

Peoples ambassador helps free migrants from legal net

hen Susai Benjamin's family suggested that having their living room full of people most nights and weekends was getting "too much" for them, he started wondering if the legal advice and help he was providing could be located somewhere else, with a more organised structure.

So came the idea for the Toongabbie Legal Centre (TLC), which opened its doors a few years later, in 2007.

Since then, the TLC – often referred to as Tender Love and Care – has managed to attract over 140 volunteers, the bulk of them lawyers and law students from six universities in NSW.

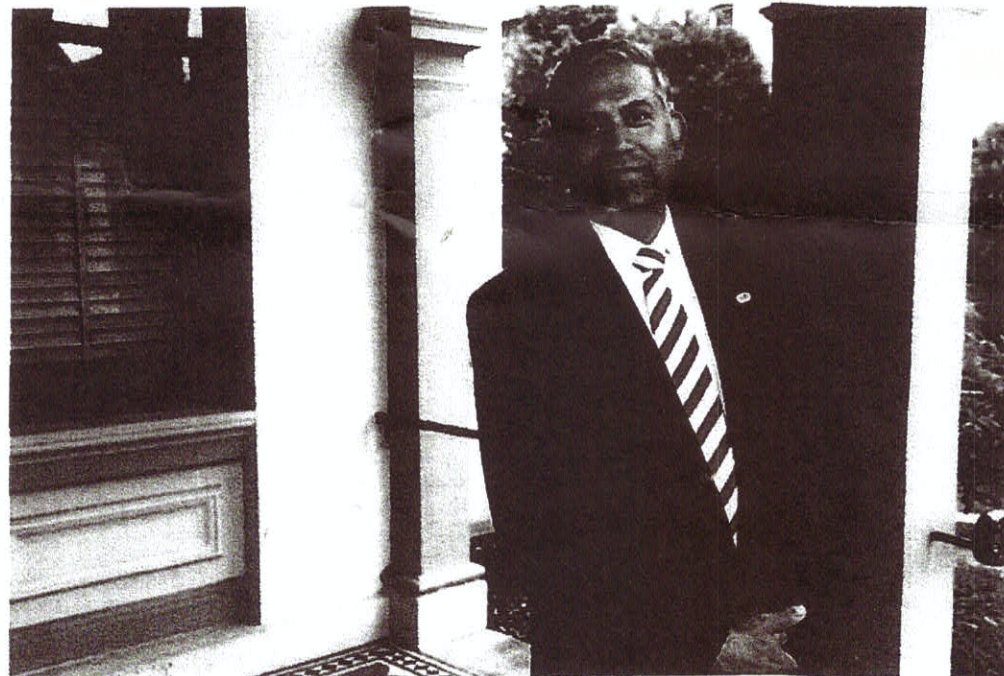
It offers free legal advice for "vulnerable" people, including many new migrants, says Benjamin, who last month became one of the federal government's 40 "People of Australia Ambassadors" in recognition of his contribution to multiculturalism.

Benjamin, who is a senior review officer conducting tax litigation with the Office of State Revenue, migrated here from India in 1987 with his Australian-born wife, and they live with their three young adult children in Western Sydney.

On average, he says, he spends between 15 and 20 hours a week working on TLC related issues, including providing free legal advice.

Volunteers, he says, are not hard to find and are kept motivated through training and professional development programs for which they are sponsored or sent to by the centre.

"The people who come to us for help have been caught by the system, and don't know what they can or can't do ... like kangaroos caught in the night time bright lights of motor vehicles and for a moment immobilised – they



can hop over and disappear, or sometimes they are struck ... A lot of people who call Australia home don't know what to do when caught for the first time in the legal net – they are culturally timid."

Most of the centre's clients are migrant-Australians – from Fiji, Lebanon, Sri Lanka, India, Bangladesh, the Philippines, Pakistan, Kenya, Nigeria, Sudan, Ghana, and Malta – but lately it has also started to attract more mainstream "Anglo-Aussies". It provides a range of legal assistance, and

do not want to pay the professional fees to private solicitors/barristers or simply do not have that kind of money," Benjamin said.

In several cases, reversing the mistakes made by some self-represented litigants becomes very difficult as the matter in many cases progresses through appeals.

Compassion

Benjamin says he has always had compassion for downtrodden people, and was director of an NGO in India which worked for community development and social change for poor and downtrodden people, most of whom were 'harijans', the untouchable low caste people under the Indian caste system.

In Australia, he has also been involved in multiculturalism in many organisations, including his role as a Board member and president of the Multicultural Arts Alliance of NSW, which promotes the

As a People of Australia Ambassador, Susai Benjamin has been charged with helping celebrate the benefits of a multicultural nation and highlighting this with the mainstream population.

PHOTO: PETER SOLVÆSS

artistic skills of people from non-English-speaking backgrounds, as well as president of the Sydney Malayalee Association, which aims to promote the language and culture of people of Kerala. He has recently also served two terms on the Australian Multicultural Advisory Council.

"If there is a will there's a way. If there's no will, there are a thousand excuses. The journey of life is very short and while you have to look after your interests, there's also a need to contribute to the community and if everyone did so, things could be far better than they are today – selfishness and greed are increasing and we are losing our capacity to care for those who are often silently suffering."

The Australian government, he said, was trying to develop

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has recorded over 1,300 client visits since 2007.

TLC's main work is in family law, employment law, migration law and criminal law.

