



**REDFERN
LEGAL
CENTRE**

Annual Report

June 1992 – July 1993

Redfern Legal Centre Annual Report 1992-1993

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Introduction

Redfern Legal Centre opened in March 1977 and was the first community legal centre in New South Wales. In 1992/93 the Centre assisted over 5500 people by providing free legal advice and representation.

The Centre's core operation provides general advice and assistance to the South Sydney community. In addition to this service Redfern Legal Centre has specialised in areas of particular need where legal services are unavailable or inadequate. In 1992/93 the Centre specialised in domestic violence, housing issues, victims compensation for sexual assault victims and credit and debt issues.

The Centre has developed a style of legal service designed to assist the greatest number of people possible. Priority is therefore given to;

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

The Centre's objectives are:

- 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 continue 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.

General Advice and Casework Services

Client services fall into three categories:

- a) advice by appointment
- b) telephone advice
- c) legal assistance and representation

The issues the centre advises on include the following:

- Credit
- Criminal Law (*and minor infringements ie traffic, fine defaults, fare evasion*)
- Community Organisations
- Complaints (*against police, solicitors, govt departments*)
- Consumer complaints
- Consumer Credit Law
- Debts
- Discrimination
- Domestic violence
- Employment
- Family Law
- Insurance
- Legal Aid
- Mental Health
- Motor Vehicle accidents
- Neighbour disputes
- Prison
- Social Security matters
- Tenancy
- Victims Compensation
- Wills
- Environment and Planning



Sarah Crawford and Katherine Biber - Volunteers

Advice by Appointment

Legal advice is provided to any person attending the Centre during interview hours, Monday- Friday 6-9pm and Tuesday and Thursday 2-4pm
Specialist advice sessions are provided in credit, debt, tenancy, and intellectual disability.

A day time service is provided for the elderly and those unable to attend at night and an outreach service is available for those unable to leave home.

Telephone Advice

The Centre provides telephone advice to:

- community workers and staff of relevant government offices seeking advice on behalf of clients, any time between 9 am and 9 pm;
- any caller from 6.30- 8.30 pm weekdays;
- to any caller in emergencies 9 am to 9 pm weekdays. Calls are received from anywhere in NSW as well as interstate.

Casework

Legal assistance including representation is provided to people and organisations who:

- cannot afford a private lawyer;
- do not qualify for legal aid from existing services; and
- live or work in the area serviced by RLC.

Eligibility Guidelines

Our guidelines focus on:

- where the prospective client lives (geographical guidelines);
- the nature of the client's problem;
- whether the client can reasonably obtain assistance elsewhere (including whether they can afford a private solicitor);
- whether the client would be able to handle the matter themselves.

Guidelines are relaxed in special cases especially where the matter is within specialist areas or where no other legal assistance is available.

Home and institutional visits are arranged for clients who are unable to attend the Centre. The Centre can use the services of South Sydney Community Transport to assist the frail and elderly to gain access to the Centre's legal advice sessions.

The geographic catchment area is defined as; Redfern, Alexandria, Chippendale, Darlington, Enmore, Erskineville, Glebe, Macdonaldtown, Mascot, Newtown, Rosebery, Waterloo, Zetland, Camperdown, Surry Hills, Ultimo, Pyrmont. The exceptions are; the IDRS and credit & debt services which are separately funded to provide state-wide services, domestic violence where the catchment area

incorporates the areas serviced by all participating organisations and tenancy because there are few other services.

Litigation will be conducted if a precedent could be established that would benefit a particular class of clients.

Clients who are capable of dealing with all or part of their problems themselves, with some guidance are encouraged and assisted to do so.

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



Louise Blazejowska and Pat Mc Donough, solicitors

Notable Cases in General Casework

Police Harrassment

Our client (a person from a non English speaking background) was assaulted and robbed by three off duty police officers, who then charged our client with theft offences. These charges were dismissed, with the magistrate recommending action against the police involved for perjury. The matter was referred to the Ombudsman for investigation. The police argued that the Ombudsman's jurisdiction did not extend to the actions of police not 'acting as a constable', which did not include either being off duty or acting illegally. After some publicity, the Premier announced legislative amendment to put the jurisdiction of the Ombudsman beyond doubt. Our client is also pursuing civil damages for wrongful arrest and malicious prosecution.

Social Security

Our client was asked to repay a \$10,000 debt to the Department of Social Security under an Assurance of Support agreement she had signed in respect of her mother. Neither the Department nor her mother had informed our client that she was claiming or had been granted a DSS payment. Recovery of the Debt was waived at the SSAT.

Coroners Inquest

Our client's wife, received negligent treatment at a metropolitan hospital which it is alleged contributed to her death several years later. We have been granted an inquest into the woman's death.

