

The Goulburn Valley's migrant and refugee community is benefiting from a five-part series of talks about legal issues, run by Victoria Legal Aid (VLA) and local welfare agencies.

Fifty members of the region's African communities attended the first talk in December, which focused on organising finances, paying of bills, responding to door-to-door sales people, understanding contracts for services, and managing loans and debts.

A VLA civil lawyer was one of five speakers who worked in tandem with Swahili, Dinka, Sudanese-Arabic and French interpreters.

'The translating worked beautifully, with each of the speakers making one point at a time. It takes time, but it works well,' said Angela Costi, a VLA community legal education co-ordinator.

The sessions, held at the Goulburn Ovens Institute of TAFE, stemmed from conversations between a VLA immigration lawyer and the pastor of the local Lutheran church, Reverend Matt Anker.

'In caring for refugee families, St Paul's Church found itself constantly reacting to

## Legal education bearing fruit



the same issues but in different guises,' said Reverend Anker. 'Talking with the VLA migration lawyer, we could see together that a form of legal education that was understandable and accessible could be of benefit to people trying to settle.

'Issues such as loans and welfare payments and contracts can be hard enough to fathom if you're born and bred here, let alone if you are new to the country. Not understanding these issues can seriously undermine your sense of well-being and security.'

Reverend Anker said that the sessions have been very positively received by both the migrants and refugees, and local agencies.

'In a way the sessions have opened up a can of worms in terms of people telling us more about their needs. Now we are more aware of what issues concern them.'

Each of the five sessions is focused on one area of law and involves a specialist lawyer delivering legal content using a storytelling method.

*Continued on page 02*

## Immediate results for new Procedure Act

The first interlocutory appeal under the *Criminal Procedure Act 2009* was heard on Monday 8 February.

The County Court had refused an application for severance in an historical Gippsland sex case. (The defendant was charged with sex offences against different people alleged to have been committed a long time ago. The prosecution wanted the charges all heard together at the one time.) The Judge certified the issue as appropriate for an interlocutory appeal.

The appeal was heard by the President of the Court of Appeal Justice Maxwell, and Justices of Appeal Bongiorno and Buchanan. The appeal was allowed and separate trials were ordered.

'Under the old system,' said VLA's director of criminal law services Saul Holt, 'the trial would have happened, the accused would probably have been convicted, been successful on appeal and a re-trial would have been ordered. All that would have taken about 18 months. Instead it took three days.'

'This is an example of how the new system should work. It also highlights that interlocutory appeals are not just for the Crown.'

VLA has had a major hand in the process, noted Mr Holt. John McLoughlin, VLA senior public defender – appeals, was on the specialist group that advised government on the design of the system and criminal lawyer Paul Smallwood is currently seconded to the Court of Appeal helping with the implementation of the system.

## Legal education bearing fruit

'Storytelling is one tool of engaging with oral communities, as well as the use of easy English fact sheets and interpreters,' said Ms Costi.

The second session, in February, concentrated on driving, traffic and car insurance, and saw the audience expand to include members of the region's Iraqi and Afghani communities. They were accompanied by Arabic and Dari interpreters.

Greater Shepparton has a population of approximately 60,000, with 15 per cent of the community born overseas. Iraqi refugees began arriving in the wake of the first Gulf War in 1991, with Afghani, Sudanese and Congolese refugees mostly arriving in the past five years.

'The second wave of refugees have come to the area knowing Shepparton has the capacity to help them,' said Greater Shepparton's manager of community strengthening, Peter Bourke.

'The legal information sessions have been fantastic in providing pathways for further learning for our refugee and migrant communities,' said Mr Bourke.

'The sessions are very useful for people needing help with legal issues,' said Thon Thon, community worker with the Ethnic Council of Shepparton and District.

'The people who have attended have been very happy with the sessions and have then been telling other people in their communities about them. Some people are now making appointments with Legal Aid lawyers,' said Mr Thon.

VLA's partners in the sessions have included:

- Centrelink
- Ethnic Council of Shepparton and District
- Greater Shepparton Council
- Goulburn Ovens Institute of TAFE
- Goulburn Valley Community Health Service
- St Paul's Lutheran Church

- Shepparton Police
- Uniting Care Cutting Edge

The managing lawyer of Victoria Legal Aid's Shepparton office, Ian Michaelson, described the sessions as 'good practical examples of early intervention and preventative legal education. They give the Shepparton VLA office a presence in these new communities and show that VLA, in tandem with local agencies, can respond to the unmet legal needs of particular groups.

'There have been lots of questions from those attending, which is a very good sign.'

**The final two sessions will be on 15 April (Australian citizenship, immigration law and sponsoring families) and on 20 May (public and private housing, tenancy rights). Each session starts at 6.30 pm and is at the Shepparton campus of the Goulburn Ovens Institute of TAFE. Enquiries: 03 9269 0223**

## Do Not Knock campaign

**The Do Not Knock campaign initiated by the Consumer Action Law Centre is gaining momentum due to collaboration between several community legal centres and Victoria Legal Aid.**

A local campaign was organised late last year by the Footscray Community Legal Centre, which was aware of the pressures that door-to-door sales people were placing upon local residents, especially newly-arrived refugees and migrants.

