

# REDFERN LEGAL CENTRE

ANNUAL  
REPORT  
2011-2012



**Acknowledgement**

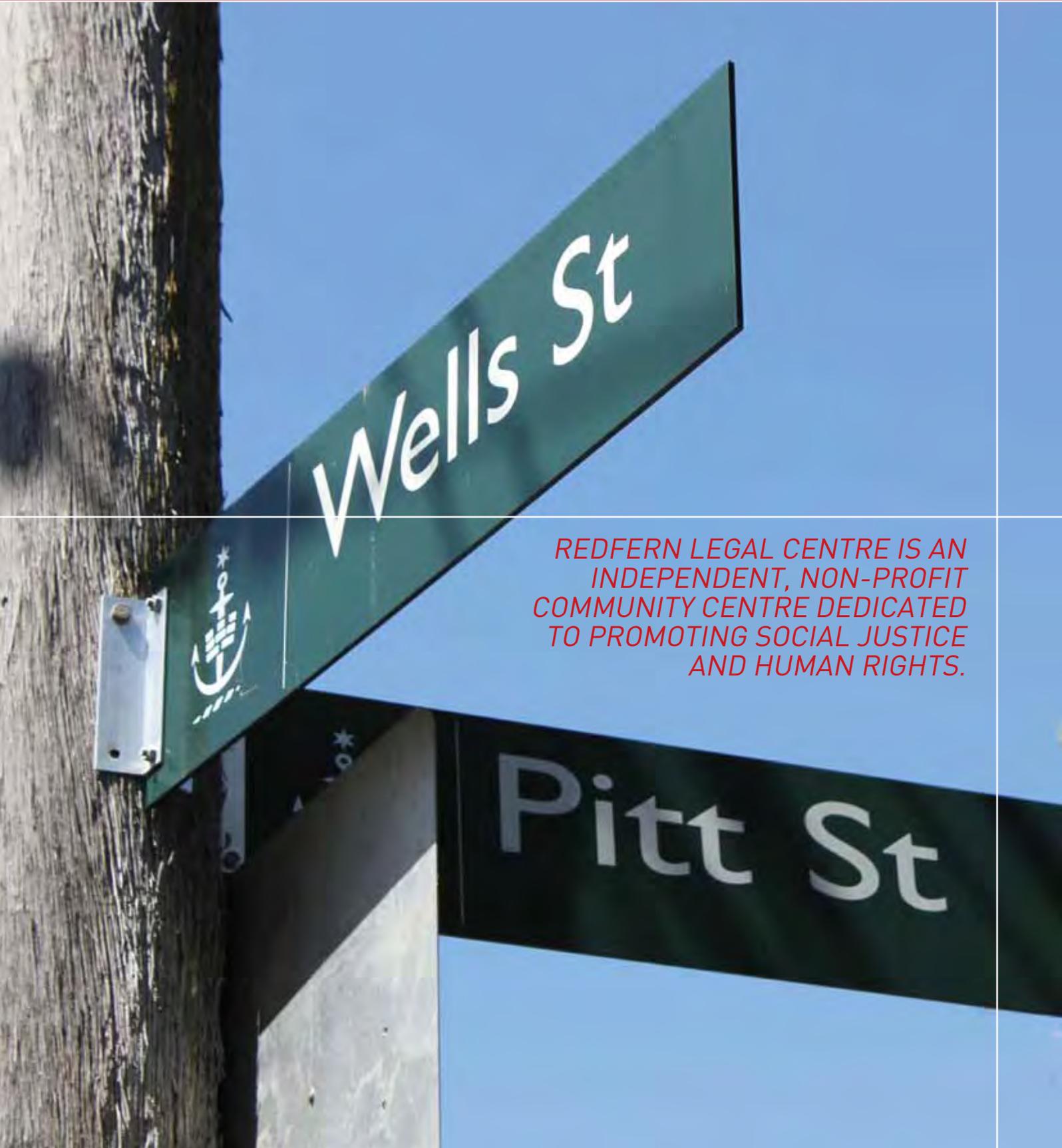
Redfern Legal Centre acknowledges that we work on Aboriginal land, traditionally the home of the Gadigal people of the Eora Nation. We pay our respects to elders, past and present.

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

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# REDFERN LEGAL CENTRE

# VISION

# VALUES

*EQUITY AND SOCIAL JUSTICE*

*EMPOWERMENT OF INDIVIDUALS AND  
COMMUNITIES TO ENJOY THEIR RIGHTS  
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



## CASE STUDY: MEENA'S STORY

Meena (not her real name) was an international student from India. She came to Australia to study, and to marry an Australian of Indian background. Her husband paid the fees for her course in Australia and was supporting her while she studied. They had completed but not yet lodged an application for a partner visa so that she could remain in Australia after her course was completed. Meena was seriously assaulted by her husband. He was charged and an interim Apprehended Domestic Violence Order (ADVO) excluded him from the rented apartment where he lived with Meena.

Meena attended the RLC international student advice service and was very distressed. She had no money, was concerned about what would happen with her partner visa application, and did not know what to do about the rented apartment. Meena attended RLC a number of times. We were able to provide her with migration advice (through our pro bono partnership with migration agents from Fragomen) and tenancy advice. We referred her to our Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDVCS) for support with the ADVO and criminal charge process. We helped Meena apply for free counselling through Victims Services, and referred her to a pro bono law firm to represent her in a Victims Compensation application. We also referred her for family law advice in relation to spouse maintenance, and to charitable agencies for assistance with food and bills.

Meena's story demonstrates the complexity of the legal and non-legal problems experienced by many of RLC's clients. Her situation shows how legal problems relating to tenancy, domestic violence, finance and migration intersect and accumulate. For Meena, far from family support and in a foreign environment, finding help for one let alone all of these issues would have seemed an impossible and overwhelming task.

Clients with complicated lives and even more complicated legal problems find it difficult to find time and courage to ask for help. Rather than having to approach multiple services, Meena just had to ask once. This is an example of how RLC's model removes the barriers to accessing justice experienced by vulnerable people.

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. Effective advocacy and service delivery depends a great deal on the trust and inter-personal relationships that are built up between clients and services over time. Meena was able to develop trust in RLC as an organisation that would help her.

In 2010 RLC changed strategic direction, from a generalist advice service, to a service that specialises in key areas of law. The advantage to this model is that clients have access to high quality expertise in a variety of areas of law, but all through the one portal. Meena's experience is a brilliant example of why this model works well and is vital to supporting our community.

Meena's experience is a testament to the hard work and focus on inter-specialist coordination by RLC staff. Together, RLC specialist teams work to make sure clients do not slip through the cracks and their legal and non-legal needs are addressed through wrap-around service delivery.

I'd like to take this opportunity to thank the hard-working staff and volunteers of RLC for everything they have done for our clients, the community and the justice system over the past twelve months.

Nicolas Patrick,  
Chair

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*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.*

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# MESSAGE FROM OUR CEO

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

Welcome to the Annual Report for 2011-2012. During the second half of this year I have been Acting CEO while Joanna Shulman has been on maternity leave. While she has been sorely missed, I have enjoyed this time expanding my expertise from running our Inner Sydney Tenants' Advice and Advocacy Service to a broader and more detailed knowledge of the work of RLC.

Over the last year, we have grown into our new structure, developing expertise in our key areas of law. At the same time, we reviewed our intake criteria for vulnerable clients whose issues fall outside our key areas, which resulted in broadening those criteria. We feel we have the right balance now. We are able to assist local people who are in need while also developing expertise in key areas, enabling us to contribute effectively to policy and law reform. Throughout the year we engaged in community education and attended community events. In addition, based on research that showed the best way to help culturally and linguistically diverse clients is to provide information and education to their case workers, we launched a program specifically for community workers. This year we ran a program, "Helping the Helpers: Supporting Community Workers to Help Clients," with the generous assistance of the City of Sydney Council. The program included sessions on 'accessing free legal advice', 'police complaints', 'fines', 'money and debts', our 'domestic violence court advocacy service' and 'tenancy and domestic violence'. This program has been very successful with excellent feedback and requests for further sessions.

Another exciting project we have recently begun with funding from the Federal Attorney-General's Department and the Department of Broadband, Communications and the Digital Economy is the National Broadband Network (NBN) Regional Legal Assistance Program. We are building a virtual Redfern Legal Centre for clients to access legal services statewide, starting with Armidale. To do this we are working with our partners to combine a number of platforms including the Australian-developed iSee immersive video technology, Cisco webex and an NBN ready document management system, DocuPeak. We hope that using innovative NBN ready technology we can help regional and remote areas of NSW access the high quality pro bono resources we have access to in Sydney.

There have been a great many highlights this year for RLC and I hope you enjoy reading our clients' stories, about our policy and law reform agenda and about the projects we have undertaken in the last twelve months.

**Jacqui Swinburne**  
Acting 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 Community Legal Centres Funding Program which is administered by Legal Aid NSW and the Commonwealth Attorney General's Department.
- > The Credit and Debt Service is funded by the NSW Department of Community Services, the NSW Office of Fair Trading and the Commonwealth Department of Family and Housing, Community Services and Indigenous Affairs through its Financial Counselling Program.
- > The Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDVCS) is funded by Legal Aid NSW.
- > The NSW Office for Women's Policy provides funding for a Domestic Violence Support Service.
- > The Inner Sydney Tenants Advice and Advocacy Service (ISTAAS) is funded by the NSW Office of 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.
- > The City of Sydney provides RLC 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 NSW Office of Fair Trading for assistance to produce the revised Share Housing Survival Guide;
- > Thomson Reuters Australia support for the Lawyers' Practice Manual;
- > City of Sydney Council for a grant to provide training to community workers;
- > The Centre for Volunteering NSW for donations arising from Volunteer Award to Margaret Jones; and
- > Microsoft for software.

## PRO BONO ASSISTANCE

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

- > Artemis Legal;
- > Corrs Chambers Westgarth Lawyers;
- > Fragomen;
- > Henry Davis York Lawyers;
- > Lander & Rogers Lawyers;
- > Slater & Gordon Lawyers;
- > Peter Murphy & Associates Solicitors, Redfern; and
- > Lexis Nexis.

## BARRISTERS

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

- > Nicholas Eastman;
- > Steve Boland;
- > Michelle Campbell;
- > Dan O'Sullivan; and
- > Jim Pearce.

## FIRMS

We are grateful for the support during this year to the following firms, which continue to provide placements to assist with regular daytime advice sessions:

- > Artemis Legal
- > Corrs Chambers Westgarth
- > Henry Davis York
- > Keddie/Slater and Gordon
- > Lander & Rogers Lawyers

RLC appreciates the ongoing support from the following firms:

- > DLA Phillips Fox (now DLA Piper Australia) for assistance with preparation of a shadow report for the disability sector on the compliance of Australia with the Convention on the Rights of Persons with Disabilities and for continuing practical support with property searches, dictation and new chairs;
- > Lander & Rogers Lawyers for advice on options for future structures;
- > Ashurst (Blake Dawson) for advice to RLC on management; and
- > CostsPlus for support on legal costing.



