

Statement of Purpose

SMLS aims to empower and support members of our community to use the law and legal system to protect and advance their rights and broaden and advance their awareness of their responsibilities.

Springvale Monash Legal Service Inc.

A139997D
ABN 96 206 448 228

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Springvale VIC 3171

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Facsimile: (03) 9562 4534
Email: smls@law.monash.edu.au
Website: www.smls.com.au

Hours of Operation

9am – 5pm	Monday to Friday
7pm – 10pm	Monday to Thursday

Drop-in Service

9am – 12.30pm	Monday to Friday
7pm – 9.30pm	Monday to Thursday

Services Provided

Generalist
Child Support
Litigation Advocate
Intervention Order Support Scheme (IOSS) – Dandenong Magistrates' Court
Victims of Crime Assistance (Sexual Assault)
Community Development (CD) and Law Reform

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Staff, Students and Volunteers

Board of Directors

*Erik Abbenhuys
Sue Campbell
*Andrew Crockett
Adrian Evans
*Natalie Greenberg (Vice Chairperson)
*Andrew Halphen
Anna Hall
Kathryn James
Margrit Kaufmann
*Sodany Chee

*Bronwyn Naylor
John O'Sullivan (Chairperson)
Richard Prior
David Starvaggi (Vice Chairperson)
*Vanessa Sweeney (Staff Rep)
Chris Thwaites
Cam Truong (Treasurer)
Helen Yandell
David Yarrow

Lawyers' Practice Manual (Vic) Editors

*Meghan Butterfield
Sue Campbell
*Andrew Crockett
Judith Dickson
Adrian Evans
Michelle Gage

Ross Hyams
Sandra McCullough
Mary Anne Noone
*Kate Seear
Bernard Welch
Helen Yandell

Staff

Director
Helen Yandell

Legal Practice Manager
Vanessa Sweeney (maternity leave)
Huong Nguyen

Finance/Administration Manager
Judy Taylor

Locum Professional Practice Supervisors
David Starvaggi
Chamindri Kahagalle
Tanzeel Jabbar

Professional Practice Supervisors
Margaret Austin
Gail Bowden

Child Support Worker
*Natalie Goharpey

Child Support Solicitors
Val Stoilkovska
Felicity Tseng

Community Development Worker
Dave Taylor

Civil Litigation Advocate
*Sharona Frid
Natalie Goharpey

IOSS Community Lawyer
Natalie Greenberg

SMLS/SECASA Joint Legal Clinic Supervisor
*Meghan Butterfield
*Kate Seear
Gayathri Paramasivam

Administrative Workers
Susan Ball
*Angela Apostolou

Volunteer Program Coordinator
*Felicity Purcell
Sodany Chea

Casual Administrative Workers
*Rebecca Coonan
Ben Desailly
Alex Keeble
Marissa Mazitelli
Nadia Warren

IT Worker
*Chris Speck
Jonathan Lam Ho Yuen

Professional Practice Students

Thomas Craven
Tania Genge
Ellen Laskaridis
Tony Mohorovic
Kirsty Galbraith
Paul Saroufim
Sharon Tay
Liz Wood
Chantal Gear
Clare Vierboom
Simon Schenkel
Angela Trerice
Ellie Chew
Jonathan Ciullo
Aneeqa Khan
Daryl Orillaza
Edwin Kan
James Rashleigh
Sarah Wainwright
Rok Lasan
Haley Aprile
Nicholas Harrison
Sophie Mariole
Irene Zavros

Khiem Lam
Andrew Lloyd
Narinder Singh
Wendy Wang
Amber Chen
Elizabeth Morrow
Anna Horwood
Daniel Newstadt
Michelle De Stefani
Tim Finney
Penny Harris
Andrew Sinclair
Brian Kennedy
Thomas Sankey
Evelyn Shaw
Michelle Thong
Mihyun Park
Kristal Pitts
Alex Lam
Kang Shaun Pang
Jennifer Barrett
Lisa Smith
Der-Wei Su
Caitlin Thomas

Jane Berry
Mudasser Hossain
Liam Shiels
Adam Warren
Carla Fernandes
Shira Herson
William Sung Hong
Margarita Fudim
Jessica Le
Madhavi Ligam
Timothy McCulloch
Elizabeth Wood
Vanja Evtimov
Sharynn Moors
Pritika Kumar
Jennifer Sinclair
Chantelle Casey
Yasmine Khan
Robyn Marmara
Eva Wilson
Jackelin Salgado
Lauren Smith
Catherine Stelmach
Chris Twidale

SMLS/SECASA Joint Clinic Volunteers

Woni Ardi
Margaret Austin
James Brown
Fiona Calvert
*Steve de Klerk

*Rebecca Dunlop
Jill Dyson
Edwina Fenton
*Rachel Fletcher
Michelle Gage

Kay Kalaitzidis
*Lea Lewin
Melanie Lowe
Jessica Malin
Felicity Purcell

IOSS Volunteers

*Sharyn Davis
*Peter Davison
*Trish Dobson
*James Gorton
Lisa Gross

*Rohan Hamilton
*Neill Hutton
*Anthony Krohn
*Kelvin Legg
Sue MacGregor
*Tim Tyloer

*Sylvia Maramis
*Kaye McNaught
*Philip Skehan
*Anita Spitzer
*Frank Tallarida
*Tony Thomas

Evening Service Volunteers

*Miranda Airey-Branson
Guy Albeck
Anu Ambikaipalan
*Sophie Andrew
Natalia Antolak-Saper
Barry Apelbaum
*Annette Au-Yeung
Sashi Balaraman
Rai Bhattacharva
Sara Boles
Patrick Bourke
*Michael Brown
Tina Bui
Amy Burton
*Nick Carstein
David Chandler
Amber Chen
Natasha Chiam
Desmond Chiam
*Emily Clark
Erin Cleary
Adam Cooke
Troy Costantino
*Anne Cramer
Tom Craven
Katherine Davis
*Megan Deacon
Anthony De Fanti
Michelle De Stefani
Erin Dempsey
*Peter Ditchfield
Nicole Droutsis
*Rebecca Dunlop
Ari Esmerian
Wendy Fauvel
Terence Ferreira
*Kylie Fitzpatrick
*Hubert Fong
*Kirsty Galbraith
Anne Garner
Tania Genge
*Alana Giles
David Glasgow
*Tal Gory
Kate Gray

