

# REDFERN LEGAL CENTRE

ANNUAL  
REPORT  
2012-2013



### **Acknowledgement**

Redfern Legal Centre acknowledges that we work on Aboriginal land, traditionally the home of the Gadigal people of the Eora Nation. We pay respect to elders past and present.

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*REDFERN LEGAL CENTRE IS AN  
INDEPENDENT, NON-PROFIT  
COMMUNITY CENTRE DEDICATED  
TO PROMOTING SOCIAL JUSTICE  
AND HUMAN RIGHTS.*

# CONTENTS

Our Vision	5
Welcome from the Chair	6
Message from our CEO	7
Special Thanks	8
Domestic Violence (Sydney Women’s Domestic Violence Court Advocacy Service)	10
Tenancy and Housing (Inner Sydney Tenants’ Advice and Advocacy Service)	12
Discrimination and Human Rights	15
International Students	17
Credit, Debt and Consumer Complaints	19
Police and Government Accountability	21
Employment	23
Branch Office: Sydney University Postgraduate Representative Association (SUPRA)	24
Branch Office: TAFE (Sydney Institute)	26
Our Clients and Services (Statistics)	27
Our Volunteers	28
Our Staff	30
Our Board of Directors	31
Financials	32
Get Involved	39



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# REDFERN LEGAL CENTRE

## VISION

*EQUITY AND SOCIAL JUSTICE*

*EMPOWERMENT OF INDIVIDUALS AND  
COMMUNITIES TO ENJOY THEIR RIGHTS*

## VALUES

*RESPECT FOR CLIENTS, THE  
COMMUNITIES WE WORK  
WITHIN AND EACH OTHER*





## OUR VISION

That Redfern Legal Centre (RLC) is acknowledged as a leader in providing quality legal services to the community.

That RLC will deliver to the needs of the community through its development of core specialist skills in:

- > Domestic violence;
- > Credit, debt and consumer complaints;
- > Tenancy and housing;
- > Police and government accountability;
- > Employment;
- > Discrimination and human rights; and
- > An advice clinic for international students.

That RLC will also provide generalist advice to clients who experience disadvantage such as:

- > People with disability;
- > Aboriginal and Torres Strait Islander people;
- > People of culturally and linguistically diverse backgrounds; and
- > Students.

As a result, RLC will be seen as a centre of excellence, providing thought leadership and cutting-edge law reform in these areas for the benefit of the community.

## OUR PURPOSE

RLC promotes social justice by:

- > Providing free legal advice, legal services and education to disadvantaged people in New South Wales; in particular to residents of inner Sydney and to the groups who advocate for them; and
- > Participating in activities that reduce inequalities and defects in laws, the legal system, and administrative and social practices that impact on disadvantaged people.

## OUR VALUES

- > Equity and social justice;
- > Empowerment of individuals and communities to enjoy their rights; and
- > Respect for clients, the communities we work within, and each other.

## OUR OBJECTIVES

### 1. LEGAL SERVICES

To assist disadvantaged people and their representatives to access justice and the legal system.

### 2. LEGAL REFORM

To identify and seek to remove inequalities in the laws, legal system, administrative practices and society as a whole that affect disadvantaged people by working for social and legal change to enhance respect for human rights.

### 3. LEGAL EDUCATION

To educate disadvantaged people and their representatives in legal rights so they can resolve problems and assert their rights.

### 4. ORGANISATIONAL RESOURCING

To sustain an infrastructure and administration that provides adequate resourcing for our activities and to effectively manage and maintain those resources.

# WELCOME FROM THE CHAIR



Redfern Legal Centre is full of fighters. Staff who work to make a difference, volunteers who run with challenges and clients who battle to be heard. This year, RLC ignited its fighting spirit to rise to numerous challenges.

The Centre faced savage funding cuts, which threatened the existence of our credit and debt service. Our staff advocated for new and additional funding. Their persistence and dedication resulted in a grant of \$200,000 over four years from the then Federal Attorney General and ensured the survival of our core services.

Our team uses its funding to target systemic issues and affect change for the most disadvantaged members of our community. This year the tenancy team identified that one third of maintenance orders given by the Consumer, Trader and Tenancy Tribunal were not complied with by Housing New South Wales (Housing NSW). Our tenancy team lodged a complaint with the New South Wales Ombudsman and as a result new procedures and training were put in place at Housing NSW, which should increase the performance of maintenance orders.

RLC represented the family of Adam Le Marseny at the coronial inquest into his death. The inquest identified that medical staff are not available for people in police custody after 10 pm on

Friday and Saturday nights. As a result, the State Coroner recommended that Corrective Services consider a trial 24-hour medical staff, at least on Friday and Saturday nights.

Our mandate to affect change for the disadvantaged stretches beyond our locality. The Centre advocated for the introduction of the Human Rights and Anti-Discrimination Bill 2012 and appeared before the Senate Standing Committee Inquiry into the Bill. Ultimately, the Federal Government did not proceed with the Bill, but the Centre still champions for reform to the complicated and disparate legislation that governs those affected by discrimination.

To extend our reach, in February 2013 RLC launched its Legal Assistance with Armidale Project. By using video conferencing programs, our solicitors provide vulnerable international students at the University of New England with free, confidential legal advice. Locally, our branch offices at the University of Sydney and Sydney Institute of TAFE assist many international students who are subject to grossly inflated rent, unreturned bonds, and unpaid wages.

While extending our reach, we continue to service our local community in areas of known need. The consistent presence and influence of our domestic

violence team in the sector was recognised by the appointment of RLC's Susan Smith to the NSW Domestic and Family Violence Council by the Minister for Women. The role of the Council is to advise the NSW Government on all aspects of domestic and family violence policy and programs, a role Susan will hold with aplomb.

I am immensely proud of the achievements of the Centre. Despite the adversities, our staff and volunteers demonstrate that no matter the circumstances, we keep fighting the good fight for those that would otherwise not be heard.

Amy Munro  
Chair of the Board

*RLC IS MUCH MORE THAN A PLACE TO  
RECEIVE FREE LEGAL ADVICE. IT IS A  
PART OF THE COMMUNITY – A SAFE  
PLACE TO ASK FOR HELP.*



# MESSAGE FROM THE CEO

*WE ARE ABLE TO ASSIST LOCAL PEOPLE WHO ARE IN NEED WHILE ALSO DEVELOPING EXPERTISE IN KEY AREAS...*

It has been a challenging year for community legal centres across Australia. A survey by the Australian Council for Social Services showed that 63% of community legal centres (CLCs) were not able to meet the demand for their services. Recent funding cuts have increased this unmet need for legal services and the shortfall has been significant for Redfern Legal Centre.

In June 2013 a generous injection of funding from the then Federal Attorney General went some way towards reducing unmet need for our clients, but we are still operating on short-term funding contracts and at less than optimal staffing levels.

Even in this climate, RLC has continued to pioneer and innovate. We have restructured the way we deliver our services to increase our reach and impact. We focus now on six areas of civil law that most often affect members of our community. Each key area is generously supported by a law firm pro bono partner. We have done this to ensure that the legal needs of our most disadvantaged clients are addressed in one place, without the need to refer them to another organisation and risk losing them on the referral round-about, which many clients never come off. By setting ourselves up in this way, we are also better placed to identify and address systemic issues through policy work and community legal education.

Thinking innovatively has enabled us to develop new solutions for gaps in legal service delivery. By embracing technology, in particular the national broadband network, and working in partnership with local organisations, we are able to increase access to justice in rural and remote areas, all from our home base in Redfern.

This year we launched our new website which has increased our capacity to provide legal information across the state. We look forward to the commencement of our Community

Engagement Officer and our International Students NBN Project Solicitor, both of whom will be utilising technology to increase access to justice across the diverse communities Redfern serves.

We have also been able to increase our service delivery through developing teaching clinics with the University of New South Wales. Our Police Powers Clinic and our Housing and Administrative Law Clinic are the first of their kind in Australia and have been running with great success.

Most importantly, our greatest innovation is that which our Centre is founded upon. Our model, whereby we deliver services through the use of dedicated volunteers who are supervised by a few paid staff, means RLC can continue to deliver a huge volume of legal advice with such limited financial resources. In 2012-13 RLC had over 150 solicitor and law student volunteers, who contributed a combined total of 23,550 hours of free assistance valued at \$2,677,000.

To all our staff and volunteers, thank you for your commitment over the last year. It is an honour to work with such a passionate group of individuals and I look forward to working with you to increase access to justice in 2013-14.

Joanna Shulman  
Chief Executive Officer

# SPECIAL THANKS

## FUNDING

RLC receives funding and in-kind support from a range of sources. We thank these Departments, organisations and individuals for their ongoing support of the Centre:

- > the General Legal Service is funded principally through the Community Legal Services Program which is administered by Legal Aid NSW and the Commonwealth Attorney General's Department.
- > the Credit, Debt and Consumer Complaints Service is funded by the Commonwealth Department of Family and Housing, Community Services and Indigenous Affairs through its Financial Counselling Program, the NSW Office of Fair Trading (concluded November 2012) and NSW Family and Community Services (concluded June 2013);
- > the Women's Domestic Violence Court Advocacy Service is funded by Legal Aid NSW;
- > Women NSW (part of NSW Family & Community Services) provides funding for a Domestic Violence Support Service;
- > the Inner Sydney Tenants Advice & Advocacy Service is funded by NSW Fair Trading;
- > the Sydney University Postgraduate Students Service is funded by Sydney University Postgraduate Representative Association (SUPRA);
- > the Sydney Institute of TAFE funds a service for its students; and
- > the City of Sydney provides the Centre with concessional rent.

## GRANTS AND DONATIONS

From time to time the Centre is successful in gaining grants or donations for specific projects. We thank:

- > the Commonwealth Attorney-General's Department for funding to provide legal services via the national broadband network to international students in Armidale;
- > Thomson Reuters Australia support the Lawyers Practice Manual;
- > City of Sydney Council for grants for: training for Community Workers, multi-language leaflets to connect the CALD community to justice, creation of information on USB devices for women facing domestic violence, Community Education video 'Stop the Violence', and the Legal Guide to Sydney Cycling;
- > Individuals for donations to RLC; and
- > Microsoft for software.

We would like to give special thanks to the Gandevia Foundation for their generous donation this financial year to increase access to justice for Indigenous clients.

## PRO BONO ASSISTANCE

We would like to express our gratitude to the following firms and organizations for their assistance over the last twelve months:

- > Artemis Legal;
- > Fragomen;
- > Henry Davis York Lawyers;
- > Lander & Rogers Lawyers;
- > Slater & Gordon Lawyers;
- > DLA Piper Australia;
- > Gilbert + Tobin Lawyers;
- > Ashurst;
- > Watts McCray Lawyers;
- > Lexis Nexis;
- > Pro Bono Publico;
- > The Art of Multimedia; and
- > CostPlus.

## BARRISTERS

Many thanks to the following barristers for their pro bono assistance to our clients:

- > Nicholas Eastman;
- > Steve Boland;
- > Michelle Campbell;
- > Dan O'Sullivan;
- > Jeunesse Chapman;
- > John de Greenlaw;
- > Rajalingam Samuel;
- > David Parish and
- > Jim Pearce.





## PARTNERSHIPS

RLC is highly appreciative of the assistance and partnership of the following firms, each of which is connected to one of our key areas of law.

### King & Wood Mallesons Lawyers

RLC's Inner Sydney Tenancy Advice and Advocacy Service (ISTAAS) has been fortunate to enjoy continued support from the Human Rights Law Group at King & Wood Mallesons, formerly Mallesons Stephen Jaques. We received invaluable legal advice in a number of our cases. ISTAAS is looking forward to continuing this successful partnership.

### Ashurst

The Credit and Debt team continued its pro bono partnership with Ashurst (formerly Blake Dawson). Lawyers from Ashurst provided assistance with research for casework and community legal information, enabling the Credit and Debt team to take on more involved matters. This partnership is a highly valuable resource to the RLC Credit and Debt team.

### Shine Lawyers

RLC is pleased to announce a brand new pro bono partnership between Shine Lawyers and our Police Powers practice. We look forward to being able to extend our Police Complaints service and offer greater assistance to our clients as a result of this new partnership.

### Clayton Utz

RLC has continued a highly successful partnership with Clayton Utz in the Unfair Dismissal Advocacy Scheme. Seconded solicitors from Clayton Utz represent RLC's clients in unfair dismissal conciliations. The scheme has resulted in excellent outcomes for many of RLC's clients, who would otherwise have been unable to obtain representation and would have been unfairly disadvantaged when representing themselves against businesses or companies that may have access to legal resources.