'The problems caused by door-knockers can be just horrendous,' said Denis Nelthorpe, manager of the Footscray Community Legal Centre. 'And for people with little or no knowledge of their rights it's just a nightmare.'

The campaign includes Do Not Knock stickers and brochures designed and printed by VLA and distributed through community legal centres in Footscray, Springvale and Fitzroy. There are English and Vietnamese versions of the campaign material.

'The stickers can give some respite from door-knockers,' said Mr Nelthorpe. 'One resident said that when door-knockers see the sticker on her door they turn around and walk off.

The resident was getting two to three door-knockers a week.

'Also, the Essential Services Commission has been telling power companies that they should advise their door-to-door sales staff to abide by the Do Not Knock sticker. I think some of the companies are doing this.'

Mr Nelthorpe said that there was now interest in the campaign from councils and community legal centres in Essendon, Moonee Valley and Richmond.

The City of Maribyrnong backed the Footscray Community Legal Centre campaign by distributing its own Do Not Knock stickers to every household in the municipality last November.

Victoria Legal Aid's involvement in the campaign has included work by its graphic designers, community legal education coordinators, and its community legal centre funding program.

The Do Not Knock campaign will be part of VLA's Law Week activities in May. VLA will present an entertaining and theatrical information session for the elderly

community of the Carlton housing estate. VLA is presenting the event with the City of Melbourne and Multicultural Arts Victoria, and the support of Seniors Rights Victoria.

The cast will include a professional actor (an elderly citizen who has experienced aggressive door-to-door selling) and a VLA legal information officer. A VLA lawyer will outline residents' rights when dealing with unwelcome door-knockers.



*Do Not Knock stickers proved popular at the Vietnamese New Year Festival in Footscray in January*

# Law reform

In recent months Victoria Legal Aid's Justice and Law Reform program has provided comment and/or submission papers on several topics, including:

- House of Representatives inquiry into breaking the cycle of indigenous incarceration
- National Justice Mental Health Initiative – discussion paper on diversion and support for offenders with a mental illness
- Review of the Victims of Crime Compensation scheme
- Victorian Law Reform Commission's review of Child Protection Legislative arrangements
- Parliament of Victoria inquiry into Powers of Attorney.

## Breaking the cycle of indigenous incarceration

The complex legal needs of indigenous young people and young adults requires an integrated service that considers a person's civil, family and criminal law needs alongside preventative community based models.

VLA notes and supports the consistent findings that indigenous people experience a greater and more successful engagement with indigenous specific services provided by indigenous people.

Conversely, the lack of indigenous specific programs has been consistently identified as a major barrier to indigenous participation and successful reintegration from prison.

VLA further recommends the co-location of legal services with generic community support services near indigenous communities.

Other recommendations include:

- diversion from detention
- reduction of public order offences
- indigenous-specific bail support programs
- indigenous-specific ROPES program.

The VLA submission concludes with a call to develop specific young indigenous women's programs, including during detention, to address their needs.

VLA, alongside Aboriginal and Torres Strait Islander Legal Services (ATSILS), has provided assistance to indigenous people on civil law, criminal law and family law service systems for over 30 years.

## Supporting offenders with a mental illness

Victoria Legal Aid (VLA) has called for a broader definition of mental illness in its comments to the Department of Justice Health Unit on the best practice guidelines for diversion and support of offenders with a mental illness.

The definition of mental illness should include those who have a personality disorder, or intellectual disability. It should be flexible enough to include those who have not received a formal diagnosis but exhibit behavioural traits that indicate they would benefit from the diversion and support program.

VLA believes the proposed pre-offending preventative interventions may be discriminatory and problematic by placing controls upon individuals who may have a mental illness but who have not committed any crime.

VLA supports the introduction of a pilot for a mental health list at the Melbourne Magistrates' Court and has been actively involved in the investigation and development of the mental health list and the model to be trialled in Victoria.

VLA provides specialist advisory services, including representation for matters in the criminal justice system, before the Mental Health Review Board, in guardianship and administration applications at VCAT, for debt matters as well as Children's Court and family law matters.

VLA also offers specialised services in social security, tenancy and discrimination disputes.

## Supporting victims of crime

VLA has responded to the review of the *Crimes Assistance Act 1996* and the *Sentencing Act 1991* being undertaken by the Department of Justice. The review considers how victim's recovery can be strengthened using financial support and how offenders can contribute to the compensation system.

VLA's submission supports counselling and support services and re-considers the value of therapeutic and restorative justice where the perpetrator is unknown to the victim or not able to be identified by the victim, or



where the impact of disclosing their feelings may re-traumatise the victim.

The submission supports the principles of the Victims' Charter and reforms that are consistent with the *Charter of Human Rights and Responsibilities*.

