

TEWLS outreach services cont...

carriage of the matter. It is also very difficult for the private solicitor to confirm the instructions and there is the potential for misunderstandings and miscommunications

If TEWLS does not have carriage of a matter, but is seen to be taking instructions, if a problem occurs between the private solicitor and the client, the client will see it as a TEWLS problem. Our reputation in the communities we visit is very important and we cannot risk it by seemingly taking responsibility for the actions of private solicitors.

Furthermore, if an offer of settlement is made TEWLS may be asked to put that to the client with a recommendation from the private solicitor. TEWLS may be put in a situation where they do not agree with the private solicitor's recommendation and when asked by the client what they think, the TEWLS worker will have to be honest. This will inevitably create difficulties.

The Impact of Traditional Law

Traditional laws, including laws concerning kinship and marriage,

have an on-going impact on TEWLS workers and clients. One TEWLS client is a young woman whose husband regularly hits her, or in slang, "flogs her". Her husband has been charged with assault on numerous occasions and the police obtained for our client a restraining order, under which they may live together but he is not to be violent towards her.

Her husband continues to flog her – it is sometimes reported to the police and her husband spends time in custody for these offences. However, she continues to live with him when he is not in custody.

The TEWLS worker has spent a considerable amount of time with the client talking to her about the violence and the options available to her. However, the TEWLS worker also understands that because this is a promised marriage under traditional law, our client is under extreme family and community pressure to remain with her husband.

Furthermore, our client's mother, who is generally a very strong woman who takes a stand against family violence, has in the past attempted to keep the

client from seeing TEWLS. Our client's mother encourages (to the point of forcing) her daughter to stay in the marriage. The TEWLS worker understands that the mother is doing this because her son-in-law is also her "poison cousin". As such, under traditional law, the mother's first priority and loyalty is to her "poison cousin".

TEWLS is in a very difficult situation. However, we must respect the traditional law and work within it and around it. The TEWLS worker spends a considerable amount of time talking to the client about her mother's actions.

On the face of it, the TEWLS client's behaviour in remaining in the relationship and the behaviour of her mother is very frustrating. However, it must be viewed in the context of the environment and taking into account the impact of traditional laws. In order to ever make a change in this situation, the TEWLS worker must take into account, and address, the issue of the traditional law, whilst at the same time advocating for the safety of the client.①

LCA and RSL combine to aid Australian troops

A memorandum of understanding has been struck between the Law Council of Australia and the RSL to provide free emergency legal aid to all Defence Force personnel.

RSL Legal Aid was launched by Attorney-General Philip Ruddock last month and will provide emergency pro bono legal advice to Defence Force personnel who, because of their service commitments, may not have time to organise to see a lawyer.

Law Council President John North said the agreement represented the first time the legal profession had offered pro bono services specifically designed to satisfy the needs of Australia's Defence Force personnel.

"Ready access to legal advice or guidance by telephone to a member of the Services, wherever they may be located, should provide reassurance to the Service Community that their legal problems can be readily addressed," Mr North said.

"RSL Legal Aid provides recognition by our profession that our service community, now exposed to new and unseen perils in the face of terrorism, requires practical assistance from the civilian population."

Mr Ruddock thanked the legal profession for its willingness to assist in such an important pro bono initiative.①

T H E

P R A C T I T I O N E R *The Practitioner* is the Law Society's weekly email newsletter, which provides members with an update on what the Law Society has been doing. There is news, submissions, calls for comments and details of upcoming functions and events. If you want to stay informed and up-to-date, make sure you are on the mailing list.

For more information, or to be added to the list, please email Zoe at publicrelations@lawsocnt.asn.au