

# Redfern Legal Centre



ANNUAL REPORT  
JULY 1990  
JUNE 1991

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# Introduction

**Redfern Legal Centre** provides services for an area that remains one of the most disadvantaged in Sydney.

The Centre opened in March 1977 with volunteer staff in premises provided by South Sydney Council. Assistance from the Council and the Federal Government enabled the employment of paid staff from mid 1977.

South Sydney Council continues to provide the Centre with significant resources. Without this support the Centre would be severely restricted in its work. We wish to thank the Council for its ongoing assistance.

RLC continues to provide a free legal service to the community and has specialised in areas of law where a particular need has been demonstrated and where legal services were unavailable or inadequate. The Centre has extended the usual casework model and has developed an innovative, interdisciplinary approach to the delivery of legal services.

In addition to the generalist legal service the Centre currently operates the Intellectual Disability Rights Service (IDRS) and a Credit and Debt service. These specialist services are funded separately from the general legal service.

During the last 14 years, in response to serious unmet need, RLC has initiated or has been actively involved in projects which have led to the establishment of other services: - Welfare Rights Centre, Prisoners Legal Service, Accommodation Rights Service, Consumer Credit Legal Centre, Campbelltown Legal Centre, Redfern Legal Centre Publishing, Streetwise Comics and IDRS. These services were developed within the structure of the Centre, however each is now established and operates independently. The establishment of these services has enabled the Centre to focus more intensely on its community and other issues and needs.

Demand for services has continued to increase. However lack of funding prohibits RLC from expanding to meet the need. In some areas of work reductions in funding may result in cuts to services.

## **An interdisciplinary legal service**

RLC continues to deliver a legal service where the legal and social welfare problems of clients are dealt with in a complementary way. This approach ensures that clients' social welfare and legal problems are dealt with comprehensively, that aspects of problems are not ignored, and that matters are dealt with efficiently and effectively without unnecessary expensive litigation.

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## **Preventive approach**

The Centre is under pressure to use its resources with the greatest efficiency and as a consequence has developed a style of legal service designed to assist the greatest number of people. Central to this is the adoption of a preventive perspective and hence a priority is given to:

- cases which may establish a precedent which benefit a particular class of clients.
- law reform and policy work, where changes may benefit a particular class of clients.
- community legal education.

## **Objectives for 1990-1991**

- To provide a legal advice and referral service.
- To provide ongoing casework services to people who live or work in the RLC catchment area and who cannot afford the services of a private solicitor or obtain adequate assistance from the Legal Aid Commission of NSW.
- To identify inequalities and defects in laws, the legal system, administrative practices and society which affect RLC's clients and disadvantaged people generally, and to work for social and legal change to remove those defects and inequalities.
- To promote community legal education.
- To investigate and develop new ways of providing legal services to RLC's clients. To improve access to RLC's services and to ensure that the quality of those services is maintained and improved.



*Mary Perkins, Co-ordinator  
and Susan Davitt, Solicitor*

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# RLC's General Casework Service

## Eligibility for casework assistance

In general the Centre aims to undertake work which does not duplicate that of government legal aid services or the private profession. It does not act for clients who are able to afford a private solicitor.

Legal advice and assistance is provided to people and organisations who:

- cannot afford a private lawyer.
- cannot obtain adequate assistance from other legal aid services.
- live or work within the Centre's geographic guidelines.

RLC's catchment area is Redfern, Alexandria, Chippendale, Darlington, Enmore, Erskineville, Glebe, Macdonaldtown, Mascot, Botany, Newtown, Rosebery, Waterloo, Zetland, Camperdown, Surry Hills, Ultimo, Pyrmont. The IDRS and Credit & Debt services, which are separately funded, provide state-wide services.

Initial advice is given to people who make an appointment and/or attend at the Centre.

Follow-up work is generally restricted to those who live or work within the RLC catchment area and to specific areas of poverty law such as credit, debt, tenancy, intellectual disability, victims of crime, domestic violence, wills, immigration, consumer complaints, social security and problems of local community groups. Additional follow-up is given in areas of special interest to local people and where the expertise of Centre staff is necessary.

Guidelines can be relaxed in special cases, for example where no other legal assistance is available.

Assistance is not given in commercial matters and conveyancing, nor to landlords in tenancy matters.

## Availability of advice and assistance

The Centre's phones are attended from 9 am - 1 pm and 2 pm - 9 pm Monday to Friday. The Centre's doors are open from 9 am - 1 pm and 2 pm - 9 pm each weekday.

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Interviews are conducted during the week at seven sessions: Monday - Friday 6 pm until 9 pm and Tuesday afternoon from 2.30 pm until 5 pm and Thursday afternoon 2 pm until 5 pm.

Appointments with volunteer solicitors are also made during these hours. Appointments with staff for ongoing matters are made during normal working hours.

Home and institutional visits may on occasions be arranged for clients who are unable to attend the Centre.

Emergency advice is given outside usual interviewing hours. There is generally a staff lawyer on duty from 9 am to 9 pm weekdays.

### ***Telephone advice***

Telephone advice is given:

- to social welfare and community workers and staff of relevant government offices seeking advice on behalf of clients, any time between 9 am and 9 pm.
- to any caller during advertised interviewing session times i.e. 6.30 pm - 8.30 pm.
- in emergencies to any caller 9 am to 9 pm weekdays. Calls are received from anywhere in NSW as well as interstate.

It should be noted that advice and information given over the telephone is in some cases as substantial and time consuming as interviews. In other cases a referral is made to a more appropriate agency.

Referrals are made to private lawyers, other legal aid bodies and other agencies.

### ***Court representation for victims of domestic violence***

Each Wednesday morning the Centre operates the Women's Domestic Violence Court Assistance Scheme at Redfern Court.

### ***Community Legal Education***

Programmes for community organisations, clients, volunteers, residents and community workers are conducted regularly.

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### *Specialist units of legal service within the general legal service*

In early 1985, the Centre adopted a policy and structure which resulted in the establishment of specialist units of legal service within the general legal service, the aim being to develop a particular expertise among staff and volunteers in the difficult yet high demand casework areas. As a consequence specialist casework services are available during the following interviewing shifts:

Monday 6 - 9 pm and Thursday 2.30 - 6 pm — credit and debt

Tuesday 2 - 5 pm — general advice

Wednesday 6 - 9 pm — tenancy

Thursday 6 - 9 pm — social security

Friday 6 - 9 pm — intellectual disability.

(General services are also provided during these times).

### *General Social Welfare Services*

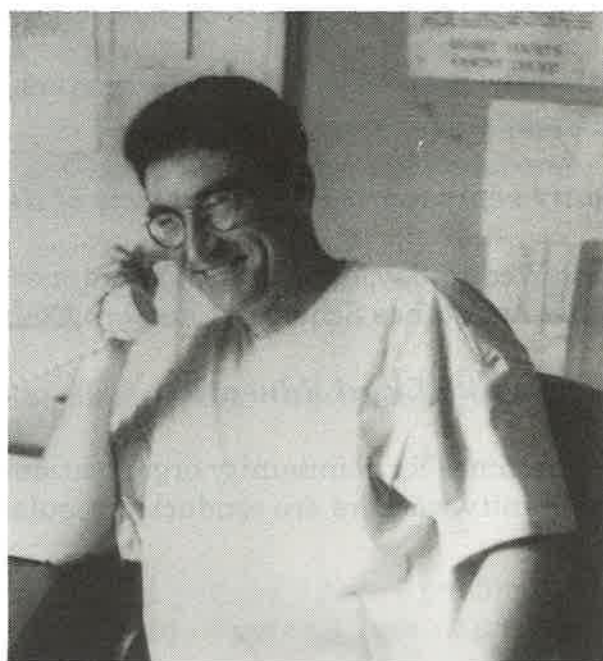
South Sydney Council provides RLC with a full time social worker who is responsible for a range of social welfare matters, including counselling and referral, social security, community liaison and development.

