



## MEMBERS UPDATE

Thursday, 27 September 2018

Dear Members

The Members Update is a service to members, providing news and information in one easy to read document. If you have any information you would like included in the update, please email to [administrator@communitylaw.net](mailto:administrator@communitylaw.net).

**Please note, the information provided in this update is received from various sources and does not necessarily reflect the views of the Association.**

## INDEX

Follow the links to your topic of interest (control + click):

<b>IN HOUSE.....</b>	<b>4</b>
CLCA.....	4
Sector News.....	4
Accreditation.....	4
September Quarterlies and AGM.....	4
National Conference CPD points.....	4
2018 Webinar Program: Semester 2.....	5
NACLCL.....	5
In the News.....	5
<b>EMPLOYMENT OPPORTUNITIES.....</b>	<b>6</b>
Pilbara Community Legal Service.....	6
Solicitor and Support and Tenant Education Program Worker.....	6
Welfare Rights & Advocacy Service.....	6
Tenant Advocate.....	6
<b>FUNDING AND GRANT APPLICATIONS.....</b>	<b>6</b>
Office of Multicultural Interests.....	6
OMI Alert: Apply Now for Harmony Week 2019 Funding.....	6
<b>MEMBERS EXCHANGE.....</b>	<b>6</b>
Domestic Violence Legal Worker's Network.....	6
General Update.....	6

Environmental Defender’s Office .....	7
<b>NEWSLETTERS.....</b>	<b>8</b>
ACNC Update .....	8
ATO Not-for-Profit News Service.....	8
Handover Checklist for Not-for-Profit Administrators.....	8
July 2018 Key Messages from the NFP Stewardship Group now Available .....	8
Australian Pro Bono News .....	8
Community Employers WA.....	8
ERO Study Update .....	8
ERO Advocacy.....	8
Fundraising Harmonisation Update .....	9
Community Legal Centres NSW .....	10
Community Sector Banking .....	10
Linkwest.....	10
Info Update .....	10
Pro Bono News Australia .....	10
Shelter WA.....	10
WACOSS.....	10
Youth Affairs Council of WA (YACWA).....	10
<b>OF INTEREST .....</b>	<b>10</b>
WA Government News .....	10
Hon John Quigley .....	10
The Aboriginal Health Council of Western Australia .....	10
Save the Date - AHCWA Conference 2019 .....	10
Australian Securities & Investments Commission (ASIC) .....	11
New Videos for Indigenous Consumers from ASIC’s MoneySmart.....	11
Connect Groups .....	11
Mental Health Forum: “Let’s Talk About It” - 11 October 2018 .....	11
Ethical Jobs .....	11
How to Improve Reference Checking at your NFP.....	11
Lessons in Creating an Effective HR Strategy .....	11
Why Family Violence Leave Should be Paid.....	12
Law Council of Australia .....	12
Law Council Justice Project Final Report.....	12
Law and Justice Foundation of NSW .....	12
Research Alert: Legal Needs Data to Assist CLC Funding Applications .....	12
McCusker Centre for Citizenship .....	13
Internship Program .....	13
University of New England .....	13

Rural Crime and the Law Conference -29 and 30 November 2018 .....	13
Youth Affairs Council of WA (YACWA).....	13
Have Your Say on the Action Plan for At Risk Youth .....	13
<b>TRAINING .....</b>	<b>14</b>
Anglicare WA .....	14
ASeTTS .....	14
Blue Knot Foundation.....	14
Connecting Up .....	14
Law Society .....	14
Legalwise Seminars.....	14
The Society of Professional Social Workers (SPSW) .....	14
Workshop -Engaging and Planning with Clients and their Families with High Needs Complex Multi-Problems.....	14
WACOSS.....	14
Western Australian Association for Mental Health.....	14
Women Lawyers of Western Australia.....	14
Take the Lead - Annual All Day CPD Event: Saturday, 20 October 2018.....	14

## IN HOUSE

### CLCA

#### Sector News

[Facebook](#)

[Twitter](#)

[Media Statements](#)

#### Accreditation



#### September Quarterlies and AGM

##### *Feedback*

If you attended the September Quarterlies last week, we hope you enjoyed it and it helped you to accrue some of those very important CPD points. Watch out for an email next week asking for your feedback on the events held.

