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# COMMUNITY LEGAL CENTRES TASMANIA

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## BLACK, WHITE OR GREY? THE ROLE OF LAW IN OUR COMMUNITY

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COMMUNITY LEGAL CENTRES **CONFERENCE**  
AND **PRACTICAL TRAINING DAY** 2013

THURSDAY 14<sup>TH</sup> – FRIDAY 15<sup>TH</sup> NOVEMBER 2013  
BAHAI CENTRE, 1 TASMAN HWY, HOBART

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SUPPORTED BY



# BLACK AND WHITE RIGHT AND WRONG FAIR AND UNFAIR IS IT EVER THAT SIMPLE?

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## CONFERENCE PROGRAM Friday 15 November

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9.00am:

Conference opening – **The Hon. Brian Wightman MP, Attorney General & Minister for Justice**

9.15am – 10.30am:

The Rule of Law: Protecting Asylum Seekers and Refugees – **David Manne**  
*One CPD Point*

10.30am – 11.00am:

Morning tea

11.00am – 12.30pm:

The Changing face of Anti-Discrimination Law: Tasmania, Australia and beyond – **Robin Banks**  
*One CPD Point*

12.30pm – 1.30pm:

Lunch

1.30pm – 2.30pm:

Therapeutic Jurisprudence and Solution-Focused Courts – **Judge Peggy Hora**  
*One CPD Point*

2.30pm – 3.15pm:

Therapeutic Justice in Tasmania – **Magistrate Glenn Hay**  
*One CPD Point*

3.15pm – 3.40am:

Afternoon tea

3.40pm – 5.00pm:

The Role of Sentencing: punishing, deterring or rehabilitating? – panel discussion featuring **Judge Peggy Hora, Magistrate Glenn Hay, Vanessa Goodwin MLC and Nathan Colman.** Chaired by **Hon Justice Stephen Estcourt.**  
*One CPD Point*

5.15pm:

End of conference drinks: (venue TBC)

*There are also 5 practice management points available for the training day (see page 4).*



**JUDGE PEGGY FULTON  
HORA (RET.)**  
SUPERIOR COURT  
OF CALIFORNIA



**DAVID MANNE**  
EXECUTIVE DIRECTOR,  
REFUGEE & IMMIGRATION  
LEGAL CENTRE

## THERAPEUTIC JURISPRUDENCE AND SOLUTION-FOCUSED COURTS

An international movement with the underpinnings of Therapeutic Jurisprudence has emerged from the frustration with business-as-usual in the law. Solution-Focused Courts are the natural outcome of this unique approach to justice. When the law is black or white, it is often unjust. "Grey Law" presents a new approach that provides safer communities, smarter use of resources and rebuilds lives.

### BIOGRAPHY

Judge Peggy Fulton Hora retired from the California Superior Court after serving 21 years. She had a criminal assignment that included presiding over the Drug Treatment Court. She is a former dean of the B.E. Witkin Judicial College of California and has been on the faculty of the National Judicial College for 20 years. Judge Hora is a Senior Judicial Fellow for the National Drug Court Institute and a Judicial Outreach Liaison for the National Highway Traffic Safety Administration.

Judge Hora is a global leader in the problem-solving courts movement and has written comprehensively on justice issues. The appellate court and over 100 journals and law reviews have cited her work. She was a 2009–2010 Thinker in Residence appointed by the Premier of South Australia to study and make recommendations on the Australian justice system. She is the first Thinker in the field of law.

She is a recipient of the Bernard S. Jefferson Judicial Education Award from the California Judges' Association and winner of the Rose Bird Award from California Women Lawyers. Judge Hora was honoured as Woman of the Year by the California legislature in 1999.

## REFUGEES, ASYLUM SEEKERS AND THE RULE OF LAW

Drawing on the recent successful High Court test cases involving offshore processing of asylum seekers, the Malaysia case, and indefinite detention of refugees on security grounds, this presentation examines the common thread and overarching theme in all these cases – the emergence of an ever-deepening tension between the executive and the judiciary about who makes decisions and how those decisions are made.

### BIOGRAPHY

David Manne is Executive Director of the Refugee & Immigration Legal Centre (RILC), the largest provider of free legal assistance to disadvantaged migrants, asylum seekers and refugees in Australia. A lawyer and migration agent, David has worked in various capacities assisting refugees and asylum seekers for over 18 years. He was recently appointed to the UN High Commissioner for Refugees' Advisory Board of Eminent Persons.

David has headed RILC's legal teams in successful High Court challenges regarding the Government's 'offshore processing' regime and 'Malaysian Solution', as well as a case challenging the adverse security assessment and indefinite detention of a refugee.