## 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.

### **Gilbert + Tobin Lawyers**

Gilbert + Tobin Lawyers continue to act as a pro bono partner to the Sydney WDVCS, accepting referrals for clients not eligible for Legal Aid and assisting with law reform and policy submissions. Gilbert + Tobin Lawyers drafted a research paper and policy submission supporting specialised domestic violence courts/court lists in New South Wales and submissions to the New South Wales Department of Attorney General and Justice on the statutory review of the *Crimes (Domestic and Personal Violence) Act 2007*. Gilbert + Tobin Lawyers also prepared a proposal to the Attorney-General on behalf of Sydney WDVCS for specialised Apprehended Domestic Violence Order Court Lists across NSW and assisted Sydney WDVCS in drafting a parliamentary submission to the NSW Council Select Committee Inquiry into the partial defence of provocation.

### **King & Wood Mallesons Lawyers**

RLC's Inner Sydney Tenants' 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. We would like to particularly acknowledge contributions by Amy Munro, Duncan Campbell, Trish Henry and David Ananian-Cooper for the legal advice they provided our tenants with complex matters before the Tribunal and the District Court. King & Wood Mallesons' assistance with the legal checking, writing and printing of the Boarders and Lodgers Legal Information Kit was greatly appreciated. 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, enabling the Credit and Debt team to take on more involved matters. This partnership is an important resource for the Credit and Debt team.

### **Clayton Utz**

The employment law practice had a highly successful partnership with Clayton Utz this year. In partnership, RLC and Clayton Utz designed and delivered a scheme for the provision of advice and representation to applicants in unfair dismissal conciliation matters. Clients in the scheme were allocated to a seconded solicitor from Clayton Utz, who advised the client on their unfair dismissal matter, represented them in the conciliation of their application, and assisted with the details of the settlement.

Most of the clients in the scheme successfully resolved their applications at conciliation. Terms of settlements for clients in the scheme included:

- > Return to work;
- > Positive references or statements of service;
- > An apology;
- > A charitable donation in the client's name; and
- > Financial compensation.

26 clients were assisted through the scheme. Alissa Crittenden, Catherine Brown, Richard Baird, Tania Scott, Ana Totoeva, Michael Chan, and Richard Abraham from Clayton Utz were seconded to RLC for the purposes of the scheme. All of those solicitors attended training provided by RLC. Clayton Utz also provided premises for clients and their solicitors to attend telephone conciliations. Feedback from clients was overwhelmingly positive, and the outcomes achieved by the clients in the scheme suggest that the involvement of solicitors at the conciliation stage of proceedings had a significant impact on the outcomes for applicants.

## COMMUNICATIONS

This year, RLC embarked on a project to develop a brand new website. Consultation with the community and stakeholders has been an important part of pre-development planning. RLC ran four focus groups with Aboriginal people, Russian people, journalists and community workers, to hear their views on what they would like from the new RLC website. We learned a great deal from these groups and the consultations have significantly impacted the architecture of the new site.

RLC continued to produce our bi-monthly ebulletin, Redfern Legal, which aims at contributing to the legal knowledge of the community in our key areas of law through the provision of case notes and interesting legal developments. One edition featured poetry by one of our clients!

<http://www.rlc.org.au/news-html/rlc-e-bulletins.html>

Finally, RLC's social media presence through facebook and twitter has continued to grow and we're very much enjoying utilising these innovative communications tools to interact with community members and stakeholders as well as to take part in the public debate.

**Sophie Farrell**  
Communications and  
Volunteer Manager



# DOMESTIC VIOLENCE

Sydney Women's Domestic Violence Court Advocacy Service and Yellow Card Project

RLC's Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDV CAS) assists women in court proceedings for apprehended domestic violence orders (ADVO) at Downing Centre, Balmain, Newtown and Waverley Local Courts. RLC's Yellow Card Project links victims of domestic violence with support services. When police are called to a domestic violence incident, they offer the victim a yellow card to sign, which enables our service to contact the victim to link them with support.

## CASE STUDY: RELUCTANT TO CHALLENGE ADVO EXTENSIONS

*Barbara (not her real name), an Aboriginal woman, had a previous relationship with Tony. The relationship was marked by violence, which escalated when the relationship finished several years ago. During the period after they separated, Tony went to the police and complained that Barbara had assaulted him. Barbara agreed that she had hit Tony, but said it was in the context of violence against her. She made a plea of guilty to the assault charge and an ADVO was made against her for a period of two years. Shortly after, Tony complained to police when Barbara attended a party within the exclusion zone stipulated in the ADVO. Barbara was arrested and found guilty of the breach and spent some time in jail. At the end of the twelve-month ADVO, Tony asked police to extend the order on the grounds of the breach. At court, Barbara was reluctant to have the application go to a hearing because she felt very frightened about giving evidence, so she agreed to a two-year extension of the order. Shortly before this second order was due to expire, Tony made a private application through the Chamber Registrar to again extend the order, this time for a further two years. Tony claimed that Barbara was contacting him and when Sydney WDV CAS interviewed Barbara it was clear that she had had contact with Tony, but only when he attended her house with his new partner for a drink. They had also exchanged friendly SMS messages and photos of their pets.*

*Sydney WDV CAS encouraged Barbara to defend the third ADVO and arranged representation for her through the Domestic Violence Practitioner Scheme. Statements were obtained from Barbara and her witnesses in accordance with the new domestic violence Practice Note. When Tony was served with the statements, which disputed his version of events, he withdrew his application.*

**DURING THE PAST TWELVE MONTHS WE CONTINUED TO SEE A DISPROPORTIONATE NUMBER OF ABORIGINAL WOMEN AS DEFENDANTS IN ADVOS, CHARGE AND BREACH MATTERS.**

## ABORIGINAL CLIENTS

Sydney WDV CAS Aboriginal Specialist Worker, Charmaine Weldon, continues to provide highly effective court advocacy to Aboriginal clients, and Donna Polletti from the RLC Yellow Card Project attends the Downing Centre Court as a seconded worker on a weekly basis to provide culturally appropriate court advocacy to our Aboriginal clients. In addition, Wirringa Baiya Aboriginal Women's Legal Service provides seconded workers to the Sydney WDV CAS seconded worker roster.

During the past twelve months we continued to see a disproportionate number of Aboriginal women as defendants in ADVOS, charge and breach matters. Our casework continues to indicate that Aboriginal women are often very reluctant to defend an ADVO and charges, often preferring to enter a guilty plea or agree to an order.

## CULTURALLY AND LINGUISTICALLY DIVERSE CLIENTS

Our casework shows that in many defended hearings, women of culturally and linguistically diverse (CALD) backgrounds are accused of seeking an ADVO for the purposes of gaining permanent residency. And overwhelmingly, the problem for women of CALD backgrounds on spousal visas continues to be the threat of withdrawal of the defendant's sponsorship if the woman reports the violence against her. One of the greatest advantages of the Yellow Card client referral from police is the ability to dispel any myths about residency and sponsorship at a very early stage of the ADVO proceedings.

A further problem for CALD clients is the reluctance of some police to involve an interpreter when a complaint is made, leaving clients vulnerable to further abuse.



## CASE STUDY: LANGUAGE BARRIER LEADS TO TRUST BREAKDOWN WITH POLICE

Mary (not her real name) was attacked by her ex-partner in front of her three small children. Mary called the police when her ex-partner left the house, however not properly understanding her need for urgent assistance, the police took almost an hour to respond and in the meantime the ex-partner had returned to the location and assaulted her a second time. When police finally arrived at the location, our client's distress and the language barrier meant the police left without understanding that she had twice been assaulted that evening, both times in front of the children. It was not until two days later, when the Domestic Violence Liaison Officer (DVLO) returned to work and reviewed the event and then used an interpreter to make a follow up call to Mary, that her situation was fully understood. Mary refused any further assistance from police, but did consent to a call from Sydney WDV CAS. We were able to find a refuge for Mary and her children and to provide other referrals, including family law advice, but we were not able to persuade her to make a statement to police about the assault.

## OLDER CLIENTS

We have seen an increasing number of older women seeking the protection of an ADVO. In the past year we saw 236 clients over the age of 50, with 92 of these clients being over the age of 60. Some of these clients were seeking an order against a long-term partner, others had entered more recent relationships that had become abusive, but the majority of these clients were being abused by their adult children. Clients reported that many of these adult children have drug and alcohol problems and were abusing them for money. We have found that even in cases where the abuse was potentially life threatening, mothers and grandmothers were very reluctant to report their children and grandchildren to police.

## PRACTICE NOTE

The new Local Court Practice Note for domestic and personal violence proceedings has entailed extra work for Sydney WDV CAS. Applicants must now serve a written statement on defendants, and defendants must serve a written statement in reply before a hearing date is set by the court. Many clients have required assistance to write and serve statements, and there appears to have been a decline in private applications and cross applications for orders. There has also been a marked decline in police applications where no charges have been laid.

## YELLOW CARDS

During the past twelve months, Sydney WDV CAS has further expanded the use of the police Yellow Card client referral system. We took 510 pre-court referrals via the Yellow Card for women with ADVO matters at Redfern, City Central, Surry Hills, The Rocks, Kings Cross, Eastern Beaches, Eastern Suburbs, Rose Bay and Botany Bay Local Area Commands. Although this has increased our workload, it has had very positive results for women who consent to pre-court contact by signing the Yellow Card. We contact these women before their court date to answer any questions about how the ADVO and any related charges will proceed through the court, the different outcomes that can be anticipated, and provide advice about varying or withdrawing orders and provide any relevant pre-court referrals. Our casework indicates that clients who have been contacted before court and then attend court on the first mention date are much more likely to engage with the justice system and to obtain the outcome they want.

## SECONDED WORKERS

The Sydney WDV CAS seconded worker roster has been expanded, with approximately 49 seconded workers attending Downing Centre, Waverley, Newtown and Balmain courts on AVO list day on a rostered basis.

Seconded workers are trained by Legal Aid and are drawn from agencies that provide assistance to victims of domestic violence, including refuges, health centres, community neighbourhood centres and community legal centres. Seconded workers assist with client intake at court and provide invaluable knowledge, support and assistance to our clients.