##### *Save the Date*

With December being a very busy month for all of us, the last Quarterlies of the year will be held on **29 and 30 November**. Please save the dates in your calendars.

##### *CPD Activity Individual Attendance Sheets*

[Attached](#) are Word and PDF versions of the individual attendance sheet. Please note that it is each individual solicitor's responsibility to print out the Attendance Sheet and record each session they attend. Once completed, please forward to Fiona Hobbs at [lp.pii@communitylaw.net](mailto:lp.pii@communitylaw.net) who will then arrange issue of certificates.

#### National Conference CPD points

A retrospective application to have the National Conference approved as an individual CPD activity will be made by the Association to the Legal Practice Board. There is no guarantee

that the conference will be approved but we do not anticipate any difficulties gaining approval based on previous years' experience.

An individual attendance sheet is available [here](#). Please complete and return to [lp.pii@communitylaw.net](mailto:lp.pii@communitylaw.net). When approval is received from the Legal Practice Board, CPD certificates will be issued accordingly.

## 2018 Webinar Program: Semester 2

CLCA (WA) is again collaborating with our colleagues in Queensland for Semester 2 of webinar series. Click [here](#) for the brochure with details of each webinar. Registration can be done via the link at the top of page 1 of the brochure.

### CPD Points

**Remember** it is the responsibility of solicitors who are participating in any of the webinars to complete the documentation in order to access the CPD points which can be allocated.

You can print out an Individual Attendance Sheet via the brochure mentioned above.

The next webinar on this program is:

### ***Law Yarn: Lawyers working in Aboriginal and Torres Strait Islander Health Organisations – Thursday, 11 October at 8:00 am***

Through their work with Aboriginal and Torres Strait Islander communities in its Cairns-based Homeless Persons Legal Clinic and Health Justice Partnership with Wuchopperen Health Service, LawRight has developed LawYarn - a new, culturally safe legal needs identification tool, which aims to build the capacity of clients, community and health staff.

Join Sue Garlick and Donnell Mills from LawRight as they discuss LawYarn and the Health Justice Partnership, including the challenges and rewards of integrating with community-controlled health organisations.

### ***Not Available for the Webinars?***

If the times of the webinars do not suit you, make sure you register for the sessions and you may be able to access a copy of the webinars afterwards, which you can view at a more convenient time. Presentations are only available for viewing if the presenter gives permission for this to be made public. You can access a copy of any that have been published on this page of the CLCQ website [here](#).

## NACLC

### In the News

[Facebook](#)

[Twitter](#)

[Media Statements](#)

## EMPLOYMENT OPPORTUNITIES

### Pilbara Community Legal Service

#### Solicitor and Support and Tenant Education Program Worker

Click [here](#) for more information on the above 2 roles.

**Applications close Friday, 5 October 2018.**

### Welfare Rights & Advocacy Service

#### Tenant Advocate

WRAS are looking for a tenant advocate for 2 days per week for fixed term to 30 June 2019. Click [here](#) for more information.

**Applications close at COB Friday, 28 September 2018.**

## FUNDING AND GRANT APPLICATIONS

### Office of Multicultural Interests

#### OMI Alert: Apply Now for Harmony Week 2019 Funding

Funding is now available for community groups and not-for-profit organisations to hold celebrations for Harmony Week in 2019.

Funding of \$2000 for Harmony Week activities can be applied for via the Office of Multicultural Interests' (OMI's) Community Grants Program.

Harmony Week runs from 15 to 21 March each year and is an opportunity for all Western Australians to celebrate our vibrant multicultural community.

**The deadline for funding applications for Harmony Week activities is 4.00pm Monday, 5 November 2018.**

For more details and application forms, please visit the OMI website [here](#).