Bill Grimshaw
Rebecca Hanley
*Francis Hardingham
*Damian Harriss
Katherine Hayes
Jared Heath
Leonie Heaton
Shira Herson
Janine Hill-Buxton
Lauren Hills
Anna Horwood
Emma Hughes
*Michelle Iscaro
Louise Jarrett
Allison Jones
*Nadia Kaddeche
*Alexandra Karagounis
Daniel Kavan
Lee Kimonides
Alex Lam
Khiem Lam
*Ellen Laskaridis
*Rachel Lawson
Winston Lay
*Desmond Lee
Phaik-See Lee
Timothy Lee
Korina Leoncio
Deborah Leshinsky
Christopher Liaskos
*Charles Ling
Hieng Lim
*Terry Lim
*Steve Linklater
Michael Lo
Diako Makhmalbaf
Freda Mandikos
Robyn Marmara
*Simone Marrocco
*Daniel Matta
*Michaela Moloney
Marisa Money
Sean Morrison
Amanda Mudarth
David Mullett

Sarwar Nasimi
Valerie Ngo
Peter North
*Peter O'Connor
John O'Sullivan
*Sonia Parisi Rosse
Ruth Patterson
Bondid Pen
Andrew Pinchin
*Cara Raisin
Anu Rajendran
*Caroline Reynolds-
Chesney
Kate Roberts
*Carly Robertson
*Doris Samyue
Tom Sankey
Michael Seelig
*Liam Shiels
David Siaw
*Josynta Singh
*Juliet Sironi
*Fiona Skepper
*Cara Somerville
Julia Spina
*Jim Stavris
Sharon Tay
Leang Thai
Chynna Thay
Caitlin Thomas
Emma Topp
Johnson Tran
*Cam Truong
*Dominik Unkovic
Sokha Um
*Kieta van der Meulen
Clare Vierboom
*Laura Vines
Gemma Weiss
*Dominic Yau
Doris Sam Yue
Dominica Yuen
*Karen Zhang

*Retired during 2006/2007

Acknowledgments

SMLS acknowledges and thanks the following individuals and organisations that supported us in various ways during 2006/07:

- Professor Arie Freiberg, Janet White and Marcus Spencer of Monash University Law Faculty for their ongoing support of the Professional Practice Program at SMLS.
- Kathy Buxton and the Monash Law Faculty IT team for their support and assistance.
- Dr Bronwyn Naylor, Kathryn James & Sharen Jacobsen of the Monash Law Faculty for their excellent work with our Community Development students in the Corrections CD group.
- Dr Guy Powles for his invaluable advice and counsel in relation to our Pasifika Youth Support Project and other CD projects.
- The City of Greater Dandenong for provision of our premises, including maintenance and security.
- Matthew Maher, Kathy McCarthy and all the staff of Wisewoulds Lawyers, our pro bono partner. Their support included taking files on (often very complicated matters), providing written opinions and providing a night-time ring-in advice service to our volunteers.
- Our volunteers for their generous contribution of time to provide a night-time advice service for our clients.
- The Professional Practice students for the youthful enthusiasm, energy and zeal which they bring to SMLS year after year.
- Anna Hall and the staff of Springvale Community Aid and Advice Bureau (SCAAB) for their cooperation and support in service delivery to our (often mutual) clients.

SMLS Statistics - 1 July 2006 to 30 June 2007

Clients

Total Number of Clients 3,831

Legal Advice

Total Number of Legal Advices Provided 2,276

Casework

Total Cases Open During Period (Open & New) 2,376

Total Cases Closed During Period 1,067

Non-Casework Projects

Community Legal Education 12

Law Reform 6

Springvale Monash Legal Service Inc gratefully acknowledges the following organisations for their funding support during 2006/2007:

Commonwealth Government

Generalist Community Legal Centre \$96,833

Civil Litigation Project \$76,981

Child Support Scheme Project \$105,354

State Government

Generalist Community Legal Centre \$118,614

Child Support \$2,762

Civil Litigation \$2,001

Monash University

Professional Practice Program \$172,011

Donkey Wheel Fund \$3,500

Melbourne Community Foundation, Ballandry Fund \$4,500

Victoria Law Foundation \$2,727

Bennelong Foundation \$300,000

(for South Eastern Migration Assistance Service (SEMAS) (over 3 years)

run in conjunction with SCAAB)

City of Greater Dandenong provided premises, including maintenance and security.

Director's Report

Helen Yandell

This has been a very challenging year for myself as Director of the Legal Service.

There has been considerable staff turnover, renovations and a review of the Clinical Legal Education Program by the Law Faculty at Monash. In amongst all that, three semesters of students completed Professional Practice and Advanced Professional Practice placements at SMLS and I was fortunate to attend a Global Alliance in Justice Education Conference in Cordoba in Argentina.

Staffing

Vanessa Sweeney left us to have a baby and produced a beautiful little boy. Her leaving made way for Huong Nguyen to rejoin the staff at SMLS after going out into private practice. There has been a change to the Civil Litigation Advocate program with Sharona Frid leaving and Natalie Goharpey taking on that role. That left a vacancy in the Child Support program which made way for Felicity Tseng to join SMLS.

Margrit Kauffman left the migration service and Kumudu Ratnayake joined us for one day per week. The South Eastern Migration Assistance Service (SEMAS), a joint program with Springvale Aid and Advice Bureau also attracted a significant grant over the next three years from the Bennelong Foundation, to develop the program with a full time migration agent and part time assistant. At the time of writing, Janerose Okello has taken the assistant position with the migration agent position still vacant.

There had also been changes within the Administration staff of SMLS with Angela Apostolou and Bec Coonan leaving and Bec Smith and Alex Keeble joining us. Chris Speck who sorted out all our IT queries also left and was replaced by Jonathan Lam Ho Yuen.



Director Helen Yandell with Yasmine Khan, Professional Practice Student.

Clinical Review

The Law Faculty enlisted the services of an independent panel to look at the running of the clinical program at SMLS and MOLS with a view to finding efficiencies. The SMLS Board, staff, volunteers and students either met with the panel or sent in submissions to talk about the program and the impact it had on clients and professional skills. Please refer to the Chairperson's report (Board Report) for more details. There have been changes to the program agreed to which come into place in December 2007. All in all, the panel delivered a very positive report about the clinical program:

"The Panel's overwhelming impression on meeting those currently involved in the clinical legal education program and graduates of the program is that it is a transformative experience for students... Without exception, submissions from former students described it as the most rewarding and valuable unit they undertook. Many said that doing Professional Practice was the turning point that led them to practise law... It is also the case that this model of offering clinical legal education provides a great

benefit to the communities surrounding the university.”