### Gilbert + Tobin Lawyers

Gilbert + Tobin Lawyers have continued to act as the pro bono partner for RLC's Sydney Women's Domestic Violence Court Advocacy Service, accepting referrals for clients not eligible for Legal Aid and assisting with law reform and policy submissions. RLC values the assistance of Gilbert + Tobin and looks forward to continuing this partnership in years to come.

KING & WOOD  
MALLESONS

ashurst

SHINE LAWYERS  
RIGHT WRONG.

CLAYTON UTZ

GILBERT  
TOBIN

LAWYERS

# DOMESTIC VIOLENCE

Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDV CAS)

Redfern Legal Centre's Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDV CAS) assists women and children in court proceedings for apprehended domestic violence orders (ADVOs) at Downing Centre, Balmain, Newtown and Waverley courts.

## NSW DOMESTIC AND FAMILY VIOLENCE REFORMS

Sydney WDV CAS has been at the forefront of the current NSW domestic and family violence reforms and has made written submissions to the NSW Parliamentary Inquiry into Domestic Violence Trends and Issues, and to 'It Stops Here', the NSW Domestic and Family Violence Reforms. The service has also been involved in round tables and public consultations regarding the reforms. The main priority of the reforms is a pro-active and collaborative response to domestic and family violence with a strong focus on early intervention and prevention.

From early 2014 senior officers from NSW Police will have the authority to issue Apprehended Violence Orders and under the soon-to-be implemented NSW Domestic Violence Justice Strategy, all female victims of domestic violence will be immediately referred to a Women's Domestic Violence Court Advocacy Service by NSW Police. Together these reforms will mean an increase in police initiated pre-court referrals to Sydney WDV CAS.

The Sydney WDV CAS Coordinator, Susan Smith, has been appointed to the NSW Domestic Violence Council, which has been formed to advise the NSW Government on domestic and family violence policies and programs and the implementation of the reforms.

## LEGISLATIVE REFORMS

*The Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Act 2013* has been enacted to allow the sharing of personal information about victims and perpetrators of domestic violence for the purpose of providing domestic violence support services to victims. This legislation will permit police to make an automatic referral to a Women's Domestic Violence Court Advocacy Service so that victims may be contacted and offered support services immediately after a domestic violence incident.

The review of the *Crimes (Domestic and Personal Violence) Act 2007* is still not finalized. Sydney WDV CAS made a comprehensive submission to the review and has continued to contribute to the review through membership of the Apprehended Violence Legal Issues Consultative Committee (AVLICCC) at the Criminal Law Division of the Department of Attorney General and Justice.

The new Victims Support Scheme has commenced and Sydney WDV CAS has begun referring clients to the Scheme for counselling and 'immediate needs' financial assistance.

## YELLOW CARD REFERRALS

The Yellow Card Project accepted 556 Yellow Card referrals from Redfern, Surry Hills, The Rocks, Kings Cross and City Central local area police commands during the past twelve months. Yellow Card referrals were also received directly from Waverley, Botany Bay, Maroubra and Rose Bay local area police commands. Marrickville Legal Centre's DVPASS project also refers clients from Leichhardt, Newtown and Marrickville police commands for women attending Newtown and Balmain courts.

Most Yellow Card referrals are now made electronically by police, which allows our service to contact victims very quickly after a domestic violence incident. On contact, women are provided with information and referrals prior to their first court date. Sydney WDV CAS statistics show a strong correlation between pre-court contact and the victim engaging in the court process, often with an early resolution of the AVO.

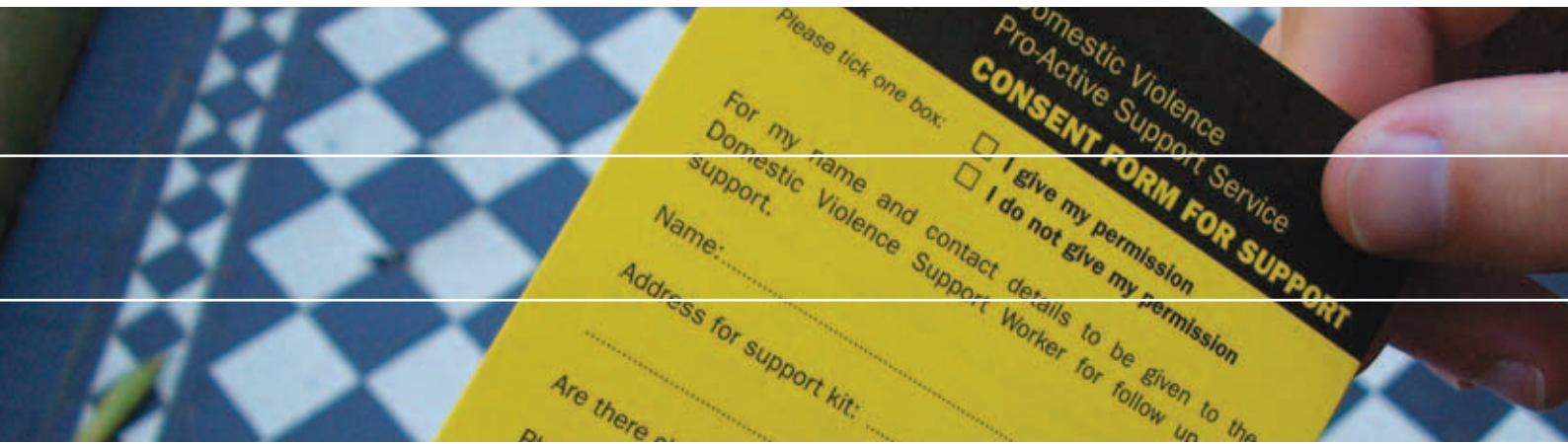
Sydney WDV CAS staff members have provided Yellow Card training to police during the reporting period, and have provided Domestic Violence Liaison Officers with resources to promote the use of the Yellow Cards to general duties officers.

## CASE STUDY: ADVOS AND THE RISK OF CRIMINALISING THE BEHAVIOUR OF A PERSON WITH INTELLECTUAL DISABILITY

*Sarah and Will (not their real names) both had an intellectual disability. They were both in their early twenties and had been in a relationship for almost two years. Sarah lived with her parents and Will lived independently. After their relationship broke down, Sarah went to Will's apartment to speak to him, and Will asked her to leave. When she didn't leave, he pushed her out the front door.*

*Police charged Will with assault and applied for an ADVO. Will told the police he had asked Sarah to leave his apartment but she had refused, and the charges against him were dropped. Police would not however withdraw the ADVO against Will, and Will's father assisted him to apply for a private cross application for an ADVO against Sarah. When the matter went to court, an ADVO was made protecting each party from the other.*

*If Sarah or Will breach the ADVO against them, they may be charged with a criminal offence.*



## CASE STUDY: LILY'S STORY

Lily (not her real name) was in her late teens and had an intellectual disability. Police applied for an APVO (Apprehended Personal Violence Order) against Lily after a shop owner complained that she was coming into his gift shop and being loud and abusive. Lily said that she liked to call into the shop on her way home each afternoon, but she agreed to give an undertaking not to enter the shop and to walk home using a different route.

Initially police agreed they would accept an undertaking and withdraw the APVO, however the shop owner gave instructions that he was not willing to withdraw the application and the matter went to a defended hearing. The court process was very traumatic for Lily and her mother. At the hearing the magistrate decided that an APVO should be made against Lily, including an order that she not come within 50 metres of the gift shop.

If Lily breaches the APVO she may be charged with a criminal offence.

## USB PROJECT

With a grant from the City of Sydney, Sydney WDV CAS has been providing clients with a USB pre-loaded with information about domestic violence. Further information, tailored to the client's individual circumstances, is added each time the client attends court. For example a Thai-speaking client with visa issues will have a copy of the Immigration Advice and Rights Centre's "Domestic and Family Violence and Australian Immigration Law" written in Thai, added to her USB; or a client who is separating from her husband will have a copy of Women's Legal Services "Women and Family Law" added to her USB. This initiative has proved very popular with clients with access to a computer.

## VULNERABLE CLIENTS

Aboriginal women and culturally and linguistically diverse (CALD) women continue to be over-represented in the Sydney WDV CAS statistics. The service assisted 122 Aboriginal clients and 475 clients of CALD background during the past twelve months. Sydney WDV CAS's Aboriginal and CALD Specialist Workers have provided culturally appropriate, specialist assistance to these clients.

During the past twelve months 149 clients identified as having a disability,

and a large number of these clients identified as having an intellectual disability or mental illness. Two Sydney WDV CAS cases highlight the tension between the need to protect a person from behaviour perpetrated by a person with an intellectual disability, and the desire not to criminalise the behaviour of a person with an intellectual disability in the case of breach of an AVO.

## PROSECUTOR CLINICS

NSW Police and the Women's Domestic Violence Court Advocacy Program (WDV CAP) at Legal Aid have signed a Memorandum of Understanding to roll out Prosecutor Pre-Hearing Clinics in partnership with individual WDV CASs, for domestic violence victims with an upcoming hearing. Sydney WDV CAS and Waverley Court prosecutors commenced the Clinics in August 2013. Downing Centre prosecutors and Sydney WDV CAS have been providing pre-hearing information sessions to victims, but will formally commence the Pre-Hearing Clinics in November 2013.

The Pre-Hearing Clinics provide an opportunity for victims to attend the relevant court and to hear information from a trained domestic violence prosecutor prior to their hearing date. Sydney WDV CAS will organize the clinics and provide information to victims about the clinics.

## COSTS ORDER AGAINST POLICE IN ADVO MATTERS

There has been a marked decline in the number of police applications for Apprehended Domestic Violence Orders (ADVOs) during the past twelve months, due mainly to concerns regarding costs orders being made against NSW Police. Since the findings in *Constable Redman v Willcocks* [2010] NSWSC 1268 there is a new reluctance on the part of police to apply for an ADVO unless there is a related criminal charge. Since *Redman* NSW Police have reported a rise in the number of costs orders against them in ADVO matters and anecdotally defendants' solicitors are also using the *Redman* decision to threaten police with costs orders once an application has been made. Although the magistrate in *Redman* was careful to distinguish between the restrictions on costs against police contained in section 99 (4) of the *Crimes (Domestic and Personal Violence) Act 2007*, which prohibits the court from making an award of costs against a police officer unless satisfied that the police officer made the application knowing it contained matter that was false or misleading in a material particular, as opposed to section 214 of the *Criminal Procedure Act 1986* which allows the court to make a costs order against a police officer in relation to procedural misconduct, it still seems *Redman* and the threat of costs is being used as an excuse not to apply for an ADVO. There has been a slight increase in the number of charge matters with related ADVOs.

In *Redman*, the officer in charge of the case was aware that the victim would not be available to give evidence on the second day of the adjourned hearing, but did not advise the defendant or his legal representative. Both the defendant and his legal representative attended court on the hearing date, and costs were awarded pursuant to section 214 of the *Criminal Procedure Act*.

# TENANCY AND HOUSING

Inner Sydney Tenants' Advice and Advocacy Service (ISTAAS)

The Inner Sydney Tenants Advice and Advocacy Service has a long history of providing advice, assistance and advocacy to the local community, with a key focus on the provision of information and services to public and private tenants and strong emphasis on the prevention of homelessness.

The high demand on our service is due to unique factors in our catchment area, which includes vulnerable and marginalised tenants in both private and public housing. The inner Sydney area has had a steady increase in rental properties, as well as a significant number of people living in public housing (there are now over 9,449 public housing dwellings in this area). Our clients have a wide range of complex issues, with our statistics showing a significant proportion of our clients are:

- > Culturally and linguistically diverse (CALD);
- > Indigenous;
- > Newly settled migrants;
- > People seeking asylum;
- > People with mental illness;
- > People with intellectual or physical impairment;
- > Elderly people;
- > Young people;
- > Victims of domestic violence;
- > People with substance dependence.

## CASE STUDY: HOUSING NSW FAILURE TO REPAIR SEWERAGE-LIKE LEAK FOR OVER 10 YEARS

*Clive was 82 years old and was a carer for his 84-year-old wife who had a physical disability and severe mobility issues. Clive contacted ISTAAS after trying unsuccessfully for ten years to get Housing NSW to undertake repairs to stop the seeping of brown, sewerage-like liquid from their bathroom ceiling. During that time a NSW Land & Housing Contractor had carried out a number of ineffective repairs on the ceiling, after which the leak had reappeared, in some cases just weeks after the repairs were completed.*

*ISTAAS received no response from Housing NSW in regard to its request to have the repairs carried out. ISTAAS then applied to the CTTT to resolve the matter. The CTTT ordered that the NSW Land & Housing Corporation repair and repaint the bathroom as well as pay compensation to the tenant.*

Photo: Hamibaael



## HOMELESSNESS PREVENTION

ISTAAS' intake policy is based on need and risk of homelessness, resulting in almost 90% of our clients over the past 12 months being public housing tenants. These clients face social disadvantage and would have great difficulty finding accommodation in the private rental market. When a public housing tenancy is terminated, that tenant will have to wait for a long period of time to be rehoused and in some cases will be permanently ineligible for public housing. In situations such as these, losing a public housing tenancy often results in homelessness.

