

1995 - 1996  
annual report

REDFERN LEGAL CENTRE

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**R**edfern Legal Centre opened in March 1977 in response to the urgent need for free and accessible legal services in the South Sydney area. The local community reflected a highly needy profile, and the Centre began with volunteer staff in premises provided by the South Sydney Council. Assistance from the Council and the Federal Government enabled the employment of paid staff from mid 1977.

The Centre now offers a generalist legal service, also specialising in areas of law of particular relevance to our client base, where other legal services are unavailable or inadequate. The Centre has expanded the usual casework and court work model, developing preventative and interdisciplinary strategies for the delivery of effective legal services.

Since its inception, RLC has initiated or been actively involved in projects which have led to the establishment of other services. These include the Welfare Rights Centre, Prisoners Legal Service, The Accommodation Rights Centre, Consumer Credit Legal Centre, Campbelltown Legal Centre, Redfern Legal Centre Publishing, Streetwise Comics, and the Intellectual Disability Rights Service.

In addition to the generalist legal service, the Centre currently operates separately funded specialist Tenants', Domestic Violence, Credit and Debt and Students' Services.

## the objectives of redfern legal centre

- 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 legal 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 as a whole, 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, in the interests of improving access to RLC's services and ensuring that the quality of those services is maintained and improved.

## who is served by redfern legal centre?

Redfern Legal Centre provides services in an area that remains one of the most disadvantaged in Sydney. An index of Relative Socio-Economic Disadvantage compiled by the NSW Council for Social Services from the 1991 census data ranked the 177 Local Government areas in NSW. South Sydney was rated the 4th most disadvantaged area, Sydney the 7th, Botany the 22nd and Leichhardt the 72nd.

Free legal advice and/or assistance is provided to people who

- live or work in the South Sydney, Sydney, Leichhardt, or Botany Local Government areas;
- cannot afford a private solicitor;
- do not qualify for legal aid from the Legal Aid Commission of NSW; and
- where there has been a particular and serious injustice done, or where no other services exist.

## strategies adopted by redfern legal centre

RLC has a commitment to ensuring better and fairer conditions and outcomes for our clients, who are amongst the most disadvantaged people in the community. In order to achieve this, we use three major strategies.

### community education

the objective here is to break down the mystique that surrounds the legal system and the law, empowering people through knowledge and information.

### reform

of laws, administrative practices, services - the objective here is to bring about systemic change. The Centre draws upon information gained from its large case load to alert the government and the public to needed legislative and policy reforms. We also use this information to further develop our own services.

### case and advice work

the objective here is to

- provide people with assistance to solve their individual problems

- identify issues where education and reform strategies may be relevant
- identify cases and test cases that will result in significant change for particular classes of clients. The Centre has limited capacity to run cases and has given priority to cases where a precedent could be established which would assist the greatest number of people.

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## funding

RLC's general service is funded principally through the Community Legal Centres Funding Program which is funded by both the State and Commonwealth governments.

In addition to this, RLC received financial support from the NSW Departments of Community Services and Fair Trading, and from the Commonwealth Bureau of Consumer Affairs for the Credit and Debt Service.

South Sydney Council continues to make an important contribution to RLC. The Council pays for the Community Worker position and provides premises at concessional rent.

RLC receives separate funding from the Students Representative Council at the University of Sydney to operate a student legal service, referred to as the Branch Office.

As a result of a long campaign, the Centre received funds from the NSW Department of Fair Trading for the establishment of a specialist tenancy service. This Service commenced 18 months ago.

The Centre has received funds from the NSW Department for Women and the Legal Aid Commission of NSW for the Women's Domestic Violence Court Assistance Scheme.

From time to time RLC receives additional funds for particular projects. For example, the Law Foundation of NSW provided the funds to complete the Harm Reduction Model of the Drug Law Reform Project.

RLC also received donations from clients, community workers and volunteers.

During the year the Centre received two awards for its work.

### public housing

RLC was awarded a commendation for excellence and innovation in Community Planning by the NSW Division of the Australian Institute of Planners in late 1995.

For 18 months, RLC worked with the South Sydney Public Housing Task Force on a project aimed at improving life on some of Australia's poorest urban housing estates. The award commended the resulting report, *Who Cares? We Care!*

These estates have been in a state of crisis for a very long time, and the service providers in the area had been responding to the situation in a fragmented way. In June 1993, in response to a number of public meetings, South Sydney Council convened a Public Housing Task Force to address the issues.

The Task Force was comprised of representatives of tenants groups, community organisations including Redfern Legal Centre, the departments of Housing, Health, and Community Services, the Police, Community Health and Mental Health services, Family Support Services, and the Council. The Task Force worked over an 18 month period with two of the Council's planners, Joanne Ryan and Craig Bagley, to produce the report. The report contained recommendations applicable to all service providers, government departments, community organisations and residents groups, and will allow a more holistic and interdisciplinary approach to the problems of the area.

### domestic violence

RLC received a *Special Award for dedication and commitment to prevention of domestic violence* from the NSW Minister for Community Services, Ron Dyer, MLC. The award was made on National Stop Violence Against Women Day 1996, and presented to the Redfern Domestic Violence Court Assistance Scheme.

In establishing the Scheme, RLC pioneered a holistic approach to the provision of services for women seeking legal protection from domestic violence. The Redfern Scheme integrated the provision of legal and social welfare services. It was acknowledged that the legal protection from domestic violence was more accessible if women received simultaneous assistance with other issues associated with the violence.

In 1991 the Redfern Scheme was externally evaluated with funds provided by the Law Foundation of NSW. The results of the evaluation were favourable and were the basis of the subsequent development of a service model. Since then RLC, together with the Domestic Violence sub-committee of the NSW Combined Community Legal Centres group and others, lobbied governments to establish a Program to fund the Domestic Violence Court Assistance Schemes based on the evaluated model. This Program has recently been funded and Domestic Violence Court Assistance Schemes are being established throughout the State.

Redfern Legal Centre, under this Program, has now been funded to co-ordinate the Domestic Violence Scheme in Redfern Local Court, and to expand the Scheme to include the Downing Centre Local Courts. This Scheme commenced in July 1996.



# general advice and casework

**W**ithin the general service, clients can be assisted in three ways. They can be advised in person by appointment, they can be given advice over the telephone, or they may receive ongoing legal assistance and representation.

The Centre advises on issues including:

- Civil law
- Community organisations
- Complaints against police, solicitors, government departments
- Consumer complaints
- Consumer credit law
- Credit
- Criminal law and minor infringements, i.e. traffic, fine defaults, fare evasions
- Debts
- Discrimination
- Domestic violence
- Employment
- Environment and planning
- Family law
- Insurance
- Legal aid
- Mental health
- Motor vehicle accidents
- Neighbour disputes
- Prison
- Social security
- Student matters, e.g. Austudy, university issues
- Superannuation
- Tenancy
- Victims compensation
- Wills



## advice by appointment

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

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 9am and 9pm;
- any caller from 6.30-8.30pm, Monday-Thursday;
- any caller in emergencies, 9am-9pm 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;
- live or work in the area serviced by RLC.