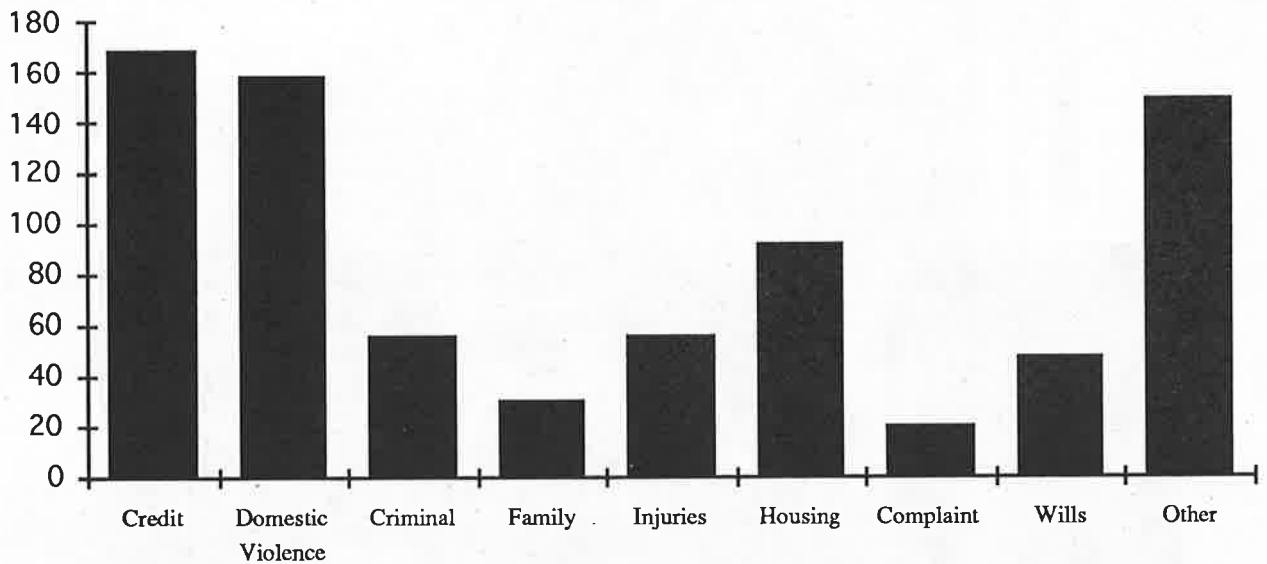


Gavin Butler-statistics collector

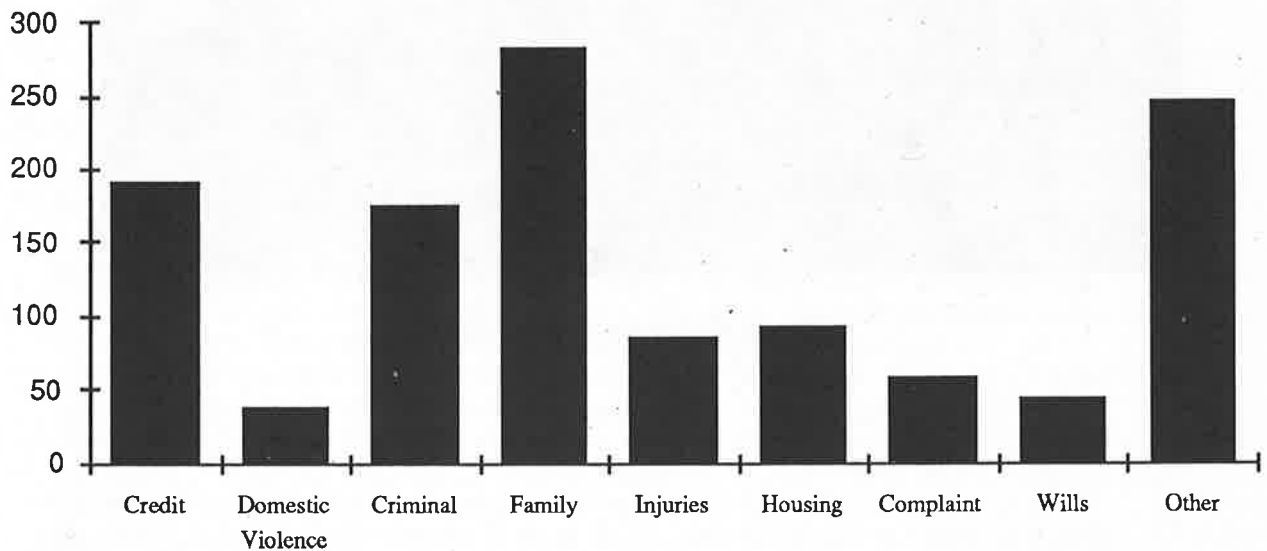
Centre's Casework Statistics

In 1992/93 776 files were opened at the Centre. These matters involved ongoing assistance for clients and in many cases, litigation. 1,244 clients were advised in person on a one off basis at the Centre and over 3,609 were given telephone advice. The subject matter of the requests for advice are as follows:

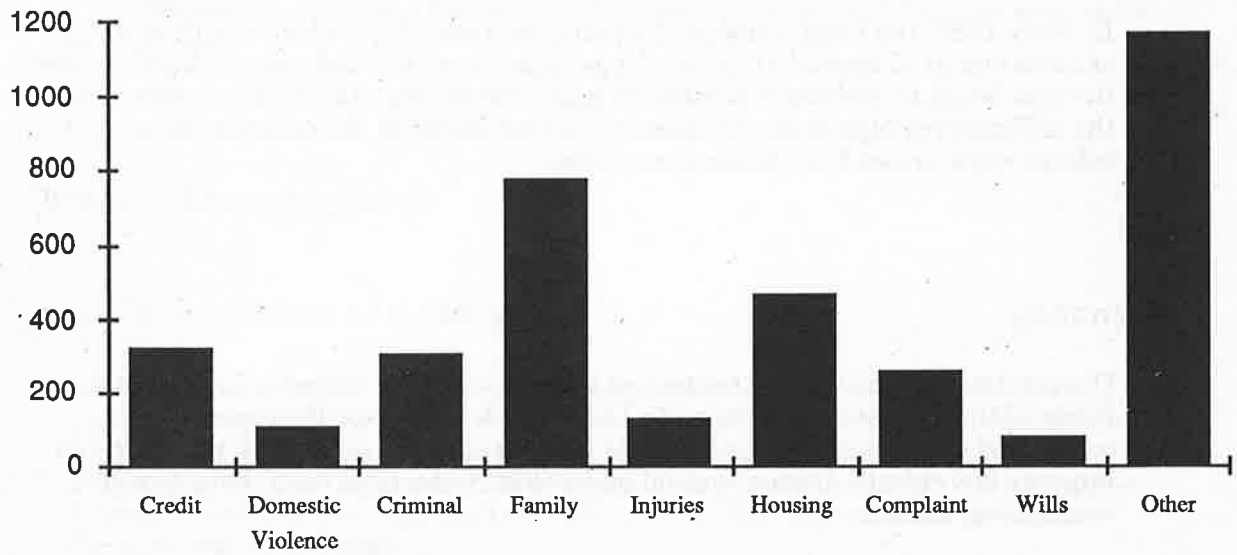
Files 1992/93



Client Advice Sheets 1992/93



Telephone Advices 1992/93



Specialist Areas

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. Much of the centre's policy and reform work arises from these specialities.

Tenancy

During 1992/93 the Centre continued to work with the Tenancy Legal Working Party of the Combined Community Legal Centres Group. This group is comprised of community legal centres and tenancy organisations who focus on tenancy law reform. Issues worked on in 1992/3, (by RLC staff) both new and continuing, include:

- Drafting a Private Members Bill to reform the Residential Tenancies Act 1987.
- Negotiations with the Tenancy Commissioner on problems arising from the rent receipting system used by the Department of Housing. The Department of Housing is exempt from the sections of the Residential Tenancies Act 1987 relating to rent receipts. Public Housing tenants do not receive accurate records of rent paid and owed. During 1994 a new receipting system is to be introduced and hopefully will be more satisfactory.
- Monitoring the decisions of and applications of procedures of the Residential Tenancies Tribunal. As a consequence the centre has run a number of appeals from the RTT relating to issues of procedural fairness.
- Made representations to the Tenancy Commissioner concerning the representation of tenants before the RTT.
- Made representations to the Tenancy Commissioner concerning the implications of the user pays water billing system for tenants in flats and public housing estates where water is not separately metered.

The Centre has also:

- Represented the CCLC group on the Residential Tenancies Act Review Committee. This committee has been established to advise the Tenancy Commission on the application of the Act.
- Submitted to the Mant Inquiry regarding the adequacy of the tenancy services provided by the Department of Housing.
- Held discussions with officers of the Department of Housing regarding a review of departmental mechanisms for review and appeal.

- Is a member of the Public Housing Task Force co-ordinated by South Sydney Council and formed to develop proposals which may address some of the major problems concerning residents in the public housing estates.
- Wednesday evening has been maintained as a specialist advice session for tenants.

Notable Tenancy Cases

Hill v Department of Housing

The Department took eviction proceedings against our client for providing incorrect income details. The Tribunal found that the grounds for termination had been remedied six months prior to the issue of termination notice, that the time taken by the Department to act prejudiced the tenant and that principles of procedural fairness had not been adhered to. The Tribunal dismissed the Department's application.

Darnell, Hanna and Grace v Nevilda Pty Ltd

These three tenants took actions against their landlord for compensation for losses incurred through non-repair of the premises. This case tested the right of tenants to be awarded compensation for furniture, clothes and goods damaged by rising damp, condensation and roof leaks. The landlord was found to be in breach of the repair provisions of the Residential Tenancies Act 1987 and the tenants were awarded compensation between \$1,000 and \$3,500.

Turner v Kotowicz

This case tested the provisions of the Residential Tenancies Act regarding retaliatory evictions. The Tribunal dismissed the application for termination on the grounds that the tenant was being retaliated against for contacting a government body concerning condition of premises - ie exercising their rights.

Wyborn v Hill

The tenants living in 'shared' accommodation but with exclusive possession of bedrooms succeeded in proving they were subject to separate tenancy agreements and thereby not liable for unpaid rent of another occupant (\$5000).

Martin v Department of Housing

The Department of Housing successfully obtained eviction orders from the Residential Tenancies Tribunal on the grounds of "illegal use" of the premises. The illegal use complained of was possession by our client of a small amount of cannabis, for which she had been convicted and fined \$50. Proceedings are ongoing in the Administrative division of the Supreme Court on the grounds that any breach of the residential tenancies agreement did not justify eviction and on the grounds of denial of procedural fairness by the Residential Tenancies Tribunal.

A similar case was settled at the RTT to the mutual satisfaction of the tenant and the Department.

Rigney v Department of Housing

Our client claimed damages from the Department following a series of burglaries to his house, in which he lost electrical goods of considerable value. The Department had refused the tenant's prior request to improve the security facilities at his house. The client's claim for compensation was settled for \$5000, the jurisdictional maximum in the RTT.



Mary Perkins co-ordinator and Steve Bolt, locum solicitor

Domestic Violence

The Centre co-ordinates and resources the Women's Domestic Violence Court Assistance Scheme (WDVCAS).

