





# DEAN'S FOREWORD



Kingsford Legal Centre combines the highest quality of legal education with dedicated community service. Established 25 years ago as a centre of academic and professional excellence, KLC remains Australia's leading university legal service provider. Its remarkable achievements lie in its capacity to combine legal theory and analysis with professional practice. Dedicated to improving access of the socially and economically disadvantaged to legal services, it promotes social justice as intrinsic to legal practice.

2006 has been a year of change for KLC. We have been very pleased to welcome it into the new law building on campus. The shared premises with KLC at the base of the law school provide new opportunities for closer collaborations and connections. The Centre also has a new management committee chaired by Professor George Williams with 3 members of Faculty on it which will provide a further mechanism for greater integration.

KLC celebrated its 25 year anniversary during the year with great acclaim from local politicians, the legal profession and Law Faculty, and years of past students participating. The celebration epitomises the effective combination of excellent clinical legal education and community service.

KLC is highly regarded by the Faculty of Law at the University of New South Wales for its commitment to high quality teaching, learning and community service. On behalf of the Faculty of Law, I wish KLC every success in continuing its important work in the future.

**Professor David Dixon**  
Dean, Faculty of Law

# DIRECTOR'S REPORT

KLC enjoyed another busy and productive year in 2006. We continued to provide excellent legal education to students at UNSW as well as important community legal services.

Some of the key achievements of the Centre during 2006 include a successful move to campus from our Rainbow Street address. While there was some sadness in leaving our previous premises, the move has made us think more deeply about how we provide services to the community. This has led to the launch of two new weekly outreach services at the South East Neighbourhood Centre, and the Maroubra Uniting Church. Being on campus has encouraged us to think about operating more clearly from a community development model of service provision. This also reflects priorities identified in the review of NSW community legal centres. Both outreaches have proved highly successful in increasing our visibility and maintaining our connectedness to the community.

Our community legal education program continues to grow with the now established series of workshops

# DIRECTOR'S REPORT cont'

Students continued to enjoy the diversity of courses offered at KLC and the opportunities to learn about the legal system, clients and the role of lawyers within it. The combination of practical law and analysis of law in action continues to attract many more students than we can accommodate.

Another change was the beginning of a management committee for the Centre, chaired by Professor George Williams with members of Faculty, the community sector and the profession on it. This will add further dimensions to our work and our accountability to our various stakeholders.

We also acknowledge our pro bono partners of many years, Freehills for their ongoing support of the Centre through a seconded solicitor, and are grateful to Allens Arthur Robinson for their new contribution of a seconded solicitor for 6 months. Our numerous volunteer solicitors and barristers continue their essential support of the Centre.

KLC is a dynamic and innovative learning centre for students from the Faculty as well as being an active member of the community through its provision of legal services. Without the dedication, hard work and vision of the staff this work would be impossible.

**Anna Cody**  
Director

VALUES

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# EDUCATING FOR JUSTICE

Clinical legal education is a methodology of teaching law, legal procedure and ethics. In Australia when we talk about clinical legal education we mean a style of teaching where students are engaged in legal work for real clients – often known as “live clients”.

In the Clinical Legal Experience courses, the compulsory Law Lawyers and Society course and the clinical program in Employment Law and the Foundations Enrichment 2 course, students develop their understanding of issues of social justice as well as developing interviewing, negotiation, drafting, submission writing and advocacy skills. They are introduced to the fundamentals of office management and explore ethical issues such as how to select potential clients when demand for legal services far outstrips the Centre's ability to assist.

1. To develop students' critical appreciation of the law and legal system in Australia through participation in a legal practice working for clients who are financially or otherwise disadvantaged.
2. To enhance students' contextual understanding of the law and legal process by exposing them to real clients with legal problems.

3. To provide students with a detailed understanding of the legal aid system and develop students'

# EDUCATING FOR JUSTICE

This year the Clinic has advised and represented many employees who live, work or study in KLC's catchment area. We assisted clients in relation to unfair dismissal proceedings, redundancies, underpayment of wages and entitlements and unfair employment contracts. Throughout the year we obtained favourable settlements of disputes for many of our clients. For details on some of these matters, see the casework section of the annual report.