## eligibility guidelines

Our guidelines focus on

- where the prospective client lives;
- 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.

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.

## examples of cases in general casework

### discrimination

#### *policewomen*

We represented a former policewoman in an Arbitration at the Equal Opportunity Tribunal. Conciliation at the Anti-discrimination Board had failed to resolve her complaint of sex discrimination - including sex harassment and pregnancy discrimination - and victimisation against the New South Wales Police Service and ten of its police officers. A grant of legal assistance from the Police Association provided Counsel for the Arbitration and the case settled. Our client was happy with the outcome.

We act for a policewoman currently on hurt on duty leave who has also complained to the Anti-discrimination Board that she has been discriminated against on the basis of her sex. Our client complains that over a long period she was physically assaulted and sexually harassed, was the butt of her colleagues jokes and was denied career opportunities. Our client lodged her complaint with the ADB out of time but following representations from her and the Centre (and against the representations of the Police Service) the President agreed to accept her complaint. We expect to attend a conciliation conference with her before the end of the year.

#### *sports club employee*

We act for the former employee of a bowling club who complains that the President of the Club sexually assaulted her on the dance floor at the club's staff and Christmas party. Our client also complains that after the President was suspended for twelve months for the assault by the Board of the Club she was victimised by other staff and club members. We have argued that the Club is vicariously liable for the President's actions even though his position is voluntary and in the alternative that the Club has discriminated against our client in its provision of goods and services. Following two days of hearing before the Equal Opportunity Tribunal the case has been adjourned to continue in the latter part of the year.

### *disability discrimination*

The Centre also acts for an employee who complains of disability discrimination against his former employer and for a student who complains of disability discrimination against a University. The Centre is increasingly giving advice about discrimination complaints in our evening service and assisting clients who are representing themselves to draft their complaints and deal with replies from the respondent and the ADB.

## employment law

Following on from the dramatic increase in requests for assistance in the area of employment law in the previous year, the Centre continues to give advice and provide representation in a range of employment matters. The Centre has advised a young apprentice about his rates of pay, assisted another young man from a non-english speaking background obtain his leave entitlements on resigning and acted for a factory worker from a non-English speaking background who after being employed for 16 years installing motors in fans was dismissed because the employer alleged she was not following instructions. In the latter case the matter did not resolve at conciliation but we were able to negotiate a successful settlement following the first directions hearing in the Industrial Court.

The Centre also acted for a part-time contract cleaner who had been unfairly dismissed after she had suffered a back injury. The Respondent argued against her application proceeding as it was lodged out of time. We successfully defended this argument and the Respondent then made a reasonable offer of settlement.

## insurance and superannuation

### *credit union loan repayments*

Our client was medically retired as a result of a chronic anxiety disorder. He had sought assistance prior to his retirement for a drinking problem which his psychiatrist had diagnosed as a symptom of the anxiety disorder. The insurance company who were covering his credit union loan in the event of unemployment or sickness refused liability to meet the loan repayments on the basis of our client's alcohol problem. Our client and his elderly mother made the repayments with some difficulty between them but our client was distressed and embarrassed about the ongoing dispute with the insurance company. We referred the matter to the General Insurance Claims Review Panel who decided in our client's favour. Unfortunately our client died after the Panel's decision but before receiving any money from the insurance company. The insurance company eventually reimbursed our client's mother for all payments which she and our client had made.

#### *nominated beneficiary*

Our client's deceased defacto spouse had named him the "nominated beneficiary" under her superannuation policy. Our client is on a disability pension and has no assets or savings. The amount available for distribution under the policy is small. The Trustees proposed to divide the benefit equally between our client and the deceased's two adult daughters who had opposed the payment to our client. The Centre has made submissions to the Trustees on behalf of our client requesting they review their decision.

#### *income protection insurance*

The Centre acts for a former contract draughtsman from a non English speaking background who had taken out income protection insurance with a large insurance company. Following an operation for a brain tumour the insurance company paid out on the policy for a couple of years but then denied liability as it maintained our client was fit for work. Our client has attended the Commonwealth Rehabilitation Service, had some training in process work, but has not worked at all since the operation. We have asked for Counsel's advice about this case before asking the insurance company to review their decision.

### consumer problems

#### *gambling investment scheme*

Our client attended a computer show at Darling Harbour and filled in an entry form to win a computer for her grandchildren to use when they visited. She was then contacted by a salesman for a computer program (which picked winning horses). He was very friendly and at one stage offered to take our client to visit his mother. Our client was also persuaded to purchase the program by a glossy video which shows Leo Pickering living the good life on a cruiser as a result of his use of the program. Our client did not own a computer, could not understand the program (neither can Redfern's computer expert), had never gambled and has not won any money since purchasing the program. The Centre is assisting her prepare submissions for an application to the Consumer Claims Tribunal seeking the return of money she paid for the investment program.

### victims compensation

The Centre successfully appealed a decision of the Victims Compensation Tribunal to award \$15000 to a teenager shot at a party. A District Court judge awarded \$35000 as compensation for injury and a further \$3000 for ongoing counselling.

## guardianship board

We assisted our client for the second time in an application to the Board seeking orders which would allow her to resume the management of her own affairs. On the first occasion our client was not successful but on the second occasion she was. She had previously been awarded compensation in a victims matter and the Board's decision was a significant result for her.

## women prisoners

Together with the Community Rehabilitation Group for Prisoners Redfern is pursuing a "release on licence" application for a female prisoner of non-english speaking background convicted of a drug courier offence whose family and children are in her home country. Our client speaks no english and is experiencing significant psychological problems in gaol.

## complaints about professionals

### *solicitors firm*

The centre continues to assist a 91 year old client liaise with the solicitors who are the executors of her father's estate about the timely receipt by her of an annuity payment pursuant to orders made by the Supreme Court in 1948 that she receive ten pounds a month from the estate.

