the project and what students are getting out of going to class.

Just for the Record
Logan Youth Legal Service has produced a short film, now in its final stages of production, as part of their training program for youth workers. Just for the Record hears young people tell stories that reveal the complexity of their lives and includes commentary from professionals in a resource designed to inform teachers, parents and others who support young people engaged with the legal system.

SESSION 26
Room 216

11.30—1.00pm

Hints for effective budget proposals or tales from the dark side

Lou Schetzer, Research & Policy Officer, PIAC

The first Chancellor of Germany Otto Bismarck once said: there are two things you don't want to see being made – laws and sausages.

How does government develop policy? How does it determine its policy priorities? How does this get translated into legislation? What happens in the budget process?

In the most part the internal processes of policy determination, legislative drafting and budget prioritising are hidden to those external to government. The inter-departmental negotiations, the placating of significant and powerful stakeholders, and the internal cattle-trading and compromising that goes on within Cabinet are significant influences on the final legislative products that get introduced into Parliament, or policy and budgetary initiatives that get publicly announced. Often sections or parts of this final product appear to be a bemusing anomaly. Is this inevitable in an age of networked governance, where governing is a process of managing multiple stakeholders, both internal and external?

This workshop will discuss some of these hidden processes, and provide hints for how activists and lobbyists from legal centres can more effectively lobby government in the budget and legislative processes.

SESSION 27
IT Room
Room 217
11.30—1.00pm

NACLC Accreditation Standards Assessment Tool and Management Support Online – registration and orientation
Jane Bradfield/Julie Nyland, Bradfield Nyland Group and Management Support Online NGO Services

1.00—2.00pm
Level 2 Foyer

STANDING BUFFET LUNCH

2.00—3.30pm

TUESDAY CONCURRENT SESSIONS 28—35

SESSION 28
Room 203
2.00—3.30pm

Using a Human Rights framework to counter the "Law and Order" agenda
Ben Schokman, Director, Human Rights Law Resource Centre,
Hugh de Kretser, Executive Officer, Federation of CLCs (Vic)

It's election time in many states and territories this year and the race for the law-and-order vote is well under way. The "tough on crime" approach usually sees politicians promising to introduce harsh measures that have been discredited in other overseas jurisdictions and that, ultimately, do not make us any safer.

This session will examine how a human rights framework has been used by advocates – both domestically and internationally – to advance justice and counter the development of laws and policies that infringe on the fundamental rights of our society's most marginalised and disadvantages groups.

Discussion will focus on the development of a multi-faceted approach to both reduce incarceration and to make our prisons safer places. In particular, the following issues will be examined:

- why the law and order agenda does not result in "safer communities";
- lessons and observations from case studies in other jurisdictions;
- successes and challenges in combating the "tough on crime" approach adopted by politicians; and
- how a human rights approach has been used to lower incarceration rates, lessen crime rates and lead to safer communities.

As an overarching aim, this session will seek to provide concrete insights into how to translate all of these learnings into effective public and political advocacy

AND

A sensible system of criminal justice in Aotearoa New Zealand
Kevin Campbell, Solicitor, Coalition of CLCs of Aotearoa Inc.

Lobby groups in Aotearoa New Zealand and in Australia cry out for harsher and longer sentences for offenders. Ironically in New Zealand such a group calls itself the Sensible Sentencing Trust. It is senseless

trying to address the causes of crime and its harmful effect on victims and communities by seeking increased prison terms for offenders. A sensible system is needed not a sensible sentencing approach.

This paper details a new community initiative designed to keep offenders out of courts, avoiding convictions but more importantly being made accountable for their offending and trying to heal the harm done by their offending. Offenders are selected at arrest stage and required to appear before a Community Justice Panel (CJP). No Court Information is laid unless the offender fails to attend the CJP or fails to satisfactorily complete a CJP direction.

The venue of the CJP will be a local City Council Community Board meeting room, or Marae, so that offenders from a particular locality will appear in their community before representatives of their community. The focus of the CJP will not be how do we best punish this offender for this offending but rather how do we best heal the harm done by this offending.

SESSION 29
Room 204
2.00—3.30pm

From surviving to thriving – governance of community legal centres and beyond?

