



newsletterofthelaw

The articles in this newsletter do not constitute legal advice. The information in this newsletter is merely a guide and is not a full explanation of the law. The Centre cannot take responsibility for any action readers take based on this information. When making decisions that could affect your legal rights, seek professional advice.

Issue 23

November 2008

The End of Another Busy Year for the Centre

We have to the end of another busy year with the continued growth and development of the Centre.

In addition to continuing to operate its 2 existing services - the Core (Generalist) Service as well as the specialist Disability Discrimination Legal Service (DDLs) - the Centre commenced its first year of operation of the Seniors Legal and Support Service (SLASS). Amongst other things this involved creation of 3 new full time positions and relocating the Centre to its new premises at Main Street Arcade.

Service Provision

Work in relation to the Centre's Core (Generalist) Service continued to vary widely across the broad areas of civil, family and crime. As usual demand continued to be high, with there continuing to be more demand for services than could be provided with existing resources.

With ever increasing demand upon the Centre's services, work continued to ensure that the services offered by the Centre are as targeted as possible. Further to assist with meeting demand as well as making the Centre accessible, the Centre has continued to provide face to face advices via its 4 outreach programs (serviced almost exclusively by volunteers).

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Car confiscation laws went statewide from Tuesday, July 1.

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Hotel owner order to pay \$22,000

Renters targeted for online scam

Consumer Affairs warn people to beware of online rental scams

These are the Centre's:

- Cairns evening service which operates every Thursday;
- Atherton Outreach Service which operates once a month;
- Innisfail Outreach Service which operates twice a month; and
- Mareeba Outreach Service which operates once a month.

The Centre's specialist DDLS also continued to provide quality work, maintaining the DDLS's profile and excellent reputation.

Demand for the DDLS continued to be high, with the DDLS having undertaken a significant amount of work including a casework services (most involving representation work in the Anti Discrimination Commission and Human Rights and Equal Opportunity Commission), as well as advices, community education activities and various law reform projects.

Quite exciting for the DDLS this year too was what is believed to be, the DDLS's first trip to the Mackay area since the commencement of the service in approximately 1994. The trip enabled the DDLS to provide disability discrimination talks, establish invaluable networks and also generated a number of casework activities which were subsequently undertaken by the DDLS.

With the success of its trip to Mackay the DDLS has successfully applied for and received a further grant of funds to enable the DDLS solicitor to visit the Cape. It is expected that this trip will be undertaken some time in 2008 with the same success as the DDLS's visits to Mackay.

The Centre's SLASS also officially commenced on 1 July 2007 (although the SLASS did commence some services earlier than that).

Initially work for the SLASS focused around promotion and awareness raising of the new Service to its already notoriously difficult to reach client base. Such work included newsletter and newspaper articles and advertisements, radio segments, attendance at stalls, community education talks, attendance at various events and

of course the Open Day of the SLASS held in mid early August 2007. In all the SLASS provided numerous community education and awareness raising activities during the year, with records showing activities having been provided to over 2500 participants.

Service provision undertaken by the SLASS also included legal advice and support as well as some court representation. The SLASS has done well in its first year of operation with records showing it has undertaken around 196 information and referral activities, 310 advice and support services and 34 casework services. The Centre considers this to be excellent particularly in light of the newness of the SLASS and the reluctance of its older client base to access assistance, given both their age and nature of the problem types which they come to the SLASS with.

Also supporting development of the SLASS has been the SLASS Reference Group (the Group). The Group includes a spread of representatives from the community who provide input and suggestion in relation to the SLASS, its client base and the issues they face. The Group has provided the SLASS with valuable contacts within the community and has acted as a sounding board for discussing issues relevant to abuse and exploitation of older people. We are very grateful for the time which the members of this group have given to the SLASS particularly in its initial development stages.

With the final evaluation nearing completion and following the Centre's lobbying for ongoing funding for the SLASS, the Centre is looking forward to receipt of advice in the near future regarding commitment towards recurrent funding for that service.