### *barrister*

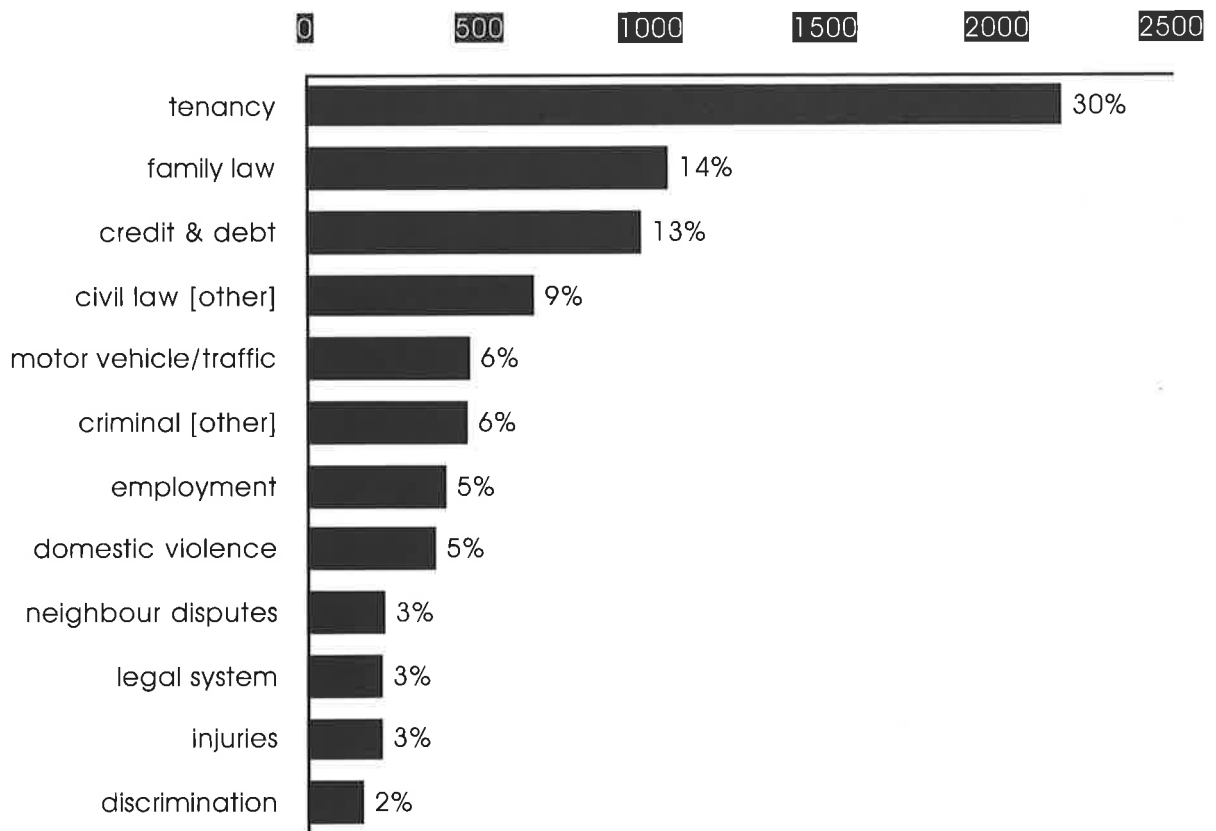
The Centre has asked the Legal Services Commissioner to review a decision of the Bar Council to dismiss a complaint about the conduct of a barrister during the cross-examination of a sexual assault victim.

### *interpreter*

The Centre complained to the Ethnic Affairs Commission about an interpreter who told a Centre client not to go the Legal Aid Commission or to the private solicitors to whom we had referred her following our advice to her about a family law matter. Instead the interpreter suggested a solicitor that he knew and later called at the client's home to take her to him. The EAC advised the Centre the interpreter had been counselled about impartiality and contact with clients outside the framework of the interview.

- During the year 607 files were opened at the centre, 1599 people came into the centre for advice or information, and 6279 people were given advice or information over the telephone.

major areas of law



advice and information given;  
files opened in 1995/96



Total number of clients advised 8519

## social needs analysis project

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During the year RLC commenced a new and comprehensive strategic planning process. The process was motivated by our concern for the escalating levels of poverty in South Sydney, and the widening gap between the area's wealthiest and poorest residents. The situation is being exacerbated by the ghettoisation of highly needy groups in public housing estates, and the generational unemployment that affects many local people. Furthermore, our core client group was seriously affected by severe cuts to legal services.

As a result, the Centre undertook the Social Needs Analysis Project, involving the analysis of demographic data from sources such as the Australian Bureau of Statistics, South Sydney Council, the Department of Health, and local community services.

The findings of the Project indicated that people in RLC's geographical catchment area are amongst the poorest in the country. The discrepancies between wealth and poverty are massive, as the area contains both gentrification and extreme poverty. The area also incorporates the largest public housing estates in Australia.





# domestic violence

The Women's Domestic Violence Court Assistance Scheme is a specialist court support scheme which has been operating successfully at Redfern Local Court since March 1990. The Scheme is co-ordinated by RLC and is a unique and innovative attempt to provide a range of legal and support services to women seeking Apprehended Violence Orders (AVOs).

In establishing the scheme it was recognised that proper legal advice and representation, sympathetic treatment from within and outside the court room, and access to information regarding support services, all play an equal part in assisting women to escape the cycle of violence. The scheme also emphasised the special needs of some women, stemming from their cultural background, age, social isolation or disability. For this reason, a roster system was developed at Redfern Court so that local support workers and a solicitor would be available each week to represent women seeking AVOs because of domestic violence.

Whilst court support schemes were subsequently established at some other local courts, the Redfern model is different in a number of important respects, particularly in the emphasis that is placed on providing both legal and emotional support.

Clients are offered the following services:

- All women are interviewed by a solicitor and a community worker. They are given legal advice in relation to their restraining order and any other relevant issue. Initial advice may be given, for example, in relation to overlapping family law problems or victims compensation, and appropriate referrals can then be made.
- All women are represented in Court by a solicitor.
- All women are seen by a local community worker who is able to offer support and make an assessment of any other related needs. Women can be put in touch with other relevant services such as counselling, housing and tenancy services, and child care. Many women take this opportunity to get information about support groups and local services.
- Legal files for all cases are maintained and supervised at RLC. After the first court appearance, various matters will be followed up. Tasks may include checking with police that the summons has been served, or negotiating with other parties with regard to consent orders.

- When a matter has been finalised, the Centre is still accessible to women wanting advice with regard to breaches or any other matter.

All workers in the Scheme are trained professionals with experience in working with women in violent domestic circumstances.

One of RLC's most impressive achievements was the success of our 6 year campaign to have state-wide Court Support Schemes established. The Redfern Court model was used as the basis for other Schemes in NSW local courts.

During the year RLC produced the Domestic Violence Court Assistance Kit, with the support of the Office of the Status of Women and Redfern Legal Centre Publishing. The Kit is an information and resource manual for community workers, lawyers and other providers of services to women experiencing domestic violence.

The Kit was launched at Redfern Town Hall by Jaslyn Hall, in a highly successful and effective event that received wide publicity for both the Kit and the Scheme.

- During the year the centre assisted in **431** domestic violence matters
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# victims of crime (sexual assault)

**T**he Centre has continued to specialise in the area of compensation for victims of crime, particularly working for victims of sexual assault and victims of childhood sexual abuse.