Sue Woodward, PilchConnect, **Jan Owen AM**, Foundation for Young Australians, **Nerida Nettlebeck**, Matrix on Board, **Michael Smith**, Eastern CLC and other guests.

What is the role of the Board or Committee of Management of a CLC? And how might this differ from the role of the Manager(s) and staff of a CLC? Which kind of governance model works to ensure that an organisation is well managed – so it can work effectively to meet its objectives and mission?

What are the common legal issues encountered in relation to the governance of CLC's – and what tips can panel members provide to avoid these? What resources are available to assist Boards/Committees and Managers in their role?

What does the future of the NFP sector look like? Is the standard governance model on which many CLC's run outdated? Is change required to ensure CLCs can continue to innovate and advance justice in Australia?

This session proposes a lively discussion of common governance issues and will be facilitated by a lawyer from PilchConnect, PILCH's specialist legal service for not-for-profit (NFP) community organisations in Victoria. The panel discussion will cover these and other issues related to the governance models of CLCs. There will also be plenty of time for questions from the floor.

SESSION 30
Room 205
2.00—3.30pm

Youth Referral and Independent Person Program: partnering with the community

Vivianne Dias, Statewide Coordinator and
Anna Radonic, Principal Solicitor, Centre for Multicultural Youth

Under Victorian legislation, Independent Persons (IPs) are required to attend police interviews with young people under 18 when a parent/guardian is unavailable. Similar requirements exist in other Australian jurisdictions. To ensure that the rights of vulnerable young people, including newly arrived, refugee and Indigenous young people, are

upheld during police interviews, appropriate performance of the IP role is vital.

The Youth Referral and Independent Person Program (YRIPP) provides trained volunteers to perform the IP role and provides referral options to young people to reduce chances of future re-offending. Since 2004 YRIPP is now a coordinated state-wide system of support for young people in police custody across Victoria. YRIPP currently operates in 106 police stations with over 340 volunteers.

YRIPP is auspiced by the Centre for Multicultural Youth and managed in partnership with the Youth Affairs Council of Victoria, Community Legal Centres, UnitingCare, and other agencies (including Victoria Legal Aid and Victoria Police).

This presentation will highlight the success of the YRIPP partnership model and provide recommendations for innovative partnership approaches for working with vulnerable young people and volunteers in the criminal justice system. It will also explore some of the issues and challenges facing young people and volunteers in police interviews.

AND

"Bail Me Out" young people and bail

Katrina Wong, Convenor of the NSW Youth Justice Coalition (YJC) and Children's Solicitor, Marrickville Community Legal Centre.

The population of young people on remand in juvenile detention centres in NSW has increased dramatically in recent years. A number of factors have led to this increase, including changes in bail laws and the proactive monitoring of young people by police leading to the unnecessary arrest and detention of young people. Of particular concern, are those young people at risk of homelessness who are refused bail due to a lack of accommodation.

In response to this, the YJC undertook its own research in the Children's Court of NSW which showed that:

- 60% of young people were in custody because they breached bail conditions. Of these young people, a further 60% were granted bail again
- 3% of young people were not on bail and unlawfully arrested and
- 8% of young people granted bail could not meet their bail conditions (usually due to no accommodation being available).

This session will discuss the results of this report and the advocacy strategies that have taken place so far. The session will also examine similar trends across Australia of young people on remand.

SESSION 31
Room 207
2.00—3.30pm

Contemporary casework guidelines for CLCs

Bill Mitchell, Principal Solicitor and Registered Migration Agent, Townsville CLS

Casework/Client Guidelines have been a fundamental part of the way CLCs provide services to their communities of interest almost 40 years.

Times have changed.

CLCs now work in a complex environment with a multitude of service

delivery partners, in the shadow of vast unmet legal needs, ever changing legal system machinery, high expectations of risk management, accountability and transparency and policies of social inclusion and human rights protection.

Given all of this, has the day finally come to find a better way of describing what and how we provide casework services.

The session will:

- examine the historical place and importance of casework guidelines in CLCs,
- review the common issues encountered by CLCs in developing and maintaining casework guidelines, and
- make suggestions for advancing justice through the creation of contemporary casework guidelines.

