

CLSD e-update

July-August 2012

CLSD PROGRAM UNIT NEWS

New Regional Coordinators for new CLSD partnerships on the Mid North Coast

We are pleased to announce that we have new CLSD Regional Coordinators for the new CLSD partnerships on the Mid North Coast.

The Taree/Forster CLSD partnership being hosted through Manning Valley Neighbourhood Service has appointed Sara Ison to the position; and in Kempsey/Nambucca, the Kempsey Neighbourhood Centre has appointed Kymberlei Goodacre. For a list of all the Regional Coordinator's contacts from the eleven (11) CLSD partnerships across NSW, go to <http://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/cooperative-legal-services-delivery-clsd-program/clsd-regional-coordinators>

Welcome Sara and Kymberlei!

CLSD Evaluation

Thank you to everyone who participated in the CLSD Evaluation. The evaluator has delivered a Draft Report to Legal Aid NSW, and the report will be made public once finalised.

CLSD PROJECTS

Current workshops run through CLSD

- *Discrimination Toolkit Workshops* – held in Menindee, Wilcannia and Broken Hill in May.
- A series of *Fines Days* are being held this month on the Northern Rivers – to coincide with the current moratorium on enforcement costs. The Workshops, being delivered by the Aboriginal Legal Service (NSW/ACT), Legal Aid Lismore and the outreach team from the State Debt Recovery Office, are being held in Lismore, Muli Muli, Coraki, Casino, Cabbage Tree Island, Tweed Heads, Kyogle, Tabulam and Bonalbo.
- Birth Certificate Workshops in Goodooga and Weilmoringle in September
- Planning Ahead: wills, powers of Attorney and Enduring Guardianship in Wilcannia (August)
- Legal Needs Forum in Bega (June)

New publications coming soon!

- A series of 14 flyers in 14 languages on domestic violence and spouse visas will be launched on 1 August 2012 at the Women's Domestic Violence Court Advocacy Program Forum. The message of the flyers is "you can complain about the violence and not get sent home." Stay tuned!
- *Get CourtSmart* (to complement *Get StreetSmart*) - children's crime brochures on court, sentencing and related topics will be released in a few weeks.

Both of these publications will be available from the Legal Aid NSW Publications Unit at <http://www.legalaid.nsw.gov.au/publications> or by calling (02)

LEGAL AID NSW NEWS AND RESOURCES

Bulk Debt Project

The National Bulk Debt Project is helping vulnerable Australians on very low (or no) incomes to ensure they can use their income for food, shelter and household bills by negotiating bulk waivers. In 2010, West Heidelberg Community Legal Service funded by the Victoria Law Foundation successfully conducted the first 'bulk debt

negotiation' on behalf of 425 disadvantaged and vulnerable clients, who were referred by legal aid offices, legal centres and financial counselling agencies across Australia.

In 2011, Legal Aid NSW and Victoria Legal Aid joined with West Heidelberg Community Legal Service for the National Bulk Debt Project. To date, the project has negotiated waiver or closure of debts worth approximately \$6.75 million with creditors such as major banks, insurance companies, credit providers, debt collectors and utility service providers.

Round 4 of the Bulk Debt Project is now open and includes more creditors!

Until 10 August 2012 <http://www.bulkdebt.org> will be open for debts owed to:

- Commonwealth Bank and
- Westpac - which includes St George and Bank of Melbourne debts.

Visit the website <https://www.bulkdebt.org/Public/HomePage.aspx> for information on eligibility criteria and how to submit your clients' debts to the negotiations.

DVDs on Work & Development Orders

We've got two fabulous new videos produced by Civil law about [Work & Development Orders](#) for people with fines debt and [Law for Everyday Life](#) about civil law. You can watch the videos on the Legal Aid NSW TV channel or order them on DVD from the Legal Aid website. Contact Meredith.Osborne@legalaid.nsw.gov.au or Paula.Novotna@legalaid.nsw.gov.au for more information.