## LAW REFORM

The past year has seen a number of domestic violence related inquiries and reviews. Sydney WDV CAS has been involved in the following:

- > Submission to the statutory review of the *Crimes (Domestic and Personal Violence) Act 2007*.
- > Submission to the National Human Rights Baseline Study Consultation.
- > Submission to the Parliamentary Inquiry into Domestic Violence Trends and Issues.
- > Gave evidence at the Parliamentary Inquiry into Domestic Violence Trends and Issues.
- > Consultation for the review of the Victims Compensation Scheme.
- > Consultation for the 'Better Court Support' Review.
- > Victims Services consultation 'Victims of Crime and the Media'.
- > Roundtable consultation with the International Rapporteur on violence against women, Rashida Manjoo.
- > Roundtable consultation with the Department of Justice and Attorney General on the new NSW Domestic Violence Framework.

Charmaine Weldon is a member of the NSW Premier's Council for Preventing Domestic Violence Against Women and Susan Smith is a member of the Apprehended Domestic Violence Legal Issues Coordinating Committee (AVLICC) at the Department of Justice and Attorney General.

# TENANCY AND HOUSING

Inner Sydney Tenants' Advice and Advocacy Service (ISTAAS)

## BOARDERS AND LODGERS

Boarders and lodgers are amongst the most vulnerable of renters and are in desperate need of legal protection. Boarders and lodgers are not covered by the Residential Tenancies Act 2010, or any other piece of legislation. The Residential Tenancies Act 2010 now also excludes sub-tenants who do not have a written agreement. This group now have to take any tenancy matters (such as bond disputes) to the Local Court, as most boarders and lodgers are required to do.

In August 2011, RLC's ISTAAS launched The Boarders and Lodgers Legal Information Kit, which was published with funding from the Lord Mayor Clover Moore MP Salary Trust. ISTAAS's pro bono partner King & Wood Mallesons' Human Rights Law Group provided invaluable assistance with the content and publication of this excellent new resource. The Legal Information Access Centre has distributed The Boarders and Lodgers Legal Information Kit to all public libraries, as well as to all Corrective Services libraries.

RLC's ISTAAS provide training to volunteer solicitors from Marrickville Legal Centre, Kingsford Legal Centre and Inner City Legal Centre on the complexities of legal issues for boarders

and lodgers. ISTAAS also ran community education sessions on this area of law for community workers, student welfare workers and tenant advocates from the NSW Tenancy Services Network.

After more than thirty years of lobbying by RLC and numerous community organisations, the NSW government has recently released the draft Boarding Houses Bill 2012. This Bill mainly focuses on regulations for boarding houses, however also proposes an occupancy agreement to cover tenants in premises with five or more residents. Unfortunately, the two main issues boarders and lodgers contact ISTAAS about - termination and non-return of bond - are not covered at all or are inadequately addressed. For example, the Bill proposes that residents will be given 'reasonable' notice of termination. ISTAAS submits that there should be a minimum termination period of seven days. The Bill also does not require landlords to lodge a resident's security deposit with Renting Services, nor does it allow residents to take a bond dispute to the Tribunal.

ISTAAS is hopeful that ongoing lobbying by Tenants' Advice and Advocacy Services will result in these issues being addressed and that boarders, lodgers and occupants will finally have easy-to-access legal protection.

**BOARDERS AND LODGERS ARE AMONGST THE MOST VULNERABLE OF RENTERS AND ARE IN DESPERATE NEED OF LEGAL PROTECTION.**

The Hon. Clover Moore and boarding house resident Sarah Bell at the launch of the Boarders and Lodgers Legal Action Kit.



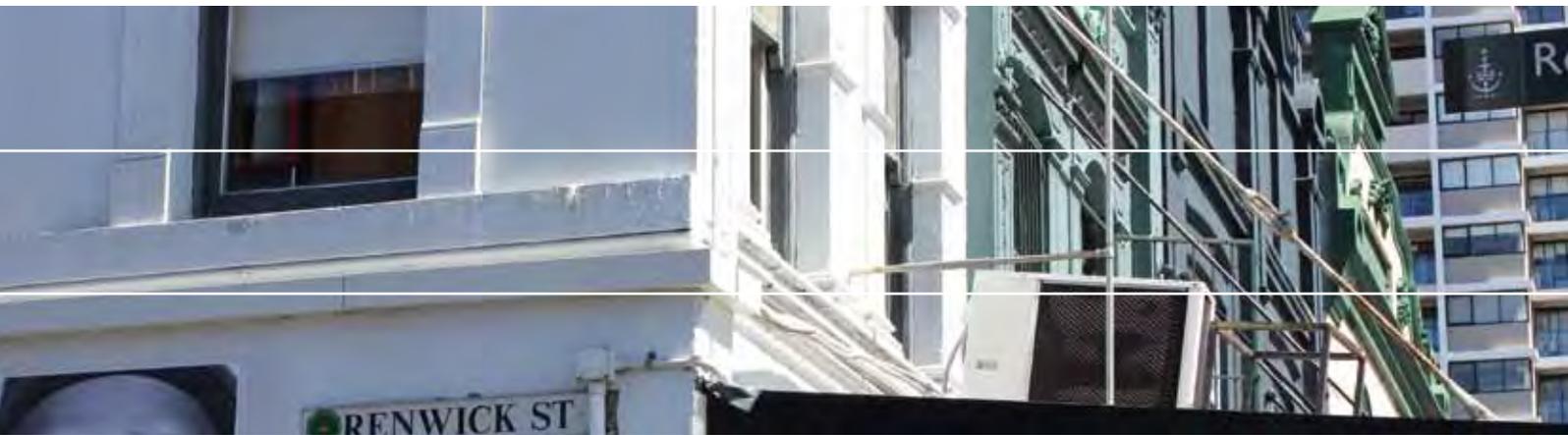
## CASE STUDY: BOARDER BOND DISPUTE

Simon rented a room in a terrace house. The house had four bedrooms, which were rented out individually. Each person had an individual 'lodging agreement' with the landlord, who didn't live at the premises.

When Simon moved out, the landlord told him that he would withhold his bond, as Simon hadn't cleaned the room properly. Simon disputed this and applied to the Consumer, Trader & Tenancy Tribunal to have his bond returned.

At the Tribunal, the landlord argued that the Tribunal didn't have authority to hear the matter, as Simon was a lodger. The landlord pointed out to the Tribunal that the lodging agreement stated that the landlord had the right to enter the room without giving notice. The landlord argued that he had retained mastery over the tenant's room and that the tenant therefore was a lodger. The Tribunal accepted the landlord's argument and found that it did not have jurisdiction to hear the matter.

Simon contacted ISTAAS and it was found that the landlord had a number of properties and rented out individual rooms in each of them. As there was evidence that the landlord was 'in trade', ISTAAS advised Simon that he could take the matter to the general division of the Tribunal, rather than having to take action in the local Court, which is expensive. The tenant applied to the general division of the Tribunal and after considering the evidence before it, the Tribunal made orders that the bond be returned to Simon.



## INTERNATIONAL STUDENTS

ISTAAS receives a high volume of calls from international students. Many international students live in overcrowded conditions, sometimes with as many as four people to a room (and another two in the lounge room) paying on average \$150 - \$250 per week in rent. ISTAAS is aware of people making a living by renting multiple apartments and sub-letting to international students, often without the knowledge and consent of the owner.

International students in this situation often don't know the full name of the person they are paying rent to and commonly pay cash in hand. Usually there are strict house rules and often the head tenant collects fines for breaking these rules. Sometimes building management becomes aware that there is overcrowding, and the head-tenant is issued with a notice of termination. The students usually are not aware of this and find themselves having to vacate the premises without warning.

International students regularly find it difficult to get their bond back, as the head-tenant or landlord is aware that they have to return to their home country usually within days or even hours of vacating the premises, and will not be able to take legal action for return of the bond.

ISTAAS also had calls from international students who had been victims of outright fraud. NSW Fair Trading has investigated these matters, but as the perpetrators reside in the UK or New Zealand, were unable to prosecute. In these matters, people have rented out properties that don't exist, forged land title documents to prove that they own the property, and in one instance the perpetrator sent fake photos of their honeymoon in Hawaii as an explanation as to why they could not meet the tenant at the airport. Usually they receive bond payments and rent in advance and often demand more money just before the student leaves their home country, explaining that somebody else is interested in the property and has offered them higher rent.

As a result of the high volume of calls ISTAAS receives from international students, RLC decided to establish a state-wide international student service.

**MANY INTERNATIONAL STUDENTS LIVE IN OVERCROWDED CONDITIONS, SOMETIMES WITH AS MANY AS FOUR PEOPLE TO A ROOM PAYING ON AVERAGE \$150 - \$250 PER WEEK IN RENT.**

## HOUSING NSW REPAIRS (OR THE LACK THEREOF)

ISTAAS has not received a funding increase since 1998, yet the rental market has dramatically increased during this time, resulting in ISTAAS having to follow strict case intake criteria. This means the service can only provide intensive assistance to the most vulnerable tenants and to tenants who are in danger of becoming homeless.

When ISTAAS ran regular drop-in sessions for Russian Housing NSW tenants in 2011 it became obvious that Housing New South Wales failing to conduct major repairs was a serious issue. ISTAAS assisted a tenant who had water running through his home for months on end, resulting in lifted floorboards, wet and mouldy carpets, and mould growth throughout the unit. Another tenant had part of the ceiling collapse, having to cook with an open umbrella when it was raining and living in fear of the ceiling falling down every time she had a shower.

ISTAAS has been successful in getting repair orders in the Tribunal, as well as compensation for loss of amenities. Unfortunately, we had many cases where Housing NSW ignored the orders for repairs, and frequently had to renew our application.



*Acting ISTAAS Coordinator, Phoenix van Dyke, at the launch of the Housing NSW Repair Kit.*

# TENANCY AND HOUSING

The Chairperson of the Tribunal has referred some of our matters to the Commissioner for Fair Trading for investigation and possible prosecution for non-compliance with Tribunal orders. To date, the Commissioner has not replied to our inquiries as to the outcome of these referrals, so we do not know whether these matters were investigated.

Repair matters are the responsibility of the Asset Team. This team comes under the Department of Finance and Services, and is no longer under the umbrella of Housing NSW. Housing NSW client service officers can no longer raise repair orders, or have any say in whether and when repairs will be done. They also no longer have authority to agree in the Tribunal to have repairs done without having had the approval from the Asset Team. As one client service officer said to ISTAAS: "We are getting hammered in the Tribunal, because repairs are not done. Then we get hammered by the Asset Team, because the Tribunal made orders for repairs". This situation is extremely frustrating for tenants, advocates and client service officers alike and seems unworkable.

