

Your Rights, Your Choices

A booklet about legal rights

by Trish Jardine and Ian Parsons;
Villamanta Legal Service, June
1993; no charge.

It is often difficult to choose the appropriate format for community legal education. Villamanta Legal Service has chosen to publish this 47 page booklet on legal rights, targeted at people with intellectual and physical disabilities. The booklet leaves mixed feelings as to whether this is the appropriate format, as it attempts to cover 20 different topics and obviously can only provide limited information in each area.

However, the booklet is written in simple and plain English. It is well set out, with each topic dealt with in a double page spread including a cartoon (except the section on voting – perhaps it was impossible to think of something appropriate?), and a coloured box with a contact number for further information. It is written in short sentences, with most relevant information broken up into point form.

I question the booklet's use of cartoons. Some of the cartoons are obscure or ambiguous – others are inappropriate (how do you render the topic of 'sexual assault and rape' humorous by using a cartoon? – you simply cannot). It may have been more appropriate to use the space to provide more information to users.

Finally, some of the information in the booklet is put in such a simplistic form as to be not entirely correct. The information on 'not having to talk to police' and the discussion on pre-nuptial agreements (in the section on 'Relationships') are both too simple and do not take into account many of the complexities and exceptions in the areas. Some of the general and broad statements made in the booklet should either be tempered with further information or not made at all.

Despite these criticisms, the booklet is generally well-presented and a useful addition to community legal education.

It is a good start for those seeking basic information about their legal position and provides some useful referrals.

ROSS HYAMS

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Refugee Manual: A Guide for Advisers

written and produced by Jerry Fox
of the Refugee Advice and
Casework Service and the Law
Foundation of New South Wales,
first published in December 1992
with updates.

Community workers, lawyers and others involved in advising refugees finally have a focused resource. The *Refugee Manual: A Guide for Advisers*, written by Jerry Fox of the New South Wales Refugee Advice and Casework Service, is a loose-leaf A4 publication. Given the fluidity of this area of law and practice, the looseleaf production allows regular updating – and the author encourages suggestions from users. One significant update for the *Manual* is already in the pipeline – new sections on the Refugee Review Tribunal.

The *Manual* is clearly written and well formatted with a scattering of cartoons to lift the spirit. Frequent cross-referencing, brief bibliographies and guides to further information make the *Manual* a true resource without providing the clutter of extensive footnotes, although there are useful endnotes. An adviser can grab the *Manual* and quickly pick up the gist of a particular section before diving into texts, regional documents and practice notes to work out an approach to the client's situation.

The *Manual* is divided into four sections: refugee law and processing; applicants in Australia; overseas applicants; and review and referral.

The law and practice of refugee status as it applies in Australia is well covered without bogging down in technicalities. If you do suspect that there is something unusual in your client's case, the *Manual* does not purport to provide all the

answers. It is a guide and can point the reader to other material.

As the Department of Immigration is so significant for a refugee's future, there is a brief description of its structure and programs. The section on review and referral outlines the ways departmental decisions can be reviewed and the remedies that can be sought against abuse by government officers and improper decision making. Given the usefulness of such procedures and that asylum seekers sometimes qualify for legal aid, or have the funds to apply for administrative review of departmental decisions (or for that matter reviewable decisions of the Refugee Review Tribunal), further references to available resources could have been included.

This criticism also applies to the section on access to government information under the *Freedom of Information Act*. Here, obtaining the applicant's file may reveal inadequate consideration of the applicant's claims. Readers are referred to the very practical guide to freedom of information law, *Documents, Dossiers and the Inside Dope* by Kate Harrison and Anne Cossins (Allen & Unwin 1993).

As an adviser must often be an empowering conduit for a refugee, much of Section 1 is devoted to interviewing and casework skills – drawing on the years of experience of the Refugee Advice and Casework Service. Effective communication and emotional sensitivity are crucial to eliciting important information from the refugee where the person's cultural mindset and personal experience of trauma may inhibit the adviser's empowering role. The *Manual* contains a lot of useful 'how to' advice in the chapter on interviewing – this perceptively ends with a section on 'Avoiding burnout'.

Section 2 of the *Manual* deals with applicants who want to stay in Australia because they fear persecution if they return home. It covers short-term protection, the process of applying for refugee status, the controversial area of detention and humanitarian claims. The chapter on appeals is being amended to include the new review process under the Refugee Review Tribunal. Successful applicants and their advisers will benefit from the chapters dealing with permanent residency, rights and entitlements. As many people who seek advice are often 'ille-

gal', i.e. without a current valid entry permit, the *Manual* provides the adviser with a very useful checklist of time limits – the client may well be too late for a processing entry permit – as well as cross-referencing other options.