As with all reviews, there is a significant input required and this was made by Board members, staff and volunteers. I would like to thank all those concerned for the time and effort they put into this process.

5 Osborne Avenue

SMLS has an extremely beneficial working relationship with SCAAB where skills and knowledge are shared between the staff of both services for the benefit of the community. This relationship has been further enhanced with a closer connection being developed with the Springvale Neighbourhood House and the Springvale Community Centre. I have joined the SCAAB Committee of Management which has enabled me to broaden my knowledge and understanding of the needs and opportunities available within the broader community from a non-legal perspective.

Changes to staffing in both SMLS and SCAAB have put further strains on the building, with staff working in cramped conditions. SMLS has undertaken some much needed renovations but has highlighted accommodation needs into the future as a priority.

Students

Over the past year SMLS has been able to offer approximately 84 students a first-hand experience in working within a community legal centre and assisting disadvantaged community members with a range of legal issues. The students complete the subject Professional Practice or Advanced Professional Practice over a semester but also make an extraordinary contribution to the operations of the legal service. Students offer time and enthusiasm as they see how the law impacts on everyday citizens, assisting individuals to try and solve their legal problems but they also contribute to community education about the law and to law reform activities.



Professional Practice students at work

This year has also seen the beginning of a new Advanced Professional Practice placement in the form of the Counter-Terrorism Defence Clinic. The first student to undertake this placement worked with staff from Rob Stary and Associates in the city under the supervision of staff at SMLS.

Community Engagement

With such a busy year, I have not had the opportunity to develop relationships within this very diverse community as quickly as I would have liked. This is on the agenda for the coming year!

I have continued my involvement with other Community Legal Centres and the Federation of Community Legal Centres through chairing the Justice Initiative Standing Group of the Federation and involvement in law reform submissions.

Board of SMLS

I have enjoyed the opportunity to work with members of the Board who have demonstrated a strong commitment to SMLS and its role within this community. They inspire me to keep my focus on addressing injustice for disadvantaged members of the community.

Global Alliance in Justice Education Conference

Being able to attend this conference was certainly a highlight of my year. It was inspiring to see and hear about the work of clinical programs (staff and students)

from various parts of the world, many advocating for basic human rights for their communities. I presented information about SMLS' community development activities in conjunction with staff from other clinical programs in Australia that are associated with Community Legal Centres.

Thanks

Without the dedication of staff and volunteers, SMLS could not provide the wealth of services it does. They are owed a great deal of thanks. Thanks also go to members of the Law Faculty staff who have supported and assisted SMLS over the year. Thanks also to Fay Gertner and staff at MOLS who are ever willing to share their knowledge and ideas.

Chair, SMLS Board

A Personal Reflection

John O'Sullivan

The past year has been an extremely demanding one for members of the SMLS Board. As noted in the Director's Report, the Board, along with staff and volunteers, has spent considerable time and energy dealing with the challenges posed by the Monash Law Faculty's review of its Undergraduate Clinical Legal Education Program ('the Review').

It was clear from the outset that the Review was essentially a cost-cutting exercise. Equally clear was the fact that any substantial funding cuts would inevitably have a direct impact on SMLS. [Some of the more radical questions that the Review Panel was asked to consider were: "*Should the Faculty move to operate its clinical program out of only one legal service?*"; "*What are the advantages to the Faculty of its involvement in the Sexual Assault Joint Clinic?*"; "*Is the current means of selecting clients the optimal means for the purposes of maximising the student experience?*"; "*How could a volunteer system be used to generate further achievable efficiencies in the delivery of the clinical programs?*".]

The Review process caused widespread consternation within the Legal Service. For several months in early 2007, life at SMLS involved a seemingly endless round of meetings - staff meetings, extraordinary Board meetings and combined staff/Board meetings - all conducted in an atmosphere of uncertainty and anxiety. Morale slumped and levels of workplace stress skyrocketed. SMLS staff employed by Monash faced a conflict of interest; non-Monash staff worried about job security; Board members felt under pressure to make rapid decisions; and everybody felt disillusioned about the Faculty's apparent indifference to the direct connection

between the funding of its clinical program and the quality of the service SMLS provides to the Springvale community.

One of the factors fuelling all this stress and anxiety was undoubtedly the sense of powerlessness that the Review created within SMLS. The Review was initiated and controlled by the Faculty. The Faculty appointed the Review Panel, set its terms of reference and allocated the time allowed for submissions. Once the Panel had issued its report, the Faculty proceeded to unilaterally accept or reject the report's recommendations. When the Faculty then began advocating changes, there was no clear avenue for putting forward alternative views.

Yet, unsatisfactory as the Review process was, the expressions of disillusionment within SMLS frequently had a personal edge to them. Many people clearly felt a sense of betrayal. Monash Law Faculty and the Legal Service had always seemed such close allies. Monash academics and students had started the Legal Service. They, and their successors, had been its driving force for 30 years. 'Professional Practice' had become a flagship Monash law subject. Many of the current SMLS staff, volunteers and Board members had been first introduced to the Legal Service through either working or studying at Monash. It seemed almost a breach of trust for Monash to now be engaging in hard-nosed negotiations about cost savings.

With hindsight, it is clear that the Legal Service's historically close relationship with Monash underwent a significant change in 1999. In that year, the Dean of the Law Faculty advised the SLS Board that the Faculty wanted to enter into a

formal Memorandum of Understanding with the Legal Service. As reported in the 1999/2000 Annual Report, the purpose of the Memorandum was twofold: *“Firstly, to formalise the relationship maintained by the parties in connection with the Professional Practice Program and secondly, to review and make some changes to that relationship in order to give Monash University security for its investment in SLS”*.