In February 2012, ISTAAS launched the Housing NSW Repair Kit, a handy guide for public tenants on how to get repairs done. We published this kit with funding from the Lord Mayor Clover Moore MP Salary Trust, and Clover Moore launched

## CASE STUDY: PREGNANT WOMAN FORCED TO LIVE WITH LEAKY ROOF, SEVERE DAMP AND MOULD.

*Gina (not her real name) contacted ISTAAS after four years of asking Housing NSW to repair a leaking roof and a severe damp and mould issue. Gina was deeply concerned for the wellbeing of her newly pregnant daughter who lived with her under these damp and unhealthy conditions.*

*ISTAAS assisted Gina with a Tribunal application for repairs and rent reduction. The Tribunal made repair orders and awarded a large amount of compensation. Housing NSW (who did not attend the hearing) put in a rehearing application against the award of compensation, but a rehearing was not granted.*

*When Housing NSW did not conduct the repairs as ordered by the Tribunal, ISTAAS renewed the application. By this time, Gina's daughter was close to full term. Housing NSW submitted that they would not be able to comply with the orders made, as the cost was too great, and said that they were going to sell the house. The Tribunal, on seeing photos of the state of the premises, granted 100% rent reduction for the time the orders had not been complied with and ordered that Housing NSW pay for a hotel close to Gina's daughter's hospital till alternative housing had been found.*

*Gina was rehoused in another premises two streets from her old house. Unfortunately, her new house also has damp and mould problems, due to a rusty downpipe. Gina had to apply again to the Tribunal for repair orders, and yet again, these orders have not been complied with.*

the kit at Redfern Oval. Approximately 30 Housing NSW tenants attended the launch, and many told the stories of their frustration and despair about not living in safe and secure housing.

ISTAAS presented a short video interviewing Housing NSW tenants about their experience in trying to get repairs done at the policy and law reform workshop of the quarterly Community Legal Centres Meeting, and again at the NSW State Conference of CLCs. As a result, the NSW Community Legal Centres made repairs in public housing one of their law reform

priorities. A Housing NSW repair campaign group now meets regularly to discuss strategies on how to achieve our objective to get Housing NSW to maintain premises in reasonable state of repair, and to promptly action necessary repairs and maintenance.

ISTAAS met with Jamie Parker, MP for Balmain, to discuss this issue and he raised it in Parliament and asked questions about Housing NSW repairs to the Minister for Finance and Services, the Hon. Greg Pearce.

**A HOUSING NSW REPAIR CAMPAIGN GROUP NOW MEETS REGULARLY TO DISCUSS STRATEGIES ON HOW TO ACHIEVE OUR OBJECTIVE TO GET HOUSING NSW TO MAINTAIN PREMISES IN REASONABLE STATE OF REPAIR, AND TO PROMPTLY ACTION NECESSARY REPAIRS AND MAINTENANCE.**



Natalie Bradshaw and Phoenix van Dyke won a TAAPSTAR Award, the Dead Rabbit Award and the People's Choice Award for Casework.

# DISCRIMINATION AND HUMAN RIGHTS

## CONSOLIDATION OF FEDERAL ANTI-DISCRIMINATION LAWS

RLC continued to be actively involved in the Attorney-General's project to consolidate federal anti-discrimination laws. In September 2011 the government released a Discussion Paper, and RLC worked with other community legal centres on a detailed submission in response by the National Association of Community Legal Centres (NACLC).

Key recommendations made by NACLC include:

- > a simplified and unified definition of discrimination;
- > reversal of the onus of proof;
- > extension of protection from harassment to all protected attributes;
- > an expanded list of protected attributes including sexuality and gender identity, irrelevant criminal record, religious belief and activity, and being a victim of domestic violence, "other status" and intersectional discrimination;
- > removal of religious exemptions; and
- > greater powers for the AHRC to address systemic discrimination.

A representative from RLC attended the Attorney-General's Sydney Round Table on the consolidation project, and RLC Senior Solicitor, Natalie Ross, spoke at the Human Rights Law Centre's conference "Reforming Australia's Equality Laws" in Melbourne.

For the NACLC submission see <http://www.rlc.org.au/about-us/submissions.html>

## RLC HELPED JIM MAKE A COMPLAINT OF DISABILITY DISCRIMINATION TO THE NSW ANTI- DISCRIMINATION BOARD AND ATTENDED A CONCILIATION CONFERENCE WITH HIM.

### NATIONAL HUMAN RIGHTS ACTION PLAN

Since late 2010 the government has been working on a new National Human Rights Action plan, informed by a Human Rights Baseline Study. RLC made submissions in response to both the draft Baseline Study and the Draft National Human Rights Action Plan.

RLC submitted that the Baseline Study "falls significantly short of meeting both its potential and its requirements. The document as it stands is a compilation of government initiatives, plans and achievements directed at a range of 'minority groups.'" The Baseline Study failed to systematically consider the full range of human rights obligations that Australia is committed to upholding as a party to the seven core human rights treaties.

RLC had similar concerns about the Draft Action Plan. In our submission we stated, "Our overall comment on the Exposure Draft is that, like the Baseline Study, it seems to be largely a list of existing and proposed Commonwealth and Victorian programs. It is not a plan to strengthen human rights protections in Australia in a systematic way across the full range of human rights obligations. Further, unlike the Victorian actions in the Draft Plan, most of the Australian Government actions in the plan do not have performance indicators and only have vague timelines."

### CASE STUDY: DISCRIMINATION BY COMMUNITY HOUSING PROVIDER

*Jim (not his real name) had been living with HIV/AIDS for many years, and was a tenant in a supported accommodation program run by a community housing organisation. Jim wanted to move because of harassment from his neighbours who called him a faggot, a dog and a paedophile. Jim came to RLC with his social worker because he felt that the community housing organisation was not treating him fairly in dealing with his application for a transfer to a different location.*

*Jim claimed that the community housing organisation was placing a condition on him that he have contact with a number of specific health service providers, and that if he did not comply he would not succeed in being transferred. Jim felt that he was being treated differently because of his medical condition.*

*RLC helped Jim make a complaint of disability discrimination to the NSW Anti-Discrimination Board and attended a conciliation conference with him. Jim's complaint was successfully resolved at conciliation. The community housing provider confirmed that it was up to Jim to decide who his treating health services should be, and soon after the conciliation Jim was transferred to another unit in a different suburb.*

# INTERNATIONAL STUDENTS

## NEW SERVICE FOR INTERNATIONAL STUDENTS

In 2011 RLC decided to start a new service for international students. From the work of our solicitors at Sydney Institute of TAFE and Sydney University Post Graduate Students Association, we were aware that many international students experienced legal problems, and that many were exploited and were the victims of scams based on their lack of knowledge of Australian law, their limited time in Australia, poor English language skills and lack of family and friends for support.

Before starting the service we consulted with people from universities, student and migrant groups about the legal needs of international students and there was universal agreement on the need for a service for them.

From October 2011 RLC has been offering advice to international students from anywhere in NSW (face to face or by telephone) each Wednesday evening with the assistance of volunteer lawyers and migration agents. The most common problems have been related to accommodation, particularly failure to return bonds. The other main areas of advice have been student visas, complaints about education providers and education agents, fines, motor vehicle accidents, employment and sexual harassment, domestic violence and victims compensation. RLC hopes to get funding in the future so that we can expand our services to international students to include casework, community education and law reform work.

## CASE STUDY: INTERNATIONAL STUDENT ACCOMMODATION SCAM

*Wen (not his real name) was an international student from China who came to Australia to study English. When he arrived his English was very limited. He booked homestay accommodation in Sydney via a Chinese language website. He understood that the accommodation was with a Mandarin speaking family.*

*When he went to the home he was asked to sign an agreement in English that he could not understand. When he requested a copy of the agreement, he was told he would have to pay \$300 to get a copy. He paid a bond of \$1000 and was not given a receipt. Instead of living with a family he found that there were five other students living in the house, along with the mother of the home owner. There were a myriad of unreasonable rules, such as no cooking in the kitchen, and having to wash his clothes together with those of the other students at set times. There was no lock on the door of his room.*

*Wen decided soon after moving in that he had been misled and gave four weeks notice that he would be moving out. When he moved out the home owner refused to return the \$1000 bond.*

*We advised Wen that as there were six students boarding in the house, it was arguable that the home owner was in the business of letting accommodation. RLC helped Wen to make an application to the General Division of the CTTT to recover his bond. The case was settled at conciliation before the CTTT hearing when the homeowner agreed to return Wen's bond.*

**“...WE WERE AWARE THAT MANY INTERNATIONAL STUDENTS EXPERIENCED LEGAL PROBLEMS, AND THAT MANY WERE EXPLOITED AND WERE THE VICTIMS OF SCAMS...”**

# CREDIT, DEBT AND CONSUMER COMPLAINTS

## CONSUMER CREDIT AND RESPONSIBLE LENDING

Since the introduction of significant reforms to the laws governing consumer credit in Australia, the Credit and Debt team has maintained a focus in its casework on the new responsible lending provisions. The responsible lending provisions provide important protection for consumers. Previously, consumer advocates relied on the concept of "maladministration" to challenge credit provided to consumers. The provisions relating to responsible lending place greater responsibility on lenders to ensure that the loan or credit provided to the consumer is appropriate, or "not unsuitable".

We actively pursued matters arising under the new laws, and continued to assist clients with consumer credit matters arising under the old Consumer Credit Code.