In the period from October to December 2012, approximately 79% of applications in the Tenancy Division of the Consumer, Trader and Tenancy Tribunal (CTTT) were lodged by landlords. This percentage is greater in the Social Housing Division of the CTTT, where 97% of applications were lodged by social housing providers (landlords) and the overwhelming majority of the orders sought were for termination.

In the past year, ISTAAS collected extra statistics over a three-month period in order to gather data on its homelessness prevention work. During this period, the service assisted 76 tenants who were at risk of homelessness. The work involved in saving these tenancies included:

- > Advocacy provided to 35 tenants;
- > Preparing and drafting of first tier appeals for eight tenants;
- > Preparing and drafting of second tier appeals to the Housing Appeals Committee (HAC) for six tenants;
- > Representation at the CTTT for 23 hearings.
- > The total number of casework hours spent on the 76 tenants in a three-month period was 327.75 hours.



This sample demonstrates the type of vulnerabilities these clients who are facing homelessness experience:

- > The majority of these 76 tenants had a disability;
- > 18.5% were young people (under 25 years old);
- > 14.5% identified as Aboriginal or Torres Strait Islander;
- > 13% were elderly people; and
- > 4% were victims of domestic violence.

In addition to giving general tenancy advice to over 600 tenants, ISTAAS prevented 27 tenants and their families from becoming homeless during those three months.

## HOUSING NSW REPAIRS

ISTAAS continues to assist Housing NSW tenants with the Tribunal process to pursue their legal rights under the *Residential Tenancies Act 2010* for repairs. Many of ISTAAS' clients over the last 12 months lived under horrific conditions that were unhygienic and dangerous to their health.

Applications by tenants to the Tribunal are few in number. ISTAAS is focused on advising clients of their legal rights, including the right to have repairs completed. The number of applications by social housing tenants has increased by 312% from last financial year. This is a significant achievement by the tenants

who have had the determination to assert their rights in this forum and ISTAAS hopes that its work in this area has contributed to this significant improvement in tenants utilising the Tribunal.

## HOUSING NSW NON-COMPLIANCE WITH TRIBUNAL ORDERS

Another major concern is the issue of Housing NSW non-compliance with Tribunal orders to carry out repairs. In response to a letter addressing the concerning rate of non-compliance, the Director-General of Finance and Services acknowledged the need to make changes to their system, given that 33% of Tribunal maintenance orders are not complied with on time. Housing NSW expects tenants to comply with their legal obligations but fails to meet the same standard.

The number of non-compliance cases arising from repairs matters lead ISTAAS to lodge a complaint with the NSW Ombudsman. As a result of this complaint, new procedures and training have been put in place.

Redfern Legal Centre, Marrickville Legal Centre, Eastern Area Tenants Service and Kingsford Legal Centre are committed to working for change through a new project, Get it Fixed NSW. This website, [www.getitfixednsw.com](http://www.getitfixednsw.com) is now live and

states the following objectives:

- > More funding for Housing NSW to carry out repairs and maintenance;
- > Less waste and inefficiency;
- > A process that works; and
- > Compliance with Tribunal orders.

It is an ordeal for tenants to go through the Tribunal process and many tenants are afraid of termination if they pursue repairs orders.

## HOUSING AND ADMINISTRATIVE LAW CLINIC

ISTAAS and the University of New South Wales conducted a Housing and Administrative Law Clinic in the second semester of 2012. Students attended lectures in administrative and housing law at RLC and undertook casework under the supervision of ISTAAS tenant advocates. Students conducted client interviews, engaged in casework, undertook legal research, advocated on behalf of tenants to landlords, wrote appeals to Housing NSW and the Housing Appeals Committee and attended hearings at the CTTT. One student conducted conciliation at the CTTT and went on to represent the client at the full hearing. Students also gained experience in making applications for client records under the *Government Information (Public Access) Act 2009*. The clinic was a great success and continues in 2013.

## CASE STUDY: DOMESTIC VIOLENCE AND ADDITIONAL OCCUPANTS

*Shelly (not her real name) came to ISTAAS for assistance because her sister, Angela (not her real name), a public housing tenant, had been issued a notice of termination for having too many occupants living in her premises. Shelly and her two young children moved into Angela's two bedroom Housing NSW premises to escape extreme domestic violence. After a serious assault, Shelly had fled her family home with her children at night, leaving with nothing but the clothes they were wearing. Shelly's domestic circumstances meant that she had no access to bank accounts, was unable to work and had no other family or support to turn to. Her sister's home was the only safe place for her and her children to go to and remain together. The only way for Angela to avoid eviction was to ask her sister and the children to leave the Housing NSW premises.*

*ISTAAS lodged a first tier appeal on Angela's behalf in relation to the notice of termination. The appeal was successful. ISTAAS also advocated on behalf of Shelly for Housing NSW to safely house her and her children. This too was eventually successful.*



Photo: MissionBeat – people lining up for Sydney Homeless Connect

## RIGHTS FOR PEOPLE LIVING IN SHARE HOUSING

On 8 October 2012 RLC's ISTAAS service launched a new edition of the Share Housing Survival Guide, which addresses legal and non-legal issues that come up when living in a share house. The Commissioner for Fair Trading, Mr Rod Stowe, officially launched the guide. Many thanks to NSW Fair Trading for funding the new edition, which helps tenants living in share housing navigate their way through various legal complexities. The guide is available online at [www.sharehousing.org](http://www.sharehousing.org)

Share housing is common in the inner city area, especially amongst students. ISTAAS deals with many matters where people living in share housing are excluded from the protections of the *Residential Tenancies Act 2010*. Unlike all other tenants, a sub-tenant who lives with the head-tenant, without a written agreement, cannot apply to the CTTT to resolve disputes arising from their tenancy, such as having their bond returned. A sub-tenant seeking the return of a bond would have to file a claim in the Local Court, which is more expensive and time consuming than an application to the CTTT. Most sub-tenants, especially international students, find this prospect overwhelming and usually forfeit their bond money, rather than follow this course of action. The *Boarding Houses Act 2012* is a new piece of legislation, which will give basic protection to boarders and lodgers through occupancy agreements. As this Act only applies to premises with five beds or more, the majority of sub-tenants will again not be able to use it to seek Tribunal orders. Accordingly it is ISTAAS' experience that people living in share housing are currently not provided with adequate legislative protection.

## CASE STUDY: HOUSING NSW FAILS TO COMPLY WITH ORDERS FOR REPAIRS AND COMPENSATION, TENANT WITH MENTAL ILLNESS HIGHLY DISTRESSED.

*Simon (not his real name) was a Housing NSW (HNSW) tenant who had experienced maintenance problems with his property since 2008. He sought assistance from ISTAAS in 2012 and explained that he had approached HNSW about the problems numerous times in the past four years. There were two significant leaks in Simon's home, which resulted in wet, mouldy carpet and moisture on the walls. A corroded pipe behind the toilet leaked with every flush and although HNSW repaired the pipe with silicon, the leak persisted.*

*With the help of ISTAAS, Simon appeared before the CTTT and HNSW was ordered to repair the leaks, replace or repair the damaged carpet, repaint the water damaged walls and ceilings and undertake various other repairs. HNSW was also required to pay compensation, however when Simon went to HNSW to collect his compensation cheque, he was sent from office to office and was ultimately refused the cheque. HNSW did not carry out the repairs ordered by the CTTT. Simon suffered from mental illness, which made this prolonged ordeal particularly distressing for him.*

*Following extensive advocacy by ISTAAS in relation to complying with CTTT orders, HNSW commenced carrying out the repairs, paid the compensation and also extended an apology to Simon. Simon's story shows how difficult it can be for people to assert their rights to live in premises in a good state of repair without the assistance of a service such as ISTAAS.*

## BETTER PROTECTION FOR BOARDERS AND LODGERS

On 23 October 2012, NSW Parliament passed the *Boarding Houses Act 2012*. The Act will provide greater protection for boarders and lodgers in premises with five or more beds. Boarders and lodgers will now be covered by an occupancy agreement, which outlines their basic rights and responsibilities. The main issues raised by boarders and lodgers who seek advice from ISTAAS are bond disputes, immediate evictions and uncollected goods.

After submissions by RLC and other services, the Bill was amended to allow residents to take bond disputes to the CTTT. RLC's recommendation that there be a minimum period of seven days notice for termination notices was not adopted. The Act provides that residents be given "reasonable" notice of termination.

## HOUSING PAYMENT DEDUCTION SCHEME

On 11 April 2013 the Commonwealth Government released an exposure draft of its Social Security Legislation Amendment (Public Housing Tenants' Support) Bill 2013. The Bill and some of the associated regulations introduce a Housing Payment Deduction Scheme, which would allow a public housing provider to deduct payments straight from a tenant's Centrelink payment if they are in rental arrears.

RLC submitted its opposition to the scheme over concerns that the policy poses a real risk of causing further hardship (including homelessness) to the vulnerable people it was designed to protect. Under the Bill, as it was released, a public housing landlord could request deductions from tenants' social security payments when there is an outstanding liability due and payable or even when the landlord considers that there is a "risk" of non-payment or rent liabilities by the tenant. Most of RLC's recommendations were adopted in the final draft of the Bill.

# DISCRIMINATION AND HUMAN RIGHTS

## DRAFT HUMAN RIGHTS AND ANTI-DISCRIMINATION BILL

This year saw great potential for positive reform in the discrimination area, with the introduction of the Human Rights and Anti-Discrimination Bill 2012. It is disappointing that the Bill has not been introduced to Parliament.

Our current federal discrimination law is comprised of five separate pieces of legislation, each operating with different tests and exclusions, rendering it difficult for businesses and most of our clients to understand their rights and obligations.

The Bill went some way to addressing this difficulty. It introduced one act with one set of obligations and was accessible to individuals and businesses alike. It also corrected some of the 'fair-go road blocks' in the current law.

Currently, a party who commences a discrimination action and is unsuccessful in court is required to pay the costs of the other party. Our experience is that compensation offered in conciliation is generally very low, as are court awards in this jurisdiction. Therefore, the decision to litigate in a costs jurisdiction is made even more difficult when legal costs for the matter could easily be three or four times the potential compensation awarded if you win.

The Bill's introduction of the principle that each party pays its own costs went some way to addressing this 'fair-go barrier'. It also provided consistency – it brought the Federal discrimination law into line with similar provisions in the Fair Work Act and state discrimination acts.

Discrimination on the basis of protected attributes was made unlawful in any area of public life, and an enforceable remedy for unlawful

discrimination in employment on the basis of industrial history, religion, political opinion and social origin, nationality or citizenship and medical history (not criminal record) was introduced.

During the complaints process, there was to be a shifting of burden of proof, in that the party who allegedly acted in a discriminatory manner must prove their decision was based on something other than a discriminatory ground.

There were also other changes such as a new defence of 'justifiable conduct' done 'in good faith for a legitimate aim, in a manner appropriate to that aim' – an enhanced ability for the Australian Human Rights Commission to dismiss 'unmeritorious' complaints and new voluntary business assistance measures to help businesses understand and meet their own obligations.

After wide consultation, the Bill was referred to the Senate Standing Committee on Legal and Constitutional Affairs. RLC appeared before the Senate Standing Committee Inquiry into the Bill

on behalf of the National Association of Community Legal Centres, and encouraged the Committee to pass the Bill.

In March 2013, the Federal Government announced that it would not be proceeding with the Bill, despite recommendations from the Senate Inquiry held in January that it be passed. RLC was disappointed to see that the Bill will not go ahead, as it had the capacity to introduce a more effective and efficient regime for organisations and individuals to address unlawful discrimination.