The Clinic – which was established in January 2000 – provides free and confidential initial advice to clients on employment law issues such as unfair dismissals, unpaid wages, workplace harassment and redundancy. The Clinic also provides ongoing assistance and representation where appropriate, with frequent appearances for clients in the State and Federal Industrial Relations Commissions.

We have two objectives: to provide legal advice to employees and to provide a clinic for UNSW law students to gain experience in the area of employment law. Students have the opportunity to develop their understanding of substantive and procedural law and ethical issues facing the legal profession through their work on case, education and policy files. The clinic offers 5 places to UNSW law students per semester. They have the opportunity to conduct interviews with clients, assist in making strategic decisions about the conduct of case files, undertake research, draft documents, and, where appropriate, appear as advocates in the Industrial Relations Commissions.

# EDUCATING FOR JUSTICE

In 2006 the students of the Clinic again participated in additional seminars that included presentations on a range of employment law topics from experienced employment law practitioners. As part of this program, the students enjoyed the opportunity to appear as advocates for a party in a mock conciliation that focuses their minds on a number of the jurisdictional and substantive issues that arise in an unfair dismissal application. We extend our thanks to all lawyers who have provided their valuable time to present seminars to the students of the Clinic.

During 2006 various KLC students worked on a study with Jill Hunter, Associate Professor and Dorne Boniface, Senior Lecturer, School of Law at UNSW to examine the impact of character evidence in criminal jury trials. The project is looking at how jurors actually use evidence of an accused's character and to what extent jurors understand the permissible use(s) of such evidence. The project also involves judges and counsel's perceptions of the impact of character evidence on these trials will be compared assessing how they view juries to use character evidence.

Staff presented 2 classes on the social and legal aspects of domestic violence in the subject Family Law throughout 2006.

During 2006 KLC continued to make a significant contribution to the Law Faculty commitment to increasing the numbers of Indigenous students studying law. KLC is an active participant in the Indigenous Legal Education Committee. The Centre undertook the following:

KLC hosted Indigenous high school students during the Winter School program. Year 10, 11 and 12 students came to the Centre to learn a bit more about the law and what happens at law school. They enjoyed rsTexth31a02s



# EDUCATING FOR JUSTICE

In 2006 we ran for the fourth time the Foundations Enrichment course for first year Indigenous students.

The program is designed to assist first year Indigenous students acclimatise to university studies and develop graduate attributes of oral and written communication skills in a legal setting. Through engaging law students in the day to day operation of the legal system and lawyering, the clinical placement bridges the gap between the theory and practice of the law. Students are given the opportunity to assist people in our community while simultaneously acquiring valuable communication skills.

The course continued to be a success and we hope enables these Indigenous students not only to feel a sense of achievement in interviewing real clients so early in their degree but furthered their sense of belonging in the Law School and having links with later year students.

Throughout the year KLC provides an experience of interviewing a real client to all Law, Lawyers and Society students. The Law, Lawyers and Society course is about the ethics of being a lawyer and the role of lawyers in society and it incorporates 2 classes given by KLC staff to all students. The first class is on the skill of interviewing and the second is on public interest law and the legal aid system. UNSW is unique in being able to offer its students the opportunity of clinical legal education at a relatively early stage of their studies. Students who come to the Centre and who interview clients are generally inspired and awed by the importance of the legal services provided by volunteers at KLC. Many comment on the importance of seeing law in practice, putting theory into use after time spent studying law.

# SERVICE PROVISION

Kingsford Legal Centre provides a free legal service to people who live, work or study in the local government areas of Randwick City Council and Botany Bay City Council. This includes the staff and students of UNSW. In addition Kingsford Legal Centre provides a specialist state-wide discrimination service and a specialist employment advice service.

Legal Advice is provided by appointment only at face to face interviews. However some telephone advice is provided for clients who cannot access the centre due to locality or mobility problems. In special cases, home and hospital visits are undertaken.

During 2006 outreach clinics were established at the Maroubra Uniting Church and South East Neighbourhood Centre. Both these organisations have contributed to the success of the outreach clinics through their support and promotion of the service. The outreach clinics provide an alternative venue for appointments for clients who have difficulties accessing the new location of KLC within the grounds of UNSW. These two outreach clinics have proved to be so successful that plans are being made to open 2 other outreach clinics during 2007.