The WDVCAS is a specialist court support scheme, which has been operating since March 1990. This Scheme is an innovative attempt to provide a range of legal and support services to women seeking Apprehended Violence Orders (AVOs) through Redfern Local Court. The Scheme is considered unique amongst court support schemes in that it provides an integrated legal and non legal service at the court itself. Underpinning the Scheme is the belief that solicitors working hand in hand with trained support workers will provide a more effective service than either solicitors or support workers working independently.

The Scheme is built upon an interactive and co-operative relationship between solicitors and support workers from 17 different local community agencies and 3 Community Legal Centres. The Scheme operates every Wednesday at Redfern Local Court. The services of a solicitor and two support workers are made available for women seeking AVOs who would otherwise appear unrepresented.

The Scheme was independently evaluated after its first year in operation, it was found to be remarkably successful in that the women assisted were more likely to continue with the legal process and receive the orders sought. It was recommended that the Scheme continue in its present form and be adopted as a model for the establishment of Court Support Schemes in other courts.

It was not anticipated that the Scheme would grow to the extent that it has. The Centre does not receive any additional resources for the co-ordination of the Scheme.

The Centre took the initiative and revitalised the local domestic violence committee. It also participated in the State Domestic Violence Committee and prepared a submission to the Attorney-General seeking changes to domestic violence legislation.



Robyn Holden -secretarial assistance

Victims of Crime (sexual assault)

The focus of a solicitor's position has continued to be on providing assistance to victims of sexual assault. During 1993 there have been a number of successful appeals from determinations of the Victims Compensation Tribunal to the District Court.

One matter has gone to the Supreme Court and is awaiting final hearing.

The Centre is assisting an increasing number of women seeking compensation in relation to domestic violence. These applications have raised a number of questions of law which have yet to be determined.

The Centre has continued its commitment to working with survivors of child sexual assault. This has also involved the preparation of a number of "secondary victim" applications in relation to family members.

The Centre liaises regularly with members of the NSW Sexual Assault Committee. This Committee shared the Centre's concerns about the processes and decisions of the VCT and made personal and written submissions to the Tribunal.

The Centre was responsible for co-ordinating the Combined Community Legal Centre's group response to the Victims Compensation Issues paper which was released in September 1992. Two detailed submissions were presented to the Review of the Victims Compensation Act .

The Centre is now preparing submissions on various issues related to the recovery of money by the Victims Compensation Tribunal.

The solicitor has also conducted a number of media interviews about the operations of the Tribunal.

Notable Compensation Cases

In one case the woman who had been assaulted agreed that the police should not press charges against the accused as he had since suffered a serious accident. When she applied for compensation, her application was rejected by the Tribunal on the basis that she had not taken sufficient steps to prosecute the accused. The District Court held that she was still entitled to compensation even though she had not taken all steps to prosecute the accused.

In all but one appeal to the District Court run by the Centre, the appeals were upheld and the level of compensation awarded substantially increased.

Wills

The Centre has reached an arrangement with the Public Trustees whereby a solicitor from the Public Trustees office will attend the Centre on the 2nd Wednesday of each month to take instructions and draw up wills for clients.

Credit and Debt

Monday evening and Thursday afternoon have been developed as a specialist advice sessions for credit and debt matters.

The Centre continued its involvement in s 86 *Credit Act* cases during the year. In a s.86 application, a lender effectively begs forgiveness for a breach of the Act in relation to regulated personal loans, and the borrowers present evidence and argument aimed at retaining the maximum penalty, effectively relieving all affected borrowers from liability to pay some or all of the interest.

In other matters the bounds of the application of the Credit Act, Credit (Home Finance Contracts) Act, Trade Practices Act, the Fair Trading Act and the Contracts Review Act have been tested.

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

- Consumer lobbying has continued to be necessary to maintain a civil penalties regime as part of the new uniform credit legislation and to reform archaic agency laws;

- RLC has been involved in consultations in relation to national policy on financial services issues. These consultations are between the Australian Consumers' Association, the Australian Financial Counsellors' and Credit Reform Association and the Australian Federation of Consumer Organisations;
- The Homefund loans scheme has been the subject of severe consumer concern. Actions commenced in 1992 on behalf of various borrowers with the Homefund loans scheme continued during 1993.

1993 was a year in which the Centre fielded well over 600 enquiries from Homefund borrowers with severe difficulties with their loans.

The Centre has assisted borrowers directly by negotiating with the mortgagee and its agents in some circumstances, while keeping all borrowers who contacted the Centre informed of developments by government, such as the creation of the Homefund Commissioner's Office, which provided large-scale assistance to borrowers.

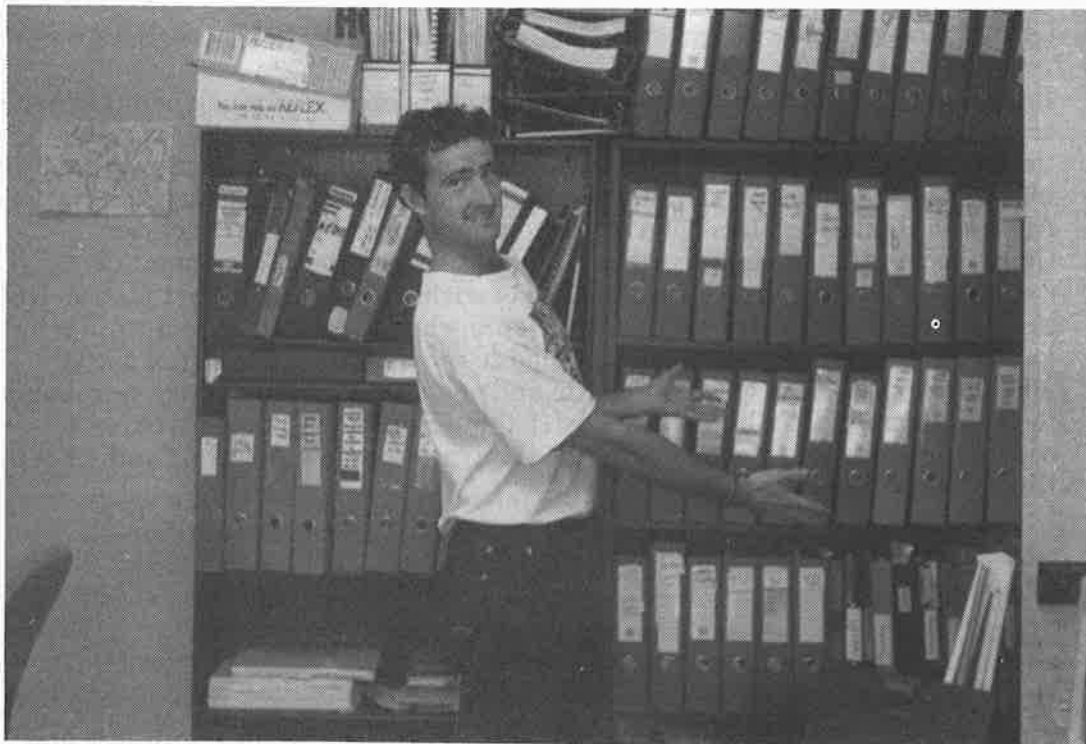
The Centre has been instrumental in co-ordinating the activities of the Homefund Action Group, was a prominent member of the Homefund Support Coalition, and made submissions to government, the Parliamentary Homefund Inquiry and the Law Society of NSW as to solutions to the problem. A Centre solicitor was significantly involved in the creation of the Office of the Homefund Commissioner and in contributing to the Homefund restructuring legislation;

- RLC has sought reform of the law in relation to tactics being used by timeshare operators to sell the scheme. A Centre solicitor instigated a major forum run by the Law Society of NSW on the timeshare industry. RLC made approaches to the ASC, the TPC and Consumer Affairs dealing with the monitoring of the timeshare industry;
- RLC contributed to negotiations between the banking industry, the federal government and consumer representatives over a national Code of Banking Practice. The Code was adopted during the year;
- A Centre solicitor was a member of the Law Society of NSW Consumer Law Committee;
- Insurance and superannuation generally, to which end RLC helped conduct a National Superannuation Phone-in which surveyed consumers' concerns about superannuation;
- Guarantors;
- Funding of financial counselling services;
- Corporate compliance with consumer protection legislation.