## SHADOW REPORT ON THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

RLC continued its work as a member of the project group leading the drafting of the Shadow Report on the Rights of Persons with Disabilities. The Report was finalised in August 2012 and sent to the UN Committee in Geneva. The Report took three years to develop



RLC CEO, Joanna Shulman, with representatives from other community legal centres at the Senate Standing Committee Inquiry



through consultation with disability advocacy organisations. It contains over 130 recommendations and was endorsed by 73 organisations. The UN Committee on the Rights of Persons with Disabilities has begun to develop a list of issues from Australia's baseline report and Australia will be invited to appear at the tenth session of the Committee in September 2013. Following discussions with government and non-government delegations in attendance, the Committee will issue concluding comments and recommendations.

### SUBMISSION ON RACIAL VILIFICATION

In March 2013, RLC made a submission with regard to Racial Vilification law in NSW. RLC's submission welcomed the NSW Law and Justice Committee's inquiry into the criminal racial vilification provisions in the *Anti-Discrimination Act (NSW) 1977* but submitted that a complete review should be undertaken and that significant improvements could be made to make the law more accessible for RLC's clients. In particular, RLC stated that the need to obtain prior consent of the Attorney General to commence criminal proceedings should be removed, that the President of the NSW Anti-Discrimination Board (ADB) should be empowered to refer a matter to the Department of Public Prosecution (DPP) and that the 28 day time limit for referrals from the ADB to the DPP should be extended.

### SUBMISSION IN RESPONSE TO THE INQUIRY INTO THE VALUE OF A JUSTICE REINVESTMENT APPROACH TO CRIMINAL JUSTICE IN AUSTRALIA

RLC compiled a submission on behalf of a cooperative body of disability representative, advocacy, legal and human rights organisations. The submission was based on the Civil Society Report on the Convention on the Rights of Persons with Disabilities (CRPD). People with disability are over-represented in the justice system whether as complainants, litigants, defendants, victims or other witnesses. They also encounter barriers in undertaking roles as officers of the court, such as jurors, lawyers, administrators and adjudicators. The failure to acknowledge the credibility of people with cognitive or psychosocial disability before the law (as witnesses or victims) enables perpetrators of abuse or criminal assault to avoid the usual consequences.

RLC made recommendations that legislative, administrative and policy frameworks which deprive people with disability of their liberty and impact on their security are reviewed to ensure they are consistent with the CRPD, that adequate funding allows Community Legal Centres to provide access to justice for people with disability, that standard and compulsory modules on working with people with disability are incorporated into training programs for police, prison officers, lawyers, judicial officers and court staff and that people with disability are made eligible for jury service.

### PUBLICATIONS AND MEDIA

The Alternative Law Journal published Joanna Shulman's article 'A Fair Go for All', as the main opinion piece in its first edition for 2013. The piece argues that the Human Rights and Anti-Discrimination Bill should be passed to ensure an efficient and effective regime for addressing unlawful discrimination.



# INTERNATIONAL STUDENTS



International students at RLC's stall at the City of Sydney International Student Workshop

RLC has continued to offer advice to international students from anywhere in NSW (face-to-face or by phone or video link up) every Wednesday evening, with the assistance of volunteer solicitors and migration agents.

International students have approached our service with a diverse range of issues. In addition to credit and debt problems and scams, international students face problems regarding the appropriateness of courses, the accuracy of information provided about the courses, and the extent to which students understand this information.

We have also dealt with problems regarding advertisements for non-existent rental properties and cheap airfares on websites such as Gumtree or Flatmate.com, landlords who refuse to return bonds and excessive fees for real or non-existent migration services. There have been instances in which fellow students have borrowed money from our clients with no capacity to repay it due to gambling or other factors. International students face domestic and other types of violence

**“AT TIMES YOU HAVE ISSUES AND YOU DON'T EVEN KNOW WHO TO SPEAK TO ... IF WE HAVE A SERVICE LIKE THIS THAT CAN REPRESENT INTERNATIONAL STUDENTS FREE OF CHARGE IT WILL GO A LONG WAY TO HELP US.” ISAAC, INTERNATIONAL STUDENT AT UNE.**

and health issues following violence as well as associated family law and immigration issues.

The use of vehicles without property damage insurance is another issue that has been brought to our attention. We have seen many students who have had accidents resulting in their liability for extensive damage. One of our clients incurred a debt for over \$40,000 in this way. Both international and local students have indicated a lack of knowledge about the differences between compulsory third party

## CASE STUDY: INTERNATIONAL STUDENT ACCOMMODATION SCAM

*Matthew (not his real name) was an exchange student from Europe who intended to undertake a course at a university in Sydney. Prior to leaving Europe, he searched for rental accommodation online and made an enquiry to a woman named Sally. She offered him a room and sent photographs of the house. Matthew received a contract requiring a deposit of \$1400, which he paid into an account belonging to a lawyer named Elliot Taylor.*

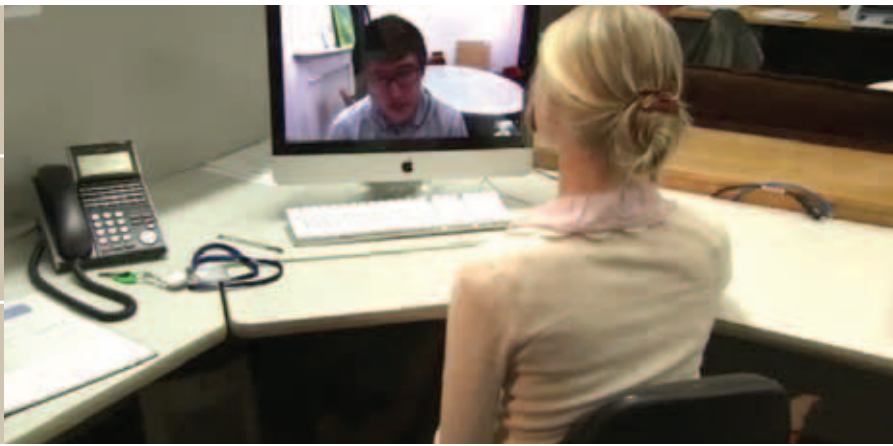
*Sally then asked for more money and because she was in the Philippines for family reasons, requested that the money be sent there. Matthew refused and sought refund of the original payment.*

*Once in Australia, Matthew tried to report the matter to the police but was told it was a civil matter. Matthew obtained an order through the Consumer, Trader and Tenancy Tribunal but all attempts to actually locate Sally to enforce the order failed. There was no lawyer by the name of Elliot Taylor.*

*Informal inquiries of police indicate that this matter should have been accepted as a fraud report, but often the bank accounts are opened with stolen identities and offenders cannot be identified. This case study illustrates the vulnerability of international students who are unfamiliar with the Australian and New South Wales legal system.*

insurance and property damage insurance.

Our international students are often bright and potential future leaders but presently are at a disadvantage in negotiating their temporary environment as a student in NSW. Some face additional personal challenges, are a long way from home and are part way through courses they and their families have heavily invested in, and therefore cannot afford to leave before finishing their course.



## LEGAL ASSISTANCE WITH ARMIDALE PROJECT (LEAP)

In 2012 RLC started a new project to deliver legal advice to clients in rural and regional New South Wales, with the assistance of the Federal Attorney General. RLC partnered with the University of New England (UNE) in Armidale to extend our international students advice service to students at UNE directly. Through the project, students from UNE can make appointments to speak to a solicitor via video link-up from the University library or from their own homes. The project has seen RLC deliver advice in new way and reach clients who can't attend the Centre in person. This project was officially launched in February 2013 to coincide with UNE's O-Week.

Appointments for the project are held as part of the international student advice night at Redfern Legal Centre. Volunteer solicitors and solicitors from RLC's pro bono partners have participated in the

project, using video software to see clients face-to-face. Clients in the project have received advice about credit and debt, discrimination, migration and government complaints. Students have been able to see solicitors and in some cases have interpreters and support people present, despite being over 400 kilometres away from the Centre.

As part of the project, RLC has presented community legal education seminars to students and staff at UNE, to help both identify key legal issues and to be aware of sources of legal information and referral. The seminars have been delivered to newly arrived students at the start of semester as part of induction and an introduction to studying in Australia.

"It is very important, particularly for people from culturally and linguistically diverse communities or Aboriginal or Torres Strait Islander backgrounds, to develop a relationship of trust with advisors...being able to see those



*RLC's Jacqui Swinburne with Robert Samuel of Consult Point at the launch of the program*

advisors helps build that trust." Elizabeth Morley, Principal Solicitor, RLC

"At times you have issues and you don't even know who to speak to ... if we have a service like this that can represent international students free of charge it will go a long way to help us." Isaac, International Student at UNE.

*"IT IS VERY IMPORTANT, PARTICULARLY FOR PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES OR ABORIGINAL OR TORRES STRAIT ISLANDER BACKGROUNDS, TO DEVELOP A RELATIONSHIP OF TRUST WITH ADVISORS...BEING ABLE TO SEE THOSE ADVISORS HELPS BUILD THAT TRUST." ELIZABETH MORLEY, PRINCIPAL SOLICITOR, RLC*

# CREDIT, DEBT AND CONSUMER COMPLAINTS

## CONSUMER CREDIT AND RESPONSIBLE LENDING

Redfern Legal Centre has continued to monitor cases where the issue of responsible lending by credit providers is an issue. The requirement for responsible lending should see less instances of over commitment and inappropriate loans. However it is clear that credit is still being marketed and provided in instances that defy a common sense view of responsible lending.

## PAYDAY LENDING: SMALL AMOUNT LOANS

RLC has continued to monitor and contribute to the scrutiny of the reform of payday lending. RLC had a number of submissions on this issue during the reform process. Most recently, RLC made a submission to the Treasury's call for comments on the Regulations to support provisions in the Consumer Credit Legislation Amendment (Enhancements) Bill 2012. Our submission reflected our view that consumer credit protections should be consistent and workable, as this is an area where consumers are particularly more vulnerable to unscrupulous practices. Poor industry practices have a significant impact on consumers, and consumer debt problems can quickly escalate into other problems associated with indebtedness. Our submission asserted that strong regulation is necessary to prevent industry participants from taking advantage of consumer credit products they are signing up for. RLC will monitor how the 2013 changes in the regulation of small amount loans work for our clients.

## HOUSING RELATED CREDIT AND DEBT ISSUES

### Housing Payment Deduction Scheme

RLC submitted that the Housing Payment Deduction Scheme (find more information on the Scheme in Housing and Tenancy) should not proceed, as it is insufficiently flexible to provide a real solution for homelessness caused by rent arrears. In our view it also contains insufficient review mechanisms and poses a real risk of causing further hardship to the vulnerable people who it is designed to protect.

## GARNISHEE ORDERS

A garnishee order allows the recovery of a judgement debt from the debtor's bank account or wages and the people who owe money to the debtor. In the past year, RLC has observed an increase in garnishee orders against the bank accounts of people who have no other income aside from Centrelink. Despite the intentions of section 62 of the *Social Security (Administration) Act 1999* to ensure that social security recipients have access to their benefits for their sustenance, we find clients left without funds for food and essentials.

## VULNERABLE CONSUMERS AND DOOR-TO-DOOR SALES

In providing legal advice to disadvantaged members of the community, RLC has the opportunity to observe first hand some of the difficulties faced in dealing with the modern market place. Direct marketing of utilities such as energy and telecommunications has remained a problem. Many of our clients feel that they can't say no to a salesperson who is on their doorstep and are confused or surprised by the offer they receive and enter into contracts they don't really want or need.

## CASE STUDY: MISLEADING ADVERTISING

*Talea (not her real name), whose only income was Centrelink benefits, responded to an advertisement which on first glance appeared to indicate that she would own a washing machine after paying small repayments over a short period of time. However, the fine print in the contract provided that ownership was only available for that small payment at the end of 36 months. The purchase price of the same washing machine would have been \$422, but Talea ended up paying \$1,106.*

# CREDIT, DEBT AND CONSUMER COMPLAINTS

## REFERRAL INTAKE

The financial counselling sector was disrupted by changes to State Government funding in late 2012. RLC lost a significant amount of funding in November 2012 and our staff hours and caseloads were reduced as a consequence. Some of our ongoing matters were referred to the Consumer Credit Legal Centre and fewer new cases have been opened.

## WORKING WITH FINANCIAL COUNSELLORS

Despite the reduction in casework, RLC has continued to support financial counsellors who contact us with legal enquiries. RLC held two training sessions for new financial counsellors about using the National Credit Code and associated law and one session on Housing NSW debts. Another training session was also held for volunteer solicitors at community legal centres on credit and debt issues.

## COMMUNITY LEGAL EDUCATION AND PUBLICATIONS

RLC has continued to publish Financial Counselling Tidbits, which are sent to financial counsellors across NSW. Each edition of Redfern Legal, RLC's bimonthly ebulletin, contains articles on credit and debt and illustrative case studies.