RLC has a policy of regularly taking social work students on placement as part of their training. These students work under supervision of the full time social worker, and are involved in casework, research, community development and advocacy.

Legal Assistants: While these remain predominantly law students, there are a number from other disciplines, e.g. health, social work, welfare and management. The Centre regularly takes students from the Student Initiatives in Community Health Project.

### **Statistics**

The following statistics do not include the activities of the Intellectual Disability Rights Service who prepare their own annual report or the Branch office of Redfern Legal Centre situated at the University of Sydney. A report from the Branch office is included later in the report.



*David Vaile, Solicitor*

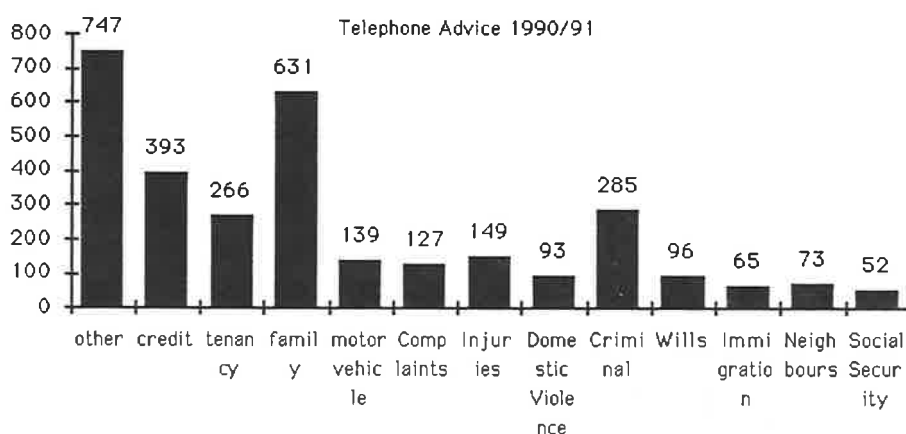
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The Centre keeps statistics in three categories:

- New Files-where files are opened and continuing action on behalf of the client is required. Of course a large number of continuing files were opened prior to the current financial year.
- Advice Sheets-where advice is given in person by interview at the Centre and no file is opened.
- Telephone Advice and Referral.

During 1990/91 4548 clients received advice and information from the Centre. 654 files were opened for ongoing matters from the 1432 clients who attended the Centre to obtain advice.

### ***Telephone Advice Chart***

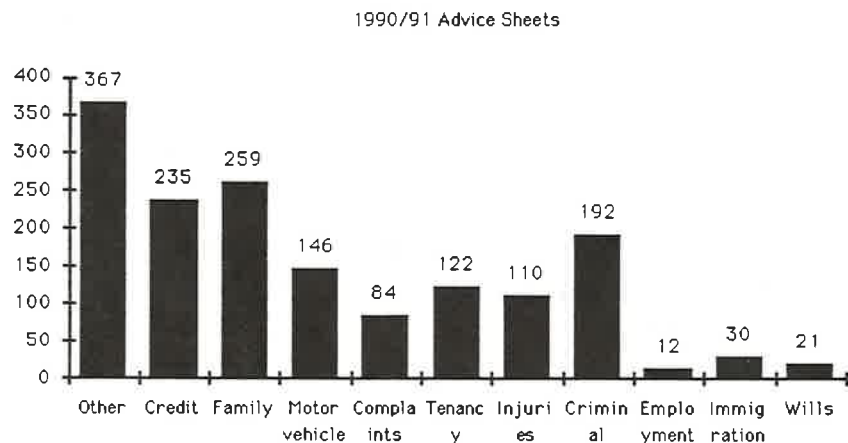


As can be seen from the above chart the major areas of concern to people who sought telephone advice from the Centre were family law, criminal law, consumer credit and tenancy. Telephone advice is given to callers from any part of New South Wales, interstate and even on occasions to overseas callers.

The following chart indicates the areas of law in which clients sought advice in person where the matter was not taken on as an ongoing matter. It is often the case that these clients will return to the Centre for further advice on a number of occasions.

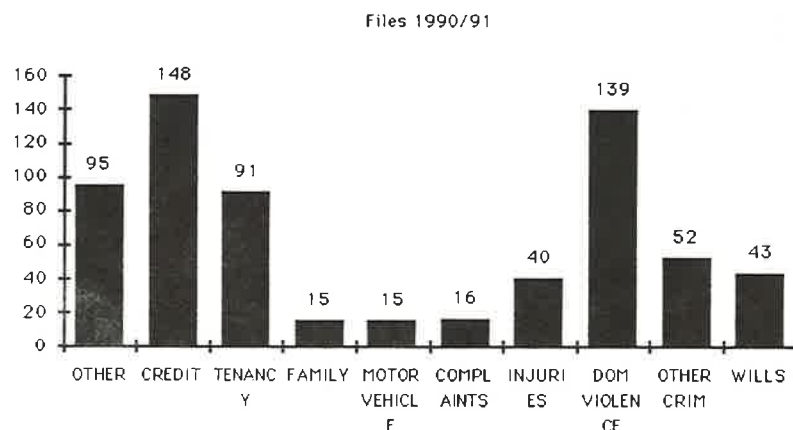
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## ***Advice Sheets Chart***



The files opened by the Centre during this period include all matters where continuing action is taken by Centre staff and volunteers. Continuing action can range from a simple letter to the conduct of a significant test case.

## ***Files Chart***



The main areas in which the Centre opened files are set out in the above chart. The areas in which these files are opened reflect the Centre's areas of speciality including tenancy, criminal injuries compensation, domestic violence and credit law. The Centre also prepares a considerable number of wills for pensioners in the South Sydney area who cannot afford private legal assistance and for whom travel to the Public Trustees office is difficult.

While family law is the area where clients contact us most frequently, most cases are referred to the Legal Aid Commission or private solicitors. These statistics do not fully represent the amount of client case work done in each area by full time and volunteer staff. The amount of work involved in some matters, such as most consumer credit litigation, far exceeds the time involved in some other matters, such as the preparation of a simple will.

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# RLC's Specialist Casework & Policy Reform Work

## **Housing/Tenancy**

### ***Reform & Policy***

Tenancy remains a significant issue. RLC has a long history of arguing for administrative and law reform in this area. Secure affordable housing is seen as a necessary prerequisite for a just society.