Law for Community Sector Workers

Law for Community Sector Workers calendars for July to November 2012 started this week. Calendars for [Sydney \(City, Bankstown, P'matta\)](#), [Hunter & Central Coast](#), [Illawarra & Shoalhaven](#) & [Riverina](#) are on the Legal Aid website and hard copies can be ordered from Joe.Wasuruj@legalaid.nsw.gov.au

The Prisoner Legal Information Portal

is a website for prisoners hosted within Corrective Services NSW's secure internal network. It has information about accessing legal services in NSW gaols and plain English legal resources. You can now view a HTML version of the website at <http://www.correctiveservices.nsw.gov.au/information/library/inmate-legal-portal>

Working with newly arrived migrants

Are you working with newly arrived migrants? Legal Aid NSW has recently developed a new DVD with information about Legal Aid NSW services and the legal system in Australia in Burmese, Karen, Chin Hakka, Rohingya, Amharic, Arabic, Dari, Dinka, Pushto, Somali, Swahili and Tigrinya. Watch them on the [Legal Aid NSW TV channel](#) on YouTube or order the DVD from the Legal Aid website.

BURN

The [BURN](#) website (about group offending for young people) has been refreshed with updated fact sheets and resources and an online feedback survey. <http://www.youtube.com/user/LegalAidNSW?feature=watch>

Law for Community Sector Workers July –November 2012

See the Calendar for more Law for Community Workers sessions in Sydney and regional NSW at <http://www.legalaid.nsw.gov.au/what-we-do/workshops/law-for-community-workers>

If you are interested in one of these workshops in your region, please contact the CLSD team on clsd@legalaid.nsw.gov.au or call (02) 9219 5691.

Young people online – To tweet or not to tweet?



New online fact sheets on topics including cyber bullying, sexting and identity theft will help equip young people to deal with some of the big legal risks of using social media. Researched and produced by Legal Aid NSW and the National Children's and Youth Law Centre, these eight fact sheets explain the law and young people's legal rights and risks and responsibilities, helping them make more informed decisions when they are online.

Social networking sites have changed the way children and young people communicate with each other on a daily basis. Both the Children's Legal Service (Legal Aid NSW) and the National Children's and Youth Law Centre have seen a growth in the number of enquiries relating to online behaviours. This project is important because it informs children and young people that behaviours like cyber bullying are actually against the law, and can result in serious legal consequences. The project also lets children and young people know that help, advice and advocacy is available.

The factsheets can be accessed on the Legal Aid NSW website via Publications.

Need Help with a Centrelink Problem?

A new brochure *Need help with a Centrelink problem?* has now been published. Many people are unaware that many problems people may have with Centrelink are legal problems and that they can get legal advice and assistance from Legal Aid NSW or the Welfare Rights Centre.

<http://laxextra.legalaid.nsw.gov.au/PublicationsResourcesService/PublicationImprints/Files/442.pdf>

New domestic violence posters

A new poster for women experiencing domestic violence in Aboriginal communities is now available. It lists the names and numbers of all the Women's Domestic Violence Court Advocacy Services in NSW. Corresponding brochures and wallet cards for Aboriginal women are being developed and will be available soon.



All Legal Aid NSW publications can be ordered online at <http://www.legalaid.nsw.gov.au/publications/order-a-publication> or by calling Publications on 9219 5028

SECTOR NEWS & REPORTS

Boarding house reform

More than 6,000 boarding house residents, including people who live in unlicensed boarding houses, expect to be better protected under a proposed new Boarding House Act for NSW. The [NSW Minister for Disability Services](#), Andrew Constance, has released the exposure draft Boarding Houses Bill 2012.

The draft bill includes a requirement for boarding houses to be registered with the Commissioner for Fair Trading and protects residents from being evicted without notice or right of appeal. A number of administrative and functional matters relating to the operation of the *Boarding House Bill 2012* will need to be dealt with in subordinate *Exposure Draft Boarding House Bill 2012 Position Paper 14* legislation. This includes a number of matters currently dealt with in the *Youth and Community Services Regulation 2010* ("YCS Regulation") as well as a number of new matters relating to the boarding houses Register, local council initial compliance investigations, the occupancy principles and enhanced provisions relating to the authorisation of residential centres for vulnerable persons.