- Maroubra Uniting Church Outreach clinic Thursday mornings
- SENC Outreach Clinic Friday mornings
- Tuesday evenings
- Thursday evenings

Discrimination advice was provided during daytime appointments held on Monday and Thursday.

Employment advice was provided during:

- Daytime appointments on Wednesday
- Telephone appointments on Thursday
- Evening appointments every alternate Thursday

- Referral to a wide range of legal service providers
- Contributions to law reform
- Community Legal Education to both community workers and members of the public
- Information on a range of legal issues

In 2006 Kingsford Legal Centre provided advice to 1368 people

1336 people received this advice in face to face interviews and 32 people received the advice by telephone, mail or email.

### **116 New Cases were opened in 2006**

Criminal Law, including DV	6
Civil Law	53
Discrimination	25
Employment	32

#### **Our Clients**

2 % of our clients identified themselves as

#### **Sex:**

Male	48 %
Female	51 %

#### **Age:**

Under 18	1 %
18 – 34	29 %
35 – 49	34 %
50 – 64	19 %
Over 65	13 %

#### **Income Scale:**

High	2 %
Medium	25 %
Low	59 %

# SERVICE PROVISION

Following the relocation of Kingsford Legal Centre from Rainbow Street to its present premises in the Law Building at the University of New South Wales in August 2006, the Centre commenced two daytime outreach services whereby initial client appointments are conducted off-site at Maroubra Uniting Church and the South East Neighbourhood Centre. The objective of these outreach services is to maintain the centre's visibility and accessibility within the local community, and to provide an alternative venue for clients with special mobility needs who may otherwise have difficulty finding our centre on campus.

The Freehills and Allens secondee solicitors are responsible for conducting the outreach appointments.



Freehills secondee Susan Wan at South East Neighbourhood Centre

# CASEWORK

2006 was a busy year interrupted briefly by KLC's move onto the UNSW campus. KLC continued to provide a varied legal advice, assistance and representation service to the local community. The following provide a flavour of the work KLC undertook:

KLC was delighted to assist a client in obtaining a victims compensation award of \$30,000.00. The client sought compensation in relation to a sexual assault by a family member when she was a child. Unfortunately, her initial claim was dismissed on the grounds that the client had not provided enough evidence. KLC helped the client to appeal the decision and obtain the appropriate evidence. The appeal was successful and our client was happy with the result.

Clients commonly find it difficult to find legal assistance with matters that appear to be quite small, but which have an overwhelming impact on an individual's life. On occasion these cases throw up broader practices that become the focus of policy or law reform work.

KLC has persuaded a large Bank to forgive a \$13,000 debt on an elderly client's credit card. The debt was incurred by an elderly client's carer who had used a supplementary card for personal expenses. The

supplementary card had been given to her so she could purchase items for the client.

KLC assisted a client with who had been issued with a statement of claim seeking recovery of several thousand dollars. The Plaintiff claimed the amount was outstanding payment for medical scans used in a personal injury case several years ago. The client claims that he had already paid most of the amount owing. KLC assisted the client to attempt to negotiate a settlement and gave him advice in relation to the court proceedings. The client represented himself at trial and was ordered to pay a small proportion of the amount that was claimed. The client was very pleased with the result.

KLC is delighted to report that they have assisted a woman in reducing a \$20,000 credit card debt to \$5,000 with no interest. Our client is repaying the debt in \$100 instalments per month. The client has been on a pension for 10 years and her credit limit increased a number of times over the years. It does not appear that her credit card provider obtained any information regarding her repayment capacity. The client was unable to repay the money on her card as her only income is her Centrelink Pension and she has no assets. The client also had medical problems which made it hard for her to repay the debt. The result was reached through negotiation with the credit card provider.



The clinic has been busy over the past year with many unfair dismissal matters being successfully resolved either by negotiation or by going to hearing. Highlights included a major win in the Australian Industrial Relations Commission in a long running matter which started with an application to the Commission made 109 days out of time. After overcoming the respondent's challenge on this point, we proceeded to a successful arbitration with our client awarded maximum compensation and reinstatement. The decision was particularly significant given that reinstatement was ordered to commence approximately six months after judgment was handed down as our client had recently had a baby and would have been on maternity leave but for the dismissal. The respondent, Qantas, appealed against the decision but this was withdrawn at the 11<sup>th</sup> hour when settlement terms were agreed.