Thank you

All of the Centre's achievements this year would of course not have been possible without the many dedicated people who have provided their continuing support to the Centre. Many thanks to the staff for their good quality hard work. And of course - importantly - the volunteers who have been instrumental in the success of the Centre

throughout the year including the Centre's management committee, advising solicitors, student workers and other volunteers. The Centre is extremely grateful for your assistance and could not have reached its achievements without you. Thank you all once again.

It has been a pleasure to have been of a service to the community and we are looking forward to another busy year again next year and to seeing you all again then!

And on the subject of volunteers ... here's a high achiever ...

The decision to leave an established career to embark on an entirely new one is challenging at the best of times. Making the transition to law is even more so and not for the timorous at heart. **Chris Wilson**, who started as a volunteer with the Centre in 2005 and joined its Management Committee in 2007, has demonstrated her tenacity as just such a 'career changer'.

A positive development within the legal profession is its recognition of the contribution that individuals with other industry experience can bring to law. Previous qualifications, specialised knowledge and life experience are priceless attributes in the increasingly complex and competitive legal profession.

Before embarking on her transition to law, Chris enjoyed a dynamic twenty-year career in the health sector. This experience and her specialised knowledge in the field of HIV/AIDS and sexual health were utilised during her appointments in Australia and overseas with Medecins Sans Frontieres (MSF - Doctors Without Borders). Her MSF missions included heading up specialised health projects in post-Soviet Armenia and war-torn Afghanistan.

The dedication Chris has applied to her studies and new career direction is bringing well-earned recognition. Chris is currently completing her final year at James Cook University where her stellar performance

includes five academic awards and earning one of just three merit-based honours scholarships available across Townsville and Cairns campuses.

In 2009 Chris commences working as Associate to District Court Judge Sarah Bradley and is looking forward to the challenges that new role brings.

Notice of AGM

Notice is given that the Cairns Community Legal Centre Inc will hold its Annual General Meeting at the Function Room, Sapphire Tapas Bar, Shop 3, 39 - 49 Lake Street Cairns on Wednesday 26 November 2008 at 5:30 pm.

Agenda

1. Welcome by President
2. Present / Apologies
3. Adoption of minutes of previous AGM/SGM
4. Business arising from minutes of previous AGM/SGM
5. President's (Management Committee's) Report
6. Principal Solicitor / Co-ordinator's Report
7. Treasurer's Report and receiving of audited financial statements including:
 - statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Association for the preceding financial year; and
 - auditor's report upon the books and accounts of the association for the preceding financial year
8. Appointment of an auditor
9. Public Liability Insurance Report
10. Proposed special resolution re adoption of new Rules:
Terms of the proposed special resolution - That the Rules as tabled be adopted as the Rules of the Cairns Community Legal Centre Inc.*
11. Election of members of the management committee
12. General Business
13. Next Meeting
14. Close

Melissa Nielsen
Secretary
Cairns Community Legal Centre Inc

*Note: Proposed Rules to be tabled are available on the Centre's website at www.cclc.org.au. Hard copies available upon request.

***The AGM will be followed by the
Centre's End of Year Drinks !!!***

Community Education

As is usually the case the Centre has continued strongly with the provision of community legal education (CLE) work.

CLE was provided in relation to a broad range of legal topics and a variety of audiences including schools, community organizations, and other groups. The forums in which such community education took place was also varied and included education in the form of talks, information stalls, radio, newspaper segments, brochure displays and distribution of “show bags” of legal information. Through such a variety of forums, as many people as possible were reached targeting their various needs.

The thanks received from recipients of community legal education, as well as the growing number of invitations for the Centre to return in the future to provide more CLE programs is regarded by the Centre as a positive indicator regarding the success of CLE programs delivered by the Centre.

A summary of some of the CLE programs completed during 2007 / 2008 include:

Core Service

- Production and distribution of the 18th, 19th, 20th, 21st and 22nd Editions of Centre’s newsletter.
- Provision of information to Cairns City Council for distribution.
- Employment law talks for the Addiction Help Agency, St Augustine’s College, St Monica’s High School and Trinity Bay State High School.
- Family law talk for Mossman State High School and Women’s Centre.
- Consumer rights talk for Trinity Bay State High School.
- Talk about Centre Services for TAFE students and teachers.
- Update of Centre’s website.
- Debt talk for Addiction Help Agency.
- Attendance at JCU Market Day.
- Criminal law talk for Addiction Help Agency.
- Talk about management committee roles and responsibilities for Mareeba Community Housing.