Following what was described in the 1999/2000 Annual Report as *“a very animated and at times heated debate”*, the SLS Board agreed to negotiate an agreement with the Faculty. Those negotiations took place against a backdrop of serious concern by the Board about the Legal Service’s continued financial stability. To again quote the 1999/2000 Annual Report: *“It was made very clear that if the Memorandum of Understanding did not proceed as discussed, the Dean would have to consider the withdrawal of Monash from SLS”*. At that time, Monash’s withdrawal would have meant the loss of more than fifty per cent of SLS’s annual income. [A further significant percentage of SLS’s income was already under threat due to the Federal Government’s then ongoing ‘CLC Review’.]

A Memorandum of Understanding was ultimately signed in 2000. The Faculty’s funding commitment to the re-named Springvale Monash Legal Service was quantified and formalised. What was perhaps not fully recognised however was the implicit shift that had occurred in the fundamental nature of the relationship between the Legal Service and the Faculty. In contrast to the previous longstanding sense of mutual commitment to a single shared goal, the Memorandum represented a formal recognition of competing interests: the Faculty’s interest in educating students; and SMLS’s interest in providing legal services and promoting social justice.

During the course of the past year’s Review, the inherent conflict between those competing interests has become only too obvious. The Faculty’s explicit goal throughout the Review process was the reduction of the per-student cost of practical legal training. It pursued that goal with minimal reference to the interests of staff and clients at SMLS and, in its negotiations with the Board, it again raised the spectre of terminating its involvement with SMLS.

There can now be no doubt that the relationship between the Monash Law Faculty and the Legal Service has changed. From SMLS’s perspective, it has been an unwelcome change; but there can be no going back. It is not personal. It is part of a wider political change. Universities have become businesses. Monash, along with other universities; has been forced to adopt a competitive corporate culture. Profitability, productivity and economic efficiency have become measures of teaching quality. A clinic-based law subject such as ‘Professional Practice’, with its limited student numbers and intensive supervision requirements, can never match the ‘efficiency’ of a lecture-based subject taught to a class of hundreds.

In this changed political environment, the long-term continuation of the unique relationship between the Legal Service and the University cannot be guaranteed. The same applies to the continuation of the SMLS model of student-based service provision. The Legal Service does not have ultimate control over those matters. However; it does not follow that SMLS is powerless to control its own destiny. The partnership with Monash has been, and continues to be, an extremely valuable one. It is in SMLS’s interest to do everything it can to preserve that partnership; but its continuation is not essential to the Service’s survival. The partnership with Monash is no longer; if it ever was, a relationship of dependence. SMLS is mature enough to go it alone, if it has to.

In the current financial year, SMLS will derive approximately 70% of its income from non-Monash sources. Most of the discrete community legal assistance programs operated by SMLS attract no funding from Monash. The majority of SMLS employees are funded from other sources. There is every reason to be confident about SMLS's long-term viability.

The Springvale community has significant, well-recognised needs.

Those needs include a need for access to inexpensive legal information, advice, representation and advocacy. So long as those needs exist, there will be a demand for the services that SMLS provides. The particular way in which SMLS provides those services might be dependent on decisions made by Monash and other funding bodies but no outside organisation is in a position to dictate our future.

Acting Legal Practice Manager

Getting Back To My Roots

Huong Nguyen

I can recall that I was sitting in a hotel lobby in Ho Chi Minh City, Vietnam checking my emails. It was early in the morning yet the temperature had already reached a mid 30°C. I was already beginning to sweat from head to toe as the air-conditioning units were no match for the intense heat of the sun mixed with the humidity caused by all the smog and pollution. I was deleting my “junk” emails one after one, until I came across an email from a name recognisable to me, “Leang Thai”. For those of you who may be unaware, Leang has been a long-time volunteer at SMLS and also has the privilege that many others envy in being able to call herself an “ex-prof prac student”. This is a club only for the elite. Leang had sent me an email saying that whilst I was holidaying in Vietnam, she had been hard at work finding me a new job. At the time of the email I was working in private practice at a small firm practising mainly in family and criminal law. I smiled to myself thinking “what’s Leang up to now?” Then came the magic words “Vanessa is going on maternity leave, SMLS is looking for a new Legal Practice Manager”. I sat there for a few minutes, day-dreaming about being the Legal Practice Manager at SMLS, bossing all those students around, what a life and what a contrast to being a recent Articled Clerk! As the minutes ticked by I heard my sister yelling, “let’s go, we’ve gotta go shopping at the market!” I logged off the computer and thought nothing more of the job.



Huong Nguyen

It wasn’t until around March that I began to think about the job more seriously. It was a (very) late Friday evening and I was alone in the office working on an urgent file. It was at that moment that I thought to myself, “I’ve got to apply for Vanessa’s job”. After returning from my holiday, I had grown bored of my current job and frankly tired of the world of ‘private practice’. I balanced up the pros and cons of leaving private practice and in the end I talked myself into applying for the job on the basis of knowing the Legal Service and going back to my roots. I did consider that although this position would only be temporary it would provide me with a change of scenery and more importantly provide me with a break from the stresses of private practice. Boy was I wrong!

On my first morning at SMLS I felt lost and out of place. Many things had changed in the short two years that I was absent. Ross Hyams had now turned into Helen Yandell, Sharona Frid was now Natalie Goharpey, Alan Ray was now Margaret Austin, my old position at SMLS was split between Natalie Greenberg (IOSS), Sodany Chea (Volunteer Coordinator) and David Taylor (CD)! This is not to mention other staff changes including admin! I felt like I was in some weird parallel universe. What

had I gotten myself into? However, after a day or two my nerves settled and I got into the swing of things. Despite the substantial staff changes the staff members were as friendly and supportive as always, I had panicked over nothing.

After settling in it came down to business. I was busy from the word “go” and had my work cut out for me. Prior to commencing this position I never anticipated that combining a supervising role and management role would be so time consuming. The students were more needy than I recalled, “surely I wasn’t that needy, was I?” I had to be especially diligent as I not only had to perform work on files, I had a teaching role. The student workload had also increased substantially with most students averaging 15 to 20 files. However, I observed that most files were either debt recovery or motor vehicle accidents. Where had all the ‘real legal’ matters disappeared to? This had a flow on effect of minimising the number of matters appropriate for student appearances. The Student Appearance Program was a unique experience and was especially what had attracted most students to undertake the Professional Practice subject.