## CASE STUDY: BREACH OF RESPONSIBLE LENDING PROVISIONS

*Laura (not her real name) came to RLC with a complaint about her credit provider, Citibank. In March 2011, Laura saw a TV ad for Citibank's offer of "zero interest on balances transferred," for new customers transferring their credit card debt to a Citibank card. Laura thought that this would be a good way to pay down her credit card debt, and so she applied for the card.*

*Laura received phone calls from Citibank customer service representatives, who advised her that her application had been approved and that she would receive it in the mail.*

*Laura received the card and a letter saying she had been approved for a balance transfer of only \$2,500.00 (not \$6,500.00 as requested). Contrary to the advertisements, Laura was charged interest on this account. Laura contacted Citibank and received verbal confirmation that a 0% interest rate applied to her account. However despite requests, she received no written confirmation.*

*Laura wrote to Citibank setting out her concerns. Laura was told that she had not been granted the card for which she had applied, but rather a different card, which did not have the same features as the one she wanted. As Laura did not meet the income requirements for the card she had applied for, she had automatically been downgraded to a different card. A letter advising Laura of this had been sent, but Laura did not receive it until after she had activated the card.*

*We assisted Laura to make a further complaint to Citibank about their decision to automatically process Laura's application for one card as an application for a different card, without her knowledge or consent. Citibank told us that their "Privacy Consent" form contained a clause that authorised them to do this. In agreeing to the terms and conditions of the Privacy Consent, Citibank argued that Laura had consented to this.*

*Citibank's actions appeared to us to be a breach of the responsible lending provisions of the National Consumer Credit Protection Act. Citibank appeared to have completely failed to assess whether the card granted was suitable for Laura's purposes, having regard to Laura's requirements, objectives and financial situation.*

*We assisted Laura to make a complaint to the Financial Services Ombudsman. We managed to negotiate a satisfactory outcome for Laura. However, it took over a year to resolve this complaint, demonstrating how hard it can be for consumers to fight back against their financial services providers (FSP).*

## PAYDAY LENDING

The topic of payday lending has come under much scrutiny recently, with Parliament's proposed reforms to the payday-lending (or "small amount credit contracts") sector. RLC made a number of submissions during the reform process, including:

- > A submission to the April 2012 Treasury Discussion Paper "Strategies for reducing reliance on high-cost, short-term, small amount lending".
- > A submission on the Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011. The Government sought comments on the Bill, which proposes to amend the Credit Laws as they affect a number of areas including hardship provisions, reverse mortgages, consumer leases and small amount credit contracts (or payday loans). This submission incorporated our previous submission to Treasury on 7 September 2011 commenting on the proposed Credit Enhancement Bill regarding small amount credit contracts.
- > A submission to Treasury on 7 September 2011 commenting on the proposed Credit Enhancements Bill. Treasury sought comments on the Bill, which proposes to amend the credit laws as they affect small amount credit contracts (or payday loans), and which will introduce a national cap of 48% on the amount of fees, charges and interest that can be applied to other consumer credit contracts.
- > Redfern Legal Centre made a submission to the April 2012 Treasury Discussion Paper "Strategies for reducing reliance on high-cost, short-term, small amount lending"

**PAYDAY LOANS ARE A REAL CONCERN FOR OUR CLIENTS. THEY ARE EXPENSIVE AND UNAFFORDABLE, AND OFTEN LEAD TO LONG-TERM INDEBTEDNESS.**

# CREDIT, DEBT AND CONSUMER COMPLAINTS

## CASE STUDY: UNJUST CONTRACT PROVISIONS

*Our client, Paul (not his real name) is a man with a chronic mental illness. Although when he was younger Paul was employed full time and got a home loan, he has been on the disability pension for the last 10 years, supplemented with some casual work. Apart from his mortgaged flat, Paul's only asset was a new car purchased for him by his mother after the death of his father.*

*Paul had numerous health problems, which prevented him from working, and many unpaid debts. Paul contacted a pawnbroker and pawned his car, purchased by his mother for \$15,000, for a loan of \$5000.*

*The terms of the pawn broking agreement were that the car had to be redeemed within three months, and the interest rate was 240% pa or \$1000 a month. Paul came to RLC when he was unable to redeem his car at the end of the three month period. Paul's car was sold by the pawnbroker, and after sale and storage expenses and the interest payments there was no money returned to Paul from the sale.*

*RLC acted for Paul in a claim in the Local Court against the pawnbroker under the unjust contract provisions of the National Credit Code. We argued that the pawn broker failed to make any inquiries about Paul's capacity to repay the loan, and that if reasonable inquiries had been made it would have been clear that Paul had no capacity to repay the loan. We also argued that Paul was not reasonably able to protect his interests because of his mental illness, and that the interest and other charges were excessive in the circumstances. The claim was settled with a payment to Paul by the pawnbroker.*

## TELECOMMUNICATIONS SERVICE PROVIDERS

The telecommunications sector also underwent significant reforms, most notably the review and reform of the Telecommunications Consumer Protection Code. RLC's clients frequently seek advice about problems with their telecommunications service providers. RLC maintained an active profile in the telecommunications area, making the following submissions:

- › RLC submitted a response to the Australian Communications and Media Authority report, "Reconnecting the Customer" on 22 July 2011.
- › RLC made a submission on the Department of Broadband, Communications and the Digital Economy's Discussion Paper on the Reform of the Telecommunications Industry Ombudsman (TIO). In our submission, we made a number of suggestions for reform of the TIO.
- › RLC continued to work with and support the Australian Communications Consumer Action Network (ACCAN). RLC supported ACCAN's successful campaign to review the charges associated with calls to 13 and 1800 numbers free when called from a mobile.

## WORKING WITH FINANCIAL COUNSELLORS

RLC continued to provide its telephone and email support service for financial counsellors in NSW, who are able to contact RLC with legal questions.

## REFERRAL INTAKE

In order to provide assistance to financial counsellors across NSW, RLC broadened its intake policy beyond our catchment area to include clients in NSW with credit and debt matters who are referred by a financial counsellor or community organisation. This provides additional support to financial counsellors and allows them to increase their client intake by referring their more complex matters.

The majority of our open cases in Credit and Debt at present are referrals from financial counsellors.

## COMMUNITY LEGAL EDUCATION

RLC continued to publish Financial Counselling Tidbits, which are sent to financial counsellors across NSW. The "tidbits" are usually 2-3 pages long and focus on an area of the law that is of practical interest and relevance to financial counsellors. The tidbits have proven to be very popular, and we have increased our mail-list to 153 financial counsellors.

Michelle Schonstein attended the Financial Counselling Association NSW (FCAN) Annual Conference 2011, and gave a presentation entitled "Working with Solicitors" in association with the Consumer Credit Legal Centre.

## FACTSHEETS

Revised and new Credit and Debt sheets have been completed and now live on the website. These factsheets are a useful resource for financial counsellors for their own use, and can also be provided to clients. The factsheets have been revised to include information about the recent changes to consumer credit laws.

## LAWYERS PRACTICE MANUAL UPDATE

RLC was contracted by Thomson Reuters to update the "Acting for a Debtor" chapter in the NSW "Lawyers Practice Manual", which is an informative, step-by-step resource for advocates for debtors.

## ENERGY

RLC's Credit and Debt team has noticed an increase in the number of energy-related matters arising from disputes with energy providers, particularly amongst low-income earners. Disputes relate primarily to billing issues and telephone or door-to-door marketing.

# POLICE AND GOVERNMENT ACCOUNTABILITY

## OVERVIEW

RLC's Police Powers practice covers elements of criminal law, civil litigation and legislation like the Police Act and the Law Enforcement (Powers and Responsibilities) Act [LEPRA]. The aim of the area is to promote scrutiny of law enforcement as an end in and of itself, not just as a way to successfully defend criminal charges.

Over the past year, New South Wales has seen a number of concerning legislative changes and high-profile police incidents. RLC has been part of the public debate on these issues while continuing to run casework and provide weekly advice to people concerned about police behaviour.

RLC's administrative law practice has focussed for the past year on providing efficient, communicative advice to clients through our Monday night service. With only one solicitor covering both police powers and government accountability, RLC attempts to value-add as best it can. In particular, RLC's volunteer solicitors make an enormous contribution to the efficiency of the State's Tribunals by providing a trusted source of advice. Without access to independent legal advice, many people persist with claims that will not succeed in the Tribunal because they, quite rightly, do not trust a government employee who is telling them to withdraw a complaint against the government.

RLC provides state-wide service in both police powers and administrative law, forging relationships with lawyers and community workers across the state, seeking to provide advice and assistance to clients and advocates.

## POLICE COMPLAINTS

### CASE WORK

We assist clients to make formal complaints about police behaviour. People often have difficulty negotiating police complaint procedure, which uses its own set of standards (one often at odds with the courts and with public standards).

We also assist clients to request records and other information from the Police. Even where a client has not lodged a complaint, we have faced strong and counterproductive opposition from the NSW Police Force for things as simple and important as reasons why a client was tasered. Despite this opposition, we continue to assist clients in lodging formal complaints, hoping to see police disciplined for misconduct. For every complaint that we help file, there are many clients who feel too afraid to complain about police behaviour. This is because in NSW it is not just that police investigate police - it is police from the same local area.

### ADVICES

RLC regularly provides advice to community workers and solicitors across NSW on possible police complaints and issues relating to police powers generally. We aim to foster the development of police powers as an established and active area of legal practice.

### COMMUNITY LEGAL EDUCATION

David Porter conducted a session at the 2012 Community Legal Centre State Conference on making complaints under the Police Act 1990 (NSW). Training in this piece of legislation is important because internal police complaints do not provide complainants the usual standards of fairness and transparency demanded by the courts.

## POLICE LITIGATION

### LAW REFORM

RLC conducted a piece of test litigation last year in order to highlight the loophole in the law that means the NSW Police Force cannot be forced to destroy the mug shots of innocent people. At no stage during the proceedings did the Police Force offer to destroy the photographs on their own initiative, and indeed had to be asked several times to destroy the fingerprints of the falsely accused client. This case shows that the Police Force needs clear, comprehensive legislation to ensure this group of people's rights are respected.

The NSW Law Reform Commission handed down its Report into Bail law in June 2012. RLC's submission was referred to multiple times. The Attorney-General's Department is expected to release its response before the end of 2012. We recognise that campaigning must continue in order to curb police using bail as a way of administering punishment without proving guilt.

*OVER THE PAST YEAR, NEW SOUTH WALES HAS SEEN A NUMBER OF CONCERNING LEGISLATIVE CHANGES AND HIGH PROFILE POLICE INCIDENTS.*



David Porter, RLC Police and Government Accountability Solicitor, addressing the 2012 NSW Community Legal Centre Conference on making a police complaint.



Photo: Travis Un

## OCCUPY SYDNEY

RLC acted as an observer on multiple occasions at Occupy Sydney protests.

## CASE WORK

People with valid claims against the Police Force must often wait until criminal charges against them have been determined before commencing litigation against the Police. RLC currently has several clients who have been subject to unnecessary and unlawful arrest by police and intend to pursue legal remedies for false imprisonment, assault and battery once their criminal defence is concluded.

In NSW, arrest is a power of last resort. Yet over the past year, we have advised on several cases where police have used arrest at their convenience. We have even had the baffling situation of a person arrested, taken to the station and held in custody only to then be issued with on-the-spot paperwork. This is such a fundamental misunderstanding of the power to arrest that we do everything we can to encourage these clients to pursue claims - whether that be through RLC, Legal Aid or private solicitors.

## MEDIA WORK

The use of drug detection dogs, and their phenomenal failure rate, is a discussion that RLC has contributed to over the past year and one which we will continue to contribute to in the future. The NSW Police Force consistently misrepresents the available statistics, and is on the record in calling for expanded search powers for officers. RLC will continue to represent the public interest and resist police grabs for power.

## ADVICES

RLC regularly sees new clients who are the target of what would ordinarily be called police harassment. In NSW, it is often described as 'proactive policing'. Young people, Aboriginal people, those with mental health issues - these clients describe scenarios where they are stopped several times a day, searched and baited verbally. Particularly for people with mental health issues of depression and persecution, this level of police attention frustrates the client's treatment plan and prospects of rehabilitation. Compounding the problem is the inability of current anti-discrimination law to protect these people.