As well as pursuing financial compensation for victims of sexual assault, the Centre has been active in advocating for better treatment of victims at all levels. We have pursued a number of client complaints about police treatment during criminal investigations. This has involved ongoing contact with the NSW Ombudsman's Office and reference to the NSW Royal Commission into Police Corruption. We have also referred complaints about lawyer's behaviour in the conduct of sexual assault trials to the Bar Association and the Legal Services Commission.

## vict notable cases

The Centre has continued to manage a large victim's compensation practice, this has involved preparing applications for submission to the Victims Compensation Tribunal and running District Court appeals.

In the last twelve months we have had a number of successes in the District Court. Successful results include

- a large award for a client in relation to injuries suffered after long term childhood sexual abuse. Our client, now an adult, had been assaulted on many occasions by her step father. Although he had been initially convicted, this had been overturned on appeal causing the Tribunal to dismiss her claim.
- an increased award for a victim of ongoing domestic violence. Our client had been the victim of a number of attacks, not all of which had been reported to police. At the District Court the judge made a large award notwithstanding the failure to report.
- a large award for a victim who was sexually assaulted by an acquaintance. Criminal charges had not been laid, however at the District Court the judge accepted our client's version of events and awarded the maximum.

## vct community education

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Redfern Legal Centre has continued to provide education sessions and workshops for community organisations in relation to issues of concern to victims of crime.

In particular we have maintained our close association with Sexual Assault Services in NSW and have participated in numerous *Court Preparation Seminars* designed to prepare victims of sexual assault for the criminal trial process and to inform them of their rights to Victims Compensation.

## sexual assault law reform and policy

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The Centre has continued its involvement in a wide range of issues affecting victims of crime. These include

- Participation in the campaign to protect counsellors' notes in sexual assault matters.
- Comment to the NSW Law Reform Commission on Sentencing
- Representation to Government on the issue of Victim Impact Statements

### victims compensation bill 1996

Once again the Centre was involved in organising a concerted community campaign to protect the Victims Compensation Scheme from proposed legislative changes which will erode victims rights to adequate compensation and reduce levels of compensation across the board.

Redfern Legal Centre was active in the Combined Community Legal Centre Group's Victims Compensation Committee. Having previously opposed the Victims Compensation (Amendment ) Bill in 1994, the Victims Compensation Committee continued working on the issue with the change in Government and its introduction of a new Victims Compensation Bill. The Committee provided the Attorney General's Department with a detailed written submission in April 1996 and continued to voice concerns when the new Victims Compensation Act was tabled in May.

Redfern Legal Centre was involved in preparing the Combined Community Legal Centre's response to the New Bill, working on submissions, briefing papers and media releases. We worked closely with other legal centres, victims groups and with professional bodies such as the Law Society and the Bar Association. We participated in numerous media interviews and parliamentary delegations on this issue.

**R**LC's Community Worker co-ordinates the Centre's access and equity work. During the year, this work included:

## community legal education project

The worker designed the programme and organised the delivery of workshops to people in the local government areas of South Sydney, City of Sydney, Leichhardt and Botany. The workshops were targeted to tenants, community workers and general consumers. They were highly successful and covered the issues of Tenancy, Domestic Violence and Credit & Debt.

The Project also included a bus trip in which 25 community workers were taken on a tour of Sydney's courts. The workers were from South Sydney, Botany and Leichhardt community organisations and welcomed the opportunity for a first-hand look at the courts in action. They were taken to the Downing Centre Local Court, District Court, Family Court and the Supreme Court.

The workers on the trip realised the difficulties their clients faced when dealing with the court system. They acknowledged that there were physical and psychological obstacles for their clients which extended well beyond their legal problem.

The Centre ran a full-day course for the Department of Immigration and Local Government targeting migrant community workers and grant-in-aid programme workers. The course covered domestic violence, sexual assault, victims compensation, credit and debt, tenancy and family law. It was presented by workers at RLC, each presenting on their area of specialty or expertise. Again, it was enormously successful, its success being measured by an increase in referrals from local community workers, and increasing contact from community workers on behalf of their clients. The course demystified these areas of the law for those who attended, offering them better referral options and ways to get help on their clients' behalf.

## access and equity policy

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The Centre has actively worked on achieving an access and equity policy that will be adopted by both RLC and the Combined Community Legal Centres. It will be the first policy of its type for the Centres. The Policy Manual, when implemented, will be useful for all NSW CLCs, offering them

- practical guidelines on access and equity,
- advice on how to bid for funding to improve physical access,
- advice on how to formulate policies on their physical environment, employment, etc.

RLC looks forward to the finalisation and implementation of this project.



**R**LC's Tenants Advice and Advocacy Program offers information, advice and advocacy to tenants in the local government areas covered by South Sydney, Leichhardt, City of Sydney and Botany councils. The service operates five days a week and is staffed by two full-time tenancy workers, supervised by RLC's community worker.

The service has developed strong links with advocacy services for people with a disability, and regularly provides advice to workers from the Disability Complaints Unit and the Intellectual Disability Rights Service.

Casework focuses on assisting clients who are socially and financially disadvantaged. This includes people with low incomes, people from non-Anglo cultural backgrounds, public tenants, and others. The assistance includes providing information, form completion, letter-writing, advocacy and representation in the Residential Tenancies Tribunal.

The service emphasises self-advocacy where possible and appropriate.

## tenancy service statistics

■ telephone advice

1,204

■ evening interviews (wednesdays)

86

■ outreach interviews at inner city legal centre (tuesdays)

35

■ casework files opened

142

■ casework files finalised

124

■ representation in hearings before residential tenancies tribunal

22

■ referrals to other TAAP services

304

## notable tenancy cases

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### council relocates tenant to refurbished property

Our client was the tenant of a property owned by South Sydney Council. He had lived in the premises for over twenty years and paid a rebated rent. The premises were in a very poor state of repair. Council also owned a number of other houses adjoining the tenant's, which had recently been refurbished and were about to be let on the private market. We were successful in negotiating with Council for the tenant to be relocated to the property next door at rebated rent.

### use of swain to argue for eviction to be stopped

The tenant had lived in the premises at Centennial Park for a number of years. The landlord issued a 60 day notice of termination. When the tenant did not vacate the premises, the landlord applied to the RTT for an order for possession. We assisted the tenant to prepare a written submission. Using the recent Supreme Court authority of *Swain*, the tenant successfully argued that she should not be evicted on the grounds that her need for the premises were such that, in the circumstances of the case, an eviction would be inappropriate. The tenant had various special needs, including a demonstrated psychological need for housing stability. The NSW RTT refused to make an order for possession because the tenant's need for the premises was greater than the landlord's.

