

## Have you got Older & Wiser?

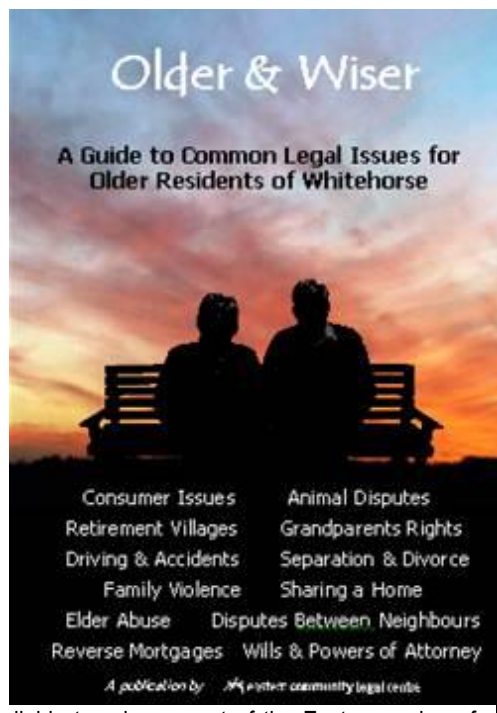
Eastern Community Legal Centre is thrilled to announce the release of its latest publication titled 'Older and Wiser'. This free publication was produced thanks to the generous funding of the City of Whitehorse and is full of valuable information about legal issues affecting older residents of Whitehorse, such as neighbourhood disputes, family law and financial issues. It also provides helpful and extensive information about local services that can assist residents with these issues.

"Council was pleased to support this project that will provide basic legal information to older residents in our community and guide them towards support services when more help is needed," Whitehorse Mayor Councillor John Koutras said.

Feedback in relation to the guide has been overwhelmingly positive with the first print run of 1,000 copies almost entirely distributed. Funding has also generously been granted from the Knox City Council for the guide to be reproduced in the Knox region. The Knox version of Older & Wiser (which will also be free) has now been completed and will be launched in February. If you're interested in obtaining a copy or being involved in the launch or distribution, please contact the Boronia office for more information.

Talks are also currently underway in other areas and it is hoped that this publication will be produced in more Council areas throughout the eastern region. In the future, Eastern CLC plans to reproduce the guide as a series of fact sheets, making it more easily accessible and available to a larger part of the Eastern region of Melbourne, providing valuable education to older residents in this area.

Free copies of Older and Wiser can be obtained from Eastern CLC.



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## ECLC Services

### Box Hill Office

Suite 3, Town Hall Hub  
27 Bank Street, Box Hill 3128  
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Ph: (03) 9285 4822 Fax: 9285 4833  
eclc@eclc.org.au

Outreach locations:  
Hawthorn  
Ashburton  
Ringwood Magistrates' Court

Serving the Cities of Whitehorse, Boroondara & Manningham

For an appointment for these services, call (03) 9285 4822

### Boronia Office

Suite B, 6 Floriston Road, Boronia 3155  
(PO Box 747)  
Mon – Thurs 9:00am – 5:00pm  
Ph: (03) 9762 6235 Fax: (03) 9762 9751  
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outereast@eclc.org.au

Outreach Locations  
Rowville  
Lilydale  
Yarra Junction  
Healesville  
Ringwood Magistrates' Court

Serving the Cities of Knox & Maroondah & the Shire of Yarra Ranges

For an appointment for these services, call (03) 9762 6235

[www.eclc.org.au](http://www.eclc.org.au)

## New Healesville Outreach

Eastern CLC is delighted to announce that our outreach services have expanded to Healesville. In a partnership agreement with Yarra Valley Community Health, ECLC will be attending Yarra Valley Community Health in Healesville on the 2<sup>nd</sup> Wednesday each month. The partnership with Yarra Valley Community Health will provide very strong links with the Healesville community and enable the outreach service to be accessible to all in Healesville and the surrounding areas.

