

# Keeping the community spirit alive

*Following February's bushfires, young lawyers are helping communities rebuild.*

The Black Saturday (7 February) bushfires have changed the rural legal landscape and touched the lives of many young professionals in country Victoria. Regional & Suburban Young Lawyers' Committee co-chair Kim McFarlane, who has been based in Gippsland for two years, agrees there is a noticeable difference between the city and country legal communities – after all, not many city based lawyers get to see their clients every time they duck out for groceries. And many young professionals were directly affected by the bushfires.

Kim's family had to defend their Brandy Creek property, while Michael Griese, a recently admitted solicitor who immigrated to Australia from Germany in 2001, lost his Koornalla property.

Shortly after the fires, Kim assisted in her local relief centre at Labertouche Town Hall,

as part of a coordinated effort by the LIV, the Victorian Bar, Victoria Legal Aid, PILCH and Victoria Law Foundation to deploy regional lawyers into areas of need.

While at the centre, she liaised with the local council in order to organise basic facilities for the volunteers.

In Kim's experience, the victims at the relief centre fell into one of two groups: those who were still in shock and not ready to deal with legal practicalities; and those looking to receive legal advice from somebody they trusted.

Kim was affected by the selflessness of the volunteers and, in particular, the victims themselves, noting that "it is so reassuring to know that the human spirit is still alive".

On how the legal landscape of Victoria will be affected, Kim predicts that, other than the obvious spike in insurance claims, there will be an increase in issues arising out of lost boundary fencing, small business seeking grants and those who have lost their livelihood looking for general assistance.

Kim also warns about the potential claims to come out of the problem of contaminated

water, as well as a strong rise in issues concerning property and estates.

She notes that unlike her local area, other parts of Gippsland (such as Churchill) saw significant loss of life, and predicts that "lawyers up there will be exceptionally busy" with claims over estates and coronial inquests.

For the young professionals who wish to assist the community, Kim suggests they take part in the "We Will Rebuild" campaign developed by the Victorian Bushfire Reconstruction and Recovery Authority, [www.wewillrebuild.vic.gov.au](http://www.wewillrebuild.vic.gov.au).

As for lawyers who have already spent some time in affected areas, Kim, encourages them to keep in regular contact with the volunteers and the victims, "making sure that people know you are around".

PILCH is coordinating requests for assistance from victims – please contact Lauren Adamson on [Lauren.Adamson@pilch.org.au](mailto:Lauren.Adamson@pilch.org.au) if you are willing instruct on a pro bono basis. For further information, contact Bushfire Legal Help on ph 1800 113 432. ■

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## The federal case for human rights

*The federal government is consulting Australians on human rights protection. Have your say.*

On the 60th anniversary of the Universal Declaration of Human Rights, federal Attorney-General Robert McClelland announced the launch of a national human rights consultation process. The committee responsible for this seeks to foster broad discussion and will report on the views of Australians relating to the protection and promotion of our human rights.

Committee members are Father Frank Brennan, Mary Kostakidis, Philip Flood, Mick Palmer and Tammy Williams.

The three questions posed to Australians by the committee are:

- Which human rights and responsibilities should be protected and promoted?
- Are these rights currently sufficiently protected and promoted?
- How could Australia better protect and promote human rights?

Some human rights are protected under our current legal system. However, these

protections are ad hoc and incomplete.

Some rights are expressly protected, for example the rights to religious freedom and trial by jury, while other important rights are simply implied by the Constitution – for example, freedom of political communication.

Speaking at an LIV event on 4 March this year, Australian Human Rights Commission president Catherine Branson QC said that a binding human rights document would ensure that those who make decisions affecting the lives of ordinary Australians respect human rights.

For a copy of the speech go to [www.hreoc.gov.au/about/media/speeches/speeches\\_president/2009/20090304\\_HRA.html](http://www.hreoc.gov.au/about/media/speeches/speeches_president/2009/20090304_HRA.html).

Other commentators have noted that Australians would be better served by a comprehensive framework of rights, and cited examples including the

life-expectancy gap between Indigenous and non-Indigenous Australians, discrimination faced by same-sex couples, and the detention of asylum seekers as well as Australian citizens such as Cornelia Rau. ■

**JULIE FRASER**, YLS VICE-PRESIDENT

*Community Issues Committee co-chair.*

**JILLIAN WILLIAMS**

*Law Reform Committee chair.*

### MAKE YOUR VOICE COUNT

The National Human Rights Consultation process provides everyone the opportunity to have their say about human rights.

The deadline for community contributions is 15 June.

For further information please visit [www.humanrightsconsultation.gov.au](http://www.humanrightsconsultation.gov.au).