Notable Credit Cases

State Bank

Initiated by the Centre, this application by the State Bank of NSW dealt with a vast array of breaches of the Credit Act by the Bank. The breaches affected over 300,000 borrowers in NSW and ranged in severity from breaches of the Act caused by the Bank's involvement in timeshare lending schemes to instances of the Bank illegally collecting millions of dollars in revenue from borrowers. The case amounts to the most comprehensive investigation of a major Bank's personal lending practices yet carried out in Australia, and will result in significant changes to consumer banking practices. Already in the light of this case, other credit providers have come forward with admissions that they too have been in breach of provisions of the consumer protection legislation. RLC and Consumer Credit Legal Centre jointly represented borrowers before the Commercial Tribunal. RLC alone had 20 clients involved in the case, 6 of whom were victims of high pressure unjust sales tactics of timeshare operators. This case has not been concluded.



Simon Cleary -Solicitor (State Bank Case)

Timeshares

2,300 people borrowed money from Garendon to buy timeshare units at a resort. RLC and Kingsford LC. are jointly representing borrowers. The breaches include providing credit without a licence (for which the penalty is loss of both principal and interest) and a variety of problems relating to high pressure selling methods. Following an unsuccessful Commercial Tribunal matter, RLC

represented its clients in their appeal to the Supreme Court of NSW, and have fielded innumerable enquires from other borrowers affected by the practices of Garendon.

This case has not been concluded.

Custom Credit

The Centre commenced a representative action against Custom Credit Corporation in the Supreme Court claiming declarations that the defendant's standard loan contracts attract the civil penalty due to a failure to declare commission payments. Among other things, in Custom Credit Corporation Limited v The Commercial Tribunal Of New South Wales, handed down on 16/12/93, the Court of Appeal agreed with our view that the Commercial Tribunal could appoint a solicitor to assist the Tribunal. In response to our arguments in the Supreme Court Custom Credit has filed a s86 application in the Commercial Tribunal, admitting various breaches including the failure to inform borrowers of commission payments.

Unjust Contracts

Instances of injustice in consumer lending still dominates much of our consumer credit practice. A great many of these instances related to tactics used by timeshare sellers. We have been involved in actions against financiers involved in timeshare schemes including the State Bank, Garendon, as well as National Australia Bank. RLC has been involved in urging the Trade Practices Commission, Australian Securities Commission and the Department of Consumer Affairs to act to stop the use of such widespread unjust tactics. RLC has also sought to specifically assist clients who have acted as guarantors for loans. Many credit providers have failed to provide the guarantors with adequate explanations of their rights and obligations. Applications were made to the Commercial Tribunal, the District and Supreme Courts invoking consumer protection provisions in the Contracts Review Act, the Credit Act and the Fair Trading Act.

Resource Worker - Financial Counselling Services Project

The Centre provides Resource Worker services to Financial Counsellors and other community workers who have direct dealings with clients in financial difficulties.

The work involved includes:

- answering telephone inquiries from financial counsellors and providing backup to their casework.
- providing resources eg. memos on issues that arise re casework, law reform and legal practice.
- drawing issues out from financial counsellors work (ie policy work).

Criminal Justice

A staff member is the alternate member of the Legal Aid Commissions Prisoners Legal Service Advisory sub committee.

A member of staff is also a participant in the Sentencing Reform Coalition.

One of the Centre's solicitors has been a member of the Law Society's Aboriginal Justice Committee which has been meeting since June 1992.

The Centre has also liaised with the Aboriginal women's group seeking funds to establish an Aboriginal Women's' Legal Centre.

The Centre provided legal information to publications such as the Activists Rights Handbook and updated the booklet "If You Are Arrested".

Law Reform Submissions were completed in relation to various aspects of criminal justice.

Access and Equity

In 1991 the Centre adopted an access and equity policy to address the legal needs of people from a non-English speaking backgrounds

The policy was adopted in recognition of the large, newly arrived NES population in the Centre's target area and the special problems that this group faced in accessing legal services and in exercising their legal rights.

A review of the Centre's organisational structure and service delivery was carried out to identify and develop strategies to increase access to people from a NES background in accessing the Centre's services.

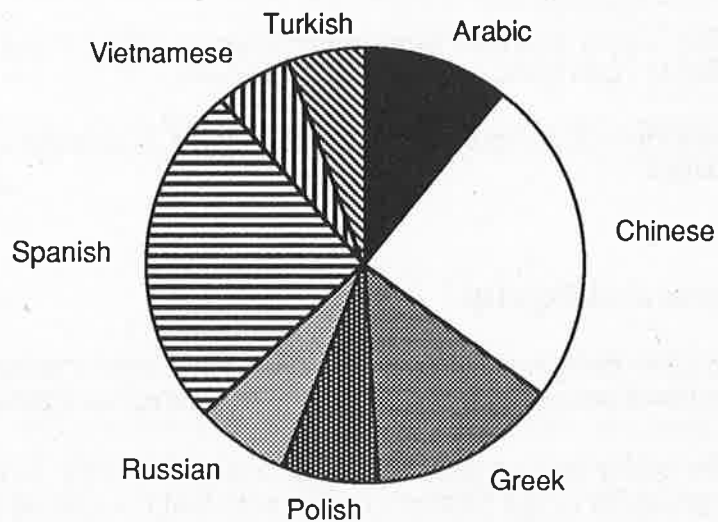
As a result of this review the Centre has changed some of its policies and procedures and is currently developing information and community legal education strategies to target the NES population.

Following discussions in the Centre regarding issues of access and equity a group of enthusiastic volunteers assisted by the Community Worker of RLC, are working on three major strategies to increase access and ensure equity of service provision to clients from NESB, with disabilities, HIV/AIDS and other marginalised groups. These strategies are:

- Developing an Access and Equity Policy for use in all community legal centres - This is being done in conjunction with a committee established by the Combined Community Legal Centres Group;
- Targeting specific communities in the RLC catchment area. Research has been carried out to identify the communities most in need of legal services. These have been identified as Chinese, Vietnamese, Russian, Indonesian and Spanish. Generally the strategy will involve targeting these communities for community education and liaison;
- Organising cross cultural and anti-racism training for RLC volunteers, management and staff.

Members of the Access and Equity Group at Redfern Legal Centre are Ping Ming Koh, Mandy van den Elshout, Sonia Yip, Wee Ling Chuan, Lester Fernandez, Shobini Mahendra, Zarina Braybrooke, Irene Baghoomians, Jackie Saisithidej, Julianne Mahoney, Simon Moran, Peter Van Dijk, Juanita Zepeda, Robert Curtis, Katherine Biber, Mehera San Roque, Vivienne Bakis, Sarah Crawford, Haidi Bernhardt, Andrew Silk, Lucille Hughes, Anne Moubarak.

Most Common Language Groups of NESB Clients



Pro Bono Arrangements

Redfern Legal Centre utilises the services of over 100 volunteer students, solicitors and barristers each week. All of these people give their time for free. In addition our clients have received assistance from

Paul Farrugia, a volunteer solicitor, whom for 15 years has provided advice and assistance on Tuesday afternoons for those who can't attend in the evenings. This has been a popular session for women with small children, frail and aged persons.

Every Thursday afternoon rostered solicitors from Blake Dawson Waldron under the supervision of RLC solicitors provide specialist legal advice in consumer credit, bankruptcy, insolvency and insurance issues.

Clayton Utz, solicitors, agreed in late 1989 to a pro bono scheme under which they acted for up to 50 clients referred by RLC per annum. The scheme has been used successfully and is often the only source of legal representation available to some clients. The scheme has now been markedly expanded and Clayton Utz have undertaken to do up to 1 million dollars worth of work free.