## MEMBERS EXCHANGE

### Domestic Violence Legal Worker's Network

#### General Update

##### *New WA Policy and Guidelines for Victims Of Crime*

The DPP '[Policy and Guidelines for Victims of Crime 2018](#)' came into effect on 1 September 2018 and is the first time the DPP has published separate prosecution policy and guidelines for victims of crime. The policy and guidelines set out how the DPP interacts with victims of crime during criminal prosecutions and the rights that victims of crime have during proceedings. Some useful sections include:

- Paragraphs 73-81 discuss restraining orders, outlining the circumstances where the DPP can or must make an application for a restraining order and the procedures the DPP will take in doing so.
- Appendix 1 sets out guidelines as to how victims should be treated.

- Appendix 2 sets out the offences:
  - which on conviction, allow a victim to apply for a restraining order in their victim impact statement; and
  - which in the absence of objection, a lifetime restraining order must be made.
- Appendix 3 sets out documents that may be released to victims of crime.

### ***New Commonwealth Civil and Criminal Penalties for Sharing or Threatening to Share Intimate Images***

The [Enhancing Online Safety \(Non-Consensual Sharing of Intimate Images\) Act 2018 \(Cth\)](#) (the Act) came into force 1 September 2018. The Act amends the [Enhancing Online Safety Act 2015 \(Cth\)](#) and the [Criminal Code Act 1995 \(Cth\)](#) to create civil and criminal penalties for sharing or threatening to share intimate images without consent.

Under the Act:

- Individuals and corporations may be subject to civil penalties if they do not comply with a request from the eSafety Commissioner to remove an intimate image.
- The eSafety Commissioner may give remedial direction to a person to take steps to ensure they do not share or threaten to share an intimate image without consent in the future.
- The eSafety Commissioner may informally seek removal of an image, accept an enforceable undertaking or seek an injunction from a court.
- Amendments to the Criminal Code Act 1995 (Cth) mean perpetrators may also face penalties of imprisonment for up to five years, or seven years if they have already had three civil penalty orders made against them.

For more information about image based abuse see the [Office of the eSafety Commissioner website](#).

### ***DVLWN Submissions***

Finally, attached are the final versions of the two DVLWN submissions that were submitted this quarter in regards to:

- Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2017
- CIC Review

We received an enormous amount of feedback and input into the CIC submission, so many thanks again to all involved for sharing your views and experiences with the CIC process.

## **Environmental Defender's Office**

### **[September News](#)**

## NEWSLETTERS

### ACNC Update

[20 September 2018](#)

### ATO Not-for-Profit News Service

#### Handover Checklist for Not-for-Profit Administrators

Use this checklist when your not-for-profit organisation is changing the administrator of its tax affairs, for example a treasurer, office bearer or employee involved in the tax administration of your organisation. The checklist will help your organisation hand over its tax affairs to the new administrator.

<https://www.ato.gov.au/Non-profit/Your-organisation/In-detail/Checklists/Handover-checklist-for-not-for-profit-administrators/>

#### July 2018 Key Messages from the NFP Stewardship Group now Available

Read about key messages from the 25 July 2018 Not-for-Profit (NFP) Stewardship Group meeting.

<https://www.ato.gov.au/Non-profit/Non-profit-News-Service/In-detail/Articles/July-2018-key-messages-from-the-NFP-stewardship-group-now-available/>

### Australian Pro Bono News

[Issue 130: September 2018](#)

### Community Employers WA

Four brief updates:

#### ERO Study Update

The data collection phase of the Department of Communities funded Study on the Impact of the Equal Remuneration Order Impact on Social Housing Services has closed. 23 NFP service providers are participating in the study.

The external researcher is now analysing the survey data and will be contacting some of the survey respondents for consultation and clarification over the next two weeks. The final report is to be submitted to the Department of Communities on about 19 October. The report will include current and forecast employment costs by program and roster type, with options for funding supplementation, benchmark employment costs and the procurement process.