David has been the recipient of numerous prestigious awards, including the Law Institute of Victoria Paul Baker Prize for Administrative and Human Rights Law, and was shortlisted for the Australian Human Rights Commission Human Rights Medal in 2011. Since 2008, David has also been included in the list of Australia's leading Immigration Lawyers in the Best Lawyers publication.

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**ROBIN BANKS**  
ANTI-DISCRIMINATION COMMISSIONER  
PRESENTER

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### THE CHANGING FACE OF ANTI-DISCRIMINATION LAW: TASMANIA, AUSTRALIA AND BEYOND

Robin Banks will provide an insight into processes and changes to the Tasmanian Anti-Discrimination Act, legislative developments at a national level and where Tasmania is placed if it follows international trends in anti-discrimination law reform. Robin will discuss how she is promoting and pursuing compliance through alternative approaches within the Tasmanian community.

#### BIOGRAPHY

Robin Banks is Tasmania's Anti-Discrimination Commissioner, an appointment she took up in July 2010. Prior to this position, Robin worked largely in Community Legal Centres (CLCs) and advocacy roles as well as a brief stint at the Canadian Human Rights Commission in Ottawa, and three years in private practice in employment and discrimination litigation.

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**HON JUSTICE STEPHEN ESTCOURT**  
PANEL CHAIR

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Stephen Estcourt has had a long and distinguished legal career including as a solicitor, barrister, Magistrate, Deputy President of the Administrative Appeals Tribunal and more recently his appointment as a Puisne Judge of the Supreme Court of Tasmania. From 2006 until 2008 Stephen was president of the Australian Bar Association.

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**VANESSA GOODWIN MLC**  
PANELIST

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Vanessa Goodwin is a criminologist and lawyer, formerly working with the Department of Police and Public Safety where she was instrumental in implementing the U-Turn program for young people involved in, or at risk of involvement in, motor vehicle theft. More recently she was elected as the Legislative Council member for Pembroke and is currently the Shadow Attorney-General and Minister for Justice and Shadow Minister for Corrections.

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**MAGISTRATE GLENN HAY**  
PRESENTER & PANELIST

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### THERAPEUTIC JUSTICE IN TASMANIA

In his role as a Magistrate, Glenn conducts special lists to oversee the Court Mandated Drug Program and the Forensic Mental Health List. In his presentation, Glenn will discuss the operation of these programmes in Tasmania, the advantages and disadvantages for those involved and any future developments.

#### BIOGRAPHY

Glenn Hay is a Magistrate of the Tasmanian Magistrates Court and Chair of the Anti-Discrimination Tribunal. Glenn has enjoyed an extensive career mainly practising in family law and separate representation of children. He was SES Registrar of the Family Court of Australia for three years until 2001 and practiced as a barrister at Malthouse Chambers from 2001 to 2006. Glenn was Director of the Centre for Legal Studies until his appointment as a Magistrate in 2007. He has been a sitting member of the Tasmanian Anti-Discrimination Tribunal since 2002, and was appointed Chair of the Tribunal in 2011.

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**NATHAN COLMAN**  
PANELIST

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Nathan Colman personally experienced the way in which Risdon Prison treated its prisoners. Through the lack of education and rehabilitative programs offered by Risdon Prison, he discovered that inmates are not given the chance to make substantial positive changes to their lives while incarcerated. Since his release Nathan has obtained a Diploma of Community Services Work in an attempt to work towards redressing the way in which Risdon Prison treats and educates present and future inmates.

# PRACTICAL TRAINING DAY

## Thursday 14 November

THIS TRAINING DAY IS SUITABLE FOR JUNIOR PRACTITIONERS, COMMUNITY SECTOR WORKERS, OR THOSE WITH AN INTEREST IN THE TRAINING ON OFFER.

- Managing clients suffering from a mental illness;
- Communication and conflict resolution styles
- Effective law reform techniques
- Practicalities of the Court Mandated Drug Program

Participation in the training day will improve your skills, build your networks and attract up to 5 CPD practice management points.

## SESSIONS

Please indicate your interest to attend one of the afternoon concurrent sessions on the registration form.

9.00am – 1.00pm: GROUP SESSION

### MENTAL HEALTH AWARENESS TRAINING

This session will provide practical guidance in terms of:

- Identifying symptoms and behaviours associated with anxiety, depression, substance abuse and psychosis
- How to effectively refer clients suffering from mental illnesses
- How to deal with difficulties associated with obtaining instructions, providing advice and representing clients suffering from mental illnesses.