Fortunately, the number of suitable cases increased towards the end of semester and all students who wished to participate in the Appearance Program had an opportunity to do so. It was also as time passed that I began to appreciate that despite my original opinion on what ‘real legal matters’ were, the types of matters handled at legal services such as SMLS was what made CLCs different to private practice. This was what made us unique. We not only handle the so called clear-cut legal matters, but also provide assistance to people with other barriers affecting their access to the law and justice. CLCs cater for the needs of the general community that cannot be met by private practice. Without our assistance injustices, although in some cases may seem relatively minor, would occur. These minor injustices, such as an

incorrect parking infringement notice, that no one else cared about was what made the difference to our clients. These were every day people who felt they had been aggrieved by our legal system and access to justice was barred to them due to a simple reason such as a language barrier. Many of our clients are victims of war and have suffered significant torture and trauma. Without our assistance and education, these people did not dare to question authority even when their legal rights were being impinged upon. This is the experience and satisfaction that private practice cannot provide.



Margaret Austin – Professional Practice Supervisor

It is for the above reasons than I can simply say “it’s nice to be back at SMLS”. I would like to thank all staff members for their warm welcome and continuing support. I am happy to say that overall I have had a swift changeover, though I am still learning and getting use to being the “new” Vanessa.

Other News at SMLS

Staff Changes

- Child Support - Felicity Tseng has been appointed as our second Child Support Lawyer in a full-time position.
- Community Development – Indira Narayan is currently supervising a number of Community Development Groups whilst David Taylor is taking leave to complete his Honours.

- Administration and Finance – Sandra Nottle and Annette Di Battista are job sharing Judy Taylor’s position whilst Judy takes a well deserved break.
- SEMAS – Janerose Okello returned to Springvale this year and now has taken up the role of Legal Assistant.



Staff Planning Day

Renovations and new work station

SMLS underwent a number of renovations this year. Some of the works included a new kitchen bench, new workstations allowing for up to five extra computers to be connected for student use, and new desks in some of the much needed staff offices. However, despite the additional workstations, there is still a

shortage of computers for student access.



Looking forward to 2008

The staff at SMLS are bracing themselves for the imminent changes to the Professional Practice subject. Commencing 3 December 2007 Professional Practice will adopt a three equal trimester timetable. There will also be a number of extra students undertaking Professional Practice which will surely present a challenge for supervisors and staff members.

Last but not least, I’d like to congratulate Vanessa and Dean on the new addition to their family. Little Jet was born on 18 May 2007.

IOSS - Intervention Order Support Scheme

Natalie Greenberg
IOSS Solicitor

The Intervention Order Support Scheme (IOSS), which commenced operations at the Dandenong Magistrates' Court in 1994, has recently gone through a major change.

With my appointment last year, as the IOSS solicitor, the services that have been available to clients, have been able to be expanded.

Previously, the service was managed by a worker and supported by a roster of solicitors and barristers many of whom would cancel at the last minute leaving no lawyer at court to give advice.

In my role I advise the many clients, predominantly applicants, of their legal options and court procedure. I conduct negotiations with the opposing party and in limited cases provide representation in Court. I have also been able to take a global look at some family law matters and advise on agreements of this nature.



Natalie Greenberg

A couple of very positive changes have been implemented recently. We offer the IOSS service at court twice a week, on Mondays and Wednesdays. On Wednesdays a representative from the Dispute Settlement Centre of Victoria attends with the view of encouraging relevant clients to attend mediation rather than taking their dispute into Court.

The court staff endeavour to list the stalking matters on Wednesdays as it is more likely that these matters will lend themselves to mediation.

More recently, the court has appointed a Domestic Violence Resource Officer. It is still unclear what the parameters of her role will be but it is positive to see the court recognising the need for staff to be specifically assigned to this area.

This is a very busy position in light of the 3,000 odd applications per year that are issued at the Dandenong Magistrates' Court.

12 months on when far and asunder...

Susan Ball
Administrator

'Please write an article for the AGM Report' they said. So while the moon is in total eclipse outside and the earth revolves in the heavens and the planets do what they've done for countless millennia – what of SMLS?

Well, the Service continues to progress as it always has – assisting in the wider community, looking into law reforms and providing the scenario for rounding off a wonderful legal education for students and imbuing them with a strong sense of the needs of the community. They often indulge in hilarious camaraderie and develop strong fellowship amongst themselves and forge friendships that last well beyond the semester. This, I am told repeatedly, is an experience they hold in great esteem and one which they treasure.

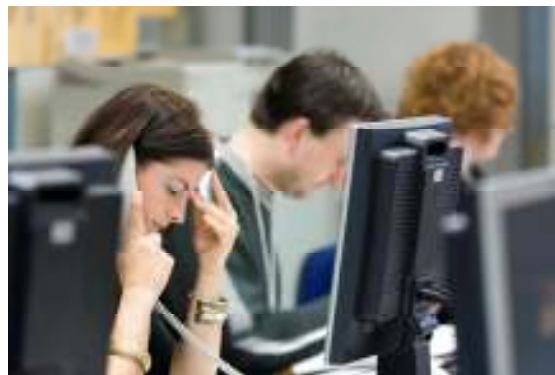


Susan Ball, Judy Taylor & Felicity Purcell

Our Christmas 2006 lunch was a particularly enjoyable occasion and several staff members spent a rather vocal afternoon imbibing at Doyle's Restaurant in Mordialloc.

Unfortunately this year the Admin section has had to forgo their airy, albeit cramped

room for an even smaller accommodation but this is suffered with good nature and the work continues to churn out.



The phone doesn't stop ringing!

There have been many changes in staff over the past 12 month period, not least in the Admin section.

I continue to work four days per week and following Angela's poignant resignation, am lucky to toil away with casual staff consisting of Marissa, Nadia, Alex and Ben who form a very cohesive and wonderfully talented team. These people don't hesitate to share their knowledge and energies whether it be revamping the archives or setting up a new library system: their enthusiasm is boundless.

Sandra and Annette are also wonderful assets to the Admin team, taking over the managerial role played by Judy Taylor, as she enjoys a well earned rest for four months.

After a very busy year with many changes, I wonder how we should celebrate this year?

Community Development (CD)

Dave Taylor

Community Development Worker

The past year has been a tumultuous year for SMLS, and following a review of the clinical program by Monash Law Faculty, we can look forward to the introduction of the new clinical elective, Law Reform and Community Development, which will be an interdisciplinary unit and commence in the week beginning 3 December 2007.