RLC developed an interactive discussion game based on 'Snakes and Ladders' which focuses on managing finances and offering problem solving advice on debt for Chinese speakers. The program was delivered in Cantonese and Mandarin to an event at which 200 Chinese community members were present.

RLC's credit and debt fact sheets have been updated to include information about changes to consumer credit law. The fact sheets cover a range of topics including: harassment by debt collectors; debt recovery in the local court; motor vehicle repossession and bankruptcy. The fact sheets continue to be a useful resource for financial counsellors and can also be provided to clients.

## CASE STUDY: DOOR-TO-DOOR ENERGY PROVIDER SALES

*John (not his real name) lived alone in an apartment in Surry Hills. He had a disability, was receiving a Centrelink pension and relied on regular assistance from a community support worker. Over the past year, various salespeople from electricity providers knocked on John's door, aiming to sign him up to a particular electricity provider.*

*Although John had difficulty understanding the salespeople, he ended up signing a new contract every time the salespeople approached him. This was partly due to John's difficulty in saying 'no' to people, and partly due to some of the salespeople lying to him by promising to give him a pensioner rebate in exchange for signing up.*

*Consequently, John had switched electricity providers six times in the last year. This left John confused about the identity of the electricity provider to which he was contracted and what sum of money was owed to each provider.*

*John approached RLC seeking legal advice as to what he could do to prevent salesmen from coming to his door. RLC advised John to post a 'do not approach' sign on his door and provided John with guidelines on how to tell the salespeople he was not interested in signing a new contract. RLC also outlined John's option to lodge a complaint with the Energy and Water Ombudsman NSW and provided John with access to a financial counsellor.*

## CASE STUDY: FAILURE TO CLEARLY COMMUNICATE UTILITY SERVICES IN HOUSING NSW APARTMENT

*Jordan (not his real name) called RLC after moving into a Housing NSW apartment in December 2011. At that time Jordan believed that the hot water system in the apartment was electric and that there was no gas service in the apartment. A few months later in May, Jordan received a gas bill from AGL for the last two quarters. The total bill was for \$134.16 and was addressed "Dear customer." Only the address linked the letter to Jordan. Jordan had not opened an account with AGL and this was the first letter he received from them.*

*Jordan spoke to AGL who said that the matter had to be taken up with Jordan's landlord, Housing NSW. However, Housing NSW did not mention anything about gas bills and Jordan did not want to pay the bills as there had never been any agreement to have gas and pay bills to AGL.*

*RLC contacted AGL on Jordan's behalf. AGL stated that the supply of gas was for the hot water system. When a tenant leaves the residence, AGL does not disconnect the gas supply. They continue to supply gas and will send bills to that address until the gas supply is transferred to another retailer or the new tenant contacts them to sign up for their services. Further, AGL stated that if neither of these things happen after six months, they disconnect the gas supply.*

*RLC also contacted Housing NSW to enquire what type of hot water service is used in the apartment building. However Housing NSW did not reply. If the Housing NSW apartment block has central hot water, then gas usage is calculated depending on how much of the water going through the hot water system goes to the unit in question. If the apartment is a long way from the hot water tank, cold water will run through the pipes before it becomes hot but the gas will still have to be paid for.*

*Jordan can change gas retailers but this will not void the existing bill. Despite his not being aware of gas usage, he will have to pay the bill. Further each bill has a connection fee and an account fee on top of the usage charge.*

*Finally, it is problematic that Housing NSW did not inform Jordan of the possibility of receiving gas bills. It is not uncommon for people to be unaware they have a gas connection at all until months later when they get hit by a large bill.*

# POLICE AND GOVERNMENT ACCOUNTABILITY

RLC's Police Powers practice continues to grow, assisting individual clients and maintaining scrutiny of the NSW Police Force. This practice remains the only specialist legal service in NSW that represents clients seeking disciplinary action against police officers engaging in misconduct. Complaints against police officers are an important part of improving transparency in the NSW Police Force and key to maintaining confidence in the criminal justice system in NSW.

## CASEWORK

RLC's Police Powers practice represented clients during the period in formal complaints about issues including:

- > Loss of employment caused by unauthorised police disclosure of unproven allegations;
- > The unlawful arrest of protestors;
- > Unlawful arrest for questioning;
- > Fabrication of evidence;
- > Classifying a domestic violence complaint as a mental health incident;
- > Use of excessive force on young people;
- > Forcing a man with a serious medical condition to crawl along the ground instead of using a wheelchair;
- > Refusal to take statements from independent witnesses;
- > The use of capsicum spray on two pensioners with disabilities;
- > Unnecessary bail residency checks that increase police bail statistics;
- > Pursuing police prosecution in the absence of any statement from the victim;
- > Failure to communicate reasons for arrest; and



- > The seizure of a smartphone containing footage of excessive force.

## INDEPENDENT INVESTIGATION

Over the past twelve months NSW has seen high profile hearings into the tasing of Roberto Laudisio Curti, the mishandled investigation of the Police shooting of Adam Salter, and the false accusations levelled against Corey Barker. The common theme in these cases has been the willingness of officers involved to give misleading, false or demonstrably untrue evidence under oath. These actions tarnish the reputations of good officers and the justice system as a whole. These high profile cases show the pressing need for independent investigation and review of allegations of misconduct within the police force.

## POLICE MISCONDUCT

RLC has attempted over the last financial year to continue drawing attention to police misconduct in circumstances where it might

otherwise go unnoticed or unremarked. RLC represented the family of Adam Le Marseny in relation to Coronial death-in-custody inquests.

Adam's death raised serious questions about his treatment in police custody. Despite a number of police officers making statements that Adam appeared to be drowsy and drug-affected, no one sought medical attention for Adam.

Instead, he was interviewed by police who obtained admissions relating to alleged credit card fraud involving the purchase of food and cigarettes – a relatively minor, non-violent offence. Adam was then held at the local police station for several more hours, resulting in him missing the opportunity to be seen by the on-duty nurse at the Corrective Services holding facility. This service stops at 10pm, despite the high level of alcohol and drug-related crime occurring late on Friday and Saturday nights.

As a result of RLC's involvement, the State Coroner has recommended that

# POLICE AND GOVERNMENT ACCOUNTABILITY

Corrective Services consider a trial of 24-hour medical staff at least on Friday and Saturday nights.

## ADMINISTRATIVE LAW

While RLC has a specific focus on police accountability, it also provides advice on the activities of other government agencies. RLC consistently receives feedback that after advice from RLC, clients feel as though they have spoken to someone who put their interests first. Thanks to RLC's dedicated volunteers, RLC is able to take the time to explain people's rights and the legislation that is relevant to them.

RLC also uses its experience in administrative law to drive the release of previously withheld government policies. RLC has used the *Government Information (Public Access) Act 2009* to obtain the State Debt Recovery Office's (SDRO) Write-Off Guidelines.



## CASE STUDY: POLICE CONFISCATE MOBILE PHONE

*Jason (not his real name) had been out with friends in the city one night when he noticed an altercation taking place on the street between the police and a teenage girl. He began to film the incident on his mobile phone, and after brief discussion between Jason and the police, a Sergeant informed him that he was hindering police. Jason was taken to a police station where his mobile phone was confiscated. Despite requesting to speak to a solicitor, Jason was repeatedly refused access to his mobile phone. The Sergeant asked Jason for the pass code to unlock the phone, but Jason refused. He was charged with hindering police, and sought advice from RLC. We assisted Jason to obtain legal representation. We also informed him of his right to have his property returned if it was not needed as evidence.*

*After receiving a fine for the hindering charge, Jason called the police station on three separate occasions in an attempt to regain his phone, and was advised that he had to obtain a release from the Sergeant who confiscated it.*

*RLC drafted a letter for Jason to the police outlining his right under the Legal Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) to have his property returned to him. The letter also stated that the release from the Sergeant was not a lawful requirement.*

*After the letter was sent, police made contact with Jason immediately and his mobile phone was returned to him.*

## MEDIA

RLC has appeared on several radio programs in the last year, giving information about everything from police complaints to police horses. RLC's police powers solicitor presented a paper at the 2012 National Conference of Community Legal Centres in Adelaide regarding the legislative and strategic aspects of both formal police complaints and litigation around Australia. RLC's police powers solicitor also presented at the Australian Lawyers for Human Rights Community Legal Education session on the right to silence.



# EMPLOYMENT LAW

## UNFAIR DISMISSAL ADVOCACY SCHEME

RLC has continued our partnership with Clayton Utz this year on the Unfair Dismissal Advocacy Scheme. Some of the central issues that arose from the scheme were: businesses attempting to hide the true employment relationship by using an intermediary to distance themselves; businesses claiming employees as contractors to enable them to qualify as small businesses; and staff being made redundant so that businesses could rehire cheaper workers or contract work out. Many clients assisted by the scheme have associated legal issues such as discrimination, bullying and redundancy. Businesses restructuring and the underpayment of wages and entitlements were also problems clients faced. During the 2012-13 financial year, RLC and the seconded Clayton Utz solicitors assisted 29 clients. 75 per cent of matters settled at conciliation, three clients settled prior to conciliation, and where matters involved monetary compensation, the average settlement was \$4308.

## SUBMISSIONS

In November 2012, RLC responded to the draft Fair Work Amendment Bill 2012 (Cth), expressing concern over the new section 400A. This section would allow the Fair Work Commission (FWC) to make a costs order against a party if the Commission was satisfied that an unreasonable act or omission of that party caused the costs to be incurred. The relevant 'act or omission' could include failing to accept a settlement offer. RLC's submission recommended that the section be rejected because it could force applicants to accept unreasonably low settlement offers to avoid the possibility of costs orders

against them, and discourage them from seeking other remedies such as a reinstatement or an apology.

In April 2013, RLC made a submission on the Bill itself. Our submission supported the broadening of reasons for requesting flexible working hours, especially where the employee has a disability or is experiencing family violence. RLC also supported the clarification that a worker can request to return to part-time work after the birth or adoption of a child, and the clarification of reasonable business grounds for refusal of the request. Additionally, RLC submitted that the Bill be strengthened by placing an obligation on the employer to enable flexible working arrangements or returning to work part-time.

## SHAM CONTRACTORS

RLC's Employment Law Service has observed an increase in sham contracting where employers require vulnerable workers to get an ABN and classify them as independent contractors, when they should be treated as employees. Such workers often have no real understanding of Australian Tax Office (ATO) requirements and are then subject to tax penalties for non-compliance. Under the *Fair Work Act 2009*, it is illegal for an employer to claim that an employee is an independent contractor. As outlined in the case study that follows, employees are usually advised about work and hours by their employer, are entitled to superannuation and minimum wages, are paid regularly and are not responsible for financial risk. Independent contractors decide how to do the work and whether to employ someone else to do it, carry the risk of making a profit or loss, have their own

insurance, are contracted to work for a set time or to do a set task, decide their own hours and invoice for their work or receive payment at the end of a contract or project.

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## CASE STUDY: SHAM CONTRACTORS

In 2006, Levi (not his real name) was carrying out demolition work and his employers told him to get an ABN in order to receive payment. He thought nothing of the ABN until he received notice to lodge a Business Activity Statement the following year. Levi did not understand the notice and forgot about it.

Six years later, Levi was appalled when he received a bill from the ATO for \$11,150. The debt was made up of individual fines for failure to lodge Business Activity Statements. Levi was confused because he did not have a business.

Levi approached RLC for assistance with the debt. He was advised to call the ATO and seek exemption. With RLC's assistance, Levi called the ATO, who informed him that his ABN could be cancelled from its registration in February 2006. His tax penalties were lifted, all Activity Statements were cancelled and the penalty notices were remitted.

Levi's situation demonstrates that employers may incorrectly instruct workers to get an ABN as contractors, when they should really be classed as employees. Failure to comply with the ATO requirements can result in large debts like Levi's accumulating for unsuspecting ABN holders. With effective financial counselling and an explanation to the ATO, the problem was resolved quickly.

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# BRANCH OFFICE

Sydney University Postgraduate Representative Association (SUPRA)

The RLC branch office at the Sydney University Postgraduate Representative Association (SUPRA) has been in operation since 2008. The service is funded by SUPRA, which in turn receives funding from the University from the compulsory Student Services Amenities Fee paid by students.

This Service provides legal services to postgraduate students from any of the University of Sydney's seven campuses, including the affiliated campuses of the Sydney College of the Arts, the Conservatorium of Music, Orange Agricultural College and Camden Farms.

