



**November 2020**

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## From the Team at NCLC

Wishing our community a safe and joyful summer as we farewell 2020!



### **End of year reflection:**

Sometimes you are thrown a curve ball, and 2020 has been a massive challenge for NCLC and our community. Since March 2020 when we went into the first period of isolation and moved to phone and online services, Northern

Community Legal Centre (NCLC) has worked hard to ensure that those with the greatest legal needs in our community are supported.

This year's theme for our Annual General Meeting is **Mind the Gap** in recognition that the impact of disasters should not further widen the disadvantage experienced by marginalised groups. As the state's use of emergency powers has increased, we have ensured those powers do not have a disproportionate impact on disadvantaged communities.

We have risen to the many challenges for our staff and clients during 2020. Despite navigating many hurdles, our targeting of services has ensured that over the past year we have accessed clients who are likely to have the highest legal needs. For example: 40% of our clients identified as having a disability or mental illness, 52% of clients were victims of family violence and 42% of clients were from culturally and linguistically diverse backgrounds.

We invite you to join us for our AGM on the November 26, 2020 where we will reflect on the year that was, and the challenges and opportunities we face as we head into 2021.

To our community and colleagues, we wish you all a safe and joyous holiday period, with your family and friends, as we celebrate our well-earned freedoms.

**CEO, Jenni Smith**



NORTHERN  
COMMUNITY  
LEGAL CENTRE



**AGM**

Thursday November 26  
12pm - 1.30pm

**Register via Eventbrite**

**NCLC Christmas Closure**

FOR FREE LEGAL ASSISTANCE PLEASE CONTACT US BY TELEPHONE ON:

(03) 9310 4376

OR BY EMAIL AT:

[admin@northernclc.org.au](mailto:admin@northernclc.org.au)

#### **CHRISTMAS CLOSURE**

Our legal advice services will be unavailable from 24 December 2020 until 4 January 2021. For legal assistance during this time contact Victoria Legal Aid:

1300 792 387

<https://www.legalaid.vic.gov.a...>

## **16 Days of Activism 2020**

November 25th marks the International Day for the Elimination of Violence against Women. This year our CEO, Jenni Smith, has recorded a video message reflecting upon the impact of COVID-19 upon violence against women and children, and how NCLC services are responding to these impacts. The video will be shown as part of special online event hosted by Moreland City Council with Paul Zappa on fostering respect and celebrating healthier expressions of masculinity. Further information about this event is available at: <https://bit.ly/3kUG52U>.



Join Northern Community Legal Centre, the family violence sector and people across Victoria to raise awareness of family violence and

violence against women at the 12th Annual **Walk Against Family Violence** on **Wednesday 25 November, 2020**.

This event will mark the start of the **16 Days of Activism Against Gender-Based Violence**. Although we can't walk together around Melbourne's CBD like in previous years, we can still join together by participating in a local walk or "walk from home" event.

People all across Victoria will **wear orange** on November 25 and share a video or photo from their walk on social media using **#WAFV2020** and **#WhyWeWalk**

Why orange? As a bright and optimistic colour, according to the United Nation, orange represents a future free from violence against women and girls.

Together, we can show our support for victim-survivors and help send a message across Victoria that family violence and violence against women is never okay.

**Join the No to Violence Walk** by registering below and you can also join the Walk Against Family Violence Facebook event, here: <https://fb.me/e/czC2r2SVf>



**Family Violence and Family Law**

[Recent reports](#) in the media have highlighted the increased demand that COVID-19 is placing on the family law system. This aligns with our experience at NCLC, where a higher proportion of our clients have been seeking family law and family violence advice than in the past.

COVID-19 has created a number of additional challenges for parents being able to resolve parenting disputes. The majority of clients that we assist with family law disputes are also survivors of family violence, which creates additional challenges in terms of negotiating parenting arrangements during COVID-19.

The Family Law Act 1975 states that children have a right to have a meaningful relationship with both parents. Accordingly, time with both parents often occurs even when there has been significant family violence. COVID-19 has made many of the safe contact options for this time more difficult. While previously parents could arrange visits to happen in a public place or by utilising Children's Contact services, this has been much more difficult to arrange during COVID-19. Many public contact centres have not operated throughout the COVID lockdown period or have had limited changover options, and spending time in public places has often not been possible.

NCLC is committed to the prioritising the safety of survivors of family violence, and we have responded to these additional demands by offering additional appointments set aside for survivors of family violence, and by expanding the scope of family law casework assistance that we are able to offer our clients.