## MEETINGS

We conducted briefings for a number of candidates in local council elections on alcohol-related violence and the connected legal issues. We continue to welcome interest from candidates and incumbents on law and justice issues.

## INDEPENDENT INVESTIGATIONS

RLC continues to call for independent investigation of police complaints and serious incidents, both in NSW and nationally. RLC is an active participant in the National Police Accountability Network, which has independent investigations as one of the priority issues in every State and Territory.

**RLC REGULARLY SEES NEW CLIENTS WHO ARE THE TARGET OF WHAT WOULD ORDINARILY BE CALLED POLICE HARASSMENT. IN NSW, IT OFTEN DESCRIBED AS 'PROACTIVE POLICING'.**



# EMPLOYMENT LAW

## UNFAIR DISMISSAL ADVOCACY SCHEME

RLC and Clayton Utz worked together this year in a highly successful partnership on the Unfair Dismissal Advocacy Scheme. Most clients assisted by the scheme were able to resolve their applications successfully, and those that did resolve received a higher average payment than the general population of unfair dismissal applicants. A number of clients were offered reinstatement or reemployment by the respondent.

RLC and the seconded Clayton Utz solicitors worked successfully on clients' matters in this scheme. The bulk of advice and representation was performed by seconded solicitors. RLC provided supervision of the seconded solicitors, and administrative and logistical support.

This scheme is an excellent example of partnership between a community legal centre and a firm that results in a high quality service being offered that would not otherwise be possible.

## UNDERPAYMENTS

A significant number of clients assisted during the Tuesday evening advice service, and the unfair dismissal advocacy scheme, had issues concerning the recovery of underpaid wages. These varied from small, unpaid lump sums, to significant underpayments accrued over several years. Clients with identified underpayment matters were assisted with the calculation of their entitlements, and in making Ombudsman complaints or starting legal proceedings to recover their wages.

It was particularly significant that a number of clients with underpayment issues were not aware that they had been underpaid. Without careful and thorough advice from RLC solicitors and volunteers, they would have been unaware of this entitlement, and would not have pursued the debts owed to them.

## PREGNANCY DISCRIMINATION AT WORK

A continuing theme this year was clients requesting advice in relation to discrimination arising from pregnancy and return-to-work arrangements. Comments about the inadequacy of the Fair Work Act provisions as to negotiations about returning to work after parenting leave were included in RLC's submission to the Commonwealth Fair Work Act review. RLC continues to see a number of clients who are unable to return to work after parenting leave, because of (often) unreasonable requirements imposed by their employer.

## GENERAL PROTECTIONS APPLICANTS

RLC advised a significant number of clients this year who were applicants in general protections (adverse action) matters. Without access to a scheme such as the unfair dismissal advocacy scheme, our capacity to provide assistance and representation to this group of clients was limited. However, clients were provided with continuing support through the Tuesday evening advice service, at each stage of the preparation of matters for conciliation and hearing.

## CASE STUDY: 6 TRIBUNAL APPLICATIONS AND 3 CONCILIATIONS LATER...

*Hannah (not her real name) worked as a chef in a suburban restaurant for ten years. She was paid in cash, at less than the award rate for her classification. The employer did not keep adequate records of the hours Hannah worked, or the amounts paid to her.*

*Hannah was dismissed after she started asking questions about her minimum pay entitlements, as well as her entitlements to superannuation and long service leave.*

*Hannah filed an unfair dismissal application, and sought advice from RLC. RLC represented her at the conciliation of her unfair dismissal application, and sought advice from a barrister when the matter did not settle. On counsel's advice, the unfair dismissal application was withdrawn and an adverse action application was filed. At the same time, RLC filed a claim for Hannah's unpaid wages and entitlements.*

*Shortly after Hannah's wage claim was filed, the employer filed a Local Court claim against Hannah, alleging that the employer had lent Hannah a substantial sum of money, which had not been repaid. Hannah denied ever having received such a loan.*

*RLC attended a conciliation convened by Fair Work Australia, which was unsuccessful. The matter was filed in the Federal Magistrate's Court, and RLC attended a further conciliation conference with Hannah. This conciliation was successful, and Hannah received compensation for her dismissal and underpaid wages. The employer agreed to withdraw the claim for the loan, and both parties agreed not to bring future legal action against the other.*

*Hannah's matter was complex. It involved six separate applications in various tribunals, and three conciliation conferences in different jurisdictions. Calculation of Hannah's wage claim involved consideration of different industrial instruments, and several pieces of state and federal legislation. Hannah would have had significant difficulty in running her own legal matters, without representation from RLC.*

# BRANCH OFFICE

Sydney University Postgraduate  
Representative Association  
(SUPRA) Legal Service

## OVERVIEW

The RLC branch office at the Sydney University Postgraduate Representative Association ("SUPRA") has been in operation since late February 2008 with each of the years since being characterised by an increasing demand for the service. This service is funded by SUPRA, which in turn receives funding from the University for the service. During the period, the SUPRA Branch office of RLC has remained very busy, and has also undergone some important changes. In response to the increased demand and as a result of increased funding from the University to SUPRA following the re-introduction in 2012 of a compulsory Student Services Amenities Fee (SSAF) for all students, the legal service increased to a full time service from May 2012.

We provide 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.

We also provide regular legal and strategic advice to the four Student Advice and Advocacy Officers ("SAAOs") employed by SUPRA who deal with a variety of issues concerning students such as academic or welfare matters. In addition, we maintain a close link with and provide assistance to the other staff and office bearers of SUPRA in relation to any other legal matters that may arise, for example by providing advice in the areas of intellectual property or defamation law to office bearers or those involved in preparing SUPRA publications.

## CASE STUDY: STUDENT RECEIVES ERRONEOUS \$1600 PHONE BILL

*Ling (not her real name) was a 23-year-old international student with a mobile phone. She always tried to keep her calls and texts down so that they were under the \$49 cap. She did not use her phone for data when she was at University or home as she had access to free WiFi at both places so used her laptop. Her bill was received online and then paid by direct debit. Six months into her contract she noticed her bank account had had \$1,600 deducted from it and for her mobile phone bill. She rang the service provider and they said that it was excess data usage. She checked her bill and saw large periods of data usage at times when she was in class, at work at her casual job in a shopping centre kiosk or sleeping. The service provider refused to talk about it or look at her evidence that she could not have used the phone. They said her evidence of being elsewhere didn't prove anything as she must have left her phone connected to the internet so she had to pay. The legal service assisted Ling to make a complaint to the Telecommunications Industry Ombudsman (TIO). The complaint was resolved in her favour with a recommendation that the service provider refund the charges for the excess data.*

## CASEWORK AND ADVICE

We provide advice and casework to students on all external legal matters. In addition, as the legal service remains independent of the University, it is able to advise students on internal University matters and can represent students in conflicts with the University.

In terms of matters directly related to the University, advice and casework has mainly been provided in intellectual property, administrative, discrimination and privacy law matters.

In terms of matters external to the University, advice and casework has mainly been provided in consumer goods and services, credit and debt, criminal law, employment, fines, government and administrative law, motor vehicle accidents, road traffic and motor vehicle regulatory offences and tenancy.

## COMMUNITY LEGAL EDUCATION

In the period, the Service has provided community legal information and education sessions in the areas of intellectual property, traffic offences and fines, consumer contracts (specifically telecommunications service provider contracts), motor vehicle accidents (property damage), tenancy, privacy law and employment.

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

## PUBLICATIONS

During the period, we contributed the Legal Section of the 2012 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.

## SUBMISSIONS, POLICY AND LAW REFORM

The Legal Service's solicitor, Ingrid van Tongeren, has been involved in an advisory capacity in the SUPRA work in these areas. Specifically, the service has contributed to both external submissions written by the SUPRA staff and Council members on matters relevant to postgraduate students and international postgraduate students, and to internal policy submissions written by SUPRA staff and Council members in relation to a variety of proposed changes to University Policy and Rules.

# BRANCH OFFICE

TAFE (Sydney Institute)  
Legal Service

## OVERVIEW

The Sydney Institute Legal Service provides a comprehensive range of legal services to students and staff of the eight campuses of the Sydney Institute: Enmore Design Centre, Eora College, Gymea College, Loftus College, Petersham College, Randwick College, St George College and Ultimo College.

The Sydney Institute Student Association funds the Legal Service salaries and on-costs. RLC provides in-kind support and resources. The support from RLC has enabled Sydney Institute Legal Service to operate at a considerably low cost, utilise the expertise of RLC staff and have access to para legal assistance.

Brenda Staggs is the service solicitor and is supported by the Legal Service Project Coordinator who provides administrative and para-legal assistance.

The service provides the majority of advice through face-to-face advice sessions and approximately 10% of advices are conducted over the phone. The service also conducts Mobile Legal Clinics and attends each of the colleges during the year.

The solicitor provides representation for students who are disadvantaged by reason of disability, unfamiliarity with the Australian legal system, language difficulties and otherwise in vulnerable circumstances. Other clients are given advice and are assisted to prepare their matters if they are representing themselves. The service can also help to find free or reduced-fee legal representation through RLC referral and pro bono programs. Students with tenancy or domestic violence problems can be referred to specialist advocacy services available through RLC.

The Sydney Institute Legal Service benefits include: a service that can support the most vulnerable students and reduce stress, anxiety, alienation and exclusion; addresses the needs of international students who are cut off from family support; works cooperatively with student counselling services to address the needs of students in a holistic manner; and reduces the student drop-out rate.

The Legal Service operates 3 days a week from Ultimo office and regularly holds mobile legal clinics at its other campuses. Main areas of advice include: credit and debt, criminal law, discrimination, domestic violence, family law, employment, tenancy and fines.

## INTERNATIONAL STUDENTS

The Legal Service has been promoted at a number of events for international students, including an orientation day event for students from Sterling College where a short community legal education presentation was given. The presentation provided legal information on international students' legal obligations when working in Australia, as well as information on minimum wage thresholds in Australia and students' rights not to be discriminated at work on grounds such as race, gender, sexual orientation and disability.

## MEETING THE GAP

There are two major types of free or low-cost legal services available in the community: Community Legal Centres and Legal Aid. Not all areas of Sydney have local access to both types of services. There is no community legal centre in the St George/Sutherland area. There are specialist community legal centres that provide services in specific types of matters, however, as the capacity of these centres fall, referrals to these centres have bounced back to the Sydney Institute Legal Service.

The Sydney Institute Legal Service is a unique service and addresses some of the gaps in services for students. We work in partnership with the Student Association Counselling Service. Counsellors are easily able to identify legal problems for students during counselling sessions and make effective referrals to the Legal Service. Equally the Legal Service is able to offer counselling to students that present with legal problems but that may also need more support.