SESSION 32
Room 208
2.00—3.30pm

FRC/CLC Pilot: exploring the national experience

Women's Legal Service NSW

Women's Legal Services NSW will facilitate a panel discussion featuring a range of participants involved in the FRC/CLC Pilot nationally, including representatives from CLCs, FRCs and Legal Aid. This will be followed by an interactive exploration of key issues with the potential to develop a resolution to be passed by the National Conference.

Panel participants will highlight the model used in their partnership and outline their experiences from a specific professional perspective. They will also be asked to identify key achievements, lessons learned and areas for future development.

It is anticipated that issues to be explored in this session will include the future of FRC/CLC cooperation, funding and resourcing, recruitment and retention of staff, resistance to change, identifying and screening clients, management of conflicts of interest and rural, regional and remote challenges

SESSION 33
Room 209
2.00—3.30pm

Policy & law reform skills workshop series

Teena Balgi, Principal Solicitor, Top End Women's LS, **Anna Cody**, Director, Kingsford LC and **Nicole Rich**, Policy & Campaigns Director, Consumer Action Law Centre Vic.

Workshop 2 – Policy/law reform skills – planning, case studies, reports, Interactive

This workshop will provide practical training in some of the core skills for CLC policy & law reform work – developing a plan for addressing the issue you want to work on, collecting and writing effective case studies. Participants will undertake group and individual work as part of the session, including devising a basic strategic plan and writing and evaluating different case studies.

SESSION 34
Room 216
2.00—3.30pm

"Establishing Common Ground" – cultural awareness

Christine Robinson, Coordinator, **Rachael Martin**, Principal Solicitor, **Thea Deakin-Greenwood**, Solicitor and **Josie Smith**, Administrator, from the Wirringa Baiya Aboriginal Women's Legal Centre.

Wirringa Baiya Aboriginal Women's Legal Centre is an Aboriginal specific service for Aboriginal and Torres Strait Islander women, children and youth. The service delivers services and programs in rural, remote and

urban locations across New South Wales. We specialise in working with victims of violence.

Our session has been developed to assist in identifying common culturally appropriate protocols and practices in maintaining cultural awareness and cultural sensitivities. The session is designed to assist in recognising and developing strategies for Aboriginal community engagement.

SESSION 35
IT Room
Room 217
2.00—3.00pm

NACLC Accreditation Standards Assessment Tool and Management Support Online – registration and orientation

Jane Bradfield/Julie Nyland, Bradfield Nyland Group and Management Support Online NGO Services
Note: This session will conclude at 3pm

3.30—4.00pm
Level 2 Foyer

AFTERNOON TEA

4.00—5.30pm

TUESDAY CONCURRENT SESSIONS 36– 43

SESSION 36
Room 203
4.00—5.30pm

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

Allyson Foster, Legal Educator, Women's Legal Service Vic.

Many clients who seek assistance at community legal centres are traumatised 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 a emotional state, effects a client's ability to navigate the legal system and its processes
- develop strategies to overcome the difficulties faced when assisting a traumatised clients, and
- develop strategies to address the impact of vicarious traumatisation on lawyers

SESSION 37
Room 204
4.00—5.30pm

Policy & law reform skills workshop series

Teena Balgi, Principal Solicitor, Top End Women's LS, **Anna Cody**, Director, Kingsford LC and **Nicole Rich**, Policy & Campaigns Director, Consumer Action Law Centre

Workshop 3 – Policy/law reform skills – media work Interactive

This workshop will provide practical training in more advanced skills for CLC policy & law reform work – in this case, writing for and working with the media. Participants will undertake group and individual work as part of the session, including drafting media releases or opinion pieces.

SESSION 38
Room 205
4.00—5.30pm

NACLC Project – law graduate placement in RRR CLCs

Liz O'Brien, Kimberley CLC and **Rachna Muddagouni**

In September 2008, NACLC commenced the Law Graduates for CLCs in Regional Australia project to encourage law graduates to work in regional CLCs for their Professional Legal Training (PLT) placements.
It is intended that this project allows students to satisfy their PLT placement and work experience requirements at regional CLCs and

in the process also provide useful assistance to the CLCs in return for fulfilling supervisory and professional development responsibilities. The placements will encourage law graduates to consider regional CLCs as a career option. The project has now completed two years of pilot phase in collaboration with ANU. The presentation will provide an overview of the project so far, some of the strengths and learnings from this project and also an insight to some of the challenges arising.