In another notable success, the clinic settled five matters against the one employer who had 'retrenched' an entire workforce then selectively re-employed only some of the employees. The matters all resulted in compensation for our clients following conciliation in the Australian Industrial Relations Commission.

# SECONDEE REPORTS

Since [1992], Freehills has been providing a full-time solicitor to Kingsford Legal Centre on a rotating basis, with each solicitor completing a six month secondment. For 2006, the Freehills secondees were Aviva Beck (from October 2005

# COMMUNITY LEGAL EDUCATION



# POLICY AND LAW REFORM WORK

Linda Tucker appeared before the NSW Legislative Council's Social Issues Committee's inquiry into the impact of Work Choices which led to the publication 'Impact of the Workchoices Legislation'. She also wrote an Employment and Law supplement on the changes to workplace laws for the Legal Information Access Centre's (LIAC) Hot Topics series.

## **HREOC review of the financial entitlements of those in**

KLC submitted to the HREOC inquiry into Same sex relationships referring to the impact on those in same sex relationships of a variety of laws. The report of the Commission will be published in early 2007.

KLC was active in shaping the combined community legal centre group NSW's election strategy. We also liaised with the NSW council of social services around election issues.

# WORKING WITH OUR COMMUNITY

Throughout 2006 Kingsford Legal Centre continued to participate in several community involvement activities. These activities provide the opportunity for the centre to promote the services provided, make enquiries as to the legal issues of the local community, provide legal information to both the community and service providers and to ensure that the information KLC has on other service providers is current. During 2006 some of these community involvement activities included:

The centre would like to thank the representatives from the following community organisations who have kindly agreed to participate in the KLC Consultative Committee: The Shack Youth Service, Sydney Multicultural Community Services, The Junction Neighbourhood Centre and Kooloora Community Centre.

Kingsford Legal Centre continues a commitment to supporting local organisations by staff participating on management committees. During 2006, staff sat on the management committees of the following organisations The Shack Youth Centre, Eastern Area Tenancy Service, The Junction Neighbourhood Centre, The Deli Women and Children's Centre and South East Neighbourhood Centre. In addition staff participated in the Advisory Committee for the Staying Home Leaving Violence service.

Kingsford Legal Centre attends several local interagency meetings including Eastern Area Interagency, Botany Interagency, Eastern Area Domestic Violence Network and the La Perouse Aboriginal Community Interagency Group. These interagency meetings provide a valuable link between KLC and the local communities. We also use these meetings to promote our services and receive feedback on our projects.

Kingsford Legal Centre continues to participate in several networks and working groups of CCLCG. During 2006 KLC staff convened and/or participated in the following networks: Administrators, Sector Development, Human Rights and Employment, CLE and the PII. KLC is also on the Board of CCLCG.

At the 2006 national conference of NACLCLC several Kingsford Legal Centre staff had the opportunity to show case the work done by the centre and the expertise they have developed in their area of law. Linda Tucker was invited to participate in the main plenary session and discussed the role of community legal centres in the social contract with relation to

# WORKING WITH OUR COMMUNITY

WorkChoices. Anna Cody made a presentation on taking your clients to the United Nations, in particular her involvement in the shadow reporting process of the human rights instrument: CEDAW. The KLC discrimination lawyers, Teena Balgi and Shirley Southgate presented a workshop on the gaps in discrimination and equal opportunity laws and the difficulties CLC workers have had in working in these areas. Anna Hartree participated in a workshop on developing CLE materials and discussed the lessons learnt in producing a DVD.

Kingsford Legal Centre uses local community forums as an opportunity to promote the service and to distribute relevant legal information. During 2006 KLC participated in the following:

- 2006 Mardi Gras Fair Day
- 2006 Coral Sea Fair
- Law Week
- NAIDOC Week celebrations at La Perouse
- Tenancy Expo at La Perouse
- Service Providers Expo at Maroubra Junction



# VOLUNTEERS

## KLC VOLUNTEERS 2006

Without the generous donation by volunteer solicitors of their time and skills, many of the people in our community would be left without access to legal advice. Volunteering at KLC also has the added challenge and delight of working with students who are often having their first experience of working with clients.