### application of new residential tenancies (residential premises) regulations 1995

On 22 August 1995 the tenants were forcibly evicted from their home by the Sheriff. The locks were changed and the belongings of the tenants and their children were seized by the landlords. The tenants made several offers to pay outstanding rent so that their goods would be returned. The landlords refused to take the money, stating that they wanted money for damage to the property as well. In the meantime, the landlords had received the total bond money from the Rental Bond Board, without any notification to the tenants. They had not brought any action for damages in either the Tribunal or the Local Court. The landlords then moved the tenants' goods into storage and notified them that they intended to sell them.

We argued successfully that the new *Residential Tenancies (Residential Premises) Regulations 1995* (which commenced on 31 August 1995) should apply to this dispute and that the landlords should have returned the tenants' belongings as soon as the tenants claimed the goods, as no removal or storage costs had been incurred at that point.



Unfortunately a substantial number of the tenants' belongings had already been auctioned at the time the matter was heard by the Tribunal. However, the Tribunal ordered that all monies raised by the auction were to be returned to the tenant. Out of this the tenant paid for their outstanding rent arrears and damage to the property.

### eviction order stayed

The tenant had been residing at the property for nearly 20 years. The landlord, who lived in an adjoining property, had recently died. A trustee company was seeking to wind up the estate by evicting the tenant on no grounds. We successfully negotiated a six-month stay on orders for possession, whilst alternative accommodation was found for the tenant and his invalid brother.

### department of housing rent fraud investigations

The tenant approached us for assistance with the cancellation of his rental rebate. The Department were alleging that the tenant was living with his wife in another Department of Housing property and had not declared income he had received from working. The tenant denied both of these allegations. We wrote to the Department requesting particulars of the allegations. After several months of correspondence without result, we made a complaint to the Office of the Ombudsman. The Department agreed with our complaint that the investigation of the alleged fraud had been handled inappropriately. The tenant's rebate was reinstated and back-dated to the point from which it had been cancelled.

### termination notice withdrawn for piano playing tenant

The landlord's agent, following complaints received, required the tenant's son to stop playing the piano. The son, a music student, did not comply with the request. The agent issued a notice of termination for breach of the agreement, in that the tenant was interfering with the reasonable peace, comfort and privacy of neighbours. Offers of mediation by the Community Justice Centre were refused. Negotiation at the Tribunal did not achieve settlement, and the matter was adjourned for a formal hearing. The case raised the problem of the concurrent operation of the *Residential Tenancies Act 1987*, the *Noise Control Act 1975* and the common law of nuisance. For example, neighbourhood noise that is legal under the *Noise Control Act* may still be in breach of a Residential Tenancy Agreement. At the formal hearing, we challenged the formality of the notice of termination for lack of particulars. The hearing was adjourned for the agent to seek legal advice about particulars. The landlord's application was subsequently withdrawn.

## bond returned to sub-tenant

The bond paid to the head tenant by the sub tenant was not lodged with the Rental Bond Board. Upon termination of the agreement the head tenant refused to return the bond as some utility bills were yet to be paid. The sub tenant applied to the RTT for return of the bond. The head tenant (a barrister) argued that the Tribunal had no jurisdiction, as the agreement was a licence for lodging. We argued successfully that the agreement was within the definition of "residential tenancy agreement" and therefore within the jurisdiction of the Tribunal. The head tenant then settled the dispute on terms offered by the sub tenant.

## compensation to tenants for inadequate security

The newly-married tenants were robbed of their wedding presents and other property shortly after moving into a flat in Eastlakes. The tenants claimed that the premises were inadequately secure, and applied to the Tribunal for compensation and improvements in security. The landlord and his agent stated that they had warned the tenants that the premises were not secure at the commencement of the tenancy. They further submitted that the tenants had been a nuisance by complaining about the lack of security. The Tribunal found that there had been a breach of the tenancy agreement by the landlord, and that the loss by robbery was a consequence of the breach. The tenants were compensated and orders were made for improvements to the security of the premises.

## aboriginal housing - "save the block" campaign

RLC represented several residents of the Block. The outcome of the overall campaign was that the re-development proposal by the Aboriginal Housing Company now includes some housing (the earlier proposal was solely commercial). RLC did not actively campaign on this issue; we represented and advised some tenants, and supported the Block residents in their own campaign.

## community education in tenancy

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Community education modules and resources developed by the Service have been used by the workers to deliver a variety of community education workshops during the reporting period. Community education focussed particularly on community workers and non-English speaking tenants. The following are a sample of some of the workshops conducted and educational tools devised by the Service:

- The multi-lingual fact-sheets project has produced 16 fact sheets on tenancy issues. These cover issues from Starting a Tenancy, Discrimination, and the Residential Tenancies Tribunal. They have been updated in English and translated into 9 community languages.
- The Service is a member of the NESB Access Network, a network of NESB Tenancy Workers, convened by the Tenants Union. This group produced a series of information sheets advertising the tenancy services in NSW. The sheets were translated into 10 minority languages including Kurdish, Urdu and Tagalog.
- The Service worked with the University of Sydney Students Representative Council on the Share Housing guide.
- Sessions on Tenants' Rights at Redfern Aboriginal Skillshare, and in Leichhardt for people with intellectual disabilities.
- Tenants' Rights workshops were conducted on a fortnightly basis to newly-arrived migrants. These sessions were held in English classes offered by the Adult Migrant Education Service at Daceyville and Surry Hills.
- Regular training on tenancy issues was offered to community workers in the local government areas covered by the Service.
- NESB-specific education was offered to individual communities. Sessions on Tenants' Rights, focussing particularly on public housing, were conducted in Thai (through the Thai Welfare Association), Arabic (through Botany Migrant Resource Centre) and Russian (through South Sydney Community Aid).
- A worker from the Service attended a highly successful public forum about neighbourhood disputes and harassment on public housing estates. The forum was held in the Miranda/Sutherland area and included representatives from RLC, Department of Housing, Community Justice Centre and local police, as well as public housing tenants and community workers.
- The Service assisted C-TV1, a local community TV broadcaster, to produce a video about tenants' rights on public housing estates, particularly focussing on neighbourhood disputes and harassment. The project is funded by the Department of Housing. The Service assisted in drafting the script and one of the workers appears on the video outlining the services provided by RLC and the Tenants' Advice Service.
- The Service completed a leaflet which explained when and how the *Residential Tenancies Act 1987* applies to warehouse properties which are used for residential purposes.
- The Service is developing an education campaign aimed at members of the deaf community.