A Boarding Houses Regulation will be prepared once the *Boarding Houses Bill 2012* is passed and will be put out for consultation through a Regulatory Impact Statement. Please forward your comments to BoardingHouseReform@fac.nsw.gov.au by Friday 10 August 2012. The results of the consultation process on the Exposure Draft, along with any recommendations for adjustments to the Bill, will be reported to Cabinet by

the Ministers for Disability Services, Fair Trading and Local Government with a final version of the Bill, for Cabinet approval. Pending Cabinet approval of the final Bill, the Bill will be introduced into the NSW Parliament during the Spring Session 2012.



ASIC Credit Outreach Team's Youth in Transition project.

The Credit Outreach Team at the Australian Security and Investment Commission (ASIC) is currently developing a national financial education initiative for young people between the ages of 16 to 25 who are experiencing various transitions as they move from dependence to independence. The "Youth in Transition" initiative will be launched in early 2013 and directly supports ASIC's priority to assist and protect retail investors and consumers in the financial economy.

This national financial education initiative is aimed at helping young people between the ages of 16 to 25 who are experiencing various 'first time' financial decisions as they move from dependence to independence (like car ownership, moving out of home, mobile phones and credit and debt).

The project *mission is to equip young people transitioning into adulthood with the motivation and tools to manage their money with confidence.*

This project aims to create behavioural change in its target population of Australian young people who are undergoing transition, so that they will manage their money with knowledge and confidence.

The specific objectives are to:

1. *Raise awareness* of Australian young people aged 16 to 25 who are transitioning to adulthood of the importance of making smart financial decisions in their lives;
2. *Motivate* Australian young people aged 16 to 25 who are transitioning to adulthood to gain the tools to manage their money with confidence; and
3. *Establish* sustaining relationships with Australian youth organisations so that ASIC can continue to communicate effectively with youth on how to make smart financial decisions.

ASIC welcomes additional organisational supporters.

Please contact **Peter Lechlein** , Credit Outreach Educator, Community Engagement, Financial Literacy ASIC on (02) 9911 2088 or by email on peter.lechlein@asic.gov.au for more details or to register your interest. See also www.moneysmart.gov.au



EDO looking for support

EDO is a Community Legal Centre with over 25 years' experience in environmental law. EDO NSW has a proven track record in achieving positive environmental outcomes for the community. The EDO helps the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws. As an independent, non-government and not-for-profit legal centre, EDO's services are provided without fear or favour. Anyone can contact the EDO to get free initial legal advice about an environmental problem, with many of its services targeted at rural and regional communities.

EDO NSW is part of a national network of centres that help to protect the environment through law in their states. See the EDO website at <http://www.edo.org.au/edonsw/site/default.php>. To donate to the EDO to assist it to continue its work, see <http://www.givenow.com.au/edonsw>

Enforcement moratorium until 31 July; enforcement costs increase from \$50 to \$65 from 1 July 2012

The NSW Government has introduced a moratorium on enforcement costs from 12 June 2012. Enforcement costs will be removed if people register online to pay their fines in full or enter into an arrangement to pay by instalment before 31 July 2012. The moratorium does not mean the fine is cancelled – you will still need to pay the fine in full or apply to pay by instalments. Read more about the moratorium and register at www.sdرو.nsw.gov.au

Enforcement costs will be removed if people pay their fines in full or finalise by part payments before 31 July 2012. If you opt to pay by instalment, enforcement costs will still be included on the schedule you receive. The costs will be removed once you have paid the original fine amount(s). If you stop making payments or you fall behind with your payments, SDRO will not remove your enforcement costs. You will not have the option to have your costs removed under the moratorium again after 31 July 2012. Instalment plans must remain up to date to be eligible. If you receive a new enforcement order(s) prior to 31 July 2012, you will need to reapply for the moratorium for these enforcement orders at www.sdرو.nsw.gov.au

Bail Report from the NSW Law Reform Commission released

[http://www.lawlink.nsw.gov.au/lawlink/lrc/lrc.nsf/vwFiles/r133.pdf/\\$file/r133.pdf](http://www.lawlink.nsw.gov.au/lawlink/lrc/lrc.nsf/vwFiles/r133.pdf/$file/r133.pdf)

The CLSD Program Unit will do an analysis of this report soon.