Disability Discrimination Legal Service (DDLS)

- Participation in Forum on Access, Planning and the

Law.

- Information Display at Yarrabah.
- Disability discrimination talks for Queensland Health Injectors Network, Ravenshoe Network Group, TAFE students and Mental Health Unit at Cairns Base Hospital.
- Attendance at Post School Options Expo (Career and Leisure Expo)
- Mackay Trip (funded by the Legal Practitioners Interest on Trust Accounts Fund) including disability discrimination talks / seminars at: Harrup Park; Mackay Regional Council for Social Development; Mackay Life Enhancement Inc; Mackay Advocacy; Commonwealth Respite and Carelink Centre; Local TAFE - Disability Support; Aboriginal & Torres Strait Islander CLC (NQ); Mackay District Special School; ATODS; Ideal Placements; Mackay Autism Support Group; Mackay Aboriginal and Islander Alternate Care and Pioneer Employment.

Seniors Legal and Support Service (SLASS)

- Talks focusing on elder abuse and financial exploitation delivered to large number of groups and organisations.
- Attendance at various events including SLASS Open Day, NAIDOC Day and Jim Turnour/Jan McLucas’ forum.
- Talkback radio on ABC and FM Radio (including Cairns FM 89.1 (indigenous community radio) Bumma Bipperra FM 98.7.
- Television service announcements.
- Newspaper articles in Cairns Post and Cairns Sun.
- Articles about SLASS placed in newsletters distributed by Queensland Council of Social Services, Rights in Action, Commonwealth Care Link, Migrant Settlement Services, Cairns Regional Domestic Violence Service, Commonwealth Respite Carelink and Seniors Enquiry Line.
- Information stalls including at Hambleton House and Redlynch Multicultural Stall during Seniors Week and at the Cairns Base hospital during National HACC Awareness Week, Violence No Way/Cuddy Cuddy Kowal Open Day in Yarrabah, Aquatic Festival Heart Foundation event, Lifeline Annual Agency Open Day, 3 separate stalls during Domestic and Family Violence Prevention Month.

Law Reform and Social Policy Submissions

The Centre has recently made a number of law reform submissions around various issues. These are in addition to other law reform and social policy submissions made throughout the year and include submissions relating to:

2006 Changes to the Family Law Act

The Centre's experience in family law work has made the Centre well placed to provide input into the research recently undertaken by the Australian Institute of Family Studies. Feedback included comments on the effect of the 2006 changes as well as possible unintended consequences of amendments made.

Review of Neighbourly Relations: Dividing Fences

The Core / General Service recently provided submissions to the Review of Neighbourly Relations: Dividing Fences conducted by the



Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (the Review). One common area within which the Centre provides advice and assistance is dividing fence disputes. The Centre's response to the Review was based on its experiences in providing that work.

Review of Neighbourly Relations: Trees

The Centre also made submissions to the Review of Neighbourly Relations: Trees conducted by the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (the Review). One common area within which the Centre provides advice and assistance is tree disputes. Based on its extensive experience in providing assistance in this area (mainly to person's affected by neighbour's trees), the focus of the Centre's submission was to place responsibly for trees on the owner's of those trees.

Inquiry into Altruistic Surrogacy

Brief submissions were also recently made by the Centre in relation to Altruistic Surrogacy. Unfortunately for reasons of confidentiality and parliamentary privilege the Centre is currently

prevented from disclosing or publishing the details of its submissions.

Inquiry into Certain Electoral Matters

The Centre also recently attended a meeting of members conducting the Inquiry into Certain Electoral Matters. Unfortunately for reasons of confidentiality and parliamentary privilege the Centre is currently prevented from disclosing or publishing the details of its submissions.

Accessible Airlines

The Centre's specialist Disability Discrimination Legal Service (DDLS) has also continued its involvement with the national steering committee for Accessible Airlines, a project organised by the NSW Disability Discrimination Legal Centre ('NSW DDLC') and the Public Interest Advocacy Centre ('PIAC'), which commenced in the previous year (when all of the initial preparatory work had been completed). This project culminated in the publication in December 2007 of 'Flight Closed', a Report on the experiences of People with Disabilities in Domestic Airline Travel in Australia which is available at -



www.piac.asn.au/publications/pubs/rep2007123_20071201.html .