A number of barristers have provided free advice and representation over the years for our clients. These include Andrew Haesler, Janet Manuell, Leonie Flannery, John Basten, Gerard Craddock and John Berwick.

Legal Expert Systems

The Centre has developed an interest and an expertise in the development of legal expert systems and with assistance from the Law Foundation of NSW the Legal Aid Commission of Victoria, and possibly the Law Book Company is currently developing an extensive document modelling system.

The "Family Law System" will generate all the documents relevant to a Dissolution of Marriage

It is expected that use of the system will offer significant productivity benefits to RLC, other CLCs, government legal aid agencies and ultimately, the private profession.



Pam Anderson -administrator and Gina Schien -administrative worker

Community Legal Education

Redfern Legal Centre's community legal education program takes two forms:

- to address the needs of individuals with in community;
- to address the needs of professionals ie community workers, social workers, lawyers, teachers etc.

Community Legal Education to Members of the Public

It is considered essential to the preventative approach to legal services that members of the public be informed of their rights and obligations so that they may be able to develop self help skills.

Initiatives in this area include:

- Seminars have been prepared on a number of topics, including: credit and debt, tenancy, family law, domestic violence, anti-discrimination law, neighbourhood disputes, motor vehicle accidents and the legal system. These seminars were well attended;
- Law for Non Lawyers. Staff have remained involved with the RLC Publishing sponsored course, "Law for Non Lawyers." which is open to members of the public;
- Media presentations. Centre workers have appeared on radio, television and in the press to take up issues such as sexual assault, credit, access to legal services and legal aid, tenancy, intellectual disability and Domestic Violence;
- Dissemination of Legal Information. The Centre has distributed information about the range of legal services to community organisations, workers, groups and individuals;
- A solicitor has continued to resource a number of metropolitan sexual assault services in relation to victims compensation issues and the law regarding sexual assault. This has included continued participation in the Royal North Shore's Sexual Assault Centre court preparation seminar for victims of sexual assault;
- Presentations at the English as a Second Language courses conducted by South Sydney Community Aid as part of their newly arrived migrants program. Over the last year a series of teaching modules dealing with legal issues have been developed in conjunction with the ESL teachers.

Professional Training

Given the development of particular case work areas within the Centre, staff have considered it important to impart this specialist knowledge to other professionals. This dissemination of information has improved the skills of other workers dealing with similar client groups.

Initiatives include:

- Ongoing training for financial counsellors and legal centre volunteers, for example in the area of the Credit Act and non regulated contracts.;
- A solicitor from the Centre gave a training session on domestic violence for local police;
- A solicitor gave a comprehensive paper on Domestic Violence and Court Support at the Second National Conference on Violence in Canberra;
- Legal training. RLC staff liaise regularly with RLC Publishing and are on the Editorial Committees of the Lawyers Practice Manual and the Law Handbook. Centre staff and volunteers continue to write and review previous contributions to these and other RLCP publications;
- In house training; RLC also runs regular talks for volunteer staff on various areas of poverty law. We have received Law Society accreditation for these talks (MCLE points);
- Conducting a Welfare Law course for 2 hours per week for 18 weeks to students and community workers;
- Two day long workshops for Grant in Aid Workers on Legal Issues conducted in conjunction with Department of Local Government, Immigration and Ethnic Affairs, as part of their training program;
- Providing a number of comprehensive training workshops for court support workers to effectively assist women applying for Apprehended Domestic Violence Orders. Training sessions have been held in Sydney and outside the metropolitan area;
- Participation in Redfern Legal Centre Publishing's two day workshop "Social Workers and the Law";
- Guest Lecturer at the University of New South Wales in the combined social work/law degree;
- Providing a number of training sessions and workshops for tenancy workers in the Metropolitan area. These workshops included a well attended session for public tenants in Maroubra and one in Bondi;
- Providing a number of information sessions for community workers about the Victims Compensation Tribunal;
- Providing training in various administrative areas to other community legal centre workers;
- Provided training and resources to other community legal centre workers in administrative and management practices.

Publications

Initiatives include:

- Staff contributed to publications regarding civil liberties particularly in relation to the criminal law. The best known of these include "The Activists Rights Handbook" and "If you are arrested";
- Preparing a new pamphlet which outlines the operation of the Women's Domestic Violence Court Support Scheme. The pamphlet was translated and produced in 15 community languages;
- Staff and volunteers prepare and contribute to a large number of publications where the objective is to provide the public with information that demystifies the law. The best known of these are "The Law Handbook, and the "Debt Survival Guide" and "The Tenants Rights Manual";
- Production of a new pamphlet and poster advertising the Centre's services;
- A staff member is on the editorial committee of the Lawyers Practice Manual.

Access to Legal Services

The following initiatives have been pursued:

- A Centre solicitor sits on the Pro Bono Committee of the Law Society;
- The Centre worked throughout the year on increasing the availability of Legal Aid. Due to budgetary restrictions, the Legal Aid Commission decided in December 1992 to substantially reduce the availability of Legal aid for civil matters. Together with support from other community legal centres, community groups, parliamentarians, the Law Society, the Bar Association and the Legal Aid Commission itself, RLC worked to ensure that the availability of Legal aid in civil matters remained an issue of public concern, and that an effective workable solution to the problem was achieved. The end result was that legal aid was restored in most areas where alternative assistance was not available;
- The Centre is working with the Law Society to establish an effective disbursement lending scheme which would be used by financially disadvantaged persons in areas such as personal injury, medical and legal negligence;
- The Centre worked with the Combined Community Legal Centres Group on a proposal for the formation of a "Legal Services Council" to co-ordinate and plan for the provision of legal services;
- The Centre worked with the Australian Council of Social Services Law and Justice Committee on their access to justice policies.

University of Sydney Students Representative Council Branch

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. Pat McDonough is the current SRC Branch Office Solicitor. From time to time during periods of leave she is replaced by locum solicitors appointed by RLC. During 1992-93 Steve Bolt filled the locum position at the SRC Branch Office.

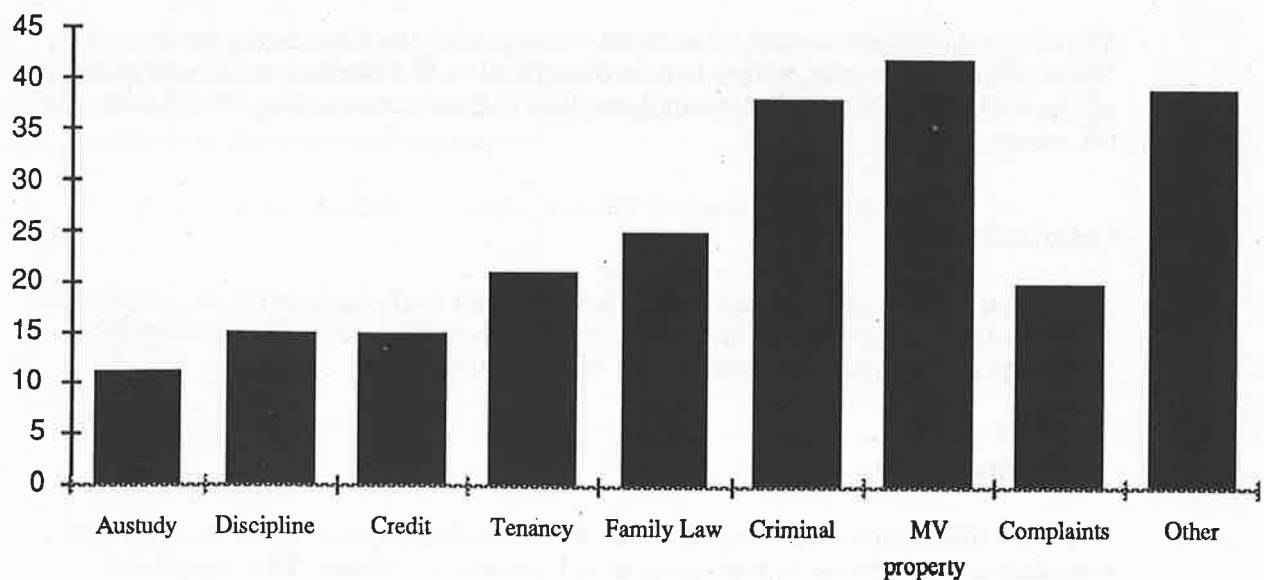
The Principal Solicitor at Redfern regularly checks and supervises the legal work carried out by the Branch Office Solicitor. The Principal Solicitor and other Centre workers are available on call to provide advice and assistance at all times.