Payday Lending Project

Consumer Credit Legal Centre NSW (CCLC) and Legal Aid NSW have a partnership project on short term high cost loans. Short term high cost loans are exactly as the name suggests!

The features of the loans:

- Usually for small amounts (under \$5000).
- The term is usually under 12 months.
- The name pay day loan is for those loans that have to be repaid on the next pay day. These loans are a subset of this lending.
- The interest rate is usually over 48% p.a. (The lenders use avoidance techniques to avoid the 48% p.a. interest rate cap in NSW.)
- Often use a finance broker so further fees can be charged to the consumer.

The problems with short term high cost loans are:

- They are very expensive and often force the consumer into a debt trap.
- Many consumers are forced to refinance again with the same lender simply because they cannot repay the loan.
- The default fees are very expensive.
- The set up costs are expensive and often include finance broker costs.

The aims of the project are:

- To inform and assist economically disadvantaged clients of their legal rights against lenders of short term high interest loans.
- Work with financial counsellors and other community stakeholders to identify potential clients and lenders who do not comply with current consumer protection legislation.
- To publicise and challenge unlawful business models by undertaking targeted litigation.
- To challenge lenders who do not comply with consumer protection legislation.
- Raise awareness of alternatives to short term high cost credit.
- To participate in a wider debate around short term high cost finance.

CCLC is very interested in assisting as many consumers with short term high cost credit loans as possible.

Clients can be referred by:

- Calling the Administration Line at CCLC on (02) 9212 4216
- Referring clients to the Credit and Debt Hotline: 1800 007 007

New resources on employment rights available on LawAssist



LawAssist

Helping you represent yourself in court

[Home](#)[Representing yourself](#)[Legal dictionary](#)[Need more help?](#)[About LawAssist](#)[Contact us](#)[Search](#)

LawAssist is a website developed by LawAccess NSW. It has information to help people who are dealing with a legal problem or representing themselves in a court or tribunal. The materials on the LawAssist website provide information about both law and procedure, and practical tools for people navigating the court process.

New resources have been added to the LawAssist website to help people who have been dismissed from work. There are two separate sections on unfair dismissal and general protections dismissal.

The new resources include information on:

- What rights an employee has when they have been dismissed
- What unfair dismissal is, who can apply and how to make an unfair dismissal application to Fair Work Australia (FWA)
- What general protections are, who can apply and how to make a general protections dismissal application to FWA and the Federal Magistrates Court.

LawAssist also has:

- Step-by-step guides to making an application
- Preparing for mediation and conciliation
- Attending the hearing
- Instructions for filling out forms
- Sample forms, checklists and worksheets.

To view the new unfair dismissal and general protections dismissal resources visit:

http://www.lawlink.nsw.gov.au/Lawlink/lawaccess/ll_lawassist.nsf/pages/lawassist_employmentrights

Other topics available on the LawAssist website include: Debt - small claims, Car accidents, Apprehended Violence Orders, Fines and Fences.

JUSTICE

REINVESTMENT

CAMPAIGN for **Aboriginal** young people

The Justice Reinvestment for Aboriginal Young People Campaign is committed to addressing the shameful overrepresentation of Aboriginal people in custody. Justice reinvestment is about taking taxpayers dollars out of prisons and putting them back into communities. When implemented, justice reinvestment programs benefit entire communities, not just Aboriginal young people.

A Justice Reinvestment model ensures justice and human service agencies work toward the same goal – reducing the number of young people in custody to generate savings. It represents a strategy that co-ordinates intervention programs to reduce the risk of offending and re-offending, and the demand for custodial services.

Justice Reinvestment diverts a portion of the funds spent on incarceration to communities where there is a high concentration of young offenders. The money that would have been spent on custodial services is reinvested

into education, programs and services that address the underlying causes of crime in these communities. Any additional savings can also be reinvested.