The service regularly provides legal and strategic advice to the four Student Advice and Advocacy Officers employed by SUPRA who deal with a variety of issues of concern to students such as academic or welfare matters. In addition, the service maintains a close link with and provides assistance to the staff and office bearers of SUPRA.

## UNIVERSITY MATTERS

As the Legal Service remains independent of the university it can advise students on University matters and can represent students in conflicts with the University. The overwhelming majority of university matters have concerned the area of intellectual property, either through the provision of independent advice on contracts prior to the handling of rights or in handling disputes with the University.

## CREDIT, DEBT AND CONSUMER COMPLAINTS

The Legal Service receives a large number of enquiries about consumer contracts and credit and debt matters. Many of these enquiries relate to aggressive sales techniques or onerous

credit contracts. A significant number of the complaints received in this area are in relation to consumer contracts with telecommunications service providers, particularly in relation to mobile phone and internet services. The legal service has been able to negotiate successful outcomes for students in a range of matters in these areas. Many students sought advice regarding money owed to or by the student in relation to housing. Many students are living in share housing and are not covered by the *Residential Tenancies Act*. The necessity for these students to take housing debt disputes to the Local Court creates unnecessary legal complexity and cost for the students. The Legal Service has represented some of these students in matters at the Local Court.

## ROAD TRAFFIC AND MOTOR VEHICLE REGULATORY OFFENCES

Inexperience or lack of familiarity with the road rules, coupled with having older or less well maintained vehicles due to economic constraints means that students present with penalty notices for these offences. Students are often unable to pay penalty notices for the same reasons of financial hardship that led to the offence in the first place. A significant number of clients have chosen to court elect and plead guilty. In these situations, the Legal Service has either represented or assisted them by way of drafting their written pleadings. Overwhelmingly, the involvement of the Legal Service has resulted in achieving favourable outcomes for the students.

## EMPLOYMENT

Many students are working to supplement their other income (parental support or scholarships). They are often working in positions where their conditions and entitlements are questionable and often in positions where their employment status (whether they are an employee or a sub-contractor) and the requirements and legal obligations imposed on them because of their legal status are unknown to the student until a dispute arises. The Legal Service has successfully negotiated on behalf of many students to recover wages and entitlements, assisted them to resolve concerns about working conditions and assisted them in their dealings with government departments in complying with their taxation and other legal requirements.

## TENANCY

Due to financial hardship, students are often ill placed to afford rent increases and often fall into rental arrears. Lack of funds and the need to stretch financial resources means that students often reside in accommodation that is of a poor standard. This leads to tenancy issues such as the need for repairs and compensation for breaches of the tenancy agreement. The Legal Service has provided advice and conducted negotiations on behalf of a large number of students in relation to these matters. The Legal Service has also provided assistance or arranged advocacy for students to run difficult tenancy matters at the Consumer, Trader and Tenancy Tribunal.



# BRANCH OFFICE

Sydney University Postgraduate  
Representative Association  
(SUPRA)

## CASE STUDY: INTERNATIONAL STUDENTS EXPLOITED BY HEAD-TENANT

*Mei Tian and Liu Yang (not their real names) were both 23-year-old international students. Just before coming to Sydney to study they arranged accommodation living with Zhang Xin (not her real name), a 45-year-old woman originally from their home country. Zhang Xin rented a two-bedroom apartment with a living room for which she paid \$570 a week in rent. She lived in the main bedroom with ensuite and rented the living room to two other female international students and the second bedroom to Mei Tian and Liu Yang. Mei Tan and Liu Yang (and the two female students in the living room) paid \$250 a week each in rent. This amount included electricity and internet bills, but still left Zhang Xin with \$1000 per week in profit. Mei Tian and Liu Yang signed a fixed term agreement for one year and each paid \$1,200 bond.*

*Zhang Xin did not tell the students that she had already been told by the real estate agent that when her fixed term agreement expired in three months, she would have to leave the property as the owner was returning from overseas and wanted to move back into the property. Two weeks before Zhang Xin had to leave the property, she signed an agreement to rent another property for \$600 per week. A week later, on a Tuesday night she told Mei Tian, Liu Yang and the other two students that they would all be moving to the new property in two days, on Thursday, as they needed to be out of the current property by the Friday. She refused to tell them the address of the new property but did tell them it was more expensive so their rent was going up to \$270 per week each.*

*Mei Tian and Liu Yang told Zhang Xin that they did not want to move to the new property with her and that they would find somewhere else to live. Zhang Xin told them that they were bound to move with her as they had an agreement for one year. Despite this Mei Tian and Liu Yang found a new place and did not move with Zhang Xin.*

*She refused to return their bond. At the same time, Zhang Xin commenced proceedings in the Local Court claiming that Mei Tian and Liu Yang were bound by the fixed term agreement they had signed to move with her wherever she chose for a one-year period. She sued them each for \$9,750 in rent for the remaining 39 weeks of the one year covered by the agreement.*

*The Legal Service became involved with both matters and assisted Mei Tian and Liu Yang in their application to the Consumer, Trader and Tenancy Tribunal for the return of their bonds, and represented the students in their defence of the Local Court proceedings. The Legal Service assisted Mei Tian and Liu Yang to successfully obtain orders from the CTTT that each of their bonds be returned in full and successfully defended them against Zhang Xin in the Local Court proceedings and obtained costs orders against her. The Legal Service then assisted Mei Tian and Liu Yang to enforce the CTTT order and successfully obtain their bond money.*

## COMMUNITY LEGAL EDUCATION

The Legal Service has delivered community legal information and education sessions to students in: intellectual property; traffic offences and fines; consumer contracts (especially telecommunications service provider contracts); motor vehicle accidents (property damage); tenancy; privacy law and employment.

In addition, the Service has produced a range of legal fact sheets in areas of special interest to postgraduate students, specifically in the areas of property, fines, consumer law, contracts (specifically telecommunications service provider contracts) and privacy.

## PUBLICATIONS

The Legal Service contributed to the legal section of the 2013 Postgraduate Survival Guide. This included legal information on matters of interest to the postgraduate student population including: intellectual property; contracts; privacy; consumer law; tenancy and fines. The Service also contributed to the Intellectual Property section of the 2013 Thesis Guide.

## POLICY AND LAW REFORM

The Legal Service Solicitor has been involved in an advisory capacity to SUPRA in relation to policy and law reform. Specifically, the Service has contributed to both external submissions written by SUPRA on matters relevant to postgraduate students, and to internal policy submissions written by SUPRA in relation to a variety of proposed changes to University Policy and Rules.

# BRANCH OFFICE

TAFE (Sydney Institute)  
Legal Service

TAFE (Sydney Institute) Legal Service is the first point of call for students and staff requiring legal assistance. This service provides legal assistance to eight Sydney Institute campuses: Enmore Design Centre; Eora College; Gymea College; Loftus College; Petersham College; Randwick College; St George College and Ultimo College. The TAFE Legal Service operates three days a week from the Ultimo office and regularly holds mobile clinics at its other campuses. The Service has recently moved to the Marcus Clark building on George Street. The Service is staffed by one part-time solicitor and two volunteer legal assistants.

## OUR STUDENTS

The Service prioritises assisting students who are in vulnerable positions or are experiencing high levels of disadvantage. Many students who seek advice from the Service have a disability or are from culturally and linguistically diverse (CALD) backgrounds. Students from CALD backgrounds are often discriminated against due to language barriers and are unfamiliar with the operation of the Australian legal system.

## OUR WORK

With the support of the Sydney Institute of TAFE, the Legal Service is able to provide a holistic approach in helping students by focussing on all aspects of their needs. In addition to providing legal advice, the Legal Service liaises with the TAFE counselling unit as part of the crisis management plan. The Legal Service seeks to address students' problems not just through the provision of legal advice but by also encouraging students to attend counselling too where appropriate.

The Legal Service takes a student-oriented approach to delivery of services. Students' financial situations will be carefully assessed in devising the best course of action for the individual student. The Service does not provide legal representation at court as the time and resources required to do this would restrict its ability to advise other students. However the Service does assist the client in finding free or reduced-fee representation. The Service assists self-representing clients in preparing court documents, statements and advice regarding the court procedure.

## MENTAL HEALTH

A large proportion of the students who consult the Legal Service have significant mental health issues. The Legal Service has assisted a number of students with mental health issues to examine their superannuation policies. It has become apparent that some of these students were covered by Total Permanent Disability Insurance at the time they left their former employment due to mental health issues.

## CASE STUDY: INTERNATIONAL STUDENTS

Jovina (not her real name) was from Ireland and came to see the TAFE legal service with several legal issues. She had signed an agreement and paid bond money to a landlord where the proposed rent was grossly inflated. Jovina called the landlord the day after she signed the agreement to tell him that she did not want to move in and to request that he return her bond. The landlord would not answer her calls. Jovina did not know the landlord's full name or whether he was the registered proprietor of the property.

Jovina also had some problems with her ex-employers. She was working in hospitality at several restaurants around Sydney, some of which were paying her as little as \$9 per hour. At one of her workplaces, she had slipped and fallen due to unsafe working conditions.

The TAFE Legal Advice Service assisted Jovina by:

- > Obtaining a property search and ascertaining the full name of her landlord;
- > Issuing a letter of demand to the landlord;
- > Drafting complaints to the FairWork Ombudsman for underpayment of wages; and
- > Drafting complaints to the WorkCover Authority in relation to workplace health and safety.

Jovina was able to successfully complete her study this semester and felt much more positive as she had taken steps to resolve these matters. Jovina's complaints are still with the FairWork Ombudsman and WorkCover Authority.

# OUR CLIENTS AND SERVICES

## STATISTICS

### REDFERN LEGAL CENTRE STATISTICS

#### INFORMATION AND ADVICE

Information activities:	2621
Number of advices undertaken:	3432

#### CASEWORK

Number of files open (new and ongoing)	2206
Number of files closed	1652

#### PROJECTS

Community legal education projects	80
Law reform projects undertaken	40
Community development projects	6

#### TOTAL CLIENTS ASSISTED 3414

Clients identified as Aboriginal and/or Torres Strait Islander	5.7%
Culturally and Linguistically diverse clients (123 different countries of origin)	28.6%

Most of our culturally and linguistically diverse clients came from: China, India, Russia, Philippines, Thailand, France, Vietnam, Korea, Iran, and Indonesia.

#### TOP 10 ISSUE AREAS

- Tenancy
- Domestic Violence
- Credit & Debt
- Government/Admin processes
- Employment
- Consumer complaints
- Discrimination
- Family Law
- Complaints against Police
- Fines/Motor vehicle accidents
- Immigration

#### SYDNEY WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME STATISTICS

Total number of clients:	1406
Total number of client contacts:	7215
Total number of clients first contact at court:	720

Total number of clients first contact before court:	449
Total number of Aboriginal clients:	122
Total number of CALD clients:	475
Total number of clients who identify as having a disability:	149
Total number of clients who identified as being in a same-sex relationship:	26
Total number of clients represented by Domestic Violence Practitioner Scheme:	163
Total number of final AVO orders obtained by clients:	755

#### INNER SYDNEY TENANTS' ADVICE AND ADVOCACY SERVICE STATISTICS

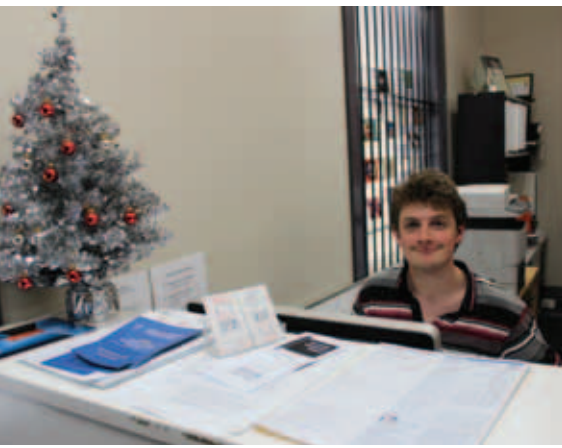
Total advices	1622
Clients born outside Australia	37%
Social housing tenants	35%
Attendance at the Consumer, Trader and Tenancy Tribunal	60
Number of files opened	127

#### BRANCH OFFICE: SYDNEY UNIVERSITY POSTGRADUATE REPRESENTATIVE ASSOCIATION (SUPRA) STATISTICS

Total advices/cases	415
Government/administrative complaints	38%
Civil (process, contracts)	14%
Credit & Debt	11%
Tenancy	10%
Consumer complaints	5%
Intellectual Property	4%

#### BRANCH OFFICE: SYDNEY INSTITUTE OF TAFE STATISTICS

Total advice/cases	199
Family law and child support	19%
Tenancy	13%
Government/administrative complaints	11%
Civil (process, contracts)	11%
Employment	11%
Road traffic/motor vehicle matters	10%



# OUR VOLUNTEERS

During the last financial year Redfern Legal Centre was fortunate enough to work with more than 150 volunteer legal assistant, solicitors, practical legal training students, interns, social work students, and seconded solicitors. It is hard to portray just how valuable the contribution of our volunteers is. We recently did a cost analysis of the dollar value of the number of hours volunteers contribute to the centre over one year. The dollar value of our volunteers' work is \$2,677,000.