The Branch Office is covered by the RLC Professional Indemnity Insurance.

Casework

The statistics show the types of matters students sought advice on. Only undergraduate students are eligible for assistance.

SRC Branch Office matters 1992/93



Notable Branch Office Cases

Cheating

Three students were accused of conspiring to cheat in an examination. One student successfully answered the allegations. Because of the controversial determination by the University Proctorial Board, Murray Tobias, QC, Neil Williams and Gerard Craddock, Barristers at Law and Warwick Hunt, Solicitor, gave their services free so that the students could be represented when matter went on appeal to the Senate Appeals Committee. The matter is now in the hands of the Ombudsman's Office and an updated report on this case will be forwarded to Council.

HIV/Hep B

RLC was involved in challenging the University's advice to all current and prospective students in medicine, dentistry and health sciences on the possibility of exclusion from their degree in the event that they suffered from either HIV/HEP B. This matter was referred to the Public Interest Advocacy Centre. With the assistance of the Anti Discrimination Board, we successfully negotiated the transfer of a dental student to the Faculty of Medicine. Negotiations on exemptions and compensation are still ongoing. As a result of RLC's action in this matter, the practice of compulsory testing of dentistry students has ceased.

Student Visas

We were involved in challenging the Immigration Department's refusal to extend students entry visas which is a requirement for commencement of their intern year in Australia.

Misconduct

We advised or represented 15 students charged by the University with Misconduct. One case, which is now on appeal to the Senate, involves the issue of the University's jurisdiction to discipline behaviour occurring after hours and off campus.

Criminal

29 students were given assistance when charged with various criminal offences. In particular, after a long battle, we were successful in having an offensive language charge dropped against an Aboriginal Student.

Accommodation

We were also involved in negotiations with the Registrar's Office in regard to a complaint by students in residence at a University College. The complaint involved the refusal by International House to evict a student who allegedly attempted to sexually assault several women students.

Education and Policy

In addition to casework the Branch Office Solicitor has been responsible for the following;

- Preparation and presentation of a session for new international students on the activities of the RLC Branch Office and on legal rights in some areas of the law in Australia.
- Organisation of a presentation by Mark Lynch, of Counsel, to present a session to Honi Soir editors on defamation law.
- Assist and provide backup to the SRC Education Officer and Welfare Officer in regard to matters such as Austudy and Misconduct.
- RLC is currently representing students in cases which raise important questions for reform to laws relating to Austudy.
- As a result of cheating case, a committee was set up with the University and the SRC to discuss appropriate changes to the processes and procedures in misconduct matters. The suggested changes should address such issues as the denial of natural justice which became apparent during the running of this controversial case.

Waverley Tenants Service

In July 1992 Waverley Council requested the Centre's assistance to develop and provide a tenancy service for tenants in the eastern suburbs and at the end of the 12 months transfer the service to a local community organisation. Beth Jewell was employed by the Centre to set up and run the service in conjunction with the Council.

The service provided assistance to 884 people from September 1992 to August 1993. The main problems for which assistance was sought were rent arrears, rent increases, evictions, repairs, bonds, and assistance with dealing with the Residential Tenancies Tribunal.

This project was successfully completed in September 1993.

The Intellectual Disability Rights Service



Ray Livingstone-caretaker/cleaner Redfern Town Hall with the staff of IDRS (from left to right) Paula Rix Jenny Klause, Penny Harrington Megan Scannell, Carol Pein, Ted Smeaton.

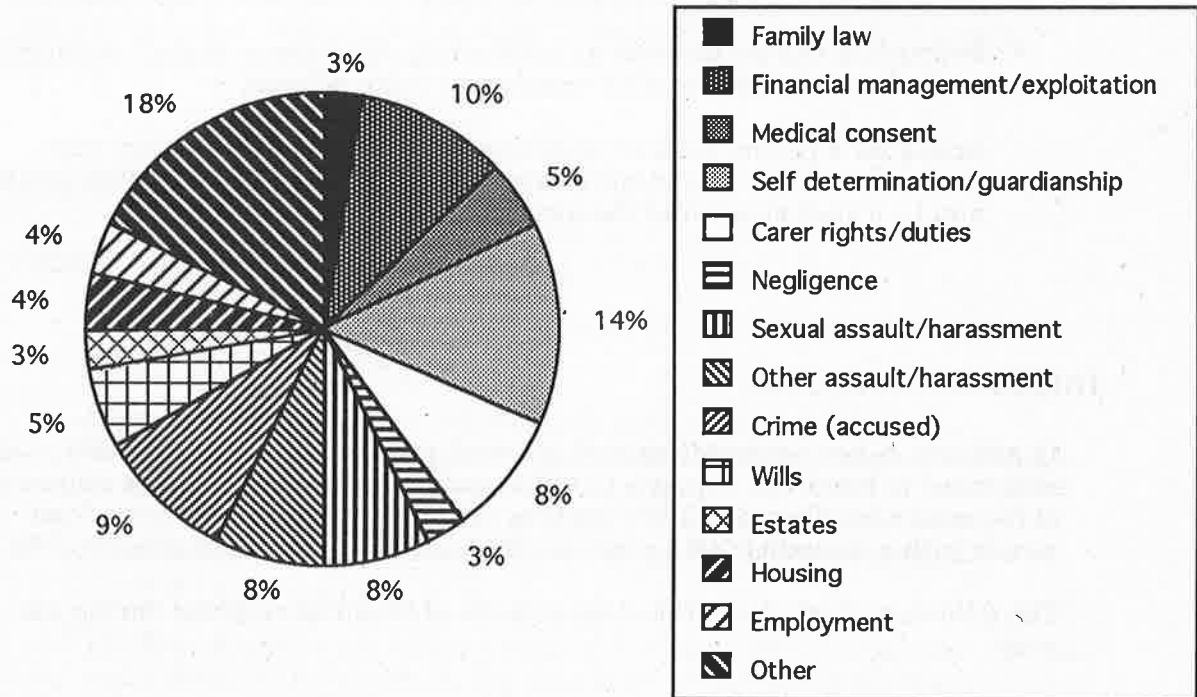
IDRS was established in 1986 as a result of efforts made by volunteers at Redfern Legal Centre who had been active in advocating for the rights of people with an intellectual disability for about five years prior to 1986.

The fundamental objective of IDRS is to advance the rights of people with an intellectual disability in the community, and to ensure that they have the same rights and the same opportunities to exercise their rights as other people in the community.

To achieve this objective IDRS provides legal advice as well as individual and systems advocacy to people with intellectual disabilities, their families and advocates. In addition IDRS conducts education sessions for people with intellectual disabilities, their families, carers, service providers and advocates, as well as producing a number of publications.

Rights Advice and Casework

During the year to June 1993 our lawyers gave advice in response to 554 (or hundreds of) requests for assistance from all over New South Wales. Requests for advice covered a wide range of issues, as shown in the following chart:



Nature of matter, 1992/93

As reported last year, a significant number 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, where a person with an intellectual disability is the victim (8%);
- Other harassment/assault, where a person with an intellectual disability is the victim (8%);
- Crime: usually where the person with an intellectual disability is alleged to be an offender (9%).

Currently the NSW Law Reform Commission is conducting an inquiry on People with an Intellectual Disability and the Criminal Justice System. Our experience in providing advice to people who become involved in the criminal justice system (as either victims or offenders) has enabled us to support the work of the Commission in a number of ways including preparing lengthy submissions on issues of concern to our clients.