The model is based on evidence that a large number of young offenders often come from a relatively small number of disadvantaged communities. Demographic mapping can be used to determine the regions that will benefit the most from investment in early intervention and prevention programs. It costs over \$652 per day or \$237,980 annually to imprison one young person. For a fraction of that cost a young person could be provided with access to mental health services, case workers, youth development programs, employment and training programs, or with rehabilitation programs in local communities.

Read more and join the campaign at <http://justicereinvestmentnow.net.au/>

Assets for care: a guide for lawyers to assist older clients at risk of financial abuse

Seniors Rights Victoria have recently launched a guide for legal practitioners regarding financial abuse of older people. It is called *Assets for care: a guide for lawyers to assist older clients at risk of financial abuse*.

<http://www.seniorsrights.org.au/>

Reports: Improving the Family Law System for Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds.

The Attorney-General's Department has released reports prepared by the Family Law Council who were tasked to consider and advise on ways in which the family law system meets the needs of clients from Indigenous and culturally and linguistically diverse backgrounds. The Council was required to consider whether there are ways the family law system can better meet client needs, including ways of engaging clients in the family law system and what considerations are taken into account when applying the *Family Law Act 1975 (Cth)* to Indigenous and culturally and linguistically diverse clients.

Council was to give particular regard to the National Indigenous Law and Justice Framework developed by the Standing Committee of Attorneys-General and to consult with representatives of Indigenous and culturally and linguistically diverse communities. A list of consultations is provided in each report. As part of the consultation process, Council sought submissions from interested organisations and individuals about services and engagement programs for families of Indigenous and culturally and linguistically diverse communities.

[Submissions received](#) have been published on the AG's website, except where requests have been made to keep them confidential or where they relate to particular cases or personal information. See the Reports at

<http://www.ag.gov.au/FamilyLawCouncil/Publications/ReportstotheAttorneyGeneral/Pages/Indigenousandculturallyandlinguisticallydiverseclientsinthefamilylawssystem.aspx>



Consumers Federation of Australia – join up!

The Consumers Federation of Australia is the peak body for consumer organisations in Australia. CFA represents a diverse range of consumer organisations, including all of Australia's major consumer organisations.

CFA advocates in the interests of Australian Consumers. It develops policy on important consumer issues, nominates and supports consumer representatives to industry and government processes, and supports consumer participation in the development of standards.

CFA invites organisations and individuals with a consumer focus compatible with the CFA objectives to join. Members benefit through the advocacy undertaken by CFA on behalf of member organisations and the consumers they represent or serve. Other benefits include access to CFA's topic specific private chat list, listing as a CFA member on the CFA web site, promotion of members campaigns, services, events and other activities through CFA's web site, newsletter and Twitter account and invitations to participate in CFA member surveys and access to an analysis of survey results.

Join up at <http://consumersfederation.org.au/>

"Fines" from car parks case

The business models of many private car parks appear designed to trap consumers. Private operators set up car parks near shopping centres and commonly provide one or more hours of free parking - but forget to leave a parking ticket on your dashboard and your free parking can quickly become an expensive day out.

Forgetting a ticket can result in a "fine" of around \$66 from a private car park operator. Leave it unpaid, and the "fine" accumulates to over \$120 or more.

In a case brought by Consumer Affairs Victoria, it was argued to be misleading for Ace Parking to suggest that, by entering and parking a car in a car park, a driver had entered into a contract with its operator. More specifically, it argued that the simple contractual requirements of offer, acceptance and consideration (the payment of value) were not present. Private car parks say they don't issue a fine, rather, they issue a demand for "liquidated damages" claiming the driver has breached the contractual term of entry. Thankfully the Supreme Court decision suggests that car park operators have no legal authority to make such demands. Consequently, the Supreme Court found that Ace Parking had engaged in misleading conduct in breach of the Fair Trading Act 1999 (Vic).

Source: Director Policy & Campaigns, Consumer Action Law Centre <http://www.consumeraction.org.au/>

The impact of domestic violence on children: a research snapshot

Living with domestic violence has serious effects on the emotional and behavioural wellbeing of children and on their development. However, good support services can help children cope with and, over time, recover from the effects of domestic violence.