SESSION 39
Room 207
4.00—5.30pm

Is community a crime?

Terror Panel. Why do anti terrorism laws evoke such strong images for everyone?
Panel discussion – anti terrorism laws and its affect on targeted communities
Carmen Tommasi, CD Worker, Moreland Community Legal Centre, **Gillian Davy**, Convenor, Federation of CLCs (Vic) Anti Terror Laws Working Group, **Dr Patrick Emerton**, Lecturer, Monash University, **Brian Walters SC**, member Victorian Bar, representative of the Kurdish Association of Victoria (KAV) and representative of the Australian Tamil Rights Advocacy Council (ATRAC)

In the years following September 11 2001, the 'war on terror' has led to increased powers for law enforcement and security agencies including the Australian Federal Police (AFP) and the Australian Security Intelligence Organisation (ASIO). The political landscape in 2010 suggests that these laws will only become more extreme.

The discriminatory application of the law damages already vulnerable communities, in particular, Muslim and refugee communities. The extent of this damage is becoming ever more apparent.

This session will provide CLCs with the compelling evidence, knowledge and skills required to support local communities impacted by the anti terror laws.

SESSION 40
Room 208
4.00—5.30pm

Working with Indigenous communities in the Australia/Pacific region

Amelia Thorpe, International Director EDO NSW, **Sue Higginson**, EDO NSW

Over the past few years the EDO has increasingly focused its work on assisting Indigenous communities with environmental law issues. This workshop will discuss three ways in which the EDO is working with Indigenous communities throughout the region.

Firstly it will discuss the EDO's International Program and how we work with our Pacific colleagues to improve environmental outcomes throughout the region. The focus of this program is increasing the capacity of our colleagues to use the law to achieve change throughout the region in PNG, Solomons, Fiji, Samoa, Vanuatu, Tonga and Kiribati.

Secondly the workshop will discuss how the EDO works with Indigenous communities in NSW, and also by advocating for change through the United Nations frameworks.

Thirdly, the workshop will focus on a case study of how the EDO NT is working with the Traditional Owners of Muckaty Station on opposing the nuclear waste dump proposed for their land.

SESSION 41
Room 209
4.00—5.30pm

Week without violence

Victorian Community Development & Community Legal Education Working Group, **Karen Keegan**, Hume Riverina CLS, **Flora Culpan**,

Broadmeadows CLS, Aboriginal Family Violence Prevention and Legal Service and Spectrum Migrant Resource Centre

The National Conference coincides with an annual event that many Victorian CLCs are involved in called "Week Without Violence". The VIC CLEW group is proposing to highlight this event in 2 ways:

1. A panel presentation in which organisations share innovative and creative ways that have worked with their communities to address the issue of domestic violence.

2. To have various static displays during the course of the conference including:

- a display of t-shirts painted by community members with their message about domestic violence, and
- a display of photos of a 1.3 metre fibreglass elephant that has been decorated on both sides in different ways by victims of domestic violence.

SESSION 42
Room 216
4.00—5.30pm

Not out of reach – advancing justice in prisons and beyond

Nicki Petrou, Darwin Community Legal Service, **Penny Taylor**, Top End Women's Legal Service, **Kieran Boylan**, North Australian Aboriginal Justice Agency, **Kat Armstrong**, Women In Prison Advocacy Network and **Felicity Munt,** Corrections Victoria

This session will explore the current issues facing members of the prison population (including upon release), within a bigger criminal justice system framework. Different perspectives will be provided through a comparison of issues from other states, and some of the steps being taken to address these, by community legal centres, and more broadly by government and other community agencies.

The session will be in the form of a panel of relevant stakeholders (including people with lived prison experience and those working with them). A forum discussion will look at the prison population generally and at different models adopted across Australia aimed at rehabilitating and reducing recidivism.

The Darwin Community Legal Service together with the North Australian Aboriginal Justice Agency and the Top End Women's Legal Service will offer their unique experience working with prisoners and the prison system in the Top End of the Northern Territory, when sometimes enough is simply not enough to have a positive impact on reoffending.