The establishment of the Boronia office and the outreach services has meant that we can now serve the outer east much more effectively. For many living in the Healesville area, the Boronia office is still not accessible for them and it is hoped that the new outreach service in Healesville will help bridge this gap.

To access this new outreach service or book a guest speaker, you can call the centre on (03) 9762 6235 or 1300 79 70 88 to make a confidential appointment with a lawyer or speak to a staff member about the community education program.

ECLC profiles Catherine Jeffries, Community Lawyer.

**What work do you do at ECLC?**

I am the community lawyer (Inner East). I see clients in the office (at Box Hill and at our outreach service at Hawthorn) and provide them with advice on a wide range of legal problems. I also provide advice at the Ringwood Magistrates' Court to people applying for intervention orders or against whom orders are sought.



**What do you like about ECLC?**

Being in an environment in which all the staff are committed to meeting the needs of the disadvantaged.

**Highlights of the work so far?**

I'm not sure you get too many highlights as a lawyer-people come to see you about their problems after all! Solving their problems, satisfactorily resolving their problems or just giving clients the legal tools to help themselves when they are feeling helpless or under siege is always very satisfying and is always a highlight.

**Any funny or embarrassing moments in the job so far?**

Embarrassing, yes! Not being able to work the phone, the fax machine the computer ... machines hate me. I haven't had any particularly funny moments here yet but I've no doubt there will be plenty.

I've had lots of funny moments in the law though. Like the time a client at Port Adelaide looked at my law degree which was hanging on the wall of my office. It tells us that I was admitted to the Ordinary Degree of Bachelor of Laws. This man studied it for a while and then said, "That's not very nice." I couldn't work out what he was looking at and said "What's not very nice?" He said "There's nothing ORDINARY about having a Law degree!" Too right!

**Any legal issue that frustrates you?**

Plenty. You name it - it will frustrate me at some point. I usually get over it. There will be one next week. I'm certain.

**Favourite food?**

Steak and chips. Do I sound like a Collingwood footballer yet?

**Favourite holiday destination?**

Darwin. Still.

**Favourite time of the year?**

I'm starting to think that springtime in Melbourne is pretty special. All the things you can't grow on the plains in Adelaide are here - camellias and rhododendrons. All so pretty. And the spring carnival of course.

**Holiday closure**

**ECLC will be closed from 1pm, Wednesday 24<sup>th</sup> December and will re-open to clients on Monday 5<sup>th</sup> January 2009.**

ECLC Board and staff wish all of our volunteers, clients and colleagues a happy, safe and relaxing holiday season and look forward to working with you all again in 2008.



**Family Violence Law reform**

The *Family Violence Protection Act 2008* comes into force this month, replacing the *Crimes (Family Violence) Act 1987* and representing the latest move if the shift toward protecting victims of family violence.

**What are the changes?**

Key features of the new Act include:

- A broader definition of 'family member' to include 'family like' situations.
- A broader definition of 'family violence' which covers emotional/psychological abuse, economic abuse, any other coercive or controlling behaviour and behaviour that causes a child to witness, hear or otherwise be exposed to the effects of family violence.
- New rules of evidence including rules to protect witnesses from cross examination by respondents. Unless the victim consents and court agrees, the defendant must not cross examine the victim personally. Legal Aid must provide legal representation for the cross examination.
- New police powers including issuing Family Violence Safety Notices, power to direct the surrender of weapons and firearms and extra search powers.
- Exclusion orders must be considered by courts as part of making Intervention Orders. That is, the violent person may be excluded from their home in order to protect victims.
- Intervention Orders can include 'associates'. That is, people who are closely connected to the respondent or affected family member.

**What does this mean in practice?**

It's still not clear how these changes will impact victims of family violence and their experiences with the court system. The courts will need to develop the legal tests for issues like proving someone is a 'family member' or has suffered economic abuse. Lawyers will need to think about what sorts of evidence then can now bring. For example, in the case of economic abuse, how will someone prove 'coercive, deceptive or unreasonably controlling behaviour'?