This is just the financial value. The true value of our volunteers' work is seen in the client who visited, overwhelmed by their legal and non-legal problems, and left with an appointment booked with one of our solicitors, had help filling in a form or was made a warm referral to a service they needed, such as counselling or a community justice centre for mediation.

Our volunteer legal assistants are the first contact point for our clients when they come into the centre. They are welcoming, informed and sensitive. They make time to sit with clients,

listen to their stories and help the client untangle their legal and non-legal issues. We could not run this service without them.

Our volunteer solicitors come in, often after working all day elsewhere, and provide expert legal advice to our clients. Having empathy, passion for social justice and legal expertise is key to this job and we have a fantastic team of people every week providing quality advice to our clients. The true value of the work of our volunteer solicitors lies in the client who came in, terrified of their debts, and walked away with a letter outlining why they should have their debts waived. Legal problems cause extreme stress in people's lives and having an approachable knowledgeable solicitor available free of charge genuinely makes our clients' lives better.

I would like to say thank you to everyone who contributed to the work of Redfern Legal Centre over the past 12 months. By volunteering and generously contributing your expertise, your passion, your empathy and your

time, you have made a significant difference in the lives of our clients.

**Sophie Farrell**  
Communications & Volunteer Manager



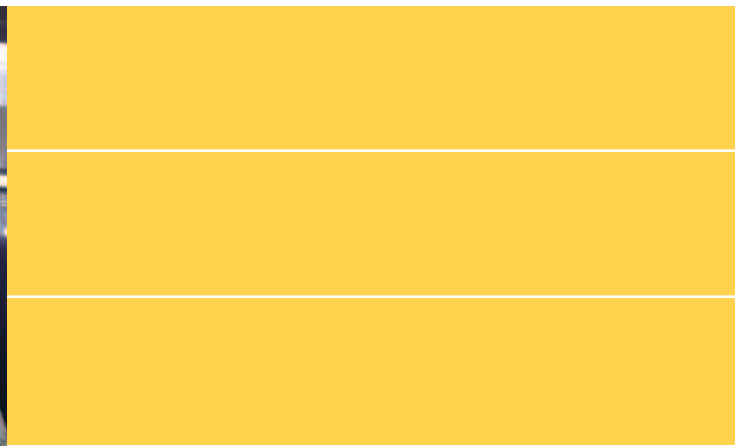
Aaranie Karthikeyan  
Aditi Kogekar  
Ahmed Taleb  
Aimee To  
Alex Edwards  
Alex (Alejandra) Rosales  
Alexandra Back  
Ali Gronow  
Alix Johnson  
Amanda Harvey  
Amber Kelly  
Amber Karanikolas  
Amy Munro  
Amy Mao  
Amy Williams

Andrew Stamp  
Andrew Arulanandam  
Angela Wong  
Anna Hutchinson  
Anna Spies  
Anna Payten  
Antonia Quinlivan  
Antonia Ross  
April Grenquist  
Aritree Barua  
Bandini Chhichhia  
Ben Paull  
Blaise Lyons  
Bridget Akers  
Britt Smith  
Carl Hagon

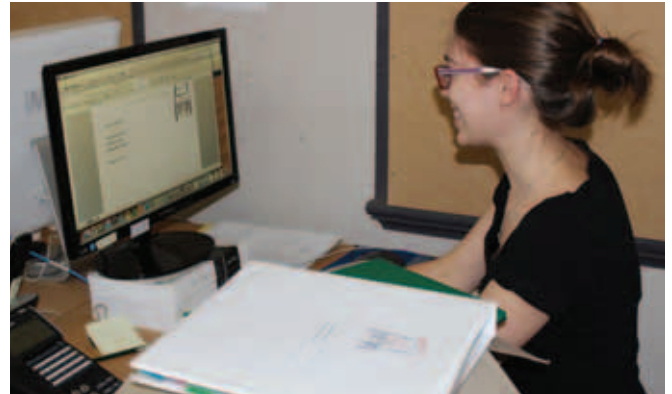
Carla Ianni  
Caroline Hopley  
Carolyn Burton  
Cassandra Low  
Cassie Steinmetz  
Catherine Fitzpatrick  
Charlotte Oliver  
Chetan Shukla  
Christine Weekes  
Claire Hammerton  
Claire Stimpson  
Claire Harris  
Clare Cronan  
Clemmentine Baker  
Corinna Lee  
Craig Biscoe

Damien Pang  
Daniel Ward  
Daniel Reynolds  
Daniel Smith  
Danielle Cooper  
Darren Jenkins  
David Vallance  
Dean Tyler  
Eden Baker  
Edmond Lo  
Edward Elliot  
Effie Shorten  
Ekaterina Magin  
Eliza Grant  
Elizabeth Mulock  
Elodie Cheesman

Emily Dale  
Emma Purdue  
Emma McKibben  
Emma Higgs  
Emma Ward  
Emmanuel Vo  
Eric Young  
Erica Berki  
Esther Song  
Eunice Lee  
Fiona Gayler  
Fiona Holdsworth  
Fiona Meiklejohn  
Gavin Hollamby  
Georgina Owens  
Giridhar Kowtal



*OUR VOLUNTEERS ARE A LONG-TERM INVESTMENT AND SHOULD NOT BE THOUGHT OF AS JUST A HELPING HAND IN THE PRESENT BUT ALSO AS POTENTIAL LAW REFORMERS, POLITICIANS, POLICY WRITERS, ACTIVISTS AND PRO BONO LAWYERS.*



Grace McDonald  
 Grant Mason  
 Gyo Suzuki  
 Hana Thorson  
 Hannah Innes  
 Harold Bear  
 Harrison Grace  
 Heath McCrossin  
 Heather Choi  
 Helen Fahey-Shelton  
 Hilary Kincaid  
 Imogen Hogan  
 Ingrid Ibbett  
 Ingrid Stear  
 Irena Petchanatas  
 Ishanee Biswas  
 Isheeka Goswami  
 Ivan Vizintin  
 Jack Orford  
 Jamie Hutchinson  
 Janet Simpson  
 Janice King  
 Janice Christine  
 Padovani-Ginies  
 Janie Ng  
 Jeffrey Wang  
 Jemima Harris  
 Jennie Goff  
 Jennifer Hoy  
 Jennifer Kwong  
 Jennifer Garrick  
 Jenny Radford  
 Jenny Kojevnikov  
 Jessica Jameson  
 Jessica Tat  
 Jessica Liang

Ji-Beom Jang  
 Jia Yi Lee  
 Jill Forrester  
 Jo Seto  
 Joanna Dodds  
 Josh Wood  
 Judith Read  
 Julia Zboromirsky  
 Julia Green  
 Julia Kingston  
 Jun Lin  
 Kara Gorey  
 Karen Beck  
 Karthiga Nageswaran  
 Kate Cunningham  
 Kate McCallum  
 Kath Chegwiddden  
 Kathryn Farrar  
 Katie Kossian  
 Katrina Clark  
 Kayhan Oncu  
 Kelvin Keane  
 Kiara Rodara  
 Kimberley Mackenzie  
 Kirri Piper  
 Kris Lajara  
 Kristin Romano  
 Kristy Fisher  
 Lai Vuong  
 Laura Conlon  
 Laura Donnelly  
 Laura Thomas  
 Laura Joseph  
 Lee Corbett  
 Leonie Hale  
 Liam Harding

Libby Gunn  
 Lily Luo  
 Lindsay Ash  
 Lisa Stueckradt  
 Lorylene Osorio  
 Louise McDermott  
 Louise Hill  
 Lucy Patterson  
 Luis Izzo  
 Madeleine Rowley  
 Maeve Doyle  
 Margaret Jones  
 Margaret Whish  
 Mario Yu  
 Marisa Wright Smith  
 Martin Barker  
 Matt Lady  
 Maysa Hassan  
 Melanie Bradfield  
 Melissa Barnwell  
 Michael Bailey  
 Michael Windsor  
 Misa Han  
 Monique Hendry  
 Morad Wasile  
 Nadica Mireska  
 Nelson Guo  
 Nicholas Anderson  
 Nicholas Lukic  
 Nicholas Read  
 Nicholas Adams  
 Nicola Gilbert  
 Nicola Cooper  
 Nicole Sammel  
 Oshie Fagir  
 Patrick Trieu

Paul Ahearn  
 Paulina Fusitu'a  
 Perry Yao Xie  
 Peter Baker  
 Phil Winterton  
 Pia Riley  
 Qaraman Hasan  
 Rachael Lohrasby  
 Rachel Wright  
 Rachel Strickland  
 Rachel Gregory  
 Rebecca Leabeater  
 Rebecca Hiscock  
 Rebekah Edwards  
 Rita Caruana  
 Rommel Harding-  
 Farrenberg  
 Rory McLeod  
 Roxana Zulfacar  
 Rubini Uthayakumar  
 Sally Shrubbs  
 Sam Goldsmith  
 Samantha McCormack  
 Savi Manii  
 Sean Behringer  
 Sean Shepherd  
 Sefakor Dokli  
 Seulki Kim  
 Shane Wescott  
 Shanni Zoeller  
 Shelley Williams  
 Shirley Liu  
 Simon Lindsay  
 Simon Moran  
 Simon Rudd  
 Siobhaun Kennedy

Sophie Duxson  
 Sophie Kaiko  
 Stefanie Vogt  
 Stephanie Millen  
 Stephanie Fowler  
 Stephen Sharpe  
 Subhaga Amarasekara  
 Sumedha Rathi  
 Susan James  
 Susannah Fricke  
 Tania Black  
 Tara Imrie  
 Tara Gazzard  
 Taryn Morrison  
 Tatiana Stein  
 Teresa Dellagiacomma  
 Therese Hartcher  
 Thomas Wand  
 Tim Capelin  
 Tim Nelmes  
 Timothy O'Ryan  
 Tom Barbat  
 Tom O'Brien  
 Tom Kiat  
 Travers Johnstone  
 Truman Biro  
 Uliana Korchevskaya  
 Vanessa Ji  
 Vivianne Schwarz  
 Wendy Green  
 Winston Headford  
 Yanli Leung  
 Yvonne Wandgra

# OUR STAFF

## PERMANENT AND FIXED TERM STAFF:

Lindsay Ash	Tenants' Advocate/NBN Project Officer
Natalie Bradshaw	Acting Tenancy Coordinator
Megan Cameron	Solicitor
Kath Chegwiddden	Admin Officer, WDV CAS
Hilary Chesworth	Administrator
Sophie Farrell	Communications and Volunteer Manager
Tatiya Hastie	WDVCAS Specialist Worker
Jessica Jameson	Project Implementation Manager (LeAP)
Rebecca Louttit	WDVCAS Assistant Coordinator
Tom McDonald	Tenants' Advocate
Kirrillie Moore	Project Officer
Elizabeth Morley	Principal Solicitor
Donna Polletti	WDVCAS Court Advocate
David Porter	Solicitor
Natalie Ross	General Team Leader
Michelle Schonstein	Solicitor
Joanna Shulman	Chief Executive Officer
Susan Smith	WDVCAS Coordinator
Brenda Staggs	Solicitor, TAFE NSW branch
Jacqui Swinburne	Solicitor/ Acting CEO
Lee Taylor	WDVCAS Assistant Coordinator
Sue Thomas	Tenants' Advocate
Phoenix van Dyke	Acting Tenancy Coordinator
Ingrid van Tongeren	Solicitor, SUPRA branch
Wendy Wang	Admin Officer
Janice Waring	WDVCAS Assistant Coordinator/ Court Advocate
Charmaigne Weldon	WDVCAS Specialist Worker

## CASUAL STAFF:

Nicholas Anderson	Tenancy Adviser
Melissa Chen	Supervisor, Day Information Service
Chantel Cotterell	Supervisor, Day Information Service
Ned Cutcher	Tenancy Adviser
Jack Fu	Cleaner
Nicola Gilbert	Admin Assistant
Claire Harris	Supervisor, Day Information Service
Sue-Ellen Hills	Assistant to DVPASS worker
Lauren Hockley	Fundraiser
Jennifer Hoy	Supervisor, Day Information Service
Anna Hutchinson	Supervisor, Day Information Service
Tara Imrie	Admin Assistant
Christopher Joyce	Locum Solicitor
Julia Kingston	Supervisor, Day Information Service
Simon Lindsay	Supervisor, Day Information Service
Emma Lutwyche	Tenancy Adviser
Rafael Mazzoldi	Tenancy Adviser
Stephanie Millen	Admin Assistant, WDV CAS
Barbara Paradis	Tenancy Adviser
David Vallance	Supervisor, Day Information Service
Joel Wilson	Admin Assistant

## CONSULTANTS:

Adaptive Solutions	IT support
Max Design	Website design
Usability	Website accessibility and usability consultation
Thomson Reuters	Publication design and production
The Art of Multimedia	Video production
Consult Point	IT support
C9 Solutions	IT support



# OUR BOARD OF DIRECTORS

## MANAGEMENT STRUCTURE

Redfern Legal Centre is a company limited by guarantee. It has a Board of six elected directors who have delegated responsibility for day-to-day management of the Centre to the Executive Officer.