"Often they are people who do not get legal aid, and want to run their own case, with some guidance, as they either

strategies to make sure Australia would not develop tensions such as those recently reported in countries such as France and England. So far, its policies and strategies had worked pretty well, but there needed to be a clear understanding by mainstream Australians of why Australia takes in people and the contributions they make. We need to give the recent migrants a fair go, Benjamin says, and opportunities to work hard and succeed.

"We need to develop policies which will lead them to a sense of belonging and a strong feeling that Australia is our land. The Australian way of life should not be reduced to eating meat pies or drinking beer. In my view, Australian food includes rice, chapatti or roti-nan, curry, pastizzi, pasta and falafel."

Over 44 per cent of people in Australia, he said, were either born overseas or had at least one overseas born parent. There are over 260 languages and cultures in the mixing pot, and the role of People of Australia Ambassadors is to help celebrate the benefits of a multi-cultural nation and highlight this to the mainstream population.

From a legal system point of view, Benjamin said he would like to see more practitioners from a broader diversity of ethnic, cultural and religious backgrounds become judicial officers – tribunal members, magistrates and judges. Those from a non-Anglo-Australian background are severely under-represented, he says.

He is also concerned about a common misunderstanding he has found among recent arrivals that police officers will act as counsellors, offering warnings in domestic violence situations.

"For example, some wives think that they can call the police and the police will come and warn their husbands not to be violent, but instead the police, when they come, arrest and charge them. This leads to total breakdown of the family relationships."

"In one case, the police arrested the husband from work and charged him and kept him a night, and the wife was devastated, and now he wants to leave her, and the relationship in this case likely collapses like a pack of cards."

"In two different criminal cases I was involved in, a simple warning and basic training would have been adequate. While in both the cases the defendants were charged and convicted by the Local Courts, the convictions were quashed by the District Courts," Benjamin said.

"We as legal practitioners need to work hard to make the legal system and the associated services, including the police, a fair and humane one," Benjamin said.

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... **NSW Chief Justice** Tom Bathurst (pictured) drew LOLs at this year's Opening of Law Term dinner when he spoke about his inability to tweet, blog, YouTube or krump. Saying he was no great orator, unlike former CJ James Spigelman, his

Honour confessed to contemplating reading one of his predecessor's speeches, "hoping no one would notice". After all, CJ Bathurst said, judges are, if anyone reads law reports, "fastidious plagiarists". See p.55 for the Chief Justice's speech.

... **More on social media** and something your law firm's PR boffins can sink their teeth into. Measure your own, or your firm's social media influence, on sites like Twitter, Facebook, LinkedIn, FourSquare and Google+ with www.Klout.com. The app gives you a Klout score out of 100 based on your "engagement" over a 90-day period. Tell us how you scored.

... **Humour can** have a serious role in the legal system, says a new study of humour in mediation, released by the Australian Institute of Judicial Administration. While over two-thirds of respondents (who were mediators) said they used it to "lighten up" disputes, women, particularly younger women, might need to be more circumspect in their attempts. One, in dealing with a domestic building dispute, said: "I knew if I came in, being female and started joking around, they would not take me seriously, so I would have to be very, very serious about it." Not surprisingly, the preferred style of humour was found to be "non-tendentious" or innocuous humour. Self-deprecating humour can, usefully, lower the status of the mediator so that disputants feel empowered, but equally, mediators should be careful not to trivialise the situation because inappropriate humour can exacerbate the "power differential" between mediator and client.

... **What exactly does** filling the "excess capacity" in a law firm mean? As it turns out, according to a press release from Crowe Horwath, it means that small to mid-tier firms in 2012 must "move quickly to capitalise on the capacity created" last year, which, contrary to expectations, was not needed. Which seems to mean that it's a good idea to try and generate business, especially since last year did not live up to expectations. Suggestions include "mining leads", and face-to-face feedback programs to discover new business opportunities as much more acceptable to clients than email surveys. There will, Crowe Horwath says, be the "continued trend of less work to tender for and more competition to secure it".

... **There is strong nation-wide support** for constitutional recognition of Aboriginal and Torres Strait Islander peoples, says a government expert panel. Its website (www.youmeunity.org.au) boasts 9,661 supporters, and received over 3,600 submissions. Its recommendations included repealing s.25 of the Constitution allowing state parliaments to ban a race from voting in elections, replacing s.51(xxvi) with s.51A to recognise and make laws for "peace law and good order" of Aboriginal and Torres Strait Islander peoples, and inserting a new s.116A prohibiting racial discrimination – positions that the Law Society supports (LSJ, October 2011).

... **There are slogans** we all remember like "Beanz Meanz Heinz", "Just do it", "Have a break, have a Kit Kat", to name a few. They are probably useful in passing off actions where the plaintiff has to show use of brand over time, and consumer reaction to it – "the sense of shared meaning ... the memories associated with [it] ... which grab the subconscious over time and won't let go", Mallesons' IP Whiteboard says. So it got LSJ thinking, how do law firms brand themselves? Mallesons, since becoming King & Wood Mallesons, uses "The power of together". Others LSJ has found include DLA Piper – Everything Matters; Maurice Blackburn – We fight for fair™; Salvos Legal – Justice, together; Slater & Gordon – No challenge too great; TressCox Lawyers – connected talent; Marque – Law, done differently; Middletons – straight talking; and Swaab – Getting on with business. Have you spotted any? □
Email your news, views and clues to withrespect@lawsociety.com.au.