Irrespective of these pending changes, the CD program has continued to respond strongly to local community issues through various student projects and other CD activities. There has been a greater number of CD projects than in past years, with a more economical division of students as well as the introduction of the *Smart Justice CD Group*, in which the students must determine their CD project themselves through discussion with the CD worker. Again, we have formed more partnerships, been heavily involved with local agencies and community groups in the presentation of relevant legal issues and responded where appropriate to relevant law reform issues.

This last year has seen the production of a number of discussion papers, and continuing involvement with the local agencies in advocating for members of the local community. All papers and information brochures can be accessed from our website.

An outline of some of the CD groups and major projects can be found below:

Mental Health CD Group

This CD group has continued in the vein of examination of mental health and police service response to crisis situations involving individuals suffering from a mental illness. The students have conducted considerable research into this area, which culminated in the production

and dissemination of an information booklet on Crisis Assessment and Treatment CAT services in Victoria. This booklet has been included as a source material for police training and has been applauded by many CAT services in Victoria. Also, at the request of the Office of the State Coroner, this booklet has also been sent to every coroner in Victoria.

This, and other similar past projects, has resulted from our work in the area of police shootings and mental illness and more recently, has lead us to question the overall response to mental illness. The critique is based on the premise that mental illness is a health issue and not a legal issue, though sadly, for many the first opportunity to receive ongoing aid and assistance is through an initial brush with the justice system.

From this, students have conducted exploratory research into the criminalisation of mental illness. From this research, students have also worked to prepare a one time radio forum on the criminalisation of mental illness, which we hope will be aired in late 2007. Finally, students from this group have prepared a draft paper on medical services in prison which discusses the feasibility of prisoners receiving Medicare and having access to the Pharmaceutical Benefit Scheme (PBS).

Sudanese Legal Education CD Group

Over the past year the South Sudanese community have become more visible in Victoria, with the City of Greater Dandenong being fortunate enough to be home to a large proportion of this burgeoning population.

Last year, this CD group conducted numerous legal presentations to this community, and also prepared and

disseminated pictorial brochures covering the areas of *Responsible Ownership of Motor Vehicles, Police and Emergency Services* and *Family Violence and Intervention Orders*. We have continued to conduct these presentations this year, although the audience has expanded to other newly arrived migrant groups, many who have been attending Adult Multicultural Education Services (AMES).

On top of the ongoing provision of legal education, this CD group has conducted numerous consultations with local agency representatives who work with South Sudanese community in Victoria and also a number of focus groups with members from that community. The aim has been to discern various aspects of South Sudanese customary law, and draw a comparison between that and Victorian law. The project has not been so ambitious so as to describe individual customs per se, but rather examines the purposes behind various customs comparative to the purposes behind various areas of Victorian law.

This approach is based on the hypothesis that individuals will refer to their personal experience of the law when interpreting new legal systems and therefore, those who work with newly arrived communities with vastly different legal systems need to be aware of these legal systems to be able to empathise and subsequently work effectively with these communities. The paper will produce findings and the target audience is anyone who works with the South Sudanese community, and those policy makers who develop policy which impacts upon these communities.

Therapeutic Jurisprudence CD Group

This CD group has produced a Discussion Paper on the Criminal Justice Diversion Program (Diversion), providing an independent analysis of the program.

Largely, the Discussion Paper found Diversion to be a successful program, although some concerns regarding the roles of certain stakeholders have been discussed and recommendations to further fine tune the program included.

In preparation of this paper, this CD group consulted with relevant stakeholders including Magistrates, Diversion Coordinators, police and lawyers. This paper has been distributed to relevant stakeholders, and students have presented the findings of this paper to the Attorney General's Office, the Department of Corrections, relevant staff and the Melbourne Magistrates' Court, and members from the Sentencing Advisory Council.

Smart Justice CD Group

This CD group commenced mid way through 2006, and provided students the opportunity to meet with members of the community and present information about various aspects of the law advocating for a less punitive and more therapeutic legal system. From the start of 2007 onwards, this group was changed to allow students to conduct projects which they were passionate about and were harmonious with the ideology of a community legal service. Many students have been engaged in some amazing projects and can often draw on this past experience for their CD project.

Projects include submissions to the Sentencing Advisory Council and Department of Justice on sentencing and graffiti laws as well as fact sheets on various issues related to sexual behaviour and day leave from prison. Two students last semester produced a paper discussing the double fatality at a rooming house in Fitzroy in October 2006.

Lawyers Practice Manual (VIC)

Sue Campbell

Editor

The LPM has now passed the 22nd anniversary of its publication and in June of this year Update No. 102 was published.

Within this remarkable continuity the LPM reflects a process of constant change. Major areas of law, such as Family Law, change frequently and a number of chapters have to be amended to reflect this. Legislatures introduce wholly new and important laws and the LPM must include them. Currently authors are working on new chapters on Domestic Human Rights and Information Privacy.

Similarly, the people involved in the LPM change. In last year's Annual Report we welcomed Meghan Butterfield and Kate Seear as new members of the Editorial Committee. Unfortunately both found that changes in their careers and competing demands on their time prevented them from remaining as Editors. We thank them both for their energy and enthusiasm and for a number of new authors they each recruited.

We also lost Andrew Crockett, who had been an Editor for many years. Andrew left Monash to take up the position of

Director of the Legal Aid Commission in the A.C.T. and we were sorry to lose him but delighted that he has secured this satisfying new role.

Before he left, Andrew, with typical attention to detail, recruited his own replacement – Bernard Welch, a solicitor of many years experience, whom we are very pleased to have on the Editorial Committee. Similarly, Meghan Butterfield recruited her own replacement – Michelle Gage, a former SMLS student and SECASA volunteer.

The other change in the Committee was that Helen Yandell, as Director of SMLS, has joined the Committee, though we have been merciful and refrained from giving her responsibility for any chapters.

Among the comings and goings of Editors and authors, our Editorial Co-ordinator, Sandy McCullough, seems to be the one constant. She has been with us for more than 50 updates and her patience, good humour and professionalism are a vital part of keeping editors, authors and the publisher on track. Our appreciation of Sandy never changes.

Wisewoulds Solicitors – Pro Bono Partnership

The city firm of Wisewoulds has continued its pro bono partnership with SMLS this year. It is a valuable relationship for SMLS.