IDRS deliberately limits the amount of casework undertaken in an effort to ensure time is available for policy and law reform and to encourage and assist mainstream agencies and solicitors to cater for people with an intellectual disability.

Significant IDRS Cases

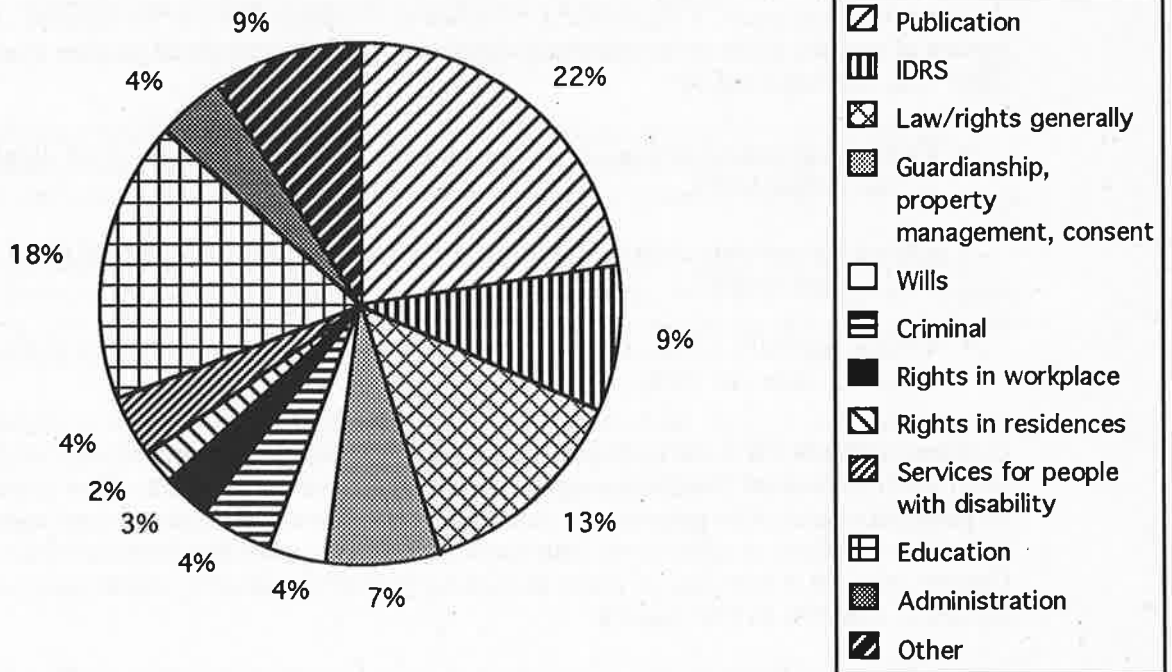
Significant cases handled by IDRS through the year to June 1993 include:

- Supporting a client with an intellectual disability to move out of a boarding house where he had been subjected to abuse and exploitation;
- Supporting two people with an intellectual disability to make a complaint to the Ombudsman about the conduct of police officers;
- Acting for a person with an intellectual disability and his family who received an award of victims compensation for assaults committed against him by a staff member of the institution in which he was living.

Information requests

In addition to the rights advice and casework provided by IDRS solicitors, staff responded to hundreds requests for information during 1991/92. The majority of requests came from disability workers (54%) but requests also came from people with a disability (4%), relatives (9%), students (15%) and others (27%).

The following chart shows the main subjects of inquiries received during the year:



Education

Rights are of little value unless people are aware of their own and others' rights, are willing to respect rights, know what to do if rights are infringed, and have the confidence to pursue their rights. To this end, IDRS provides education programs and develops resources for people with an intellectual disability, their families and advocates, disability workers and lawyers. In 1992/93 provided 49 education sessions attended by a total of 1059 people, lasting a total of 362.25 hours.

Resources

Projects completed during the year:

- The third issue of *Rights for All* -a magazine for people with an intellectual disability;
- *The Right to Have a Say*: A kit of tools for consumer participation. *Working on Rights* -a video for people with a disability about their rights in open employment;
- *What is Sterilisation?* Information for people with an intellectual disability;
- *It's Your Right* - a set of three posters 'It's your right to complain, 'It's your right to decide for yourself', 'It's your right to be treated the same as other people you work with'.

These resources were launched at the State Library in Sydney on February 22, 1993 when the Opening Address was given by the Hon. Justice Michael Kirby, President of the Court of Appeal. *The Right to Have a Say* and the *Rights for All* magazines were launched by Senator Olive Zakharov, Chair of the Senate Standing Committee on Community Affairs. The premiere viewing of the *Working on Rights* video was introduced by Terry Purcell, Director of the Law Foundation of NSW. And a copy of *Questions of Rights* was presented to Jim Longley, Minister for Community Services in NSW by Jim Simpson, former solicitor at IDRS.

The proceedings were enhanced by poems written and read by Brendan Crumpton, the performance of an excerpt from *Masquerade*, a dance by the Holdsworth Street Drama Group, and a reading by Virginia Orr.

Reform Activities

During 1992/3, we concentrated our law reform work on:

- **Boarding houses:** IDRS has been concerned for some time about the living conditions experienced by people with disabilities who live in private boarding houses. People living in these boarding houses are often the most vulnerable members of our community - a vulnerability which arises in large part from the fact that boarding house residents have few rights and few resources to protect themselves against abuse and exploitation.

Following the publication of the 'Hostel of Horrors' story in the Sydney Morning Herald in March 1993, the Minister for Community Services convened a Task Force to look into issues concerning the regulation of private boarding houses. IDRS, in coalition with other organisations, sought to enhance community input to the Task Force and to enhance the public understanding of what life in a boarding house is really like;

- Criminal justice: IDRS has continued its support for the work of the NSW Law Reform Commission in its inquiry into People with an Intellectual Disability and the Criminal Justice System. The Inquiry has also opened new doors for us to lobby for changes within a number of organisations including the NSW Police Service.

Friday Night

IDRS solicitors undertake RLC evening duty on Friday nights. Friday night is a 'generalist' night but with a special interest in issues affecting people with an intellectual disability. We continue to find the task of recruiting volunteers for Friday nights to be a challenging one. We are grateful to our small group of dedicated Friday night volunteers. One of our student volunteers even delayed her 21st birthday celebrations until after she had completed her Friday night duty shift! Thank you to all our volunteers - Cynthia Banham, Philippa Gaffney, Jane Weber, Matthew Duffy, Sam Hudson and Elizabeth Van.

Combined Community Legal Centres

Redfern Legal Centre workers play an active role in the Combined Community Legal Centres group. Staff are members of the following committees of the CCLCG

- Combined Community Legal Centres Group (NSW):
- Domestic Violence Committee,
- Legal Aid Committee,
- National Legal Aid Working Party,
- Pro Bono Committee,
- Practice Issues Committee,
- Tenancy Legal Working Party,
- Professional Indemnity Insurance Committee,
- Management Needs Working Party,
- Community Legal Education Workers Group,
- Funding Resource Committee,
- Editorial Committee of "On the Record"
- Credit and Debt Committee,
- NSW Administrators Group.

Staff and volunteers attend and participate in the National Legal Centres Conference.

Redfern Legal Centre appreciates the invaluable assistance that is provided by the workers at the NSW Community Legal Centres Secretariat.

Redfern Legal Centre staff contribute to numerous community and other organisations and are on the following committees and working parties:

- ACOSS - Law and Justice Committee
- Australian Consumers Association
- Australian Financial Counsellors and Credit Reform Association
- Association of NSW Family Support Workers
- Financial Councillors Association of NSW (Vice President).
- Tenants' Union Board
- Homefund Action Group
- Sentencing Reform Coalition
- Residential Tenancies Act Review Consultative Committee and Public Housing sub-committee
- Legal Aid Commission Alternate
- Legal Aid Commission Prisoners Legal Service Advisory Sub Committee
- South Sydney AAP (the local general Inter-Agency)
- South Sydney Council Public Housing Task Force
- Inner Sydney Migrant Inter-Agency
- South Sydney Domestic Violence Committee
- Redfern-Waterloo Police Community Consultative Committee
- South Sydney Family and Children's Services Inter-Agency
- South Sydney Community Aid Co-operative
- "The Shop" management committee (Waterloo/Redfern Family and Children's service)
- Law Society Council, Domestic Violence Committee, Pro Bono Committee, Public Affairs Committee, Aboriginal Justice Committee, Human Rights Committee (Chair, Professional Development and Practice Committee, Professional Conduct Committee, Equal Opportunities Committee, Specialist Accreditation Board.