Training delivered by: Allan Johnson, Flexible Training Options  
*Three CPD Points*

1.00pm – 2.00pm: LUNCH

2.00pm – 4.30pm:  
CONCURRENT SESSIONS

### SESSION 1: COMMUNICATION STYLES

This is a practical workshop to:

- Develop an understanding of effective communication practices
- Create and promote greater understanding between service provider and clients
- Build a greater understanding of how to use effective communication practices to reduce and resolve conflict
- Be more effective in all communications including promoting positive workplace relationships

Training delivered by: Caroline Dean, Consultant  
*Two CPD Points*

### SESSION 2: EFFECTIVE LAW REFORM

This workshop will include discussion of effective strategies for achieving social justice outcomes through law reform. Issues to be discussed include:

- Effective networking
- The role of strategic litigation
- The value of comparative law analyses
- The role of the Law Reform Institute.

Training delivered by:

David Manne and Law Reform Institute

*Two CPD Points*

### SESSION 3: COURT MANDATED DRUG PROGRAM

**2:15pm to 4:30pm** at Magistrates Court of Tasmania in Hobart

This workshop involves you viewing a regular Court Mandated Drug Program in operation, which is presided by Magistrate Glenn Hay. After all matters have been dealt with, opportunity will be provided to ask questions of Magistrate Hay, prosecution and defence counsel.

\*Please note the location of this session. Places in this session are limited. You will be advised if your first choice is not available.

*Two CPD Points*

For all enquiries contact:

Luminous Events

Email: [admin@luminousevents.com.au](mailto:admin@luminousevents.com.au) Phone: 6228 4598

Meredith 0415 932 504

Carmen 0439 612498

# REGISTRATION FORM

Please complete this registration form and return it by email to [admin@luminousevents.com.au](mailto:admin@luminousevents.com.au) or by post to PO Box 3091, West Hobart TAS 7008

First name: \_\_\_\_\_

Last name: \_\_\_\_\_

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Postcode: \_\_\_\_\_

Mobile phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Email address: \_\_\_\_\_

## REGISTRATION CATEGORIES

### CLC STAFF REGISTRATION

- CLC Staff Full Registration (2 days)
- CLC Staff Conference Day Registration (Day 2, Fri 15 Nov)
- CLC Staff Training Day Registration (Day 1, Thurs 14 Nov)

### EARLY BIRD REGISTRATION – Register & pay by Tuesday 1 October

- Full Registration (2 Days) – \$130
- Conference Day Registration (Day 2, Fri 15 Nov) – \$80
- Training Day Registration (Day 1, Thurs 14 Nov) – \$80

### FULL REGISTRATION – Register & pay after Tuesday 1 October

- Full Registration (2 Days) – \$150
- Conference Day Registration (Day 2, Fri 15 Nov) – \$100
- Training Day Registration (Day 1, Thurs 14 Nov) – \$100

### EARLY BIRD STUDENT/CONCESSION REGISTRATION – Register & pay by Tuesday 1 October

- Student Full Registration (2 Days) – \$60
- Student Conference Day Registration (Day 2, Fri 15 Nov) – \$35
- Student Training Day Registration (Day 1, Thurs 14 Nov) – \$35

### STUDENT/CONCESSION REGISTRATION – Register & pay after Tuesday 1 October

- Student Full Registration (2 Days) – \$70
- Student Conference Day Registration (Day 2, Fri 15 Nov) – \$40
- Student Training Day Registration (Day 1, Thurs 14 Nov) – \$40

## SOCIAL

- End of Conference drinks** – Complimentary first drink and cash bar there after.

## PRACTICAL TRAINING DAY CONCURRENT SESSIONS

14 November 2013, 2–4.30pm. Please register your interest to attend one of the afternoon concurrent sessions

- Session 1** – Communication Styles, Caroline Dean
- Session 2** – Effective law reform, David Manne and Law Reform Institute
- Session 3** – Drug Diversion Court session, Magistrate Glenn Hay, places limited.

**Special considerations:** dietary, mobility or other:

Each registration includes: Morning tea, lunch and afternoon tea

Registration fees include GST

**Payments & Tax Invoice:** Payments can be made by direct deposit or cheque.

### DIRECT DEPOSIT:

**ACCT name:** The Tasmanian Association of Community Legal Centres Inc  
**BSB:** 067 402 **ACCT:** 1046 1861

**Reference:** Your last name. **Deposit date:** \_\_\_\_\_

### CHEQUE:

Cheques to be made out to **The Tasmanian Association of Community Legal Centres Inc** and posted with completed registration form.

- Please issue a tax invoice

Once your conference registration has been paid by direct deposit or you have enclosed a cheque please send your completed form to:

### Luminous Events

Po Box 3091  
West Hobart 7008

Or [admin@luminousevents.com.au](mailto:admin@luminousevents.com.au)

You will receive confirmation of your registration with your receipt via email.

### Registration Changes and Cancellations

No refund will be given for cancellations after Wednesday 6 November

Substitute attendees will be welcome.

**COMMUNITY**  
LEGAL CENTRES  
TASMANIA