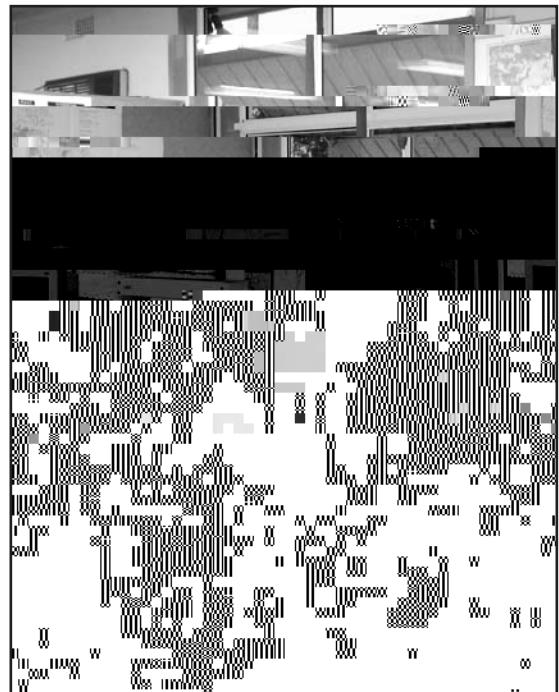
We therefore would like to extend our sincere gratitude to the following solicitors who volunteer at the evening advice sessions:

Alice Paul  
Andrew Davis  
Andrew Jungwirth  
Angelique Leondis  
Arturo Norbury  
Audie Willert  
Christine Forostenko  
Daniel Gleeson  
Danny Grynberg  
Dave McMillan  
Edwina MacDonald  
Elouise Dellitt  
Farah Khan  
Gloria Nicol  
James Baird

Jonathan Namey  
Kate Fennessy  
Kylie Shulz  
Lachlan McAuley  
Lee Critchley  
Lelien Chua  
Maaikie Vanderkooi  
Magdelene Hauw  
Margaret Faux  
Margot Morris  
Marissa Sandler  
Mary O'Connell  
Mike Steinfield  
Natalie Truong  
Natasha Case  
Patrick Garcia  
Patrick Gentile  
Rebekah Gay  
Ricardo Gonzalez  
Richard Beasley  
Robert Eaves  
Ross Buchanan  
Roxanne Dunkel  
Sarah Connolly  
Sharon Katz Vidor  
Sue Mordaunt  
Susan Donaldson  
Sylvia Hobbs  
Theodora Gianniotis  
Tim Mitchell  
Tom Porter  
Xanthe Thomson

Thanks are also extended to the following firms who provided staff for the employment law clinics during 2005:

Ebsworth & Ebsworth  
Abbot Tout  
Bartier Perry  
Clayton Utz  
Harmer's Workplace Lawyers  
Henry Davis York  
Pricewaterhouse Coopers Legal



# STUDENTS

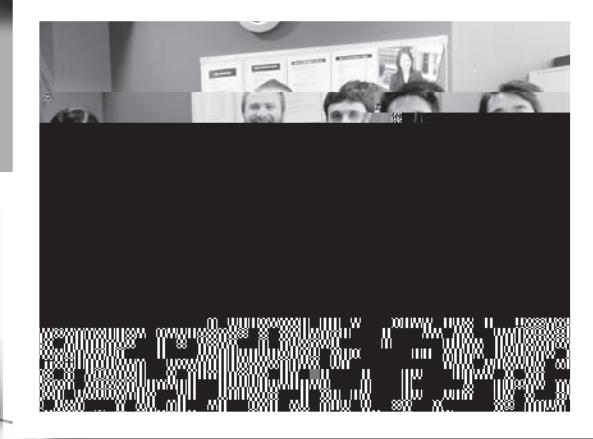
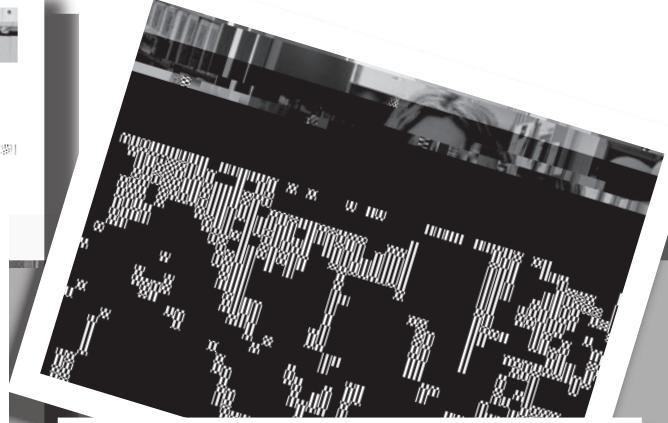
Adam Gordon  
Anita Fong  
Brenda Lui  
Caitlan Fegan  
Carolyn Yan  
Cass Wong  
Danielle Roth  
Eric Tang  
Felicia Boyages  
Gina Kawalsky  
Hannah Pan  
Hayley Gilovitz  
Inga Kossowska  
Isa Pin  
Jacqueline Wilkinson  
Kitty Chan  
Kellie Thai  
Mandy Kaplan  
Melissa Lubowski  
Rianna Xie  
Ryan Yoon  
Shirley Wong  
Sujinda Nilchan  
Tommy Taechaubol  
Vivien Yu  
Winson Chan  
Yenti  
Yorkie Au Yeung