Some of the factors influencing the Centre's work include the following;

- The ABS Census statistics indicate that the area serviced by RLC has one of the highest concentrations of public and private tenants in NSW. Significant numbers of these people have incomes below the poverty line.
- There are very few other services providing assistance to tenants.
- Policy for public housing adopted by the government concerning eligibility, transfers, rent rebates, rent arrears and eviction has caused concern, hardship and difficulties for many public tenants.
- Funding cuts to the Department of Housing have and will continue to cause particular problems in the client services area, eg. rent payment and maintenance.
- The recent introduction of the Residential Tenancies Act and associated legislation in NSW. In response to the enormous client and community demand we have acted for a large number of tenants, appealed from and monitored decisions of the Residential Tenancies Tribunal (RTT) and provided the Government with detailed submissions for reform.

During 1990/91 the Centre continued to work on a range of reform issues including the following;

- Participation in the Legal Working Party of the Tenants Union and the Combined Community Legal Centres Group. Work included:
  - monitoring the decisions and procedures of the Residential Tenancies Tribunal.
  - completion of survey of the RTT.
  - negotiation for tenants against the introduction of "user pays" system of water billing and its application to tenancies.
  - lobbying for the rights of borders and lodgers.

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- representations to the Tenancy Commissioner concerning 'abandoned goods'.
  - preparation of arguments relating to the use of pesticides in tenanted properties.
  - representations to the Tenancy Commissioner on the legal position of people in 'shared households'.
- RLC is a member of the Review Committee established to advise the Tenancy Commissioner on the application of the Residential Tenancies Act.
  - There has been an increased number of evictions from public housing. Issues arising involve the application of natural justice principles to Department of Housing decisions and the RTT and a possible conflict between the Residential Tenancies Act and other legislation governing the operations of the Department. Test cases are in progress and a submission has been sent to the Ombudsman.
  - Participation in the Public Housing Campaign. The campaign addressed issues such as:
    - the closure of Department of Housing offices
    - new allocation and tenant management policies
    - joint work with the PSA on the "Client Services Review" (loss of services and jobs)
    - the group has changed focus and now meets quarterly, it will act as a clearing house for information and debate major issues.
  - Protected tenancies. In 1989 the government set up an inquiry, to which RLC made submissions. The Minister established a register of protected tenants and threatened penalties for failure to register, however there was no legal obligation on tenants to register. RLC provided advice to tenants and community organisations.
  - "Good Housekeeping"- RLC was contracted to prepare a report on the mechanisms for appeal and review of the decisions of the State and Territory Housing Authorities. This report formed part of the review of the Commonwealth / State Housing Agreement.



*Frances Gibson, Solicitor*

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- Discussions with the Department of Housing on the application of policy, particularly in relation to applications for rehousing by victims of domestic violence. The Departmental policy is currently being reviewed.
  - Contribution to the Tenants Rights Manual published by the Tenants' Union of NSW.
  - Provision of back-up advice and assistance to housing and community workers in the area.

### ***Tenancy Casework***

Wednesday night has been maintained as a specialist tenancy session.

In October 1989 the new Residential Tenancies Act 1987 came into force. This Act substantially altered the rights and obligations of landlords and tenants previously governed by the Landlord and Tenant Act.

The Centre's work has continued in 1990/91 in advising tenants on the new legislation and assisting them to enforce their rights under the legislation.

In 1991 we ran the first of a number of test cases against the Department of Housing in *Horton v. NSW Land and Housing Corporation* and another in the Supreme Court. It was settled on terms favourable to our client. The issue was finally litigated in *Nicholson v. NSW Land and Housing Corporation*. Stoddard J. held that the Department of Housing could not evict a tenant without grounds. Natural justice rules applied to prevent the Department depriving tenants of the right of a fair hearing.

14% of files opened by the Centre during this period were in relation to tenancy problems and approximately 10% of all clients who seek advice from the centre in person or by telephone are in tenancy related difficulty.

The provisions of the Landlord and Tenant Act 1948 relating to protected tenants are still in force and are not affected by the Residential Tenancies Act.

The Centre continues to act for and advise protected tenants on their rights and assists them to negotiate with landlords where appropriate.

Significant staff time has been spent providing back-up legal advice and assistance to housing and community workers.

The demand from tenants for assistance is increasing, possibly due to the introduction of the Residential Tenancies Act and the withdrawal of funding to the local para-legal tenants services.

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During 1991 RLC will explore options in order to develop comprehensive services to tenants in response to local demands. This will involve liaison with community agencies and negotiation for funding.

## **Credit & Debt**

### ***Reform & Policy***

During 1990/91 the Centre continued its focus on credit. Two staff solicitors specialise in credit and debt law. Work has included the following:

#### **1. Credit Legislation.**

State Consumer Affairs Ministers have agreed to introduce uniform national consumer credit legislation. RLC staff took part in a consultative process in 1990 and lobbied Ministers in August 1990 and again in August 1991 prior to their meetings. A full submission was prepared by consumer groups in late 1991 and we participated in this. Consumer lobbying was effective on a number of points, particularly the Ministers' decision to introduce a "comparison rate" which will enable credit with different rates and fees to be compared. We have also fought vigorously to retain the "civil penalty" provisions albeit in a watered down form. These decisions are now under attack from industry organisations.

The conduct by us of consumer responses to large scale actions by credit providers in the Commercial Tribunal led to the passage of the Credit (Amendment) Act 1990.

#### **2. Consumer Credit Insurance**

During 1990-91 the Trade Practices Commission conducted an enquiry into CCI following agitation by Consumer groups over a considerable period. RLC spent considerable time on the preparation of the report "31c in the Dollar" on behalf of the Australian Financial Counselling and Credit Reform Association.

The report was launched on 8 August 91 with considerable publicity for the issue and Redfern Legal Centre.

#### **3. Other**

RLC staff time was also involved in the following credit related and consumer issues:

- insurance generally
- guarantors
- sale of finance and insurance at the point of sale of major consumer items (eg cars)
- timeshares

- ALRC inquiry into multi-culturalism and consumer issues
- funding of financial counselling services
- the Martin inquiry into banking
- the Walton's Action Group

We also devoted time to liaising with related organisations including the Consumer Credit Legal Centres in NSW and Victoria, AFCCRA, the Financial Counsellors Association of NSW, other CLC credit workers, the Australian Consumers Association, etc.

### ***Credit Casework***

Three major cases under s.86 of the *Credit Act* were provoked by casework initiated by RLC and CCLC. In a s.86 application a lender begs forgiveness for a breach of the Act. Debtors can appear before the Commercial Tribunal to test the lender's evidence, present their own and submit that the lender should not be forgiven. Debtors may be relieved of some or all or the interest component on the loans.

#### **1. Westpac Bank s.86 application**

80,000 NSW borrowers were affected by breaches concerning consumer credit insurance. CCLC is representing the borrowers. RLC assisted by answering initial queries from people responding to press ads, and screening out those not affected before referral to CCLC.

#### **2. State Bank of NSW s.86 application**

Our cases and submissions sparked off this application in which over 300,000 NSW borrowers are affected by diverse breaches, including some which question the existence of the loan itself and others which result from computer errors. RLC and CCLC are jointly representing borrowers. If the maximum penalty was imposed the loss to the bank would be more than \$500 million.