ECLC is continuing its Intervention Order Support Service at Ringwood Magistrates' Court in partnership with Victoria Legal Aid, Eastern Domestic Violence Service and the Court. ECLC will monitor the impact of this legislation on our clients and the Court system over the coming months.

**What else do I need to know?**

The Act will commence in December 2008 and only applies to family violence. Stalking will be covered in a new *Stalking Intervention Order Act*.

The Deputy Premier and Attorney-General, Rob Hulls has also announced a review of family violence deaths in Victoria (which made up 43% of homicides in 2005-6). The review will be conducted by the Coroner's Prevention Unit (see [www.premier.vic.gov.au](http://www.premier.vic.gov.au) for more).

**For more information**

Access the *Family Violence Protection Act 2008* at the Victorian Legislation and Parliamentary Documents website: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

For information about the differences between the *Crimes (Family Violence) Act 1987* and the *Family Violence Protection Act 2008* see the Department of Justice website: [www.justice.vic.gov.au](http://www.justice.vic.gov.au)

For legal advice and assistance around family violence issues, contact ECLC.

**For information on ECLC's services and projects or to view a map of our office locations, please see the website or call the office directly.**

[www.eclc.org.au](http://www.eclc.org.au)



Eastern Community Legal Centre has successfully completed the innovative 'Fred's Fair Play' project with five performances over recent months, including the Whitehorse Festival, Indigenous Healing Expo and the Lilydale Show. The project has seen ECLC participate in five local festivals and raise awareness of human rights with at least 300 children and their families.

With the recent introduction of the Human Rights Charter, ECLC was delighted that the Commission chose to support their 'Human Rights - On the Festival Stage' project. The Charter is a significant step forward for Human Rights but the key principles of Freedom, Respect, Equality and Dignity are not yet widely known and we are most enthusiastic about promoting the rights to all ages, in a creative and entertaining way.

Children and parents alike loved what we had in stall for them at this year's festivals! CARP Productions, a well known production company, presented a free, exciting, interactive and educational play for primary school aged children, based on the principles contained in the Victorian Charter of Human Rights.

These principles of Freedom, Respect, Equality and Dignity were shared in a fun, interactive way that captured the imagination of primary school children, whilst educating them. Both young and old enjoyed the sports and fairies theme of the play which demonstrated how these principles have a place in the everyday life of all Australians. After the play, Eastern Community Legal Centre also handed out legal information packs for the parents and gave balloons to the children.



"Fred's Fair Play" challenges the way we view Human Rights – instead of being something that happens in other countries, it makes the audience think locally. The key themes in the Charter (FRED) are all being 'played out' in the playground each day.

ECLC is currently exploring ways to continue this project under the Human Rights are Aussie Rules banner, including taking the play and issues of human rights into schools across the East (see page 4).

Big thanks to the staff and volunteers who worked incredibly hard in the lead up to each festival and on the day of the shows to ensure that this project ran smoothly.

**Would you like to donate to ECLC?**  
For more details on how to donate and how your donation will be used, please visit ECLC's website.  
Donations over \$2 are tax deductible and can now be made on-line.

## VLA Managing Director Bevan Warner: hot off the press!

It's that time of year again (AGM season!) and ECLC made sure its 2008 AGM stood out from the rest with a media theme that highlighted the centre's achievements and was both entertaining and educational!

ECLC was delighted to welcome Victoria Legal Aid's Managing Director Bevan Warner. He spoke about the important role of Community Legal Centres, Victoria Legal Aid and Government in improving access to justice.

Mr Warner acknowledged the importance of "small but progressive Centres such as ECLC" and recognised the hard work of the board, staff and volunteers. He shared his belief that an "active multi-layered strategic partnership between the sector and VLA is vital to improve access to justice, for existing clients and for those who will come later".