## Powers of attorney

VLA believes the Victorian Parliament Law Reform Committee's inquiry into powers of attorney would benefit from a full review of both the Powers of Attorney as well as an assessment of the effectiveness of the Enduring Power of Guardianship and Enduring Powers of Attorney (medical treatment).

A comprehensive review of all substituted decision making is required in order to ensure consistency of approach. This is particularly important as those seeking to make Powers of Attorney are also regularly advised to complete Enduring Power of Guardianship and Enduring Power of Attorney (medical treatment).

There is confusion among not only those seeking to make Powers of Attorney, but the legal profession itself.

VLA is aware that the law relating to Powers of Attorney (medical treatment) falls under separate legislation and it may well be difficult to reconcile all Powers of Attorney.

Amongst its recommendations, VLA called for all Powers of Attorney to receive training or, at the very least, comprehensive facts sheets about duties and obligations. Such fact sheets would need to be in plain English.

In the last financial year VLA, in partnership with the Office of the Public Advocate, distributed 46,795 fact sheets about Guardianship and Powers of Attorney.

VLA also provided the following services in Guardianship and Administration: 88 legal representations, 709 legal advices and 175 duty lawyer services to the Victorian community.

Copies of the VLA submission into powers of attorney are available from the manager of policy and planning, Linda Murdoch: [lindam@vla.vic.gov.au](mailto:lindam@vla.vic.gov.au)

# VLAF spreading its wings

The Victorian Legal Assistance Forum (VLAF) promotes collaboration and co-ordination in the delivery of legal services for socially and economically disadvantaged people in Victoria.

Since its inaugural meeting twelve months ago it has established several working groups, created a regional version of the forum in Bendigo, launched a report about African refugees and run various dialogues and forums.

The forums and working groups include:

- rural and regional legal services issues - a collaborative approach
- legal assistance dialogue - prison forum

- legal referral working group meeting
- legal access for culturally and linguistically diverse communities
- roundtable for legal policy workers
- community legal education working group
- disability legal access working group
- community and financial hardship working group.

With over 400 participants across the various activities, VLAF has already provided many opportunities for legal assistance agencies to network and share ideas and information. There are hopes to establish regional versions of VLAF in the Mildura and Albury-Wodonga regions.

Victoria Legal Aid is a founding member of VLAF along with Victoria Law Foundation, Federation of Community Legal Centres, Aboriginal Family Violence Prevention and Legal Service, Victorian Aboriginal Legal Service, Public Interest Law Clearing House, Law Institute of Victoria and the Victorian Bar.

For more details visit [www.vlaf.org.au](http://www.vlaf.org.au) or contact Rachna Muddaguni on (03) 9269 0256.



## ATLAS imminent

The 'Australian total legal aid solution', more commonly known as simply ATLAS, is in the final stages of testing.

ATLAS is Victoria Legal Aid's online system for panel practitioners to lodge and track legal aid applications, extensions and invoices.

Victoria Legal Aid believes ATLAS will create

- greater efficiencies in turnaround
- a better all-round client service
- a reduction in most paper-based dealings with VLA.

Bill Doogue, of Doogue and O'Brien, has had the opportunity to test the new system and said, 'Everyone in our offices has responded very well to trialling ATLAS. Though it is early days, the system shows the signs of being a well thought out product.'

'It will be particularly useful when you're under a lot of pressure. Knowing, almost immediately, that you have a grant of legal assistance will be of significant benefit to our clients, especially in urgent matters.'

'The more information you have readily available, the better organised you can be,' said Mr Doogue, 'and that means you can work a lot better.'

For further information visit the For Lawyers page at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## Victoria Legal Aid to participate in Coronial inquiry

The State Coroner, Judge Jennifer Coate, has granted permission to Victoria Legal Aid to be part of the inquest into the December 2008 police shooting of teenager, Tyler Cassidy.

This follows an application made by Victoria Legal Aid on Monday 21 December 2009 to participate as 'an interested party' in the inquest.

By participating in the inquest, Victoria Legal Aid hopes to assist the Coroners Court by:

- identifying gaps in service provision for children and young people in crisis by drawing on its significant work with young people and people experiencing mental health issues in the legal system
- providing input into how police training and protocols might be improved in responding to critical incidents involving children and young people
- developing its work with children and young people in their interaction with police in crisis situations
- taking a key role in improving public policy, the law and access to justice.

VLA believes its involvement could strengthen the right of all children and young

people to be treated sensitively in their interaction with police.

This is the first time since the new *Coroners Act 2008* came into effect that the State Coroner has provided for the participation of an organisation as 'an interested party' on a 'public interest' basis.

Victoria Legal Aid is the state's largest criminal law practice for children and young people.

### Insight into special needs

Victoria Legal Aid launches its inaugural Insight series with a half-day forum about helping people with an intellectual disability to resolve their legal problems.

Eminent keynote speakers and guests from the legal, health and community sectors will share their knowledge with VLA staff on Thursday 29 April.

The Insight series will be an opportunity to learn more about VLA's work and expertise, explore some of the challenges involved in a particular area of the law, and work with fellow professionals on ways to deliver better services.



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