#### **3. Timeshares — Garendon Investments s.86 application**

2,300 people borrowed money from Garendon to buy timeshare units at a resort. RLC and Kingsford are jointly representing borrowers. The alleged breaches include providing credit without a licence (for which the penalty is loss of both principal and interest—the whole lot!) and a variety of problems relating to high pressure selling methods. \$20 million is at stake here.

*Susan Davitt, Solicitor and Gordon Renouf, Solicitor*



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#### **4. Other section 85 cases**

There were a number of matters in which we acted for borrowers responding to applications by credit providers for reinstatement of credit charges lost as a result of failure to comply with the Credit Acts. In all but one the credit providers were penalised to the benefit of our clients and the court and/or Tribunal clarified the operation of the s.85 provisions. Costs were awarded in our favour in all of these matters.

Those decisions that have been reported are:

- Australian Guarantee Corp. v. Minenko & Anor (1990) ASC II 55-980;
- Mercantile Credits v. Barber & Ors (1990) ASC 55-988;
- Custom Credit Corp. Ltd v. The Commercial Tribunal of NSW & Ors (1990) ASC 56-007 (Supreme Court - currently on appeal);
- Australian Guarantee Corporation Ltd v. Hawkins & Anor (1991) ASC 56-041.

#### **5. Unjust contracts**

A number of cases were taken to the Tribunal or the Court to re-open allegedly unjust contracts involving 3rd party mortgages (v. Westpac and Commonwealth), breaches of the Credit Act, excessive sales pressure, overselling CCI etc. (AVCO, HFC) and other matters involving Citibank, State Bank, Waltons etc.

Of those finalised, decisions or settlements have been either favourable to our clients or acceptable.

In Bailey v. Statehealth Credit Union Ltd (1991) ASC II 56-074 the Commercial Tribunal held that it has jurisdiction to re-open credit union contracts, which were previously thought to be exempt from its reach.

- In Sullivan v. Waltons Credits Ltd. & Anor (1990) ASC 56-023 the Supreme Court held against our client on a test issue of major significance but extended the concept of "course of dealing" to the future benefit of consumers.
- In El Masri v. Commercial Tribunal of NSW & Ors the Supreme Court confirmed our view that a consumer has a choice of whether to argue injustice in the accessible Commercial Tribunal or the District Court.

#### **6. Resource Worker Project**

We receive approx. \$21,000 from the Commonwealth via AFCCRA to provide Resource Worker services to Financial Counsellors and other community workers.

The work involved includes:

- answering telephone inquiries from financial counsellors
- providing resources eg. memos on issues that arise
- drawing issues out from FC's work (ie policy work)
- keeping statistics on the above and reporting them together with financial information to AFCCRA.

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## 7. Advice

RLC operates Credit Advice on Monday evenings and Thursday afternoons. On Thursday afternoons the advice is run in conjunction with CCLC and is given by a solicitor from Blake Dawson Waldron, Solicitors.

## Domestic Violence

Domestic Violence is the subject of a large part of the Centre's work. The Centre houses a scheme whereby all women appearing at Redfern Local Court in applications for apprehended violence orders have free access to legal advice and support from community workers. A number of other legal centres and community organisations make this scheme feasible.

During 1990/91 work included:

- evaluation of the Womens' Domestic Violence Court Support Scheme
- launch of scheme
- distribution of reports
- maintenance and co-ordination of scheme
- training of workers

### *Womens Domestic Violence Court Assistance Scheme:*

Since March 1990 the Centre has co-ordinated the WDVCS which provides a roster each list day at Redfern Court whereby women seeking apprehended violence orders has the services of both a solicitor and trained support worker.

From March 1990 to September 1990 over 100 women were assisted, with over 70% of those obtaining final orders.

In September 1990 funds were received from the Law Foundation of New South Wales to evaluate the operation of the scheme and to develop a model for court based support and representation for victims of domestic violence to be used elsewhere.

Independent consultants were engaged to conduct the qualitative analysis whilst two staff members gathered statistical material. The evaluation consisted of:

- interviews with Scheme participants and their employers, clients and court staff.
- a comparison of court results between domestic violence matters before and after the scheme's inception.
- the compilation of a client profile.

In summary the evaluation revealed that statistically the scheme obtained better results for clients than women seeking orders prior to the scheme's

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inception. Clients reported positively about the availability of a support worker and most participants and employers reacted positively to being involved.

*South Sydney Domestic Violence Committee:*

The Centre has continued to be involved with the local committee.

*State Domestic Violence Committee:*

The victims of crimes solicitor has been a regular observer of the state committee and is a member of the legal sub-committee which has a watching brief over the legislation.

### **Victims of Crime Compensation - Sexual Assault**

RLC has built up expertise in this area and has a good working relationship with the sexual assault unit at Royal Prince Alfred Hospital. There have been increased applications from female victims of crime.

### **Criminal Justice**

RLC has long history of involvement in prison and criminal justice issues. There are a number of legal centres involved in policy work or casework in this area outside youth issues. Although our participation in criminal justice policy is necessarily limited the Centre assisted with the following matters in 1990/91:

- production of Campaign for Criminal Justice Bulletin.
- increase in subscribers to Campaign for Criminal Justice Bulletin.
- submission to Legal Aid Commission against the abolishing of duty solicitors at bail courts and the denial of legal aid to defendants.
- approaches made to the Bar Association to set up a free barrister service for committals.
- a number of free advices for prisoners on various matters by Virginia Bell and John Basten, Barristers.
- co ordination of the defence cases where barristers accepted briefs for a large number of people who were arrested in a free speech rally.

In *Bates v. The State of New South Wales* in the Supreme Court and the *State Bank of New South Wales v. Bates* in the Court of Appeal we successfully represented a prisoner in a test case on the correct calculation of remissions. The decision, which has been reported, was responsible for the reduction of prison terms for 1670 prisoners in New South Wales.

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## **Juvenile Justice**

In 1991 RLC was involved a project of the South Sydney Interagency, the collective forum for welfare organisations in the South Sydney area; to improve the relationship between local police and welfare services. This relationship must be seen in light of three major reports released in 1991 that were all critical of the NSW police force, sometimes with specific reference to Redfern Police Station.

This project attempted to create a forum for information exchange and the development of collective problem solving methods. We were successful, after long negotiations, in undertaking a half day training session for police from Redfern Police Station. This session was used to inform the station of the range of services available including youth, accommodation, legal, women's and Aboriginal services and to raise means of improving our linkage.

The response from officers at these sessions was positive but the continual failure of the authorities at Redfern station to respond to our further requests has threatened the viability of this scheme. We are still awaiting a final decision by the interagency as to whether to proceed with this project.

## **Social Security**

In 1991 we met with the Welfare Rights Centre (WRC) to discuss the distribution of work between our two Centres. It was decided that the best utilisation of resources would be to have RLC providing a general DSS advice service within our casework guidelines and that any major cases or issues arising from this service could be referred to WRC.

Using this model RLC feeds policy and educational information from WRC to services in our area and identifies major cases and policy areas for the WRC.

## **Immigration**

In 1991 RLC assisted the Inner City Migrant Interagency (ICMI) in the establishment of an immigration advice service at South Sydney Community Aid. This service is staffed by workers and volunteers from throughout the area and has co-ordinated training in immigration advice for workers.