## DIRECTORS



**AMY MUNRO**

**Chair**

Elected as Chair in February 2013

Amy Munro is a barrister practising from Eleven

Wentworth in Sydney. She has a wide-ranging commercial and public law practice. Prior to being called to the Bar, she was a Senior Associate in the Dispute Resolution Group at Mallesons. Amy began her association with RLC as a volunteer in 2002, moving on to become a Tenant Advocate with the Inner Sydney Tenants' Advice and Advocacy Service and the Project Manager of the Share Housing Survival Guide. She was elected to the Board in 2010 and continues to act as a volunteer with the Centre.



**NICOLAS PATRICK**

**Chair**

Resigned in February 2013

Nicolas Patrick is Pro

Bono Partner and Head of Pro Bono for Europe, Middle East and Asia Pacific for DLA Piper. He sits on the board of PILCH NSW, New Perimeter (DLA Piper's non-profit affiliate dedicated to delivering pro bono in developing and post-conflict countries) and the advisory board of the Human Rights Law Centre. His main area of practice is human rights. Nicolas commenced as a volunteer with RLC in 1999 and was elected to the board in 2003.



**KRISTIN VAN BARNEVELD**

Kristin is currently Deputy National Secretary of the Community and Public Sector Union (CPSU) and is responsible

for the Political, Industrial, Research and Legal work of the CPSU, as well as being part of the Executive Team responsible for overall operation of the union. Kristin first started volunteering at RLC in 2005 as a student and went on to provide night advice on employment matters. Kristin has been a Director of the Board since 2006. Kristin is also a Director of the Australian Government Employee's Superannuation Trust.



**TAMARA SIMS**

**Secretary**

Tamara Sims is a lawyer in Gilbert + Tobin's Pro Bono practice. Her practice covers human rights, administrative

law, discrimination, native title, victim compensation, tenancy, guardianship, refugee claims and Aboriginal Stolen Wage matters. Prior to joining Gilbert + Tobin, Tamara worked in the community legal sector practising criminal law, undertaking policy and law reform work and community legal education particularly in matters involving people with intellectual disability. Tamara first became involved with RLC as a volunteer legal assistant, then worked with the Sydney Women's Domestic Violence Court Advocacy Service and the Inner Sydney Tenants' Advice and Advocacy Service and now is a Director of the Board.



**PETER STAPLETON**

Peter Stapleton, a retired partner of Ashurst, remains active in social justice. Peter was instrumental in

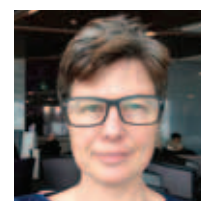
establishing Blake Dawson Waldron's (now Ashurst) national pro bono practice. Peter was initially involved with Redfern Legal Centre as a volunteer when it was established. Peter was Chair of RLC for a number of years. Despite his grey hairs, Peter still assists the Centre to achieve its primary goal of helping disadvantaged persons access justice. Peter is a Director of Aboriginal Legal Services NSW/ACT and is the Chairman of the National Pro Bono Resource Centre. Peter was awarded the Justice Medal in 2006.



**PAUL FARRUGIA**

Paul Farrugia is a partner in a small suburban legal firm. Paul graduated from the University

of Sydney with an LL.B. Paul has been involved with RLC since 1978 as a volunteer solicitor, Management Committee member and a Director of the Board. In recognition to his service to RLC, Paul received the Law Society Pro Bono Solicitor of the Year Award in 1993.



**LINDA TUCKER**

Linda Tucker is the head of legal for the Transport Workers' Union of Australia. She has worked in a range of legal positions in Sydney,

Cambodia and the UK, practising primarily in employment, asylum and environmental law. Linda ran the employment law clinic at UNSW's Kingsford Legal Centre from 2004 to 2010 and remains closely involved with the community legal sector.

# FINANCIALS

## Director's Declaration

REDFERN LEGAL CENTRE  
ABN 31 001 442 039


### DIRECTORS' DECLARATION

The directors of the company declare that:

1. The financial statements and notes, as set out on pages 8 - 19, are in accordance with the *Corporations Act 2001*: and
  - (a) comply with Australian Accounting Standards - Reduced Disclosure Requirements and the *Corporations Regulations 2001*; and
  - (b) give a true and fair view of the financial position as at 30 June 2013 and performance for the year ended on that date of the company.
2. In the directors' opinion there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board of Directors.

Director: \_\_\_\_\_



Amy Munro

Dated this

15th day of October

2013



# AUDITOR'S REPORT



**PITCHER PARTNERS**  
ACCOUNTANTS AUDITORS & ADVISORS

Level 22 MLC Centre  
39 Martin Place  
Sydney NSW 2000  
Australia

Postal Address  
GPO Box 1615  
Sydney NSW 2001  
Australia

Tel: +61 2 9221 2099  
Fax: +61 2 9223 1162

[www.pitcher.com.au](http://www.pitcher.com.au)  
[partners@pitcher.nsw.com.au](mailto:partners@pitcher.nsw.com.au)

Pitcher Partners, including Johnnies Korte,  
is an association of independent firms  
in Brisbane | Sydney | Perth | Adelaide | Brisbane

**REDFERN LEGAL CENTRE**  
**ABN 31 001 442 039**

## **INDEPENDENT AUDIT REPORT TO THE MEMBERS OF REDFERN LEGAL CENTRE**

We have audited the accompanying financial report of Redfern Legal Centre, which comprises the Statement of Financial Position as at 30 June 2013, and the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended, notes comprising a summary of significant accounting policies, other explanatory information and the directors' declaration.

### *Directors' Responsibility for the Financial Report*

The directors' of the company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Corporations Act 2001* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement in the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the company's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

# AUDITOR'S REPORT



**REDFERN LEGAL CENTRE  
ABN 31 001 442 039**

**INDEPENDENT AUDIT REPORT  
TO THE MEMBERS OF  
REDFERN LEGAL CENTRE**

## *Independence*

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*. We confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors, would be in the same terms if given to the directors as at the time of this auditor's report.

## *Auditor's Opinion*

In our opinion, the financial report of Redfern Legal Centre is in accordance with the *Corporations Act 2001*, including:

- (i) giving a true and fair view of the company's financial position as at 30 June 2013 and of its performance for the year ended on that date; and
- (ii) complying with Australian Accounting Standards and the *Corporations Regulations 2001*.

A handwritten signature in black ink that reads 'Mark Godlewski'.

Mark Godlewski  
Partner  
16 October 2013

A handwritten signature in black ink that reads 'Pitcher Partners'.

PITCHER PARTNERS  
SYDNEY

# COMPREHENSIVE INCOME

REDFERN LEGAL CENTRE  
ABN 31 001 442 039

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2013

	Note	2013 \$	2012 \$
<b>Revenue</b>	3	<u>1,954,144</u>	<u>1,840,375</u>
<b>Less: expenses</b>			
Depreciation and amortisation expense	4	(22,167)	(16,177)
Employee benefits expense		(1,507,618)	(1,565,124)
Occupancy expenses		(42,893)	(41,557)
Repairs and maintenance expense		(556)	(2,968)
Advertising expense - program related		(34,826)	-
Printing, stationery and postage		(16,241)	(32,494)
Telephone, facsimile, internet		(23,776)	(22,455)
Insurance		(11,350)	(5,357)
Subscriptions		(9,252)	(2,602)
Program related expenses		(34,148)	(44,235)
Consultancy - program related		(120,886)	-
Other expenses		<u>(116,842)</u>	<u>(71,994)</u>
		<u>(1,940,555)</u>	<u>(1,804,963)</u>
<b>Surplus before income tax expense</b>		13,589	35,412
Income tax expense		-	-
<b>Surplus for the year</b>		<u>13,589</u>	<u>35,412</u>
<b>Other comprehensive income for the year</b>		-	-
<b>Total comprehensive income</b>		<u>13,589</u>	<u>35,412</u>

# FINANCIAL POSITION

REDFERN LEGAL CENTRE  
ABN 31 001 442 039

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2013

	Note	2013 \$	2012 \$
<b>Current assets</b>			
Cash and cash equivalents	6	785,332	509,013
Receivables	7	4,156	2,530
Other financial assets	8	500,000	495,859
Other assets	10	<u>9,356</u>	<u>26,334</u>
<b>Total current assets</b>		<u>1,298,844</u>	<u>1,033,736</u>
<b>Non-current assets</b>			
Property, plant and equipment	9	<u>48,491</u>	<u>22,761</u>
<b>Total non-current assets</b>		<u>48,491</u>	<u>22,761</u>
<b>Total assets</b>		<u>1,347,335</u>	<u>1,056,497</u>
<b>Current liabilities</b>			
Payables	11	706,891	435,540
Provisions	12	<u>266,098</u>	<u>310,383</u>
<b>Total current liabilities</b>		<u>972,989</u>	<u>745,923</u>
<b>Non-current liabilities</b>			
Provisions	12	<u>104,152</u>	<u>53,969</u>
<b>Total non-current liabilities</b>		<u>104,152</u>	<u>53,969</u>
<b>Total liabilities</b>		<u>1,077,141</u>	<u>799,892</u>
<b>Net assets</b>		<u>270,194</u>	<u>256,605</u>
<b>Equity</b>			
Reserves	13	15,000	30,000
Retained surplus	14	<u>255,194</u>	<u>226,605</u>
<b>Total equity</b>		<u>270,194</u>	<u>256,605</u>

# EQUITY CHANGES

REDFERN LEGAL CENTRE  
ABN 31 001 442 039

## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2013

	Reserves \$	Retained Surplus \$
<b>Balance as at 1 July 2011</b>	-	221,193
Surplus for the year	-	<u>35,412</u>
<b>Total comprehensive income for the year</b>	-	<u>35,412</u>
Transfers	<u>30,000</u>	<u>(30,000)</u>
<b>Balance as at 30 June 2012</b>	<u>30,000</u>	<u>226,605</u>
<b>Balance as at 1 July 2012</b>	30,000	226,605
Surplus for the year	-	<u>13,589</u>
<b>Total comprehensive income for the year</b>	-	<u>13,589</u>
Transfers	<u>(15,000)</u>	<u>15,000</u>
<b>Balance as at 30 June 2013</b>	<u>15,000</u>	<u>255,194</u>

# CASH FLOWS

REDFERN LEGAL CENTRE  
ABN 31 001 442 039

STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2013

	Note	2013 \$	2012 \$
<b>Cash flow from operating activities</b>			
Receipts from funding agreements and grants		2,150,952	2,144,038
Receipts from other income sources		242,573	16,413
Payments to suppliers and employees		(2,110,677)	(1,837,611)
Interest received		<u>45,509</u>	<u>39,022</u>
<b>Net cash provided by operating activities</b>	15(b)	<u>328,357</u>	<u>361,862</u>
<b>Cash flow from investing activities</b>			
Proceeds from sale of property, plant and equipment		4,274	-
Payment for property, plant and equipment		(52,171)	(13,786)
Payment for investments		<u>(4,141)</u>	<u>(14,715)</u>
<b>Net cash provided by / (used in) investing activities</b>		<u>(52,038)</u>	<u>(28,501)</u>
<b>Reconciliation of cash</b>			
Cash at beginning of the financial year		509,013	175,652
Net increase in cash held		<u>276,319</u>	<u>333,361</u>
<b>Cash at end of financial year</b>	15(a)	<u>785,332</u>	<u>509,013</u>

# GET INVOLVED

## GET INVOLVED

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