Janet's story shows the importance of NCLC's work in providing integrated family violence and family law support to our clients, and of the importance of as Safe Contact services, to ensure that children are protected from harm.

## Janet's Story

*Janet\* and her young daughter are the survivors of very serious family violence which was perpetrated by Janet's ex-partner. This family violence had begun when Janet was pregnant with their daughter, and escalated after she was born.*

*As the violence continued to escalate, Janet became worried that her and her daughter were no longer safe, and she applied for a Family Violence Intervention Order at Broadmeadows Court. She was assisted by Northern CLC's duty lawyers throughout the court process, and was successful in obtaining a final Intervention Order protecting her and her son.*

*After her intervention order matter finalised, we assisted Janet and her daughter to make applications to the Victims of Crime Assistance Tribunal. They both received substantial awards from the Tribunal, which paid for ongoing counselling and a number of items to help with their recovery.*

*After this matter had concluded, Janet received a letter from her ex's lawyer, which asked her to allow him to spend time with their daughter. While Janet was open to her daughter recommencing a relationship with her father, she was highly concerned about the risk of family violence. She also wanted the father's time to start off as short visits, to allow them to rebuild their relationship, however the father's lawyer was pushing to start with long visits twice a week which would happen without any independent supervision.*

*We responded to the father's lawyer stating that Janet did not accept their proposal and arguing that the proposal was not in the best interests of the child, as it exposed them to an inappropriate risk of family violence, given their family history. We were eventually able to negotiate a resolution where the father agreed to start off with only two (2) hours of time with the child per week, and that he would pay for the visits to be fully supervised by a private safe contact service, to ensure that the child was safe.*

*\*Name changed*

## **Meet Our Legal Practice Manager: Marquita Nolan**



### **Can you tell us a little about your background?**

I studied Communications with a Minor in Law and Society at Florida State University prior to commencing my Juris Doctor at the University of Melbourne.

As a lawyer, I have practiced in both the community and the private sectors, with a primary focus in family law and family violence.

### **Why did you choose to practice in this area of law?**

I was drawn to family law and family violence matters, in the community sector in particular, after engaging in substantial volunteer work at a community legal centre while completing my law degree. I was able to see the direct and substantial impact that law can have on people and their families, and I wanted to contribute to ensuring safety of victims / survivors of family violence.

### **Why is it important for parents to get advice and advocacy in relation to parenting arrangements when separating?**

The family law and family violence systems can be complicated to navigate, both individually and when they intersect. By obtaining legal advice, parents can be provided with a clear overview of the systems and an achievable “way forward”.

### **How can NCLC assist a parent who is separating following experiences of family violence?**

We can work with the parent to understand the history of family violence and provide advice that prioritise safety, is practical, and has a non-adversarial focus. We can also complete legal health checks to identify any other outstanding legal issues and make referrals to appropriate support services.

## **Magistrates Court Operations Update**

All Magistrates’ Courts are open, however the following arrangements are in place to reduce the number of people in the buildings.

Court users must contact the local court registry if they wish to physically attend court. Applicants may attend their local court without an appointment if the matter is urgent or they are in immediate danger.

The courts will hear all family violence matters online, except where the court determines that a matter is not suitable for hearing online. Applicants and respondents are not required to physically attend court for their hearing except where it has been arranged with the court.

### **Interim FVIO applications**

All courts are hearing urgent interim intervention order applications. Applicants should apply online for an FVIO at [fvio.mcv.vic.gov.au](http://fvio.mcv.vic.gov.au) if safe to do so. If an applicant cannot complete the FVIO application online, they should call their nearest court. Applicants can apply for an FVIO at court if that is the safest option.

The court may hear and determine interim order applications in the absence of the applicant where the application is supported by an affidavit or declaration of truth.

### **Backlog of Hearings**

Many hearings have been adjourned from earlier in the year. The courts are trying to work through this backlog, with many hearings being conducted by WebEx. If the court has requested that you notify them on whether you want the matter to be heard online, it is important that you notify them of your preference. If you do not respond the court can make orders without you, including dismissing your application. It is important that you get legal advice before your hearing.

If you are experiencing family violence and would like more information about applying for a family violence intervention order, or you would like advice on the next steps contact NCLC on 310 4376 for free legal advice.

*Northern Community Legal Centre acknowledges and respects the traditional custodians whose lands we are fortunate to live and work on, and we pay our respects to all Elders past, present, and future.*

### **Northern Community Legal Centre**

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Broadmeadows  
Australia

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