## **R.E.L.I.C. (RLC Incorporation advice)**

Throughout 1991 RLC has offered an advice service on Thursday nights to community groups concerning incorporation and auspicing agreements. In this time we have assisted over thirty community organisations.

# University of Sydney Students Representative Council Branch Office

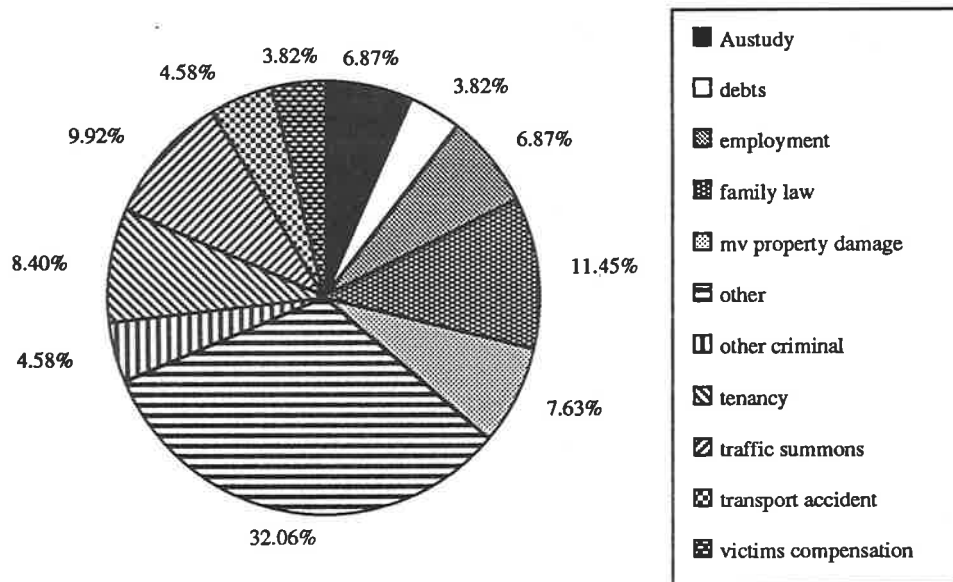
The University of Sydney SRC Branch Office of the Redfern Legal Centre was opened on 18 March 1991. The office is funded by the Students Representative Council who have contracted with Redfern Legal Centre to provide a solicitor at the University on three days a week.

## Casework

The statistics show the types of matters students sought advice on and their faculty (or other) within the University. Only undergraduate students are eligible for assistance.

### Type of Matter

<i>Matter</i>	<i>File</i>	<i>ASO</i>	<i>Phone</i>	<i>Total</i>
<i>Austudy</i>	<i>5</i>	<i>4</i>		<i>9</i>
<i>HECS</i>	<i>2</i>			<i>2</i>
<i>uni discipline</i>		<i>1</i>		<i>1</i>
<i>academic appeal</i>	<i>2</i>	<i>1</i>		<i>3</i>
<i>exclusion</i>	<i>1</i>			<i>1</i>
<i>debts</i>	<i>3</i>	<i>4</i>		<i>5</i>
<i>tenancy</i>	<i>2</i>	<i>6</i>	<i>3</i>	<i>11</i>
<i>family law</i>	<i>2</i>	<i>11</i>	<i>2</i>	<i>15</i>
<i>complaints</i>	<i>1</i>	<i>3</i>		<i>4</i>
<i>victims compensation</i>	<i>1</i>	<i>4</i>		<i>5</i>
<i>work injuries</i>	<i>1</i>	<i>1</i>		<i>2</i>
<i>transport accident</i>	<i>1</i>	<i>5</i>		<i>6</i>
<i>personal injuries</i>		<i>2</i>		<i>2</i>
<i>domestic violence</i>		<i>1</i>	<i>1</i>	<i>2</i>
<i>other criminal</i>		<i>6</i>		<i>6</i>
<i>traffic summons</i>		<i>13</i>		<i>13</i>
<i>mv property</i>	<i>1</i>	<i>9</i>		<i>10</i>
<i>wills / probate</i>		<i>3</i>		<i>3</i>
<i>immigration / visas</i>		<i>4</i>		<i>4</i>
<i>social security</i>	<i>2</i>		<i>1</i>	<i>3</i>
<i>employment</i>	<i>3</i>	<i>6</i>		<i>9</i>
<i>other</i>	<i>3</i>	<i>14</i>		<i>15</i>
	<i>30</i>	<i>98</i>	<i>7</i>	<i>131</i>



## Legal Education

The Branch Office solicitor has been responsible for the following:

- Preparation and presentation of a session about domestic violence issues for the Womens' Collective.
- Preparation and presentation of a workshop on administrative law issues for the new welfare and education officers.
- Preparation and presentation of a session for new international students about law in Australia. This is likely to become a regular session during the twice yearly orientation programmes run by International Student Services.

The Branch Office Solicitor has obtained valuable guidance and assistance from SRC welfare officers.

The Principal Solicitor at Redfern Legal Centre attends the Branch Office one afternoon a week in order to check and supervise the legal work. The Principal Solicitor and other Centre's solicitors are available on call to provide advice and assistance at other times.

The Branch Office has been covered by the RLC Professional Indemnity Insurance.

The Branch Office operates in accordance with the agreement between the SRC and the RLC Directors. It is open three days a week and is staffed by a solicitor from the RLC. Sandy Clarke was appointed as the Solicitor and commenced employment in March 1991.

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# The Intellectual Disability Rights Service 1990/91

This specialist unit of RLC has now been operating for five years. It developed from the experience of RLC volunteers over a number of years with frequent violation of the legal and human rights of people with an intellectual disability. It was clear that breaches of rights have often gone unrecognised or unremedied.

The Intellectual Disability Rights Service is a service for people with an intellectual disability to advance their rights in the community. It does this through a range of advocacy work:

## **Rights advice and casework.**

In 1990/91 our lawyers gave advice in response to hundreds of requests for assistance from all over New South Wales. Although most of the calls were from disability workers or relatives (81%), the advice given is always in relation to the rights of the person with an intellectual disability. There was a small but significant increase in the number of people with an intellectual disability contacting the service directly.

Requests for advice covered a wide range of issues, including self determination/guardianship, property management/exploitation, wills, caregiver rights/duties.

It is noteworthy that approximately 20% of requests for advice related to issues of people with an intellectual disability and the criminal justice system. This was represented by:

- sexual harassment/assault (6%)
- other harassment/assault (5%)
- criminal: usually offenders or problems with police (10%)

Given that there is a recognised under-reporting of sexual harassment and assault in the community and particularly among people with an intellectual disability, these figures are disturbing.

## **Education**

Seventy eight education sessions were run throughout the year by IDRS staff and casual educators. They were conducted for people with an intellectual disability, disability workers, service managers, and parents of people with an intellectual disability.

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In September 1990, IDRS organised and ran a conference on *Rights at Work*, which attracted over 150 people from around the State, most of whom were people with an intellectual disability. The conference was highly successful, with enthusiastic participation by delegates. Recommendations from the conference formed the basis of a report entitled - *What do we Want? Workers' Rights!*

### **Reform activities**

IDRS researched/made submissions on a wide range of matters affecting the rights of people with an intellectual disability. These included: sterilisation, sexual assault, people with an intellectual disability in the prison system, juvenile offenders, behaviour management, rights of people with an intellectual disability as consumers of accommodation and employment services, discrimination, deinstitutionalisation, social security, Commonwealth/State Disability Agreement, laws of evidence, complaints mechanisms for people with an intellectual disability.