In mid 2011, against the backdrop of proposed amendments to Australian family law which were intended to better protect children from ongoing violence and abuse post-separation, The Benevolent Society commissioned the Australian Domestic and Family Violence Clearinghouse to undertake a literature review of the latest research on the impact of domestic violence on children. The review also summarises the research evidence on how best to support and work with children and families affected by family violence.

See the Snapshot at

http://www.bensoc.org.au/uploads/documents/The_Impact_of_Domestic_Violence_on_Children_Research_Snapshot_March_2012_FINAL.pdf . The full report is available at <http://cms.bensoc.org.au/uploads/documents/The-impact-of-domestic-violence-on-children.pdf>

Auditor-General's Report - better assistance needed for humanitarian entrants

A recent report has found that support for humanitarian entrants living in NSW is poorly coordinated. Humanitarian entrants in NSW are doing less well than in other states on the key indicators of health, housing and employment. Unlike some States, NSW does not have a single point of contact that humanitarian entrants can go to assist them with settling in a new country.

The Report found that NSW also needs to work better with the Commonwealth Government. Currently, NSW does not provide any information to the Commonwealth on where humanitarian entrants are best suited to settle. For example, where there are employment possibilities, affordable housing, a supportive environment and appropriate services.

A recent survey showed that 19 per cent of NSW humanitarian entrants reported poor physical health, and 46 per cent reported difficulty in finding a place to live.

There is a common but mistaken belief that the Commonwealth has sole responsibility for humanitarian entrants. In fact from initial settlement, humanitarian entrants are reliant upon many services provided by NSW Government agencies. Download the report at

<http://www.audit.nsw.gov.au/News/Settling-Humanitarian-Entrants-in-New-South-Wales>

Pro Bono Services - National Law Firm Directory

The new National Law Firm Directory is an online directory of law firm pro bono programs and contacts. The online database is password-protected but is automatically accessible by pro bono clearing houses, the law firms contained in the Directory, all community legal centres, and Legal Aid staff. Others may apply for access which will be granted only if it is for pro bono referral purposes.

The Directory indicates areas of focus (if any) of a firm's pro bono practice, potential conflicts and eligibility criteria for referrals as well as full contact details for coordinators.

To register for access to the Directory, go to <http://www.nationalprobono.org.au/login.asp>

USEFUL INFORMATION

Consumer Credit Legal Centre Fact Sheets

Consumer Credit Legal Centre has useful factsheets on dealing with loans, debt and financial hardship generally. The following factsheets may be useful to people in regional NSW who have recently been talking about utility debt <http://www.cclcnsw.org.au/fact-sheets/financial-counselling/cant-pay-my-electricity-debt/>

Links to resources on new technologies, the law and young people

<http://www.ncylc.org.au/> and <http://www.lawstuff.org.au> factsheets and resources on the law and technology for young people. Includes factsheets on copyright, defamation, cyber-bullying, sexting, identify theft, privacy, self-incrimination produced by National Childrens and Youth Law Centre with the Children's Legal Service at Legal Aid NSW

<http://somethingincommon.gov.au/backmeup> - Human Rights Commission "Back Me Up" awareness campaign about cyber-bullying.

<http://au.reachout.com/find/articles/cyberbullying> - Reach Out is a mental health web site with articles on cyberbullying

<http://www.soso.org.au/> - Napcan and others site about what cyber-bullying is for kids

<http://www.bullyingnoway.gov.au/> - school communities bullying website.

<http://www.staysmartonline.gov.au/> - stay smart online is an Australian Government site about cyber security

<http://www.cybersmart.gov.au/> Australian Government resources on cyber-safety and cyber-bullying

<http://www.thinkuknow.org.au/site/index.asp> - collaboration between Australian Federal Police, Microsoft, ninemsn and datacom on cyber-security.

Australian Government (FAHCSIA) fact sheet about sexting

http://www.theline.gov.au/factsheets/text_sext

A number of Community Legal Centres are also doing work in the area. Women's Legal Services have produced a video for Aboriginal young people (which they are taking out to schools in regional and remote areas). Macquarie Legal Centre have also made a film which will be used in schools, and includes a section on bullying.