Legal Aid has stringent income and means testing. Although a client may be a full time student, if they engage in part-time work, they often do not qualify for Legal Aid. We require only that the student is enrolled at the Sydney Institute of TAFE and therefore are able to provide an accessible unique service for this group.

## STUDENT-FOCUSED SERVICE

The Sydney Institute Legal Service is a student-focussed service. When acting for students the Service is able to liaise closely with TAFE counsellors and teachers (with the students' consent). Students are able to see the same solicitor on an ongoing basis to resolve their legal problem. This enhances the approachability of the Service while enabling the solicitor to develop specialist skills in serving clients with focus on addressing needs specific to Sydney Institute of TAFE students. Seeking legal advice can be intimidating, especially for students from disadvantaged groups. A service that is integrated into the Student Association is much more approachable and accessible.

# OUR CLIENTS AND SERVICES

## STATISTICS

### INFORMATION AND ADVICE

Information activities:	2952
Number of advices undertaken:	3408

### CASEWORK

Number of files opened:	1872
Number of files closed:	1953

### PROJECTS

Community legal education projects:	135
Law reform projects undertaken:	70
Community development projects	59

### CLIENTS

Total clients assisted:	3172
Aboriginal and/or Torres Strait Islander clients	6.1%
Culturally and Linguistically diverse clients (111 different countries of origin)	30.6%

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

### TOP 10 ISSUE AREAS

Domestic Violence
Tenancy
Credit and Debt
Government/Administrative Law/Police complaints
Employment
Consumer complaints
Discrimination
Family Law
Fines/Road Traffic Offences
Motor Vehicle Accidents

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

Total client contacts:	9184
Clients assisted:	2046
First contact at court:	787
Before court contact:	510
Referred by police:	1211
Client identified as Aboriginal:	137
CALD clients:	522
Clients with a disability:	129
Clients who obtained a final ADVO for their protection:	828
Clients represented by Domestic Violence Practitioner Scheme:	175
Clients who identified as being in a same-sex relationship:	23

### INNER SYDNEY TENANTS' ADVICE AND ADVOCACY SERVICE

Total Advices:	1,957
Clients born outside Australia:	1,016
Social housing tenants:	483
Attendance at Consumer, Trader and Tenancy Tribunal hearings:	67
Number of files opened:	150

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

Total Advices and Cases:	348
Government and Administrative complaints:	34%
Civil	15%
Credit and Debt:	10%
Tenancy:	9%
Discrimination:	8%
Intellectual Property:	4%

### BRANCH OFFICE: SYDNEY INSTITUTE OF TAFE STATISTICS

Total Advices and Cases:	169
Family law and child support:	35%
Credit and Debt:	13%
Government and Administrative complaints:	13%
Tenancy:	12%
Consumer complaints:	6%



# OUR VOLUNTEERS

*RLC volunteer, Margaret Jones (winner of the 2011 Senior Highly Commended Volunteer of the Year Award), with the Hon. Tanya Plibersek MP, Helen Campbell and Hilary Chesworth on International Volunteer Day 2011.*

One of our staff, Chantel Cotterell, presented this year at the NSW Conference of Community Legal Centres on "Volunteers and Social Capital."

I love the idea of a volunteer program building social capital. We all can see the immediate benefit to RLC and to our clients from the work that our volunteer legal assistants, volunteer solicitors, practical legal training students, interns, pro bono solicitors and partners put in every day.

What is less obvious, but arguably equally if not more important, is the long term benefit or social capital that is built through our volunteer program.

Volunteer legal assistants, interns and students go on into a variety of important roles in our society and they take with them the stories and understandings of working

with disadvantaged and vulnerable community members from their time with Redfern Legal Centre.

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.

So this year I would like to thank all our volunteers for their significant contribution to the everyday life of RLC but also urge you to take the lessons learned from clients and the community onward with you in whatever you choose to do next.

**Sophie Farrell**  
Communications and Volunteer Manager

*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.*

- |                          |                       |                        |                   |                                  |
|--------------------------|-----------------------|------------------------|-------------------|----------------------------------|
| Aaranie Karthikeyan      | Annie McCall          | Claire Petrie          | Emily Keon-Cohen  | Heath McCrossin                  |
| Aditi Kogekar            | Anoushka Somasunderam | Claire Stimpson        | Emma Burrows      | Heather Choi                     |
| Ahmed Taleb              | Antonia Quinlivan     | Clemmentine Baker      | Emma Higgs        | Heather Kane                     |
| Aimy Roshan              | April Grenquist       | Corinna Lee            | Emma Lutwyche     | Helen Fahey-Shelton              |
| Alex (Alejandra) Rosales | Ara Daquinag          | Craig Biscoe           | Emma McKibben     | Henrietta Farrelly-Barnett       |
| Alex Chidzey             | Ashna Taneja          | Dafne Ardiles-Martinez | Emma Purdue       | Heran Kim                        |
| Alex Edwards             | Bandini Chhichhia     | Daniel Andreallo       | Emma Ward         | Hilary Kincaid                   |
| Alexandra Goodenough     | Ben Dummett           | Daniel Ward            | Emmanuel Vo       | Imogen Hogan                     |
| Alexandra Lillis         | Ben Hay               | Danielle Cooper        | Eric Young        | Ingrid Ibbett                    |
| Alicia Boothby           | Ben Paull             | Darren Jenkins         | Eugenia Baydikova | Ingrid Stear                     |
| Alistair Carmichael      | Blaise Lyons          | David D'Souza          | Eunice Lee        | Irena Petchanatas                |
| Amanda Harvey            | Briana Jurgeit        | David Vallance         | Flora Zaydenberg  | Ishanee Biswas                   |
| Amber Karanikolas        | Britt Smith           | Dennis Mak             | Frosanna Kelso    | Jack Orford                      |
| Amber Kelly              | Cadence Barkelew-Catt | Dominik White          | Gabriella Mesiti  | Jada Lam                         |
| Amy Hill                 | Carl Hagon            | Eden Baker             | Gavin Hollamby    | Jamie Hutchinson                 |
| Amy Munro                | Carmen Terceiro       | Edmond Chu             | Genevieve Schulz  | Jane Wurth                       |
| Andrew Bauman            | Carolyn Burton        | Edmond Lo              | Georgina Owens    | Janet Simpson                    |
| Andrew Stamp             | Cassandra Low         | Edwina MacDonald       | Gerald Seeto      | Janice Christine Padovani-Ginies |
| Angela McClung           | Cassandra Scott       | Effie Shorten          | Gillian Tedder    | James Nguyen                     |
| Angela Wong              | Cassie Steinmetz      | Elisabeth Johnson      | Grace McDonald    | Janice King                      |
| Anna Dawson              | Chetan Shukla         | Elisabeth Sercombe     | Graham Bannerman  | Janie Ng                         |
| Anna Hutchinson          | Ching Phang           | Eliza Grant            | Grant Mason       | Jasmin Chin                      |
| Anna Kerr                | Christine Weekes      | Elizabeth Bedford      | Hamilton Zhao     | Jasmine Opdam                    |
| Anna Simmons             | Claire Bready         | Elizabeth Gaunt        | Hannah Barnes     | Jay Williams                     |
| Anna Spies               | Claire Hammerton      | Elizabeth Heaney       | Hannah Innes      | Jemima Brewer                    |
| Annabel Anderson         | Claire Hammerton      | Elizabeth Lehmann      | Hannah Keane      | Jemima Harris                    |
| Annalise Haigh           | Claire Harris         | Emilia Lukeman         | Harold Bear       |                                  |
|                          | Claire Kermond        | Emily Christie         | Harrison Grace    |                                  |



RLC volunteer speaking to members of the community on Social Justice Day 2012.



RLC volunteers painting a banner to celebrate the National Apology Anniversary 2012.

Jemma McLaughlin  
 Jennie Goff  
 Jennifer Garrick  
 Jennifer Hoy  
 Jennifer Kwong  
 Jennifer Parbery  
 Jenny Kojevnikov  
 Jenny Radford  
 Jessica Chiu  
 Jessica Jameson  
 Jessica Stirling  
 Jessica Tat  
 Jessie Ingle  
 Jia Yi Lee  
 Jill Forrester  
 Jimmy Kim  
 Jo Seto  
 Joann Yap  
 Joanna Dodds  
 Joanna Laidler  
 Joanne Wong  
 Joel Wilson  
 Jonathon Hozack  
 Joseph Scimone  
 Judith Read  
 Julia Gendelman  
 Julia Green  
 Julia Zboromirsky  
 Kane Glanville  
 Karen Beck  
 Karina Ko  
 Karthiga Nageswaran  
 Kasturi Wren  
 Katayoun Sadeghi  
 Kate Cunningham  
 Kate McCallum  
 Kath Chegwidan  
 Katie Kossian  
 Kayhan Oncu  
 Kelvin Keane  
 Kiara Rodara

Kiran Grewal  
 Kirri Piper  
 Kirsten Lau  
 Klara Major  
 Kristen Dumitrescu  
 Kristin Romano  
 Kristy Fisher  
 Krysten Mansell  
 Lai Vuong  
 Laura Conlon  
 Laura Costello  
 Laura Donnelly  
 Laura Ford  
 Laura Gerber  
 Laura Joseph  
 Laura Thomas  
 Lauren Chockman  
 Lee Corbett  
 Leo Goorevich  
 Leonie Hale  
 Lewis D'Avigdor  
 Lily Luo  
 Lindi Todd  
 Lindsay Ash  
 Lisa Cheng  
 Lisa-Claire Hutchinson  
 Lise Maddocks  
 Lorylene Osorio  
 Louise Hill  
 Louise Rigozzi  
 Lucinda Baldwin  
 Lucy Cannon  
 Lucy Patterson  
 Luis Izzo  
 Luke Mulchay  
 Lydia Alexander  
 Lillian Dam  
 Lynda Holden  
 Madeleine Rowley  
 Maeve Doyle  
 Marcia Ruf

Margaret Chan  
 Margaret Jones  
 Marie Iskander  
 Marisa Wright Smith  
 Mark Straton  
 Martin Barker  
 Mary Jang  
 Mary McCafferty  
 Matthew Payne  
 Matthew Ting  
 Melanie Bradfield  
 Melanie Lim  
 Melissa Barnwell  
 Melissa Chen  
 Meredith Gray  
 Merilyn McClung  
 Michael Bailey  
 Michael Brull  
 Michael Chan  
 Michael McCoy  
 Michael Windsor  
 Michelle Mai  
 Michelle Veney  
 Misa Han  
 Nadia Rosenman  
 Nadine Fitzpatrick  
 Nataša Bogunovic  
 Nelson Guo  
 Nicholas Anderson  
 Nicholas Coffill  
 Nicholas Lukic  
 Nicholas Read  
 Nicole Sammel  
 Nicole Seale  
 Nicole Simoes  
 Nupur Saksena  
 Olivia Harvey  
 Oshie Fagir  
 Patrick Boyle  
 Patrick Hodgetts  
 Patrick Trieu