### **Publications/resource material**

IDRS has a strong commitment to producing information on the rights of people with an intellectual disability - for people with a disability themselves, for their families, carers, service workers, advocates.

Projects underway or completed during the year included:

- *Questions of Rights* - a book outlining the rights of people with an intellectual disability in areas such as money management, employment, voting, crime and the justice system.
- *What is Sterilisation?* - a booklet for people with an intellectual disability which explains the nature of sterilisation and the options available. There is also a complementary pamphlet for doctors which explains the law in relation to sterilisation.
- *The Legal Rights Teaching Kit* - for use by trainers and disability workers in teaching people with an intellectual disability about their rights and responsibilities.
- *Rights For All* - a magazine about rights for people with an intellectual disability, with a tape for people with reading difficulties. Further issues of the magazine are planned for next year.
- *Consumer Rights Kit* - a publication for service providers dealing with the rights of people with an intellectual disability in their use of services (e.g. privacy, right to complain, freedom from harassment).
- *AIDS and Intellectual Disability* - a detailed analysis of the law and practice

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in this area, aimed at disability workers and service providers.

### **IDRS Management Committee**

Denis Mockler, Paula Rix, Jill Anderson, Gordon Renouf, Carl Craber, Anne Bolt, Stan Kelly, Anne Rauch, Janene Cootes, Jeanette Cooke, (plus all staff members).

IDRS is soon to publish a comprehensive report on its first five years of operation, 1986-91.

## **Pro Bono Arrangements**

From its inception Redfern Legal Centre has been staffed in the main by volunteers. In 1990/91 67 volunteer solicitors or barristers who attended the Centre for one three hour session per week to give advice and monitor files. Over 100 law students, social work students and others attended during the period to assist the professional and volunteer staff. Their names are listed later in this report. The work each person has done is greatly appreciated. If it was not for their selfless time the Centre would close.

The Centre has for some time encouraged the development of other innovative pro bono schemes whereby lawyers undertake work without charge for clients who have cases with merit who cannot obtain assistance elsewhere.

**Clayton Utz**, Solicitors, have continued their generous offer of taking on numerous cases where the Centre was unable to assist and there were no alternative avenues of assistance for the client.

**Blake Dawson and Waldron** provide a solicitor on Thursday afternoons to provide advice in credit matters.

During the year we have continued to receive assistance from a number of barristers both appearing in matters and providing advice on a pro bono basis. Particular mention should be made of **Andrew Haesler, Leonie Flannery, Janet Manuel, Virginia Bell, Mark Lynch, Terry Lynch and John Basten.**

### **Future Pro Bono Schemes**

In April 1991 the Bulletin magazine reported legal centres' call for a structured network of free lawyers to conduct deserving cases. We have instituted a

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number of discussions with the Law Society and the Bar Association and hope in the near future to be part of a comprehensive State wide pro bono scheme.

## Legal Expert Systems

**VICTER** — Victims of Crime Compensation Claims generated by computer.

In 1989 funds were sought and obtained from the Law Foundation of New South Wales to develop a computer application to manage victims of crime compensation claims. A research assistant and two consultant computer experts were engaged by the Centre in early 1990 to develop the project. The intention was to generate all forms and standard correspondence associated with a claim to the Victims Compensation Tribunal and to provide the user with electronic reference material. It is believed that the development of this project was the first of its kind in Australia.

Due to the innovative nature of the project it transpired that the project could not be implemented in the form that had been envisaged. The software chosen to develop it in — Project Modeler and Document Modeler — turned out to be incapable of handling a complex matter over time which produced many different documents according to a variety of trigger situations. VICTER however was developed and completed to a prototype stage. It can be used as a prototype but is not suitable for distribution to other centres for use. A valuable by-product of the project was the gathering together and formulation of all the many documents required to handle a VCT matter and their compilation into a manual which is available for use.

### Family Law System

With the experience gained from working on VICTER, further funds were received in late 1990 to produce a computer application which would vastly simplify the production of forms and correspondence associated with an Application for Dissolution of Marriage. In February 1990 discussions between the computer consultants and a legal expert began and by June 1990 the overall design of the system was well underway.



*Sandy Clarke, Solicitor*

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## Links with other organisations

RLC has extensive involvement in local, state-wide and national organisations working in the interests of people with legal and related problems. Working with these organisations facilitates efficiency, prevents unnecessary duplication, targets services and identifies unmet areas of need.

Community involvement in the operation of the Centre takes place in a number of ways.

- At a formal level, the Centre has made provision for the inclusion of local community members on its Management Committee.
- Input from Community organisations is invited during the annual review and evaluation.
- The Centre acts as a resource to local groups and obtains feedback on the needs and priorities of local residents. It has specific links with the following organisations: South Sydney Committee of the Australian Assistance Plan, South Sydney Domestic Violence Committee, South Sydney Womens Centre and South Sydney Community Aid. It also has frequent contact with other welfare agencies in the area such as: The Shop Family Support Service, Inner Sydney Regional Council for Social Development, The Factory (youth service) and numerous others.

RLC is involved with the following state-wide organisations:

- Community Legal Centres Group.
- Editorial committee of the Lawyers Practice Manual.
- Management committee of the Consumer Credit Legal Centre. RLC's Credit Unit works closely with CCLC to co-ordinate delivery of casework services and to work jointly on research, submissions and campaigns.
- Management committee of Redfern Legal Centre Publishing Limited.
- Domestic violence committee of the Women's Co-ordination Unit.
- Tenant's Union of NSW.
- Consultative Committee to review the Residential Tenancies Act.
- Campaign for Criminal Justice.
- Financial Counsellors Association of NSW.

RLC is involved with the following national organisations:

- The Australian Financial Counselling and Credit Reform Association (AFCCRA) is the national body for financial counsellors, credit advocates and others interested in advocating on behalf of consumers of credit. RLC has made important contributions to AFCCRA campaigns on the reform of

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the Credit Act, credit overcommitment, consumer credit insurance and class actions.

- One solicitor is on the executive of the Consumer Law Association - National.
- We work closely with the Consumer Credit Legal Services in Victoria and Western Australia.
- The National Community Legal Centres Group.

## Combined Community Legal Centres Group

There are 25 Community Legal Centres in NSW and each of these organisations is a member of the Combined Community Legal Centres Group. RLC sends a representative to the monthly meetings of this Group.

Work undertaken by the Combined Group and its committees during 1990/91 included:

- The study of four community legal centres and subsequent work with the Commonwealth leading to a substantial increase in the CLC funding programme. This increase in funds will enable the establishment of new legal centres and an increase in funds for some of the smaller more poorly funded centres.
- Representation of NSW CLC views to the National Association of CLCs, the Legal Aid Commission of NSW, Office of Legal Aid and Family Services, Minister for Justice and Consumer Affairs, NSW Attorney General and State government departments and authorities. Issues raised included, access to interpreters, the cost of justice, cuts to legal aid, the Residential Tenancies Act, the Credit Act, Domestic Violence, Child Support Scheme etc.
- The second planning stage of the Management Support Project. This is a major project incorporating a three year plan to resource CLCs in planning management support and the provision of capital equipment.