It enables us to refer clients and problems in civil matters to Wisewoulds' lawyers – sometimes for advice on a specific issue; sometimes for Wisewoulds to draft a document such as a Statement

of Claim; and sometimes, if the matter meets the firm's pro bono criteria, Wisewoulds will take over the whole matter and report to us on its progress.

The relationship with Wisewoulds significantly expands the services we can offer our clients and we are very grateful to the firm for its continuing support and contribution.

SMLS/SECASA Joint Clinic

Gayathri Paramasivam
Clinic Supervisor

It has been a very busy year for the SECASA/SMLS Joint Legal Service. The Legal Supervisor, Meghan Butterfield, went on 12 months leave at the end of July 2006. Kate Seear, who had been co supervising with Meghan, left a few weeks later and Gayathri Paramasivam has been the Supervisor for the past twelve months.

We have currently approximately 80 active files through our Clinic, with SECASA providing us with regular referrals. We continue to work closely with SECASA, meeting regularly with them and discussing any issues that may arise. The files relate to victims of crime applications where a client makes a claim to obtain compensation from the state for any act/s of violence (primarily sexual assaults) committed against them in the states of Victoria and/or NSW.

Many of our volunteers have continued on although a few have left and moved on. Thank you to these volunteers for all of their efforts and contributions: Woni Ardi, Edwina Fenton, Steve De Klerk, Felicity Purcell, Melanie Lowe, Fiona Calvert, Kay Kalaitzidis, Nicole Wilson, Bianca Moleta, Michelle Bruce, Liz Woods, Sharon Tay, and Ariane Turek.

We have had several new intakes of Advanced Professional Practice students and most of these students have continued on as volunteers. We have

also gained several new volunteers. I would like to acknowledge all our current AAP students and volunteers and also thank them all for their ongoing assistance: Margaret Austin, David Brett, James Brown, Megan Donald, Jill Dyson, Megan Fitzgerald, Rachel Fletcher, Michelle Gage, Jacqui Haslem, Janine Hill-Buxton, Jessica Malin, Lisa Smith, Alison Tassiou, Julia Prior, Liz Wood, Natalie Goharpey, Jennifer Sinclair, and Adam Warren.

Of note this year was that the SECASA Joint Legal Service won an Australian Crime and Violence Prevention Award, in recognition of the great work we do. On 12 July 2007, the Manager of SECASA, Carolyn Worth, attended Parliament House to receive this award, along with Gayathri Paramasivam, Meghan Butterfield and one of our volunteers, Megan Fitzgerald. It was a great morning and wonderful for our Clinic to be recognised in such a way.

In mid August 2007, Gayathri Paramasivam will finish up as Legal Supervisor and Meghan Butterfield will return to run the Clinic. We warmly welcome her back into this role.

This Clinic will no doubt continue to provide the much needed legal advice and assistance it does to clients with the wonderful assistance of our students and volunteers.

The Justice Project

Jessie Taylor



When I started visiting detainees in Australia's immigration detention centres in 2002, I had no idea what I was in for. I thought there may be something slightly odd about the length of time people were spending in detention, and the treatment they were receiving there, but fundamentally I thought that mandatory detention was a pretty orthodox part of Australia's immigration processes. How wrong I was.

Five years and countless visits later, my view of the world and of the country in which I live has been transformed. I have met scores of people, heard enough horror stories to fill tomes, and been profoundly affected by the reality of refugees' lives before, during and after detention.

I also learned that Australians are overwhelmingly apathetic when it comes to this issue, until they see its human face with their own eyes. It is easy to ignore the desert prisons, but when people are confronted with a first-hand story of what it means to be a refugee, their views are at least challenged, and at best completely reshaped. It was this knowledge that spawned the idea of creating a film to allow people to grasp the facts, figures, policies and people behind the rhetoric. Thus, 'We Will Be Remembered For This' was born.

With the support of Springvale Monash Legal Service, I began writing funding submissions, and soon secured generous grants from the Donkey Wheel Charitable Trust (our major supporter) and the Victoria Law Foundation. David Schmidt of Glow Worm Productions unequivocally

expressed his enthusiasm for the project, adopting the mantle of Director / Editor, and together we enlisted the prodigious talents of our Director of Photography, Adam Arkapaw.

We then set about choosing our 'characters' – a small but diverse group of people to undertake the trip to Baxter, speaking candidly throughout the journey, and providing their various perspectives on the things they were seeing and the people they were meeting. I contacted Julian Burnside QC, The Hon Malcolm Fraser, and Professor Patrick McGorry (Clinical Psychiatrist) and arranged interviews. The film had its cast.



The team

In 2006, a group of young people of different nationalities, backgrounds, attitudes and political views took a trip to the Baxter Detention Centre. The stories of the people they met behind the razor wire surprised, moved and challenged them. 'We Will Be Remembered For This' documents their journey.

It is a film for everyone. It is a clear, rational and non politicised look at the human issues of Australia's mandatory immigration detention policy. This film poses the essential questions surrounding Australia's refugee policy. Who are the people behind the fences?



How did they come to be there? What are the psychological and legal battles they now face? How much do average Australians know about this policy, and if they knew the truth, would they want it to change?

Our objective as film-makers was almost experimental: to rise above social, cultural and political differences, to draw out common threads upon which all could agree. In other words, this film strips back politics and encourages viewers to see the issue for what it really is: profoundly human.

'We Will Be Remembered For This' was launched on World Refugee Day 2007 in Melbourne. It has since screened at the Melbourne Writers Festival, and will feature in the Human Rights Arts and Film Festival Schools Program 2007. There have been public viewings in Western Australia and New South Wales, as well as viewings in East Timor, South Africa, France and the UK. We expect the film to gather further momentum and to be seen widely across Australia and abroad.

For more information (including ordering a copy of the DVD) and to view the trailers, go to the website www.wewillberemembered.wordpress.com

Volunteer Program

Sodany Chea
Coordinator

I am a firm believer that volunteers play a pivotal role in our society and are a huge and necessary asset to non-profit organisations such as SMLS. Being a volunteer myself, I have always admired the work of the volunteers I have come into contact with. Their relentless effort, commitment and passion is truly inspiring! So when the opportunity arose to coordinate volunteers for an organisation whose purpose is to assist those who are disadvantaged, I jumped at the chance.

I commenced work as the Volunteer Program Coordinator at the end of January 2007 and was told that I had big shoes to fill from Bec Coonan, my predecessor - what a way to put a new employee at ease!