The audience wholeheartedly agreed with Mr Warner's description of community legal centres as organisations that "enhance citizenship, make a positive contribution to the community and should be adequately supported by all levels of government."



Victoria Legal Aid Managing Director Bevan Warner speaking at the ECLC AGM.

Mr. Warner stated, "Some say that CLC's advance social inclusion through the combination of public interest advocacy and the services they deliver, to the most marginalised members of our society. Irrespective of labels the notion of active citizenship contributing to social inclusion speaks of a value in the outcome and the process by which services are designed and delivered. It is this notion - that process of community involvement ensures relevant and appropriate services that are responsive to client needs - which deserves some unpacking. What does this mean?"

"For me, it means that those who administer government programs can reasonably adopt a light hand and embrace the service mix that locally responsive and well governed centres, choose for themselves. Information, advice and casework leading to or invoking law reform – is more than a question of trust – it has been proven to work in the community legal sector and in Legal Aid Commissions, over many years. For me, provided good governance is in place, CLC's are a low risk, low cost and effective vehicle for delivering access to justice and making improvements in the law."

The AGM further highlighted the ECLC year and upcoming priorities. Annual reports are available from ECLC.

### Did you know?

- Of ECLC's 2225 clients in 2007-08, 23.2% were born overseas
- Young people are well represented in ECLC's client group, with 20.6% of clients aged between 18 and 30 years.
- ECLC provides advice on a range of legal issues, with the most common issues in 07-08 being Intervention Orders, Family Law and Separation/Divorce. Others include Motor Vehicle Accidents, Wills, Traffic Offences and Neighbour Disputes.
- In 2007-08 a whopping 43.2% of ECLC clients came from Knox! The Outer East office has worked hard to raise the profile of the service and it's obviously paying off!
- ECLC provided 28 community legal education sessions to client and community groups in 07-08. Will your group need a speaker in 2009?
- Eleven of the 15 staff at ECLC have birthdays that fall in the second half of the year. That's 73%!



## Human Rights are Aussie Rules

*An open letter to the Commonwealth Attorney-General*

Dear Attorney,

We understand that on 10 December 2008, the 60th Anniversary of the Universal Declaration of Human Rights, there is a strong prospect that the Rudd Government will announce a review into human rights protection in Australia. We also understand that the details of the review are still being finalised.

To date, the human rights debate in Australia has been dominated by two opposing groups – well-meaning, progressive people (mostly lawyers) who believe formal legal protection is essential, and anti-rights opponents who believe human rights protection is unnecessary and will merely create a lawyers' picnic.

We believe there is a way around both of these groups, and the key is to minimise the legal aspect of the debate, and replace it with the principles of fair play and good sportsmanship. In other words, to talk of human rights as Aussie Rules, more analogous to a sports code, than a legal document.

As an active and progressive community legal centre, we are in a position to understand the limitations of turning something as important as human rights protection into a debate only about law reform. To do this would be elitist and have little meaning to ordinary Australians.

We believe that through the metaphor of sport, particularly the national game Australian Rules football, the need to protect the potentially nebulous ideals of human rights can be explained better to the community. For this reason we make the following suggestions on the format of the review:

1. Appoint a panel of eminent Australians to review human rights protection in Australia and receive submissions from the general public, ensuring that there is at least one high profile sportsperson known for their fair play on the panel. A sportsperson will give the panel accessibility and profile, while also emphasising the connection between good sportsmanship and human rights. Further, an indigenous person must be on the panel – an indigenous sportsperson of the calibre of Michael Long or Cathy Freeman would be even better.
2. Delegate responsibility for community consultation on human rights to National Sporting Bodies, ACOSS (and its state members) and schools. By funding local discussion forums through these organisations, the Government will hear from ordinary people, not just lawyers, academics and lobbyists.
3. Make submissions as easy as submitting footy tips. Submissions should be able to be completed online through guided prompts. People should be able to tick-a-box beside the rights they think are important.