RLC has contributed to the work of the following subcommittees of the Combined CLC group:

- Consumer Credit Workers Group
- Management Needs Working Party
- Professional Indemnity Insurance Committee
- Community Legal Education Workers Group
- Domestic Violence Committee
- "On the Record" editorial committee
- Tenancy Working Party of the Tenants' Union of NSW and the Combined

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- Community Legal Centres
  - Superannuation Committee
  - Practice Issues Committee
  - Funding Issues and Statistics Committee
  - Administrators

## Management

Redfern Legal Centre is a company limited by guarantee. It has a Board of Directors who have delegated many of their functions to the Centre Management Committee.

Staff are responsible for the daily management of the Centre and are responsible to the Management Committee

The Centre's legal practice is formally conducted by the principal solicitors, Ben Slade and Frances Gibson.

The Management Committee meets monthly and receives reports from sub-committees and staff. It is responsible to the board of directors of Redfern Legal Centre Ltd. for the policy and management of the Centre. At least one member of the Management Committee must be a Director.

The Board of Directors is responsible for the general direction and policies of RLC. The directors receive copies of staff reports, minutes of staff and management meetings (the Intellectual Disability Rights Service, Credit & Debt Financial Counselling Service, and of the Redfern Legal Centre itself) and meet when required.

At regular intervals (not more than 12 months apart) weekend conferences are held to evaluate and review the policies and services of RLC and to plan future activities.

These conferences are attended by directors, management committee members, staff, volunteers, representatives from local community organisations and others. Resolutions of these meetings have the status of recommendations to the Management Committee.

All sections of RLC report to the members at the Annual General Meeting.

### Directors

Virginia Bell, Stamatia Stamatellis, Nigel Vertigan, Peter Stapleton, Crash Craddock.

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## **RLC Management Committee**

Penny Harrington, Stamatia Stamatellis, Nigel Vertigan, Steve Bolt, Nick Kidd, Janice Connelly, Clare Farnan, Penny Musgrave, Mardijah Simpson, Mary Perkins, Andrew Miles, Gordon Renouf, Frances Gibson, Simon Moran, Mick Hillman.

## **Credit and Debt Service Management Committee**

Stamatia Stamatellis, Nigel Vertigan, Steve Bolt, Nick Kidd, Janice Connelly, Clare Farnan, Penny Musgrave, Mardijah Simpson, Simon Moran, Mick Hillman.

# **Staff**

As at June 1991 the paid staff of the Redfern Legal Centre general service were:

Gina Schein:	Secretary/word-processor (part-time)
Gail Luxford:	Typist/word-processor (part-time)
Frances Gibson:	Solicitor general casework/tenancy/joint principal solicitor 1990
Jane Goddard: Susan Davitt:	Solicitor casework/sexual assault and domestic violence. (Susan replaced Jane in April 1991 who had taken leave without pay for 12 months)
Mary Perkins:	Co-ordinator/policy worker, housing/tenancy
Andrew Miles:	Social Worker employed by South Sydney Council to work at RLC
Pam Anderson:	Administrator/volunteer co-ordinator
Gordon Renouf:	Solicitor consumer credit policy and advocacy
Ben Slade:	Solicitor casework/consumer credit advocacy/ principal solicitor from July 1989
Sandy Clarke:	Solicitor Students Representative Council, Sydney University from 18 March 1991
David Vaile:	Solicitor consumer credit casework from April 1991

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## **Consultants**

David Vaile, Julie Bishop, Helen Campbell (Victor & Family Law), Julie Stubbs, Denise Lynch, Marlene Krasovitsky (Court Support Scheme), Peter Van Dijk (Family Law & Information project Computers).

## **Casual Staff**

Sue Murray, Sue Goodwin, Mick Hillman, Gavin Butler, Carol Roberts and Clare Farnan.

## **Locum Solicitors**

Margaret White

## **Volunteers**

Volunteers are essential to the services provided by RLC, the centre wishes to thank the following people for their work. Sorry if we have forgotten someone. Special commendation to Paul Farrugia who provides the invaluable Tuesday afternoon advice sessions at the Centre.



*Joan Walker, Volunteer Librarian*

Joan Walker, Librarian

## **Volunteer Solicitors**

Micheline Dewdeney, Paul Farrugia, Douglas McGregor, Christopher Connolly, Kendall Odgers, Matthew Barnard, Steven Gollege, Linda DeSilva, Peter Stern, Con Haralambis, Anthony Anderson, David Brewster, Sue Punchary, Nigel Vertigan, Tim Leach, Michael Windsor, Janice Connolly, Amrit MacIntyre, Clare Farnan, Loris Hendy, Soraya Mir, Gillian Clyde, Peter Skinner, Joanne Collings, Chris Komor, Leonie Flannery, Penny Musgrave, Julie Robb, Julian Miller, Paul Kozub, Cynthia Bluett, Sarah McNaughton, Joanne Maxwell, Mary Whitehead, Michael Gibson, Alex Grosart, John Conlan, Maryanne McMahon, Stuart Hammond, Kylie Nomchong, John Gaudin, Margaret Simpson, Helen Wilson, Jane Oakshot, Simon Clarke, Michael Joseph, Suzanne Puckridge, David Godwin, Joanne Wing, Carol Hilderbrand, Kenneth Linegar, Jennifer Jude, Howard Isreal, Kim Rosser, Michelle McAuslan, Beth Gibson, Janine DeSaxe, Malcolm Duncan, Mark Vodika, Hugh Stowe, Wendy Poile, Sue Bowrey, Chris Dajovich, Jane Marquard, David Harrington, Melinda Mulrone, Julie Walsh, John Simon, Daphne Andersen.