The Service was involved in the following areas of housing policy:

- The Service has been working with the Tenants Union on model legislation for residential tenancies.
- A worker in the Service conducted a research project reviewing 12 months of files on issues of tenancy and domestic violence. The purpose of the project was to identify the issues they raised and to propose amendments to the *Residential Tenancy Act*. The report is entitled *A Man's Home is Still His Castle: Options for Reform of Tenancy Law in NSW with regard to Domestic Violence*. The recommendations of the report have now been incorporated into the model legislation.
- The Service, through its clients who are tenants of the Department of Housing, has maintained pressure on the Department to ensure that its procedures and practices are fair to tenants.
- The Service has made representations to the Minister for Community Services and Housing to stop the eviction of people with psychiatric disabilities on the grounds of noise and nuisance. There is now a joint working party of the Office of Housing Policy and the Aging and Disability Department looking at the issue.
- One worker was the locum TAAP co-ordinator at the Tenants Union for 6 weeks.
- A worker was also involved in Orientation Week at Sydney University.

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## credit and debt

**R**LC's Credit and Debt Service consists of two solicitors. One position is for a full-time case worker, and the other includes casework, and resourcing of financial counsellors. The Credit and Debt service provides

- credit and debt legal advice, legal education and casework services to consumers in the South Sydney area and throughout New South Wales;
- credit and debt legal advice and casework services to financial counsellors and their clients;
- credit and debt legal education to financial counsellors; and
- credit and debt legal advice and education to community workers.

In the 1995/96 financial year, the Service provided 381 person-to-person interviews, and 161 casework files were opened. Clients were advised and assisted on 1337 occasions. These figures reflect an increase from the previous year. The Service provides personal advice to clients through specialist credit and debt legal interviews on Monday evenings and Thursday afternoons. These sessions are supervised by a solicitor, who also provides and supervises the legal advice given over the telephone by volunteer solicitors. During usual working hours (that is, outside the specialist sessions) telephone and interview advice and assistance is provided to clients, financial counsellors and workers in other organisations.

In addition, the Service also makes use of the pro-bono assistance of the legal firms Blake Dawson Waldron and Clayton Utz.

## resourcing of financial counsellors

The Service resources financial counsellors and their clients by providing legal advice and casework support, and training on legal issues. It also maintains a close involvement with the Financial Counsellors Association of NSW (FCAN).

The continued resourcing of financial counsellors involves

- providing telephone and face-to-face advice to financial counsellors on legal issues affecting their clients;
- accepting casework referrals of clients from financial counsellors;

- providing other resources such as memoranda to counsellors on issues arising out of casework, or which relate to recent amendments to the law as they affect counsellors and their clients;
- informing financial counsellors of other recent legal developments and
- conducting training workshops.

Two formal legal training sessions were provided to financial counsellors during the year, with between 40-50 financial counsellors at each session. The first session covered issues such as legal costs, evidence and unjust contracts pursuant to the *Credit Act* and the *Contracts Review Act*. The second session covered the so-called "interest free periods" on credit cards, problems with household finance, continuing credit facilities and over-commitment. In addition, a solicitor attended the Ryde-Eastwood Financial Counselling Service on two occasions to discuss their cases and general aspects of the law of credit and debt. These sessions were well attended.

## community education in credit and debt

Solicitors from the Service have provided various levels of training and community education by

- resourcing financial counsellors (detailed above);
- speaking at seminars on issues relating to credit and debt;
- issuing media releases and talking to the media about credit and debt issues; and
- liaising with community groups on issues of importance to local communities.

A training workshop was provided on credit and debt law to grant-in-aid workers. Another training session was delivered to NESB women, at the request of the Australian National Council of Refugee Women. Training evaluation responses to these workshops were extremely positive. In addition, one of the Centre's credit and debt solicitors chaired a public meeting on how to establish a credit union, and later appeared on C-TV1, a local television station, to discuss the same issue. A female solicitor from the Service was interviewed for a Radio 2SER programme on *Women and Debt*, which was broadcast twice in Sydney, and on 40 regional community radio stations throughout NSW.

During the year, an information brochure about Redfern Legal Centre's Credit and Debt Service was produced. The artwork was prepared by a young Koori artist, Gerard Scofi who has exhibited at the Boomalli Art Gallery on a number of occasions and whose work is well-known to young readers of his comics.

The Service developed a Credit and Debt Training Questionnaire to ascertain the training needs of financial counsellors, community workers and other legal centre workers.

## policy and law reform in credit and debt

The Centre has been involved in a number of law reform initiatives, and contributed to a range of policy matters affecting the provision of financial services. These include:

- regulation of the Motor Vehicle Sales and Repair Industry in NSW;
- bank fees, and the provision of a basic banking product to the public;
- Insurance and Superannuation;
- removal of local banking services;
- Uniform Credit Legislation; and
- amendments to Bankruptcy Law.

Some of these policy and law reform issues are discussed below.

### motor vehicle industry

A review was conducted by the NSW Department of Fair Trading into the Motor Vehicle Industry. A significant submission was presented and prepared in conjunction with the Combined CLC Group. The submission's main proposals were that cooling-off periods and standard form purchase agreements should be introduced.

### bank fees and a basic banking product

This issue came to RLC's attention after Westpac conducted an 'experiment' in the Hunter Valley offering "trial accounts", each of which incurred a \$5 monthly account-keeping fee. RLC issued a media release arguing that this was an example of banks imposing unnecessary charges and restrictions on those who could least afford it. Furthermore, the practice appeared to be a breach of the Code of Banking Practice.

This was soon followed by a Prices Surveillance Authority (PSA) Inquiry into fees and charges imposed on retail transaction accounts by banks and other financial institutions. The inquiry was directed to consider, amongst other issues, the relationship between fees and charges and interest rate margins.

The PSA Inquiry Report did not recommend fee-free accounts for low-income earners. However, it did state that banks should be more explicit in informing customers as to how fees were imposed. It stated that banks should not increase their total revenue through fees, but should switch their emphasis to revenue-raising which reflected the *number* of transactions. The Report said that equity issues could not be resolved by applying economic principles; they were matters for the community through the political process.

After the PSA Inquiry handed down its report, the Commonwealth Bank increased its bank fees. The Bank was then put under intense pressure by the media and the public. The Commonwealth Bank then withdrew the increase. The Managing Director of the bank announced that the bank would develop a "basic banking product" for people on low incomes, which would not incur high account-keeping fees.

RLC contributed to this debate and the campaign for a fee-free banking product for low-income people. It also participated in action undertaken by the Consumer Federation of Australia (CFA) (formerly the Australian Federation of Consumer Organisations) which is an umbrella group for people and organisations interested in consumer issues. The CFA served a log of claims on the banks stating that transaction fees should not be introduced or increased, and that any changes to banking products should not leave consumers worse off.

In the period following this extensive community concern over bank fees and charges, most of the banks reported massive annual profits, in the range of \$1 billion.

Following the PSA Inquiry, report and campaign, the Wallis Inquiry into Financial Services was commenced to consider, amongst other things, whether there should be a 'mega-regulator' of financial services to oversee issues such as the imposition of fees and charges. The Inquiry's final report is due in March 1997.