#### ERO Advocacy

[Attached](#) is a letter recently received by a CEWA member, from Minister Dawson, responding to concerns raised with the impact of the ERO and NGHSS Indexation Policy. It is disappointing that the government continues to believe that the Component 1 and Component 2 funding in 2011/13 were provided largely to cover the ERO. Without going into detail, our understanding is that the Component 1 and 2 funding was primarily to address the historical funding shortfalls which had been evident across the sector for many years. Furthermore, the legislated Fair Work Commission increases of between 23-45% from 2012 – 2020 were never going to be fully covered by the 15% Component 1 top up funding (noting that only some organisations received the up to 10% Component 2 funding). In addition to that, the National

and State Wage indexation increases have significantly exceeded the NGHSS indexation with the most recent State Wage Case increase of 2.5%pa against a 0.83%pa indexation.

We would strongly recommend that CEWA members continue to write to their local and state parliamentarians, and to utilise your own networks to advocate for sustainable funding of services. We also suggest that members who have loss making government funding arrangements, meet with their contract managers and the relevant senior departmental staff, to request top up funding.

## Fundraising Harmonisation Update

The ACNC's Assistant Commissioner has today provided CEWA with the following update on the status of the national harmonisation of Fundraising. The bottom line appears to be that it will continue to take some time.

*"A few moving parts:*

*The ACNC 5 year review report said: "in the long term there is a need for a national scheme based on referral of powers ... in areas such as governance, fundraising and registration" (Preface and Executive Summary).*

*Recommendation 25 provides that in the short term, the Australian Consumer Law be amended to clarify its application to charitable and not-for-profit fundraising and that a mandatory Code of Conduct be developed ("the ACL solution").*

*The Review Report was tabled in the Senate in a bundle of documents on 22 August without further comment. The responsible Minister had offered his resignation from Cabinet earlier that week and by the end of the week we had a new Prime Minister. Time will tell how the government will responds to the Review Report*

*Michael Sukkar was coincidentally responsible for consumer affairs and charities in the Federal Government until his resignation as a Minister and had announced at the Charity Law Association of Australia and New Zealand conference in August that he intended to go the Consumer Affairs Forum of Consumer Affairs Ministers in August and seek to press the ACL solution. That meeting was cancelled following the federal Cabinet reshuffle and is expected to reconvene in October.*

*Stuart Robert is now responsible for Consumer affairs and Zed Siselja for charities. Whether the new Consumer affairs Minister takes the same tack as the former, remains to be seen.*

*Meanwhile, the Secretariat of the Senate Select Committee on Charity Fundraising in the 21 century has advised that as the Senate hearings are full until the end of the year, the Senate hearing on fundraising reform will not likely take place now until around February next year.*

*We expect that New South Wales will amend its Fundraising Collections Legislation to take on recommendations of the Bergin Inquiry which may make harmonisation across the commonwealth more difficult.*

*So...*

*We do not foresee a national harmonisation soon. We continue to work actively with every state and territory urging a report once/use often approach and have indicated that we will share any reporting information that will avoid duplication. I will be in Perth on Wednesday and meeting with Consumer Affairs to gauge progress to find streamlining solutions to Associations Reporting and Fundraising Regulation. We see*

*these bi- lateral arrangements alongside the grand vision of a national scheme as an interim step.”*

## **Community Legal Centres NSW**

Please note that this is a sector newsletter only.

[Off the Record](#)

## **Community Sector Banking**

[In the Loop September 2018](#)

## **Linkwest**

Info Update

[20 September 2018](#)

## **Pro Bono News Australia**

[PB Weekly News](#)

## **Shelter WA**

[Inside Housing - 21 September 2018](#)

## **WACOSS**

[Bulletin](#)

CRR Sector Broadcast

[Sector eNews - 26 September 2018](#)

## **Youth Affairs Council of WA (YACWA)**

eNews

## **OF INTEREST**

### **WA Government News**

Hon John Quigley

[Elder abuse report to complement McGowan Government's agenda – 13 September 2018](#)

[Former Chief Justice to undertake review of WA's asset seizure laws – 19 September](#)

### **The Aboriginal Health Council of Western Australia**

Save the Date - AHCWA Conference 2019

The AHCWA Board of Directors has set the date for our 2019 conference: 27 and 28 March 2019.