SESSION 43
IT Room
Room 217
4.00—5.30pm

CLSIS data trends

Justin Finighan NACLC IT & CLSIS Consultant

9.30—11.00am

WEDNESDAY CONCURRENT SESSIONS 44—51

SESSION 44
Room 203
9.30—11.00am

National Consumer Credit Protection Act – increased consumer protection

Amanda Barker, ASIC, and **Tom Willcox**, CALC

This session will be covering the new credit regime and assist participants to understand the relevant components of the new consumer credit regime and highlight the key sections relevant to their work as a consumer advocate. It will also cover ASIC's new role as the national regulator and how to make a complaint.

SESSION 45
Room 204
9.30—11.00am

CLC Q&A: adventures in policy & law reform – hosted by Chris "TJ" Atmore

CLCNSW, FCLC (Vic), NACLC, WLS NSW, **Julie Hourigan Ruse**, Coordinator, Homeless Person's Legal Service (PIAC), **Liz Curran**, Director, West Heidelberg Community Legal Service and **James Farrell**, Manager, Homeless Persons Legal Clinic (PILCH)

This workshop focuses on innovative approaches to law and policy reform via three different examples of work on housing and homelessness.

Panelists will show how community legal education, community development and law and policy reform can productively combine in work with communities and governments to achieve change. Examples include partnerships with theatre companies and services taking an innovative approach to combining community legal education, law reform and advocacy methodologies for reform campaigns.

Panelists will be asked to reflect on what worked, what didn't, and lessons learned for future projects. You, the 'audience', will also have the opportunity to ask them questions and share your own experiences and tips.

SESSION 46
Room 205
9.30—11.00am

What is clinical legal education? How do we do it in CLCs?

Anna Cody, Director, Kingsford Legal Centre

In this session we will discuss the increasing involvement of community legal centres in clinical legal education programs. As funding gets tighter for many community legal centres, many are attracted to providing learning experiences for law students which have the benefit of gaining additional funding and student resources for the Centre. Clinical legal education programs funded by universities or government is one way of combining these goals .

This workshop will describe the clinical teaching undertaken at Kingsford Legal Centre and encourage participants to think about models for clinical legal education programs in CLCs. It will look at some of the benefits and disadvantages of developing clinical legal education programs in CLCs.

The session will be interactive and will draw on the experience of all participants. It will provide participants with an overview of clinical legal education as it currently exists in Australia.

SESSION 47
Room 207
9.30—11.00am

Bulk Debt Negotiations – Protecting CLC clients

Denis Nelthorpe, Lawyer, West Heidelberg CLC

"Bulk negotiation" is a new approach, designed to ensure that clients get the best outcome and that major creditors are unable to treat different consumers – and different financial counsellors and legal centre lawyers – in a harsh or inconsistent way.

In the first stage of the project Denis Nelthorpe negotiated on behalf of 75 clients from more than 20 CLCs and other agencies with the nominated creditor. The results will reduce harassment and save our clients thousands of dollars.

The project has raised some significant issues which will be explored during the presentation:

- Do creditors, debt collectors and solicitors understand the vulnerable nature of our socially "at risk" clients?
- Do CLC workers understand the need to protect Centrelink income from debt collectors?
- Would CLC's benefit from group casework led by lawyers able to mentor less experienced staff?

Surprisingly, the initial project cases have revealed that even clients presenting with motor vehicle accident debts are not only in financial hardship but often socially at risk in terms of homelessness, institutionalisation and their capacity to care for themselves and their families.

The presentation will propose a more radical response on behalf of these clients through group casework, agreed precedents and mentoring of CLC staff.

SESSION 48
Room 208
9.30—11.00am

Telling our clients' stories – the benefits and implications of a case studying system

Eila Pourasgheri, Legal Educator, **Zione Walker-Nthenda**, Law Reform & Policy Lawyer, Women's Legal Service Vic.

We know that our client's stories have immense power in helping us to explain the law and to advocate for it to be changed. But how can we ethically collect and use clients' stories? What are the legal implications of writing up and using case studies? We all rush around trying to find case studies when we have a law reform issue to respond to or training to deliver but how can we collect case studies systematically and proactively before these specific needs arise?