Adrian Poy  
Alice Lin  
Angela Chong  
Bryan Shaw  
Cassandra Fung  
Chloe Chung  
Clement Lo

# STUDENTS



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# FINANCIAL REPORT

## INCOME AND EXPENDITURE REPORT PERIOD ENDING 31 DECEMBER 2006 KINGSFORD LEGAL CENTRE

### INCOME

Commonwealth Funding.....	163,562.00
State Funding.....	114,890.00
Donations.....	3,394.00
Fees - Non Award student Activity.....	1,841.00
KLC generated income including legal costs & disbursements.....	64,662.00
Reimbursements.....	3,738.00
<b>TOTAL.....</b>	<b>352,087.00</b>

### EXPENDITURE

Salaries and on costs.....	503,707.00
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# FINANCIAL REPORT

## **CERTIFIED BALANCING TO THE LEDGER**

Rajinder Cullinan  
Accountant  
Faculty of Law  
UNSW  
3 April 2007

## **CERTIFIED CORRECT**

Anna Hartree  
Coordinator  
Kingsford Legal Centre  
UNSW

3 April 2007

## **NOTES**

- 1) Legal Costs and disbursements are an abnormal item which can vary considerably from year to year.
- 2) Kingsford Legal Centre is a unit of the Faculty of Law of the University of New South Wales. As such all its accounts operate within the financial structure of the Law Faculty.

## **Anna Cody – Director**

Anna Cody joined the centre as Director in March 2004. Anna has worked at the centre as a solicitor, senior solicitor and acting Director since 1995, leaving for periods of study and other work. She has worked most recently with a human rights organisation in New York and also in the area of international development in Australia. Her research interests are in the area of community development, clinical legal education and human rights.

## **Shirley Southgate - Principal Solicitor**

Shirley commenced work at KLC in November 2005. Shirley has previously practised in Western Australia, most recently at Legal Aid WA as the Managing Solicitor – Client Services. She has also worked in four different community legal centres and in private practice. She was one of the founders of Human Rights WA and has a particular interest in policy, law reform and community legal education.

## **Teena Balgi - Solicitor**

Teena was a student at KLC in 2000. She has since worked as a solicitor at the HIV/AIDS Legal Centre and as an editor of the Indigenous Law Bulletin. Teena came to KLC from the civil litigation section of Legal Aid Commission of NSW where she was part of the administrative law team. She is currently co-convenor of the National Human Rights Network of Community Legal Centres.

## **Linda Tucker – Employment Solicitor**

Linda Tucker came to KLC from the Sydney Bar where she specialised in refugee and employment law. Prior to this she worked in England for several years running appeals for the Refugee Legal

# STAFF

## **Francisco Fisher – Publications Worker**

Francisco is responsible for all the layout and production of most of the publications produced by KLC.

student at the Centre in 2003. At Freehills, she also participates in the New Enterprise Incentive

## **Murray McWilliam – Librarian**

Murray maintains the KLC library. He began his involvement with KLC through his participation in the Clinical Legal Experience Course, Summer Session 1997/98.