Please Save the Date in your calendar!

## **Australian Securities & Investments Commission (ASIC)**

### **New Videos for Indigenous Consumers from ASIC's MoneySmart**

The Australian Securities and Investments Commission (ASIC) have produced two new MoneySmart videos to help Aboriginal and Torres Strait Islander people take control of their money and get help with their debts when they need it.

ASIC's Indigenous Outreach Program spoke to people in Indigenous communities about the financial issues that affect them and people said they needed help sorting out their money problems and dealing with family pressure about money.

From this, ASIC created two videos which follow the journeys of Uncle Charlie and Lisa as they learn how to take control of their money to look after themselves and their families.

You can watch the following videos (and more) on ASIC's MoneySmart website [here](#) :

- Sorting out your money problems.
- Dealing with family pressure about money.

ASIC's MoneySmart website has lots of useful tips and tools to help you take control of your money. You can also follow MoneySmart on [Facebook](#) and [Twitter](#) and sign up to their monthly [newsletter](#).

## **Connect Groups**

### **Mental Health Forum: "Let's Talk About It"- 11 October 2018**

"Let's Talk About It!" is a ConnectGroups 2018 Mental Health Week initiative that will showcase a panel of Support Group representatives to discuss their lived experience with depression and journey of recovery in a peaceful, restorative outdoor setting. Read more [here](#).

## **Ethical Jobs**

### **How to Improve Reference Checking at your NFP**

Reference checking can sometimes seem like a final box-ticking exercise before you hire the person you've already decided is the best candidate.

But taking the time to do your due diligence is, in fact, a non-negotiable part of recruitment. And it's an easy thing to get wrong, exposing your team or whole organisation to potentially toxic employees – or worse.

So how do you make the most of your reference checks?

Read more [here](#).

### **Lessons in Creating an Effective HR Strategy**

#### ***How CanTeen developed an HR strategy that makes everyone accountable for success***

Does your organisation's HR strategy have contributions and buy-in from your whole organisation?

The idea of collecting feedback from every single team or department in your organisation to shape your HR strategy might sound like a colossal challenge – or even a waste of time.

Yet this is exactly what youth cancer charity CanTeen has just done, and to great affect ...

Read more [here](#).

## Why Family Violence Leave Should be Paid

Five days unpaid family violence leave is a significant improvement over no guaranteed leave at all. But research shows that finances and domestic violence are inextricably linked.

Access to a steady income can mitigate the effects of violence and provide avenues out of abuse. Paid family violence leave is one tool to achieve this.

Read more [here](#).

## Law Council of Australia

### Law Council Justice Project Final Report

As you would be aware people experiencing significant disadvantage in Australia face a range of barriers when accessing and dealing with the justice system.

This is a problem the Law Council of Australia has taken on through its [Justice Project](#) – a major investigation into the impediments to access to justice in Australia, and one of the most comprehensive, national reviews of its type in the last 40 years.

[The Justice Project](#), chaired by former Chief Justice of the High Court, the Hon Robert French AC, has just released its [final report](#), of which a chapter specifically relates to each of the 13 priority groups identified in its terms of reference as facing significant social and economic disadvantage.

The final report is the result of research overseen by eminent lawyers, jurists and academics – it includes 59 recommendations, group-by-group priorities and 22 chapters stemming from around 150 consultations and 129 submissions which were received.

The Justice Project wants to improve access to justice for people experiencing significant disadvantage or those who advocate on their behalf, by shining a light on the lived experience of interacting with the justice system.

As well as identifying systemic flaws and gaps, the project also highlights what is working well and the considerable innovation that exists, despite considerable resource pressures. Its chapters also address the role of different actors in the justice system in achieving access to justice for people experiencing disadvantage.

The constructive, informed recommendations in the final report provide a roadmap for future action. It builds a detailed case for new, evidence-based, whole-of-government justice strategies secured by appropriate funding that will provide the evidence needed to advocate for a better, stronger justice system. It also provides a resource for people and organisations who wish to advocate on these issues at all levels of government.