The first few weeks were spent getting to know all of our 60 or so amazing volunteers that come from all walks of life – students, articled clerks, solicitors, etc. As you would expect, it took me a while to get to know everyone's name and face. I apologise to those whose names I forgot or got wrong!

The benefit of having a new person on board was being able to breathe new life into the program. As they say, 'there's always room for improvement'. Various consultations with different parties allowed me to ascertain what needed to be improved, added, removed in order to deliver a great and better service to all our clients.

The meetings were constructive and I took the feedback and recommendations into account when making changes to the program. The changes are slowly being implemented as we speak.

As expected, we lost a couple of volunteers due to university commitments and increased work loads.

The volunteer program is still receiving many applications and plenty of interest. A majority of the applications are from university students but we are also receiving applications from solicitors.

The SMLS volunteer program has always been a brilliant program that provides students with practical experience, solicitors the chance to further develop their skills and everyone the opportunity to give back to the community. I look forward to bettering the already wonderful volunteer program over the next year.

To all the volunteers, we thank you for all your continued efforts, commitment and support – we couldn't do it without you!

Volunteer Thank You Party

On Friday, 29 June 2007, the long awaited volunteer 'Thank You' party was held at So'Bar in honour of our fantastic, well deserving volunteers. There was a great turn out and everyone was in good spirits. Many attendees stated that it was nice to meet and get to know volunteers from other sessions. The evening was a complete success and it was suggested that the 'Thank You' party be an annual event.



Some of the volunteers with Sod

Civil Litigation Advocate

Natalie Goharpey



Natalie Goharpey

The past year has been a rewarding one for me personally having taken over the position as Civil Litigation Advocate in April 2007. The past 6 months in this position have been fast paced, and full of constant new experiences and challenges.

My position as the Civil Litigation Advocate is unique and the only such position funded in the State of Victoria by the Commonwealth Attorney-General's Department to provide advice, casework and representation in the Magistrates' Court and Tribunals (where applicable); for clients who are otherwise unable to access justice due to financial hardship and language barriers.

With the significant costs associated with civil litigation, the program assists clients who are financially disadvantaged to instigate legal proceedings or defend a claim against them, with the emphasis on minimising costs by negotiating settlements.

My case load consists of referrals from the Professional Practice Students of SMLS and Monash Oakleigh Legal Service (MOLS), our night volunteers, Victoria Legal Aid, and other Community Legal Services.

I am referred different types of cases such as contractual disputes, motor vehicle accidents, property damage, consumer claims, enforcement, debt and credit matters, tenancy and neighbourhood disputes, unconscionable dealings, misleading & deceptive conduct, and equal opportunity matters etc.

I have now been at SMLS for almost 3 years. I first started off here as a Professional Practice student back in 2004 and then I never left! I continued on as a volunteer, and for the past 2 years I have been working as a staff member. With the help and support of my colleague Margaret Austin and board members Cam Truong and Sue Campbell I was able to quickly settle into this position. I can honestly say that I love coming to work, it's a pleasure. I am constantly challenged and continue to learn something new each day.

Child Support

Felicity Tseng – Child Support Solicitor

Stage one and two of the changes to the Child Support Scheme have been implemented on 1 July 2006 and 1 January 2007. Stage 3 of the changes will commence on 1 July 2008. The major features of the reforms include:

A new formula for calculating child support

Currently, child support payments are the same for children of all ages. The new child support formula is based on recent Australian research on the costs of caring for children which shows teenagers are much more expensive than younger children, taking into account both parents' incomes after equal self support amounts (\$16,883 pa) are deducted. The formula recognises care of a child for 14% or more of the time, and treats first and second families more equally.

Cost Percentage Table

No of nights of care	Percentage of care	Cost percentage
0 - 51	0 – less than 14%	Nil
52 - 126	14% - less than 35%	24%
127 - 175	35% - less than 48%	25% + 0.5% for each night over 127
176 - 182	48% - 50%	50%

New Costs of Children

The changes provide new formulas for calculating the costs of bringing up children and for calculating the respective contributions of parents. The following scenario provides an example of how the new formulas will apply. (This scenario is based on an example provided by Kathleen Ng, Senior Child Support Lawyer, Family Youth & Civil Division, Victoria Legal Aid).

There is one child of a relationship, aged 12

Father's income - \$50,000

Mother's income - \$35,000

The father spends time with the child every second weekend, one half of school holidays and two special days (about 84 nights per year)

Father **[Income % - cost % = child support %]**

\$50,000 - \$16,883 (self support amount) = \$33,117 [65% - 24% = 41%]

Mother **[Income % - cost % = child support %]**

\$35,000 - \$16,883 (self support amount) = \$18,117 [35% - 76% = nil]

Combined child support income \$51,234

Costs of the child (refer to the new Costs of Children Table)

= \$8,104 + 12c for each \$1 over \$50,648 = \$8,174.32 pa

Father is assessed at 41% x \$8,174.32 = \$3,352.50 pa
(\$279 per month / \$64.50 per week)

Under the current formula, the father's child support payment is:
\$50,000 - \$14,646 = \$35,354
\$35,354 x 18 % (one child) = \$6,364 pa
(\$530 per month / \$122 per week)

Thus the father in this scenario will pay less under the new formulas.

Alignment of income definitions used to calculate child support and Family Tax Benefit

The income definitions used to calculate child support and Family Tax Benefit will be changed to more closely align the treatment of certain tax-free amounts, foreign income and fringe benefits.

Family Tax Benefit

Resident parents are allowed to keep all of their Family Tax Benefit except where there is shared care (35 per cent or more).

Percentage of care	Family Tax Benefit payment (FTBP)	
65% or more	100%	
35% - 64%	Parents entitled to FTBP	
14% - 34%	Nil	However, these parents may be entitled to Rent Assistance, a Health Care Card or the Medicare Safety Net.

New treatment of income from second jobs and overtime

Income from second jobs and overtime may be excluded from child support calculations when such income is used for re-establishment.

Changes to agreements and lump sum payments

There will be better legal protection for parents who want to make agreements and the process to make agreements will be simplified. There will be increased flexibility to make an agreement for a lump sum payment, such as transferring the ownership of the family home instead of making regular cash payments.

Reconciliation of parents

Parents can suspend child support payments for six months if they reconcile. If the reconciliation fails, the assessment can be reinstated without having to make a new application.