## **Aviva Beck – Freehills Secondee**

Aviva Beck joined KLC in November 2005 for a 6 month secondment from Freehills. Before coming to KLC, Aviva was working in the Freehills Sydney office working in Litigation and specialising in Intellectual Property.

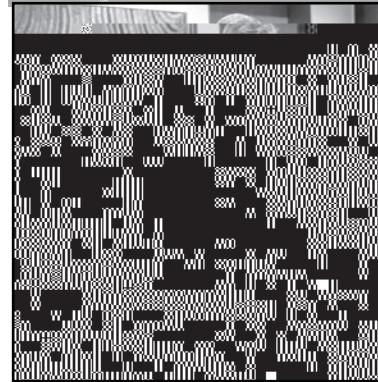
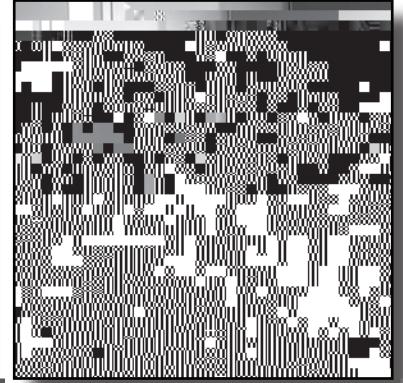
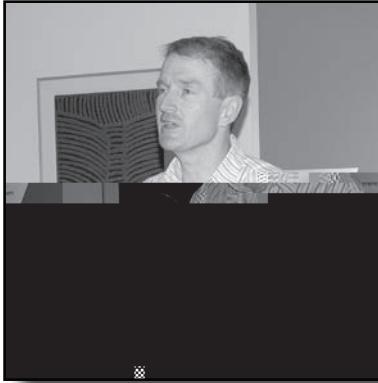
## **Mark Gillard – Freehills Secondee**

Mark Gillard joined KLC in April 2006 for a 6 month secondment from Freehills. Mark joined Freehills in 2004 and has worked in Freehills Litigation and Banking & Finance practice groups. Before joining Freehills, Mark was a Judges' Associate in the High Court of New Zealand.

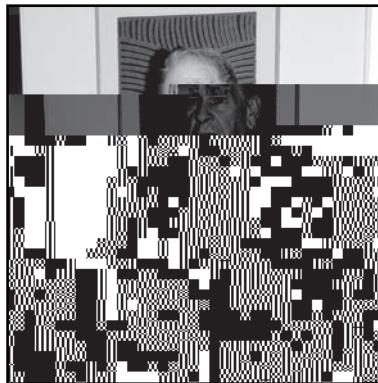
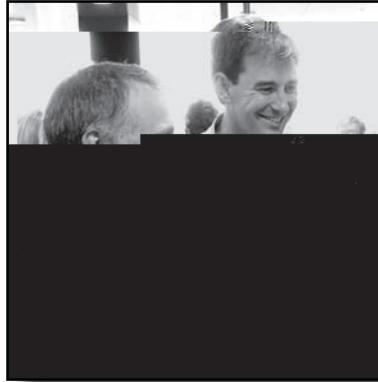
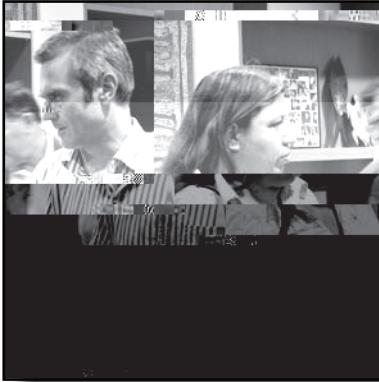
## **Susan Wan – Freehills Secondee**