Section 3 concerns applicants living outside Australia, who seek asylum here under one of the refugee and special humanitarian programs (for example, as a refugee, in-country special humanitarian, global special humanitarian, emergency rescue or women at risk). The comparative chart at its beginning is useful to answer questions such as: are nomination or family ties required under this program; is there a resettlement need; what type of visa will my relative be travelling under? The practicality of the *Manual* is seen in tips about how to nominate and how the process works in practice. Given the volatility of world politics, the looseleaf format gives the *Manual* flexibility to respond with new sections – for example with the special assistance category of refugee applicant. Hopefully, the plight of victims of persecution will be recognised. The section concludes with further advice to the successful applicant and the adviser about settlement services, such as accommodation, English language classes, financial assistance and health.

Section 4 deals with review and referral. Despite the limited coverage of FoI, overall the *Manual* is an effective advisory tool.

The *Manual's* chief characteristics are its usefulness and practicality. This is clear even as it finishes with useful references and contact numbers for a large number of agencies which assist refugee applicants, their families and friends. Jerry Fox and the team at RACS are to be commended for producing the *Manual* and so contributing to more thorough, practical and effective advice and assistance to refugees.

CHRIS DELLIT

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Medicine, Law & Social Change

by *Leanna Darvall; Dartmouth, Aldershot, 1993; \$84.00*

The influence of social movements on medicine, and its intersection with the law, are the themes of Leanna Darvall's

professional and challenging text. This book, she states in her introduction, is about medical decision making and, in particular, the attitudes of medical professionals and lawyers to the philosophical shift away from medical paternalism and towards patients' rights to choose and be involved in decisions affecting their bodies.

Darvall traces these social changes from the 1960s and explains their influence on three major controversial areas of medicine: consent to treatment, the right to refuse treatment, and the regulation of human subjects in medical research. Law and medicine are exposed in their modern social context, beginning with the influences of the United States civil rights movement, and the subsequent questioning and loss of trust in professional and institutional authority. The major social movements of consumerism, feminism, bioethics and the gay rights movement are examined to demonstrate how diverse groups with unlikely theoretical liaisons can nonetheless significantly influence change. These movements have led to a number of major ideas and Darvall documents their influence on clinical and research decision making in Australia.

The task which Darvall has set for herself is indeed daunting. How well has she achieved her goals? In one review, Ian Freckelton (1 *Journal of Law and Medicine* 130) acknowledges the thoughtfulness and thoroughness of Darvall's scholarship but finds two faults. The first is that its very quality leaves the reader with a thirst for more. And, there is too much reviewing of the views of others, and too little developing of her own views.

Certainly some sections are very short and could have been expanded. The issues are, after all, complex and tantalising. I agree also with Freckelton's second point that most space is given to review rather than overview and synthesis. However, it was this very characteristic of the book which I found most interesting. A concise explanation of complex ideas makes for a text which is extremely valuable for teaching and for provoking debate.

Freckelton justifiably criticises the book's price. At \$84 it is expensive. On the other hand it would be money well spent by teachers, scholars and policy makers. The text is highly relevant to Australia. It includes primarily Australian sources, has extensive bibliographies, and is well indexed. A paperback version would ensure it reached a larger audience.

Overseas materials come mainly from the United States, with less prominence being given to the United Kingdom. This is not a criticism. It simply reflects the way in which social movements for reform have been more influential in the United States. The inclusion of feminism as a major cultural force is welcome, given its absence from so many texts. Feminism has undoubtedly been a major influence in social change in medicine and law and its methodology, arguments, and analytical tools have been significant in overthrowing the dominance of medical paternalism. Darvall acknowledges that feminism has different strands, liberal, cultural and radical – but all are critical of medical paternalism. Her review of the differences, as well as the areas of agreement, is succinct and useful. It also demonstrates the sophistication of feminist thought.

I was a student of Leanna Darvall back in the seventies. At that time she was teaching consumer protection, a new and radical subject. Her book chronicles both her own development as a teacher and scholar and reflects the world in which she, and her students, have participated. This process of change and learning continues and, in company with Ian Freckelton, I look forward to a second edition.

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