### general insurance code of practice

RLC was involved in the early negotiations with the insurance industry on its Code. We soon withdrew from the proceedings after it became clear that the industry was acting against the best interests of consumers. The Code offers no protection for consumers and does not comply with Trade Practices Commission guidelines. The proceedings were little more than industrial machinations, and the Code will inevitably result in hardship and unfairness for RLC's core client group.



## coalition against the removal of banking services (carobs)

CAROBS is a local community group comprising residents, community organisations and businesses in the South Sydney area. The coalition was formed in response to community outrage over the closure of two local bank branches: St George Bank on Botany Road and the Commonwealth Bank in Waterloo. These closures left the tenants of the public housing estates, other local residents and local businesses at a disadvantage, removing their access to financial services.

CAROBS consulted with the banks, asking them to reconsider; the banks refused to maintain their services. CAROBS then began to explore other options, and canvassed the possibility of starting a local credit union. Hundreds of community organisations in Australia operate credit unions, with the advantage that the banking service is owned by its members and that profit is not the motive of the service. CAROBS has consulted the Credit Union Services Corporation of Australia Limited, which was established to assist community groups set up credit unions. A survey is being conducted within the local community to ascertain the level of support for a local credit union, and the project is continuing.

## credit code

RLC, with the Consumer Credit Legal Centre, actively lobbied the NSW Department of Fair Trading in the lead-up to the commencement of the Credit Code. The Code commenced in November 1996.

## credit administration act

The NSW government decided to dispense with the requirement for credit providers to be licensed. As a result, there is no licensing of the credit providers industry. This was a campaign that RLC lost, despite fighting long, hard and well. Its effects will be felt acutely by financially disadvantaged people throughout NSW.

## notable cases in credit and debt

The Service acted for clients in a wide range of matters, appearing in the Local Court, Commercial Tribunal of NSW, and assisting clients with preparation of matters before the Consumer Claims Tribunal, the Superannuation Complaints Tribunal, and the General Insurance Claims Review Panel. Injustices in consumer lending dominated much of the Service, and many of the clients for whom we acted were the victims of unjust or unconscionable conduct by creditors or vendors.

## unjust or unconscionable conduct by creditors

- A client signed a car finance contract during a psychotic episode. His doctor refused to provide RLC with medical reports about his intellectual capacity at the time he signed the contract, unless he returned to medical care. Our client refused these terms, and RLC obtained other medical evidence. Following negotiations, the finance company agreed to waive the client's debt and amend his CRAA record accordingly.
- A client was referred to us by the Disability Rights Service. The client, who has suffered a serious head injury, signed a continuing credit contract under the mistaken belief that he was borrowing \$400 to enable his sister to buy a set of car tyres. This matter is continuing.

## agc coupons

This case involves the purchase by AGC of old Waltons debts. Our client had signed-off on coupons which purported to comprise an agreement. AGC had difficulty in producing the terms and conditions of the agreement, and the matter was successfully settled. This matter was conducted by RLC with another community legal centre, through the Consumer Credit Committee of the Combined CLCs group.

## bank threatening bankruptcy over car loan

Our client's parents acted for her as guarantors on a car loan. Her fiancé crashed the car, and was killed in the accident. The car was "written off". Unfortunately for our client, the car was not insured, which was contrary to the terms of the loan contract. The bank complained that they now had no security for their loan, however they *did* have our client's parents' security as guarantors. The bank threatened our client and her parents with bankruptcy and made frequent telephone calls to our client's workplace, breaching the *Commercial Agents and Private Inquiry Agents Act*.

RLC submitted that it was a gross injustice for our client to have to continue the payments when she no longer had the benefit of the car. Furthermore, the car was lost in tragic circumstances in which she also lost her fiancé. The security was gone through no fault of our client's. This matter has not been finalised.

## default charges waived

Our client had a loan with a bank, subject to the *Credit Act*. Following negotiations, the bank agreed to waive \$8000 in default charges.

## women harassed by debt collectors

The Service has had several female clients who have been harassed by debt collectors. The operation of the *Commercial Agents and Private Inquiry Agents Act* has been successfully argued in these instances.

## repossessed car - debt waived

A NESB client alleged that, when his financed car was repossessed (he had fallen behind in his repayments after becoming unemployed), the investigations agent had taken some of his personal goods. The agent denied this. Our client was advised to refer this issue to the police. RLC arranged for our client to pay the principal of the debt, but not the interest. However, the bank then confused our client with another debtor with the same name, and sent the wrong payments book to our client. RLC complained to the bank which agreed to waive the debt altogether.

## joint bank accounts

Our female client had a joint bank account with her husband, of whom she was afraid. RLC ascertained that either party to a joint account could arrange to have their half of the interest paid into another account, thus easing the financial circumstances of women in similar situations to our client.

## guarantor's debt reduced after debtor flees jurisdiction/sexually transmitted debt

A NESB woman acted as guarantor for her husband on his loan. He subsequently left the jurisdiction, leaving her with the debt. Our client had not realised she was signing a guarantee. Following negotiations with the solicitors for the finance company, the judgment debt was reduced from \$8000 to \$2000.

## guarantee not pursued

A NESB client acted as guarantor for a friend's loan. The bank refused to provide RLC with the details required under the *Credit Act* on the grounds that the loan was for business purposes. RLC successfully argued that the loan was not for business purposes and that it was subject to the *Credit Act*. We obtained a successful result for our client, whose guarantee was not pursued.

## unwanted readers' digest account

Our client complained about a Readers' Digest account she did not want. After negotiations, Readers' Digest agreed to remove her name from their client list and waived the money she allegedly owed.

### women released from joint ownership of cars

RLC assisted several women, all of whom were in similar circumstances. Their ex-partners had left the relationship, taking a car which was jointly owned. RLC contacted the Roads and Traffic Authority who advised that the women should complete a Notice of Disposal form. Although this wouldn't transfer the vehicle from the joint names, it would show that the vehicle was no longer jointly owned. This would put other parties (such as finance companies, and drivers whose cars had been crashed into by the ex-partner) on notice that the woman was no longer responsible in fact for the car.

### repayments reduced on grounds of hardship

A NESB client owed a debt to GIO, who were seeking \$90 per month repayments. RLC negotiated a reduction of the repayments to \$20 per month on the grounds of hardship.



# drug law reform project

**R**LC's Drug Law Reform Project commenced in 1994. The Project produced the report *Beyond Prohibition*, incorporating the second edition of the Harm Reduction Model. The report contains detailed, useful proposals for change in NSW, and its contents will remain relevant for at least the next few years. This edition incorporated the comments of those people to whom the report was circulated for comment; a broad cross-section of the community, including prohibitionists as well as reformers.