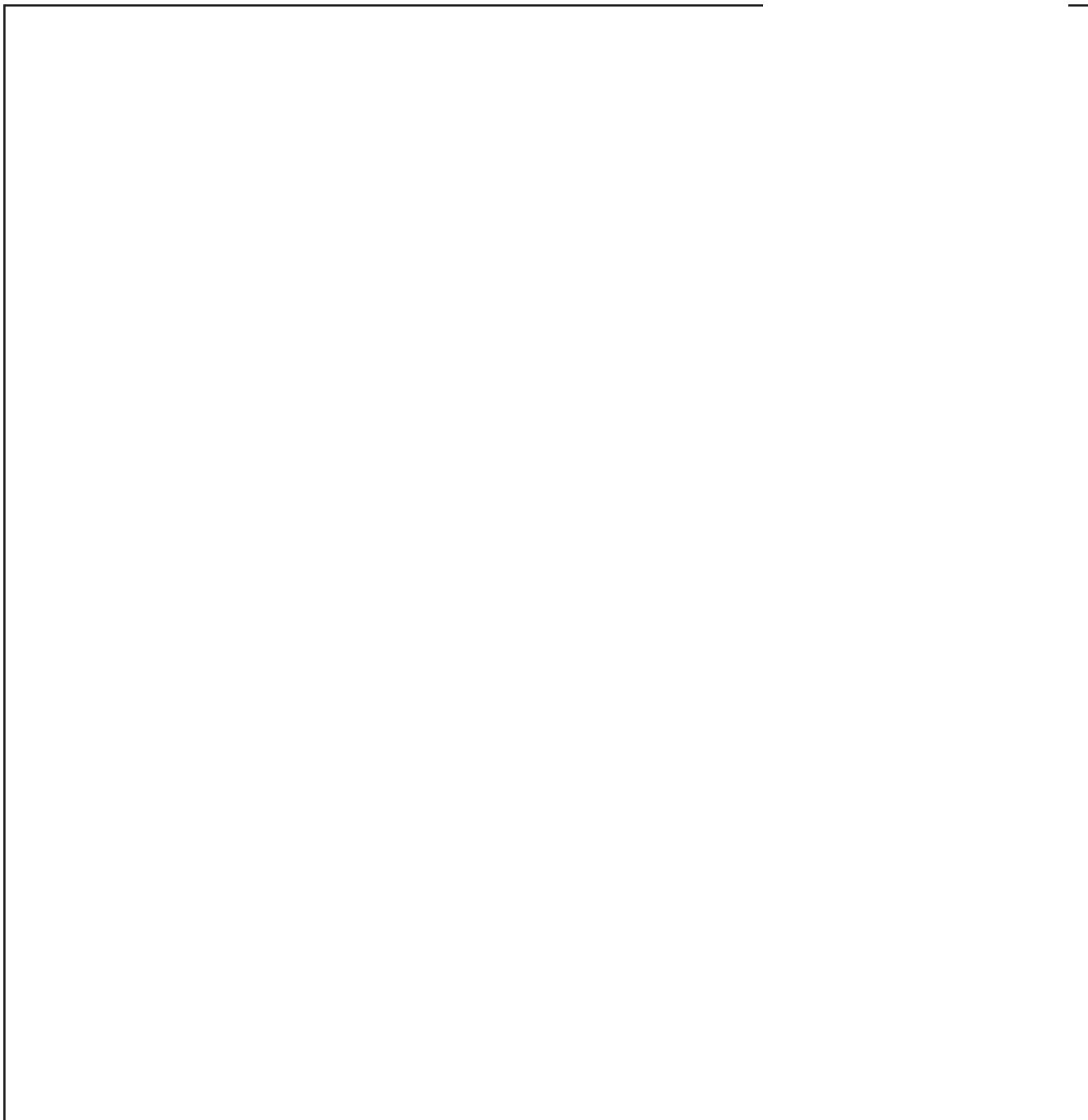
Susan joined Kingsford Legal Centre in October 2006 on a six-month secondment from Freehills where she has practised in the Litigation and Stamp Duty section. Susan studied at the University of New South Wales and was a

# 25TH ANNIVERSARY BASH



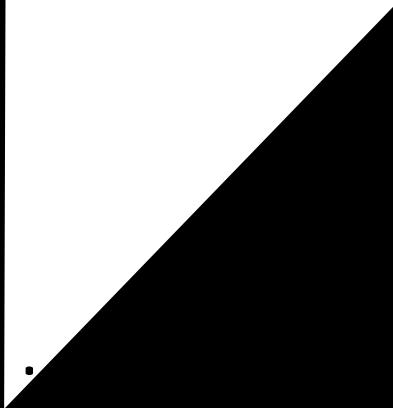
# 25TH ANNIVERSARY BASH











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