The Law Council, through the Justice Project wants to ensure that access to justice is never denied and equality before the law is always ensured, for all Australians.

Please take some time to consider the Justice Project findings at: [www.justiceproject.com.au](http://www.justiceproject.com.au)

## Law and Justice Foundation of NSW

### Research Alert: Legal Needs Data to Assist CLC Funding Applications

Click [here](#) for more information.

## McCusker Centre for Citizenship

### Internship Program

The Association has been very fortunate to be able to take advantage of the internship program through the McCusker Centre for Citizenship since 2016. This year we have engaged a total of 4 interns working on updating our Policies and Procedures. We would highly recommend this program.

Click [here](#) for more information or contact Tennille Trevaskis at [internships@mccuskercentre.uwa.edu.au](mailto:internships@mccuskercentre.uwa.edu.au) or telephone 6488 4254.

## University of New England

### Rural Crime and the Law Conference -29 and 30 November 2018

The University of New England Law School is holding a conference on Rural Crime and the Law on the 29 and 30 November 2018. The purpose of the conference is to examine the efficacy of current laws and policy relating to rural crime and the criminal justice response to identify what works and what does not, where the gaps exist between the law and community expectations, and seek ways to improve practice by all stakeholders in rural Australia.

More details are available on the conference web site, see <https://www.une.edu.au/rural-law-conference>

#### *Early-Bird Registration*

The conference registration fee is currently heavily discounted. **Register before 1 October 2018 for only \$120** for this two day event (\$70 for one day) which will be held at UNE Law School 29 -30 November.

#### *Abstracts*

We would welcome abstracts (max 250 words) for individual papers **by 1st October 2018** to: [ebarclay@une.edu.au](mailto:ebarclay@une.edu.au).

## Youth Affairs Council of WA (YACWA)

### Have Your Say on the Action Plan for At Risk Youth

#### *The Action Plan for At Risk Youth*

The Action Plan is being developed by the Department of Communities to support the agency's planning, delivery and funding of initiatives and services to improve outcomes for at risk youth. The Action Plan will align with the WA Youth Strategy and the 10-Year Strategy on Homelessness.

#### *Workshop details*

Workshops will focus on strategic actions required to support positive outcomes for at-risk young people. Services working directly with at risk youth are invited to attend. Please register for one workshop only.

One person per organisation is encouraged to attend.

Read more [here](#).

## TRAINING

### **Anglicare WA**

[Anglicare Workshops](#)

### **ASeTTS**

[2018 Training Calendar](#)

### **Blue Knot Foundation**

[Training Calendar – July – November](#)

### **Connect Groups**

[Upcoming Sector Development](#)

### **Connecting Up**

[Upcoming events and webinars](#)

### **Law Society**

[CPD News - 25 September 2018](#)

### **Legalwise Seminars**

Click [here](#) to find, under the **Legal CPD tab**, upcoming training, past seminar recordings and past seminar papers.

**Remember** that Legalwise are offering 50% discount on their seminars for CLCs.

If you wish to book a seminar later in the year, please do so by email or telephone quoting the code shown next to the relevant seminar. The discount will then be allocated.

### **The Society of Professional Social Workers (SPSW)**

#### **Workshop -Engaging and Planning with Clients and their Families with High Needs Complex Multi-Problems**

Click [here](#) for more information on SPSW's next workshop presented on 17 October 2018 in Bunbury with the hospitality of Enable WA. This workshop is the last of the 3 SPSW regional workshops for 2018.

### **WACOSS**

[Upcoming Events](#)

### **Western Australian Association for Mental Health**

[Mental Health Training – Semester 2](#)

### **Women Lawyers of Western Australia**

#### **Take the Lead - Annual All Day CPD Event: Saturday, 20 October 2018**

You are invited to the above event to be held at the University of Notre Dame. The flyer for the event is [attached](#) – registrations will open shortly but we are fortunate to have some

really esteemed speakers and expect the day to be extraordinary so we are encouraging people to 'save the date' – note also that we are offering a 20% discount to CLC employees.