While the review is important, we believe that human rights education – to children, young people and to the broader community – should be the paramount goal of the Rudd government.

Many of the arguments against formal human rights protection federally stem from a belief that we already have adequate human rights protection and anything more is unnecessary. If that is the case, then it is the Government's duty to educate Australians to think of human rights as more than lofty, inaccessible ideals or regulations only lawyers understand. Instead human rights should be principles of fair play directly relevant to everyday lives.

That is why we have been working on ways to communicate about human rights in an accessible manner – through the metaphor of sport and the medium of the arts – and to deliver this education in a way that reaches out to people within local communities.

At community festivals throughout 2007, we presented interactive performances of *Fred's Fair Play*, a play about human rights aimed at children and their families. The play combines sport, music and dance to highlight the importance of Fairness, Respect, Equality & Dignity (FRED). The project reached over 300 children and importantly their families.

While this stage of the project is completed, we are now embarking on a plan to extend the program into local schools – public, Catholic and independent. To date the whole project has been run for \$5000. If the government prioritises human rights protection this term and indeed embarks on an education campaign, we hope that you might consider helping us continue this work and pilot it in other regions of Australia. We particularly think that the *Human Rights are Aussie Rules Project* would make fantastic links into young indigenous communities, where Australian Rules football is a respected vehicle for building young leaders.

Once again, while it might seem counter-intuitive for a community legal centre to suggest it, we advocate less involvement of lawyers in the consultation process, to ensure that human rights protection in Australia is not merely an exercise in creating an elitist, legal document that ultimately has very little meaning to ordinary Australians.

**Tanja Kovac and Michael Smith**

*Tanja is a writer, lawyer and lobbyist for a human rights act. She is currently working on an education campaign for ECLC, Human Rights are Aussie Rules, using sport to teach young people about Human Rights*

## Staff overview

Over recent months ECLC farewelled longstanding staff members Kate Johnson and Danni Baylis as well as YRIPP Co-ordinator Vivianne Dias.

We were delighted to welcome experienced new staff in Susan Hillman Stolz, Catherine Jeffries and Amy Johnstone. Donna Askew and Lauren Hills both have expanded new roles. We also had a wedding with a name change!

### Manager

Michael Smith

### Inner East Co-ordinator

Leonie Burnham

### Outer East Co-ordinator

Denise Budge

### Financial Administrator

Cathy Oliver

### Administration

Naomi Milnes, Armita Hira, Craig Rossi.

### Community Lawyers

Jenni Smith (Principal) Catherine Jeffries, Ann Lightowler, Donna Askew.

### Community Development

Amy Johnstone

### Volunteers Project/Seniors Rights Admin

Lauren Hills

### YRIPP Co-ordinator (CMY)

Susan Hillman Stolz

## Support

**The ongoing support of these financial and other partners is gratefully acknowledged:**

- Victoria Legal Aid
- Commonwealth Government
- City of Boroondara
- City of Whitehorse
- Knox City Council
- Maroondah City Council
- Rotary Club of Balwyn
- Victorian Equal Opportunity & Human Rights Commission
- Box Hill Citizens' Advice Bureau
- Centre for Multicultural Youth
- Council On The Ageing (Victoria)
- EACH (Eastern Access Community Health)
- EDVOS (Eastern Domestic Violence Service)
- Family Access Network
- GordonCare
- Inner East Community Health Centre
- Knox Community Health Service
- Knox Infolink
- Loddon Campaspe CLC
- Louise Multicultural Community Centre
- Migrant Information Centre (Eastern)
- Public Interest Law Clearing House
- Ringwood Magistrates' Court
- Women's Legal Service Victoria
- Yarra Valley Community Health Service
- JH Legal
- Mercader
- Moores Legal
- Robinson Gill
- Volunteers and Members of ECLC