

# Fitzroy Legal Service

EMMA MOSS, VOLUNTEER, FLS AND ARTICLED CLERK, HERBERT GEER & RUNDLE;  
AND WILLIAM CRAWFORD, DRUG OUTREACH LAWYER, FLS

The Fitzroy Legal Service (FLS) has been a central part of the Fitzroy, Carlton and Collingwood community since its establishment in 1972 and is one of the oldest community legal centres in Australia. FLS provides casework to clients in its catchment area and plays a significant role in the areas of law reform and community legal education, which is closely bound up with the practice of preventative law, demystification of the law, self-help and empowerment.

In addition to its daytime service, FLS operates a free legal advice service five evenings a week, including a free specialist family law service one night a week.

"FLS aims to provide critical analysis of legal issues within a broad social context. We function as a community-based organisation; independent of government with involvement in activities that are reflective of rights-based services. Our social action law reform work aims to address systemic legal injustices identified in our casework and community development."

A large number of FLS clients require representation and advice in criminal matters. In addition to providing this, FLS has regularly engaged in criminal law reform and policy development. In response to the emerging issues of drugs and sentencing, FLS has developed two projects specifically designed to tackle these issues:

- The Drug Outreach Lawyer project was created to assist street-based drug users obtain legal assistance earlier in criminal proceedings, improve linkages between clients and treatment and rehabilitation services, and have the flexibility to provide advice to clients in outreach locations where clients are comfortable.
- The Drugs and the Law project was established to provide legal knowledge and advocacy to the using community, promote capacity building in the drug and

health sector and address systemic issues in the criminal justice system.

Examples of the work done by the Drugs and the Law project include the FLS submission by Stan Winford, Policy and Project Officer, in response to the Victorian Law Reform Commission review of the *Bail Act 1977 (Vic)* in which FLS argued that any reform of the *Bail Act* should abolish the reverse onus provisions and seek to address inequitable aspects of the bail system that disadvantage accused people with substance use, mental illness and people experiencing homelessness. FLS argued that the *Bail Act* should promote principles consistent with individual rights and should not operate to undermine the presumption of innocence or liberty merely because of lack of appropriate services, accommodation or other resources to support an accused in meeting bail criteria.

While submissions offer one avenue for involvement in law reform, there are other less travelled paths. A recent sentencing appeal in the Court of Appeal, before a bench of five justices, offered FLS the chance to intervene as an *amicus curiae* (friend of the Court) to provide the Court with specialist information regarding the relative harm of various drugs. Leave to intervene was granted and FLS filed statements from three leading academics on the state of learning in relation to the harms (medical, social, psychological etc) of drugs. The importance of making this application is that it is likely to provide an up-to-date empirical assessment of drug harm.

Although judgment has yet to be handed down, it is hoped that as a result of this application, principles of the classification of the harm of drugs will be improved and that the submitted empirically-supported evidence on the relative harm of drugs will be available to defendants without the resources to call their own expert witnesses.

[www.fitzroy-legal.org.au](http://www.fitzroy-legal.org.au)

## PILCH Homeless Persons' Legal Clinic

KRISTEN HILTON

She's a playwright, an actor, a human rights lawyer – just your regular all-round country girl.

Kristen Hilton is the Coordinator and Principal Solicitor of the PILCH Homeless Persons' Legal Clinic (HPLC). The HPLC provides direct casework and advocacy services to people experiencing homelessness or people at risk of homelessness.

Kristen studied Arts/Law and a Diploma of Modern Languages at the University of Melbourne and went on to do her Articles at Blake Dawson Waldron. But the girl who grew up in Kyabram with four sisters soon found herself considering possibilities beyond corporate law. Wrestling with both an academic and creative edge, Kirsten enrolled in acting classes at VCA.

Kristen went on to work on secondment with YouthLaw as an advocate at the Young Persons' Legal Rights Centre. Kristen continued to work as an actor in film and tele-



vision (you may have caught her on *Blue Heelers*?) while doing locums for legal centres around Victoria.

More recently, Kristen got together with some fellow VCA students and formed a theatre company, *Theatre 13*. Kristen is currently completing a post-graduate writing degree at RMIT, has won a coveted Australian short story competition and written and produced *Centre Break*, a play directed by Ali Bennett.

The HPLC is staffed by pro bono lawyers and operates out of nine locations in and around Melbourne, including crisis accommodation services, soup kitchens and welfare agencies. Since its establishment in 2001, the HPLC has provided free legal assistance to almost 2,000 people across Victoria – valued at more than \$1.75 million per year, making it the largest provider of pro bono resources in Australia.

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