The Centre's Management Structure

Redfern Legal Centre is a company limited by guarantee. It has six elected directors who have delegated responsibility to the Centre Management Committee. This Committee is made up of:

- 5 staff members
- 6 volunteers (at least 2 practitioners and 2 legal assistants)
- 4 others at least one of whom is from a local community organisation and one who is not a lawyer.

At least one of the members of the Management Committee must also be a Director of the company.

The management committee meets on the second Monday of each month.

Directors

Member's Name	Occupation
Stamatia Stamatellis	Secretary Community Worker
Virginia Bell	Barrister
Nigel Vertigan	Chairperson Solicitor
Peter Stapleton	Solicitor
Clare Petre	Social worker
Gerard Craddock	Barrister

Management Committee

Name	Occupation	Basis of Appointment
Clare Farnan/Penny Musgrave	Solicitor	Volunteer
Peter Van Dijk	Student	Volunteer
Miranda Stewart/Shirley Chowdery	Student	Volunteer
Catherine Hawkins	Student	Volunteer
Janice Connelly	Solicitor	Volunteer
Bridget Godwin	Solicitor	Volunteer
Toni Brown	Resident / Community Worker	Community & Other
Madajah Simpson	Community Worker	Community & Other
Juanita Venegas /Stamatia Stamatellis	Community Workers	Community & Other
Clare Petre	Policy Officer	Community & Other
Mary Perkins	Co-ordinator	RLC staff
Frances Gibson	Principal Solicitor	RLC staff
Andrew Miles	Social Worker	RLC staff
Pam Anderson	Administrator	RLC staff
Ted Smeaton/Penny Harrington	Community Educator / Administrator	RLC IDRS staff

Volunteers

Redfern Legal Centre volunteers in 1992/93 were Grant Arbuthnot, Irene Baghoomians, Robert Balzola, Cynthia Banham, Nicole Blundell, Joy Boulos, Dominic Beckett, Katherine Biber, Steve Bolt, Zarina Braybrooke, Sean Brennan, Susie Breur, David Brownie, Charles Carroll, Mark Castle, Lilian Chai, Myra Cheng, Simon Clarke, Simon Cleary, Claire Corney, Gary Cowan, Sarah Crawford, Rosyn Cruse, Robert Curtis, Helen Dakin, Jill Day, Anne Sophie Deleslie, Henregh Delir, Jooliet Dimond, Bridget Docherty, Matthew Duffy, Amity Durham, Vivika Evangelindis, Paul Farrugia, Phillipa Gaffney,

Vicki Gallagher, Katherine Gardner, Michael Gibson, Bridget Godwin, Conrad Gray, Kate Gardner, Alison Haines, Richard Hardy, Malcolm Galwey, Lucille Hughes, Alison Haines, Gillian Halstead, Loris Hendy, Sam Hickson, Sam Hudson, Mark Hunter, Antonio Ibanez, Elizabeth Jardine, Kirrilee Kennedy, Hayley Katzen, Chris Kimber, Ping Ming Koh, David Knaap, Susanna Khouri, Susan Lyons, Diana Lazarus, Donna Lawlor, Kylie Molnar, Roger Mattar, Linda Meyns, Daniela Marks, Julie Mahoney, Simon Moran, Penny Musgrave, Barry McCallum, Rachel McCallum, Louise Mc Dermott, John McIntosh, Sheila McMahon, Paula Nassif, Monica Neville, Sarah Nielson, Martin O'Reilly, Mario Quinteliani, Tom Reeve, Pam Richards, Anita Sharma, Matida Sbrizzi, Peter Stern, Jorge Segovia, Gajen Sivagurunathan, Jackie Salsithidej, Peter Savvas, Kirsti Samuels, Mehera San Roque, Suzana Sarlas, Andrew Silk, Tanya Smart, Justin Smith, Chris Tsovolos, John Valarezo, Elizabeth Van, Peter Van Dijk, Nigel Vertigan, Jane Weber, Danielle Woolley, Tim Wallace, Julie Walsh, Jeff Ward, Mary Whitehead, Sandy Wright, Michael Windsor, Ruth Wylie, Joanne Wing, Sonia Yip.



Simon Clarke-Volunteer

Staff of Redfern Legal Centre

Louise Blazejowska	Solicitor (General and Domestic Violence)
Pat McDonough	Solicitor (SRC Branch Office)
Jane Goddard	Solicitor (Victims Compensation)
Gina Schien	Administrative Officer
Mary Perkins	Co ordinator
Beth Jewell	Tenancy Worker
Ben Slade	Principal Solicitor
Robyn Holden	Secretary
Tim Cumberland	Solicitor (Credit)
Steve Bolt	Locum Solicitor
Andrew Miles	Social Worker
Pam Anderson	Administrator
Simon Cleary	Solicitor (Credit)
Frances Gibson	Principal Solicitor
Paula Rix	Co-ordinator IDRS
Carol Pein	Educator IDRS
Penny Harrington	Administrator IDRS
Margo Maneshie	Solicitor IDRS
Ted Smeaton	Educator IDRS
Jenny Klause	Educator IDRS
Megan Scannell	Solicitor IDRS



Sarah Neilson volunteer

Finances

Funding

Redfern Legal Centre receives funding from various Federal, State and Local Government offices. These include South Sydney Council, Legal Aid Commission, the Department of Health Housing and Community Services (Cwth), the Department of Community Services (NSW), Waverley Council, The Federal Office of Legal Aid and Family Services. We thank these organisations for their continued support.

Donations

The Centre also receives income from donations and costs in successful cases. Donations have been received from Sue Pym, Sydney University Law Revue, Dorothy Truman, Angelina Dibley, Nell Johnson, Mrs Truman, Mark Fuimaona, Mary Niallon, Conrad Gray, Chris O'Shanessy, Jenny Ruth, Mr Baladjam, Craig Beck, Ms Callaghan, Mr Jurlin Bruce hatfield, William Leather Students Association, College of Law, Terry Burrows, JR Marsden and Mrs Anson.

Redfern Legal Centre Limited Profit and Loss Account 92/93

ended 30 June 1993

	\$ 1993	\$ 1992
INCOME		
Gross Profit from trading	4,422	3,713
Consulting Fees	1,581	6,945
Interest	18,012	27,131
Recoveries	21,324	41,995
Other Revenue	17,542	12,818
Grants	824,427	781,116
Donations	1,567	1,175
TOTAL	<u>888,875</u>	<u>874,893</u>
EXPENSES		
Accountancy	2,723	1,801
Activities	2,564	0
Auditors remuneration	5,353	8,240
Bank Charges	1,040	896
Consultancy Fees	7,278	50,821
Depreciation	12,587	7,792
Disbursements	779	0
Fitout	0	5,363
Furniture	100	0
Grant Expenditure	2,000	2,171
Insurance	3,352	2,689
Loss on Theft	49	0
Office Supplies	9,394	0
Office Equipment	846	0
Printing, post & stationary	91,760	76,120
Purchase for resale	959	0
Repair's & Maintenance	3,614	2,766
Reprinting	4,422	0
Salaries & Wages	630,462	581,617
Staffing Expenses	20,623	30,486
Subscriptions	9,922	10,136
Sundry Expenses	4,507	14,060
Superannuation contributions	19,223	16,091
Telephone	14,752	16,066
Travelling Expenses	13,644	12,946
Total Expenses	<u>861,953</u>	<u>840,061</u>
Net Profit for the year	<u>26,922</u>	<u>34,832</u>