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## Volunteer Students

Ronen Atzmon, Steven Bolt, Nicole Rycroft, Jennifer Scott, Baiba Lingeberzins, Juliett Hromas, Chris Kanellakis, Julia Baird, Andrew Carter, Julie Noonan, Kerrin Hong, Danielle Woolley, Nick Kidd, Yu Lan Poon, Michelle Cutler, Nicole Callander, Elizabeth McMullen, Miranda Stewart, Caroline Penfold, Grant Arbuthnot, Tony Cuzack, Patrizia Anzellotti, Donna Lawler, Simon Moran, Hanna Schuster, David Roberts, Aviva Imhof, Ross Sullivan, Miles Clemans, William Vahl, Sarah Alpers, John Godwin, Eduardo Laginha, Mike Ticher, Susan Yeomans, Micheal Parker, Angela Ward, Ann Flahvin, Anthony Ventura, Anastatia Lyons, Suseela Durvasula, Aileen Chin, Lucille Hughes, Melissa Eaton, David Gibbon, Bruce Windsor, Haley Katzen, Jenni Mackie Schneider, Peter Van Dijk, Trevor Drake, Nicole Abadee, Rachel McCallum, Jane Williams, Andrew Goffe, Sonja Marsic, Mary Sweeney, Tom Roach, John Mulquiney, Steven Bull, Dinh Tran, Ann Fomin, Joanne Casburn, Victoria Hiley, Paul Zawa, Leona Boey, Nara Puthuchear, Kate Rowe, Mellisa McAdam, Nicole Schlesinger, Peter Capsanis, David Roberts, Patricia Snell, Monica Gribble, Stella Vaughan, Peter Mulquiney, Ian Paul, Colin Davidson, Michael Parker, Ingrid Gubbay, Robert Fenech, Conrad Gray, Mark Palmer, Toby Jorgensen, Fiona Jackson, Michael Bigelow, David Sharpe, Bruce Meagher, Pamela Geissler, Rosemary Oetojo, Georgia Brignell, Jaqueline Moore, Elizabeth Jardine, Julieanne Mahony, Anita Pollard, Maree Grady, Johnathan Kelt, Mary Stiel, Frances Bluett, Kim Genter, Shiela McMahon, Sally Dowling, Sarah Crawford, Virginia Plowman, Catherine Hawkins, Simone O'Brien, Michael Burr, Sarah Downe, Loretta Krett, Malcolm Cameron, Swee Kim Tan, Geoffrey Chan, Jacquelyn Meyers, Malcolm Galwey, Naomi Sharp, Emma-Kate Symons, Sue Grant, Louise Capon, Michael Funston, Karen O'Connell, Sally Lewis, Jane Eccleston, Zarina Braybrook, Michael Fullilove, Faye Brinsmead, Roxanne Clifford, Lisa Parent, Arini Gray, Jackie Salsithidej, Larissa Shafir, Elizabeth Van, Katie Watts, Lester Fernandez, Fleur Watharow.



*Mary Perkins, Co-ordinator*

# Finances

**Redfern Legal Centre Limited detailed Profit and Loss Account for the year ended 30 June 1990**

	\$ 1990	\$ 1991
<i><b>Gross Surplus</b> transferred from trading account</i>	4,043	9,933
<b>INCOME</b>		
<i>Donations</i>	2,657	1,986
<i>Consulting fees</i>	0	0
<i>Lecture fees</i>	0	0
<i>Grants</i>	527,602	684,241
<i>Interest received</i>	27,190	29,529
<i>Recovered costs</i>	19,711	26,091
<i>Sundry income</i>	5,890	18,738
<b>TOTAL:</b>	<u>579,007</u>	<u>750,652</u>
<b>EXPENSES</b>		
<i>Accountancy</i>	3,918	1,905
<i>Annual leave provision</i>	10,678	0
<i>Auditors' remuneration</i>	7,339	8,009
<i>Bad and doubtful debts</i>	0	0
<i>Bank charges</i>	465	507
<i>Casual labour</i>	0	0
<i>Cleaning</i>	0	0
<i>Conference expenses</i>	0	0
<i>Consulting fees</i>	9,187	44,529
<i>Depreciation</i>	5,858	6,659
<i>Electricity</i>	0	0
<i>Entertaining</i>	0	0
<i>Fitout</i>	43,713	0
<i>General</i>	3,034	3,341
<i>Grant expenditure</i>	4,601	6,972
<i>Insurance</i>	1,456	1,897
<i>Loss on disposal of non-current assets</i>	0	0
<i>Office</i>	0	0

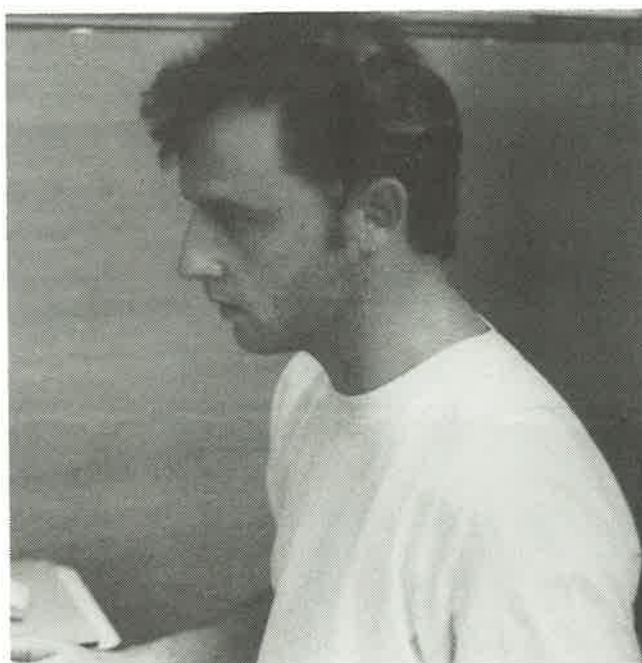
<i>Photocopying expenses</i>	1,717	0
<i>Printing postage and stationery</i>	6,711	65,100
<i>Rent Paid</i>	0	0
<i>Salaries and wages</i>	424,568	503,408
<i>Repairs and maintenance</i>	1,275	1,764
<i>Staffing expenses</i>	22,241	18,112
<i>Subscriptions</i>	9,532	9,997
<i>Sundry</i>	3,680	15,722
<i>Superannuation</i>	100	13,048
<i>Telephone</i>	14,379	13,559
<i>Travelling, fares etc</i>	10,761	12,963
<b>Total</b>	<b>585,213</b>	<b>727,492</b>
<b>OPERATING SURPLUS transferred</b>		
<i>to profit and loss account</i>	(16,206)	23,160

RLC's general service is funded principally through the Legal Aid Commission of NSW. The Commission receives its funds for distribution to Community Legal Centres from the Federal and State Departments of the Attorney General.

In addition to this, RLC receives financial support from the NSW Department of Family and Community Services for the Credit and Debt financial counselling service. This year (1990/91) the Department decided to fund us on a financial year we received the same in the first six months as the previous year. For the six months to 30.6.91 the department increased our grant by 4.5%. as a contribution towards the operating costs.

We also received continuing funding from the Australian Financial Counselling & Credit Reform Association with a small operating costs increase.

We have continued to apply for grants from Law Foundation of NSW. The first to computerise applications for Victims Compensation is still being worked on. Jane Goddard applied for a grant to evaluate the Womens Domestic Violence Court Assistance Scheme. This will be concluded at the end of 1991. We



*Andrew Miles, Social Worker*

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also obtained a grant to develop a Family Law System which will continue into 1992.

South Sydney Council continues to make an important contribution to RLC. The Council pays for the Social Worker position and provides premises, electricity, cleaning and maintenance. Unfortunately the Council decided not to help the Centre with a contribution towards stationery and printing this financial year.

RLC also received generous donations from clients, community groups and volunteers. In the absence of funding levels which keep pace with inflation, these donations are becoming vital to the Centre's survival. We thank all those who have contributed to the Centre.

### **Donations Received**

C Larsen, T Robins, R E Duckett, Me Mattei, Mrs Smith, A Doyle, R Parry, Mr Zelek, P Campbell, E Stevens, J Jerrat, T Mihailoff, Mrs Hughes, Dewitt, Mrs Sharpe, Y Curry, M Ahrens, A Miles, C Stacey, Y Stern, W Pink, J Lavcrack, N Curruth, R Walker, F Henderson, Wetherall, G Matile, Mrs Stevenson, and several unknown.

In these times of fiscal frugality donations are more than welcome. RLC would like to thank everyone for their contribution.

**Many thanks to Louise Blazejowska who took the photos that appear in this report.**