This interactive workshop will tackle these questions and more and will provide participants with an opportunity to discuss the potential benefits and challenges of developing an ongoing system for collecting and using case studies.

Based on Women's Legal Service Victoria's (WLSV) experience of establishing its 'Case Study Bank', the workshop will provide a practical explanation of the critical issues that need to be addressed whenever CLCs collect and use case studies as well as the particular issues that may need to be considered if centres want to develop a proactive system for collecting case studies.

SESSION 49
Room 209

9.30—11.00am

Valuing volunteers

Gillian Wilks, General Manager, Projects & Development, Peninsula CLC Inc

This workshop will "continue the conversation" around the coordination and training of volunteers in community legal centres.

Peninsula Community Legal Centre, with funding from the Victoria Law Foundation, has recently produced two new modules for Valuing Volunteers Kit: A Training Resource for Volunteers at Community Legal Centres. With financial assistance from the Victoria Law Foundation and

the Commonwealth Attorney-General's Department and the Kit was distributed to CLCs across Australia in 2008.

The aim of the workshop is to (re)inform participants about the Kit generally and to outline the content and application of the new modules. There will also be opportunity to discuss issues around the management and training of volunteers in community legal centres.

The Valuing Volunteers Kit: A Training Resource for Volunteers at Community Legal Centres contains the following training and resource modules:

- orientation to Community Legal Centres
- effective communication
- legislation, legal practice requirements insurance & accountability
- advice, information & referrals
- frontline client services
- screening and selecting volunteers, and
- volunteer support and supervision

SESSION 50
Room 216
9.30—11.00am

Remote community housing in WA and the Aboriginal Housing Legislation Amendment Bill

Tammy Solonec, Managing Solicitor, Law & Advocacy Unit, Aboriginal LS of WA (Inc)

Housing in remote Aboriginal communities of Western Australia (WA) is in a dire state (and has been for some time), sparking international concern.

For many years community housing in remote communities was primarily managed by Indigenous Community Housing Organisations (ICHOs) and primarily funded through the Commonwealth Community Housing and Infrastructure Program (CHIP). In 2007, CHIP and to some extent the ICHOs were labelled a failure. Since then, the Government has been attempting to overhaul remote Aboriginal housing.

The National Partnership Agreement on Remote Indigenous Housing (NPARIH) is providing the new direction for remote Aboriginal housing with $5.5 billion in funding.

In WA, the NPARIH is being implemented via the *Aboriginal Housing Legislation Amendment Act 2010* (WA), which allows the WA Department of Housing to deliver housing in remote communities and will see the application of the *Residential Tenancies Act 1987* (WA) in such communities for the first time.

This seminar will provide an analysis of the situation of remote housing in WA past, present and future and will bring what has been an 'out of sight and out of mind' scenario to the attention of the CLC sector.

SESSION 51
IT Room
Room 217
9.30—11.00am

WebEx

Justin Finighan NACLC IT & CLSIS Consultant

11.00—11.30am
Level 2 Foyer

MORNING TEA

11.30—1.00pm
Room 203/204

CLOSING PLENARY SESSION

11.30—12.00pm

The Value of working in CLCs: life beyond CLCs (DVD)
Alastair McEwin, Director, CLCNSW

In 2010, the community legal centre movement in NSW celebrates 35 years of existence. In that time, thousands of people have worked or volunteered in CLCs across NSW. Many of these people have gone onto careers beyond CLCs, such as other public legal service providers, private practice and government bodies. Some have also gone on to careers away from the law. This DVD portrays some of these people, talking about their experiences whilst in CLCs and how they've valued that time in their careers since. They talk about the work they did, the challenges, changes and influence of CLCs in their work since leaving the sector.

12.00—12.45pm

Rob Stary, Accredited Criminal Law Specialist

Leading Australian criminal lawyer, CLC pioneer and passionate human rights advocate, Rob Stary will be providing insights drawn from his involvement in major terrorism and other cases.

12.45pm

Conference wrap-up – NACLC Convenor

1.00—2.00pm

CLOSE OF CONFERENCE AND LUNCH

NOTES

NOTES

National CLCs Conference

24–27 October 2010 Melbourne Vic

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