Paul Ahearn  
 Paulina Fusitu'a  
 Penny Cookson  
 Penny Cooper  
 Perry Yao Xie  
 Phil Winterton  
 Phillipa Kerr  
 Pia Riley  
 Prue Mewburn  
 Rachael Lohrasby  
 Rachel Kwok  
 Rachel Strickland  
 Rachel Wright  
 Rana Halabi  
 Rawan Abdul  
 Rebecca Leabeater  
 Rebekah Edwards  
 Rebekah Wong  
 Renee Watt  
 Rita Caruana  
 Robert Chiarella  
 Rommel Harding-Farrenberg  
 Rory McLeod  
 Rosa Saladino  
 Roxana Zulfacar  
 Ruth Sullivan  
 Sadia Sheikh  
 Sarah Awad  
 Sarah Malik  
 Sarah Young  
 Savi Manii  
 Scott Hanrahan  
 Sean Behringer  
 Sera Yilmaz  
 Shelley Williams  
 Siew Cooper  
 Simon Lindsay  
 Simon Rudd  
 Siobhaun Kennedy  
 Sophie Tong

Stefanie Vogt  
 Stephanie Fowler  
 Stephanie Millen  
 Stephen Sharpe  
 Stewart Mills  
 Subhaga Amarasekara  
 Sue-Ellen Hills  
 Sumedha Rathi  
 Susan (Susie) Fraser  
 Susan James  
 Susannah Fricke  
 Sylvia Croaker  
 Tamasin Jonker  
 Tamir Maltz  
 Tammy Wong  
 Tanem Taskin  
 Tania Black  
 Tania Matovic  
 Tara Imrie  
 Taryn Morrison  
 Teresa Dellagiacoma  
 Tim Capelin  
 Tim McGinley  
 Tim Tunbridge  
 Timothy O'Ryan  
 Tom Barbat  
 Tom O'Brien  
 Travers Johnstone  
 Truman Biro  
 Uliana Korchevskaya  
 Vincent Mok  
 Vivian Chen  
 Vivianne Schwarz  
 Wali Shukoor  
 Wendy Green  
 Wenny Theresia  
 Winston Headford  
 Won-Suk Yi  
 Yanli Leung

**VOLUNTEERS ARE THE LIFEBLOOD  
 OF RLC AND WE SIMPLY COULDN'T  
 RUN WITHOUT YOU**

# OUR STAFF

## PERMANENT AND FIXED TERM STAFF:

Eleanor Barker	Solicitor, TAFE NSW Branch
Natalie Bradshaw	Tenants' Advocate/Solicitor
Megan Cameron	Solicitor
Hilary Chesworth	Administrator
Sophie Farrell	Communications and Volunteer Manager
Tatiya Hastie	WDVCAS Specialist Worker
Rebecca Louttit	WDVCAS Assistant Coordinator
Tom McDonald	Tenants' Advocate
Gemma McKinnon	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	Tenancy Coordinator/ 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
Charmaigne Weldon	WDVCAS Specialist Worker
Rochelle Zats	WDVCAS Specialist Worker

## CASUAL STAFF:

Nicholas Anderson	Tenancy Adviser
Kathleen Chegwidan	WDVCAS Assistant
Robert Chiarella	Tenancy Adviser
Chantel Cotterell	Supervisor, Day Information Service
Sylvia Croaker	Supervisor, Day Information Service
Ned Cutcher	Tenancy Adviser
Joanna Dodds	Locum WDVCAS Officer
Jack Fu	Cleaner
Misa Han	Project Officer
Claire Harris	Supervisor, Day Information Service
Anna Hutchinson	Supervisor, Day Information Service
Susan James	Locum Solicitor
Christopher Joyce	Locum Solicitor
Jian Kang	Cleaner
Rebecca Leabetter	Project Officer
Emma Lutwyche	Supervisor, Day Information Service
Louie Supan	Admin Assistant
Ray Wang	Cleaner
Joel Wilson	Admin Assistant
Tammy Wong	Tenancy Adviser
Rosaline Yusman	Supervisor, Day Information Service

## CONSULTANTS

Meerkat Computer Services	IT support
Filemaker Studio	IT support
Pro Bono Publico	Publication Design
Max Design	Website Development
Usability	Website User Testing



Photo: Simone Miede Drechsler

# 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



**NICOLAS PATRICK**

**Chair**

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.



**AMY MUNRO**

Amy Munro is a Barrister with Eleven Wentworth. Prior to this, she was a Senior Associate with Mallesons

Stephen Jacques where she led the development of a national program for the legal profession on international humanitarian law and international criminal law. Amy began her association with RLC in 2003 as a Tenant Advocate with the Inner Sydney Tenants' Advice and Advocacy Service, moving on to become the Project Manager of the Share Housing Survival Guide in 2004 and was elected to the Board in 2010.



**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 was instrumental in establishing Blake Dawson Waldron's (now

Ashurst) national Pro Bono Practice. Peter is a director of Aboriginal Legal Services NSW/ACT and is the Chairman of the Board of the National Pro Bono Resource Centre. Peter began his relationship with RLC as Chair for many years in the 1980s and continues on as a Director of the Board today.



**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.

# FINANCIALS

Director's Declaration

REDFERN LEGAL CENTRE  
ABN 31001442039

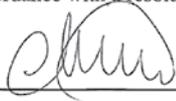
## DIRECTORS' REPORT

### Auditor's independence declaration

A copy of the auditor's declaration under section 307C of the *Corporations Act 2001* in relation to the audit for the financial year is provided with this report.

Signed in accordance with a resolution of the board of directors.

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



Amy Munro

Dated this

15th day of October

2012

# AUDITOR'S REPORT



**PITCHER PARTNERS**  
NSW PTY LIMITED

ACCOUNTANTS & ADVISORS

Level 22 MLC Centre      Postal Address:  
191 Market Street      GPO Box 1018  
Sydney NSW 2000      Sydney NSW 2000  
Australia      Australia

Tel: +61 2 9221 2099  
Fax: +61 2 9221 1767

www.pitcherpartners.com.au  
pitcher@pitcherpartners.com.au

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located in Australia | India | Italy | New Zealand | Singapore

**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 2012, 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*.

*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 2012 and of its performance for the year ended on that date; and
- (ii) complying with Australian Accounting Standards and the *Corporations Regulations 2001*.

Handwritten signature of Mark Godlevski in black ink.

Mark Godlevski  
Partner

15 October 2012

Handwritten signature of Pitcher Partners in black ink.

PITCHER PARTNERS  
SYDNEY

# FINANCIAL POSITION

**REDFERN LEGAL CENTRE**  
**ABN 31001442039**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT 30 JUNE 2012**

	Note	2012 \$	2011 \$
<b>Current assets</b>			
Cash and cash equivalents	6	509,013	175,652
Receivables	7	2,530	1,229
Other financial assets	8	495,859	481,144
Other assets	10	<u>26,334</u>	<u>10,562</u>
<b>Total current assets</b>		<u>1,033,736</u>	<u>668,587</u>
<b>Non-current assets</b>			
Property, plant and equipment	9	<u>22,761</u>	<u>28,622</u>
<b>Total non-current assets</b>		<u>22,761</u>	<u>28,622</u>
<b>Total assets</b>		<u>1,056,497</u>	<u>697,209</u>
<b>Current liabilities</b>			
Payables	11	435,540	185,835
Provisions	12	<u>310,383</u>	<u>238,037</u>
<b>Total current liabilities</b>		<u>745,923</u>	<u>423,872</u>
<b>Non-current liabilities</b>			
Provisions	12	<u>53,969</u>	<u>52,144</u>
<b>Total non-current liabilities</b>		<u>53,969</u>	<u>52,144</u>
<b>Total liabilities</b>		<u>799,892</u>	<u>476,016</u>
<b>Net assets</b>		<u>256,605</u>	<u>221,193</u>
<b>Equity</b>			
Reserves	13	30,000	-
Retained surplus	14	<u>226,605</u>	<u>221,193</u>
<b>Total equity</b>		<u>256,605</u>	<u>221,193</u>

The accompanying notes form part of these financial statements.

# COMPREHENSIVE INCOME

**REDFERN LEGAL CENTRE**  
ABN 31001442039

**STATEMENT OF COMPREHENSIVE INCOME**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	Note	2012 \$	2011 \$
<b>Revenue</b>	3	1,840,375	1,758,438
<b>Less: expenses</b>			
Depreciation and amortisation expense	4	(16,177)	(24,131)
Employee benefits expense		(1,559,165)	(1,543,507)
Printing, stationery and postage		(32,494)	(19,631)
Telephone, facsimile, internet		(22,455)	(20,027)
Insurance		(11,316)	(11,492)
Subscriptions		(2,602)	(10,174)
Program related expenses		(44,235)	(47,940)
Other expenses		(116,519)	(76,780)
		<u>(1,804,963)</u>	<u>(1,753,682)</u>
<b>Surplus before income tax expense</b>		35,412	4,756
<b>Other comprehensive income for the year</b>		—	—
<b>Total comprehensive income</b>		<u>35,412</u>	<u>4,756</u>

The accompanying notes form part of these financial statements.

# CASH FLOWS

**REDFERN LEGAL CENTRE**  
**ABN 31001442039**

**STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	Note	2012 \$	2011 \$
<b>Cash flow from operating activities</b>			
Receipts from funding agreements and grants		2,144,038	1,607,601
Receipts from other income sources		16,413	100,727
Payments to suppliers and employees		(1,837,611)	(1,734,997)
Interest received		<u>39,022</u>	<u>49,835</u>
<b>Net cash provided by operating activities</b>	15(b)	<u>361,862</u>	<u>25,166</u>
<b>Cash flow from investing activities</b>			
Payment for property, plant and equipment		(13,786)	(20,960)
Payment for investments		<u>(14,715)</u>	<u>(27,116)</u>
<b>Net cash provided by / (used in) investing activities</b>		<u>(28,501)</u>	<u>(48,076)</u>
<b>Reconciliation of cash</b>			
Cash at beginning of the financial year		175,652	200,562
Net increase / (decrease) in cash held		<u>333,361</u>	<u>(24,910)</u>
<b>Cash at end of financial year</b>	15(a)	<u>509,013</u>	<u>175,652</u>

The accompanying notes form part of these financial statements.

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# GET INVOLVED

## GET INVOLVED

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*RLC Volunteers' Xmas Party 2011*