Submission to National Aviation Policy Statement

Following on from the research conducted in the Accessible Airlines project and the background work for submission to the Review of Standards for Accessible Public Transport, the Centre's specialist Disability Discrimination Legal Service (DDLS) made submissions to the Department of Infrastructure, Transport, Regional Development and Local Government regarding the proposed National Aviation Policy. The submission focussed on the disability access issues. DDLS felt that it was essential to make this separate submission as a different area of Government (to that responsible for the review of the Transport Standards) was responsible for formulating this new policy.

Funding Matters

The Centre would like to thank the Legal Practitioner's Interest on Trust Accounts Fund (LPITAF) for recent grant of one off funds. The Centre receives \$15 000 from the Bligh Government to develop community education programs and referral manual. Materials will be on a range of topics which will be used to assist community members throughout the far north. Funds will cover the costs of a solicitor to develop the materials and well as some administrative expenses. Some examples of the community education topics that will be covered are consumer rights and employment law matters. The topics will be covered through seminars, talks and workshops to educate the community about legal and other related matters.

The grant was among 28 initiatives funded this year from the LPITAF which is administered by the Department of Justice and Attorney-General to enhance community legal services and education. These grants help level the legal playing field for some of the most vulnerable, disadvantaged and marginalised people in our society including people with disabilities, youth and indigenous people.



Language Brochures

Just a reminder that the Centre's brochures, translated into 24 languages, may be downloaded from the Centre's website www.cclc.org.au.

Funding for translation of these brochures was also kindly provided by the Legal Practitioners' Interest on Trust Account Fund in order to assist with increasing access for people from culturally and linguistic diverse backgrounds.

9th Edition of Queensland Law Handbook for Sale

Looking for up to date legal information in language you can understand ?



The Queensland Law Handbook 9th Edition is a plain English guide to the laws affecting all Queenslanders. The handbook explains key legal concepts and provides details of legislation, major cases and where to get further help. Thirty-six chapters on a huge range of topics including employment, neighbours and family law. \$77 or \$55 concession will all proceeds going directly to Caxton Legal Centre and help to provide free legal services to people in need. Order online at www.caxton.org.au or call 3254 1811.

Comings and Goings

Comings ...

Commencing in the Centre's Core Service we have solicitor **Richard O'Shane** and administrative assistant **Christine Genever**. These 2 positions have been funded by the Commonwealth AG's Department. Funding has currently been provided for a period until approximately 30 June 2009. Work carried out with those funds will focus on the area of family law.

Also recently commenced at the Centre is **Sheryn Johnson**. Sheryn has joined the Centre in the role of Administration Support Worker. Sheryn comes to the Centre with approximately 18 years experience in the administration field.

With the Centre's Seniors Legal and Support Worker we have **Anne Meehan**. Anne has taken up the role of social worker within that Service. Also commencing within the Centre's Seniors Legal and Support Service is **Linda Cheng**. Linda takes up the position of Administration Support Worker. Both Anne and Linda's positions are funded by Queensland's Department of Communities until June 2009.

And (sadly) goings ...

Recently departed from the Centre is long term volunteer **Sean Brennan**. Sean first started volunteering at the Centre in the late 1990's first undertaking daytime work placement and ultimately holding various positions on the committee from 2002

to 2008. Sean will be missed by all as he takes up new residence in Townsville. Amongst other things Sean will be undertaking informal study at the James Cook University. We hope to see you back up this way Sean from time to time!

Katie Power also leaves the Centre having made significant contributions to the Centre through her volunteer positions. Katie commenced volunteering with the Centre in 2001. At that time Katie was an undergraduate law student performing reception duties and observational work at the Centre's evening advice sessions.

Katie who was later admitted to practise as a solicitor in 2006, has also held various positions on the Centre's Management Committee including Treasurer, Secretary and President from 2002 to 2008. Katie's contribution and support of the Centre has been significant and we thank Katie enormously for her support over the years.

We are sad to see Katie go. Katie will peruse and no doubt successfully develop her career in Victoria when she moves to Melbourne. Keep in touch Katie - and of course best of luck!

Also departed from the Centre are Administration Support Workers **Charlotte Roberts** and **Ann Thompson**. Charlotte was with the Centre for 3 years prior to her departure in August 2008 to take up a position with the State Government's Department of Emergency Services.

Ann leaves the Centre following 6 months in her role as the Seniors Legal and Support Services Administration Support Worker. Ann takes up new work with Senator Jan McLucas's office.

Car confiscation laws statewide

Queensland Police Minister Judy Spence has warned repeat offenders that car confiscation



laws went statewide from Tuesday, July 1, after a trial in which

nearly 1,500

cars were confiscated.

Ms Spence said: "Repeat offenders beware - flout the law and you could lose your vehicle for 48 hours for the first repeat offence, up to three months for a second repeat offence, or permanently for a third repeat offence.

"These laws have been trialled in the Southern Region and the North Coast Region (from July 1, 2007) and the South Eastern Region (from December 1, 2007).

"By the end of May, four people had their vehicles permanently forfeited, 39 people had lost their vehicles for up to three months, and 1,462 people had their vehicles impounded for 48 hours.

"Not only do offenders face the inconvenience of losing their vehicle, they have to pay the towing and holding fees.

"With the laws statewide, we anticipate confiscating thousands of vehicles each year, mainly from unlicensed or disqualified drivers. That is unless they learn their lesson.

"It can cost up to \$255 to tow a vehicle to a holding yard and thousands in fees if vehicles are in storage for months. My message to repeat offenders is you will be caught, you will be fined, you will lose your vehicle and you will incur serious costs."

The Type 2 hoon laws target repeat offenders who are charged with multiple offences in one of five categories:

- Driving an unregistered and uninsured motor vehicle
 - Driving while unlicensed or disqualified
 - Drink driving over 0.15
 - Failing to supply a specimen of breath or blood, or driving under 24-hour suspension
 - Driving an illegally modified vehicle.
- Of the vehicles impounded to date, 1,297 or nearly 90 percent, have been for repeat unlicensed or disqualified offences.

Hotel fined for underpaying staff

The Workplace Ombudsman has announced that a NSW hotel owner who told a court he would not try to “rip off” his staff has been fined a total of \$22,000 for underpaying employees over a two-year period.



Murray Clarke, the sole owner and director of the Bucketts Way Hotel in Church St, Gloucester, in the Hunter region, has been given six months to pay the penalty.

The Federal Magistrates Court in Sydney imposed the fine after an investigation by the Workplace Ombudsman found Clarke had underpaid 14 workers almost \$12,000 between July 2004 and August 2006.

Workplace Ombudsman executive director Michael Campbell said the staff - five of them under 20 - were relatively unskilled and low paid.

The court heard they were paid an hourly rate of \$14.97 when they should have got \$16.75. The rate was subsequently lifted to \$15.94 when it should have been \$17.31.

Federal magistrate Shenagh Barnes said the hotel's breaches of the Motels Accommodation and Resorts Award and the Australian Fair Pay and Conditions Standard represented “systemic underpayments over a long period of time”.

Magistrate Barnes described the breaches as “a product of negligent disregard”

for Clarke's obligations to his staff, which she noted “took some time to correct”.

If you believe you are being paid less than you should be under the relevant award, consult your local solicitor.

Renters targeted in online scams

The Victorian Consumer Affairs Minister, Tony Robinson, has warned that people should look out for online scams targeting would-be renters. Mr Robinson said Consumer Affairs Victoria had received several complaints about online rental scams.

“These scams involve rogues posing as private landlords,” Mr Robinson said.

“In each case, the perpetrators claimed they were overseas and asked renters to send payment for the Melbourne property in advance.

“They should demand to inspect the property and ensure the landlord or agent shows proof that they are entitled to lease the property.”



Thanks

Our thanks goes out to our dedicated and committed volunteers who kindly give their time to the Centre to assist with the running of our activities. Without them, the Centre wouldn't be able to provide many of the services that it does.