Though ambitious in its scope, the success of the Project can be determined in several ways. The debate around drug law reform was markedly improved, particularly because it went beyond the decriminalisation of marijuana to include a larger range of drugs, and to include issues of supply, rather than being limited to possession. The Project realistically opened the possibilities for law reform, producing a product (the Report) which remains a valuable tool for reformers. Certain issues, for example, the trial introduction of shooting rooms in Kings Cross, are being actively considered. The Project focussed the debate on the reformers' side, offering detailed solutions to the legal questions which hampered reform.

The Project took place in a difficult political climate and, given these circumstances, was as successful as it might have been. Taking such a broad approach to drug law reform limited the prospects of success but, on reflection, its breadth was vital to re-introducing the debate to the community. Whilst the slowness of law reform and legislative change is somewhat disappointing, there are good indications that certain areas have already improved. In this instance, the Project contributed to the better and fairer policing practices that have already been recognised in the community.

One of the primary achievements of the Project has been in community education. Drug users, service providers and workers in the area were empowered in the knowledge of how the law works in relation to drugs, and also in how the laws pertaining to drugs can be changed.

Drug law reform will continue to be a live issue, and there will always be the possibility of re-addressing and re-opening the debate in the future.

## community education in drug law reform

- The DLR Project was accompanied by the designing and circulation of a poster. The artwork was commissioned from John Carey, a local artist, in consultation with the DLR Project Committee and the RLC Management Committee. The poster was widely distributed, and received much positive feedback. Although not to everyone's (aesthetic or political) taste, the poster has been one area in which the Project has invited debate and discussion.
- Education sessions were conducted for needle and syringe exchange workers. Regular talks were conducted on Drugs & the Law for Public Health Area workers in Liverpool.
- A paper was presented at the 7th Annual International Harm Reduction Conference in Hobart, on the Harm Reduction Model and on the current state of drug law reform in NSW.
- A Seminar was presented at NSW Parliament House. Dr Sam Friedman, an American expert on HIV, and Gary Sturgess spoke to an audience of lawyers, doctors, politicians and members of the public.
- A symposium/panel discussion was held at NSW Parliament House, discussing the decriminalisation of marijuana.
- David Penington was brought to Sydney to meet with politicians and speak at a public meeting.
- A session was conducted for youth workers at Prairiewood Youth Centre.
- A talk was presented to Central Sydney Drug and Alcohol Service.
- A session on Drugs & the Law was held at Nimbin Mardi Grass, followed by (impromptu) mass legal advice in the Nimbin Community Hall.
- The worker was invited to speak to senior secondary students at Trinity College on drug laws and law reform. It was part of an after-school programme and generated a lively debate amongst the students.
- An education session was conducted at Phoebe House for female methadone users with children. It covered many aspects of the legal system, concentrating on criminal law and process.

# university of sydney src branch

The University of Sydney SRC Branch of the Redfern Legal Centre has been operating for over 5 years. The office is funded by the Students Representative Council (SRC) to provide legal services to under-graduate students. The SRC has contracted with Redfern Legal Centre to provide a solicitor for the on-campus office for three days per week.

## appointments

During the 1995/96 year, 310 appointments for legal advice were made, each lasting approximately one hour.

## university involvement

During the year, the worker attended 41 meetings in her capacity as the SRC Solicitor. These included regular monthly meetings with the University Registrar, meetings with the President, Education and Welfare Officers of the SRC, and meetings with staff of the International Students Services Unit.

## representation

The worker represented students at Redfern, Newtown, Burwood and Downing Centre Local Courts. Students were also represented at the Social Security Appeals Tribunal and the Industrial Commission.

## areas of work, including notable cases

### discrimination

A discrimination claim by a student with a sight disability was settled successfully. An apology was made to the student as well as a compensation payment for pain and suffering.

Continuing legal advice was provided to the President of the SRC in regard to a disability discrimination complaint made to the Human Rights Commission against the University on behalf of all students.

## debts

Many debt problems for students arise out of consumer credit issues, particularly credit card debts and non-credit debts.

In addition, students frequently have problems with insurance companies demanding money for damage incurred in motor vehicle accidents. In many of these cases, large amounts of money are demanded for repairs where the subject vehicle has little damage. In some cases, the money is demanded without the provision of a quote. The conduct by some of these companies is unscrupulous. Some students are neither advised to seek legal assistance, nor are they explained their rights and responsibilities in these matters, before being induced to sign agreements without seeing quotes, for large sums of money, at interest rates of up to 14%.

A debt of \$17 000 was written off, after long negotiations which arose as a result of a demand by an insurance company after a house fire. Two students were renting the property when the fire occurred, and the landlord was insured for such damage. The insurance company, however, demanded the money from the students on the grounds of negligence. There is no requirement to prove that no negligence existed for fires occurring in properties occupied by their owners. Only tenants can be targeted in this way. This problem remains a law reform issue.

## austudy

The worker attended a meeting with an officer from the Commonwealth Ombudsman's Office in regard to the continuing problems students have with the unfair and inefficient processes of DEET regarding Austudy.

The worker provided ongoing legal advice to the Education Research Officer and Welfare Officer on Austudy matters, including appeals to the Social Security Appeals Tribunal and the Administrative Appeals Tribunal. DEET continue to appeal matters to the AAT, even after those matters have been determined in the students' favour by the SSAT. This trend increased the complexity and volume of casework and has had serious implications for students. These implications arise because DEET is represented by the Commonwealth Government Solicitors, whereas Austudy students are ineligible for Legal Aid. The AAT has expressed some concern at the increasing numbers of appeals by DEET against students who appear without legal representation. An ongoing campaign is continuing, addressing the lack of Legal Aid for students in Austudy matters.

A student who had made submissions in regard to his eligibility for benefits was finally paid the benefits. A short time later, Austudy



decided that he was ineligible and garnisheed his bank account. The student was neither advised of the over-payment, nor was he advised that his bank account was to be garnisheed. Natural justice requires that recipients be notified of any over-payments. This enables them either to make further submissions regarding their eligibility, or gives them the opportunity to make arrangements to repay in instalments. This matter was satisfactorily resolved in favour of the student.

### university matters

A student was suspended from classes as a result of a complaint made by a person not associated with the University. Successful representations to the Registrar resulted in the suspension being lifted swiftly.

The worker visited the new campus of the Sydney College of the Arts as a result of complaints about the new accommodation. The building work was not finished before the start of the semester, and students were required to work and study in a construction zone, posing many occupational health and safety problems. Advice was given to students and to the SRC President and Education and Research Officer in regard to their legal options as well as practical ways of resolving these problems quickly.

A complaint was made by a student about the conduct of the University Properties Office. In that matter, staff of the Office obtained the student's signature on a tenancy agreement between herself and the university and completed the remainder of the agreement later. Furthermore, there was no explanation made to the student of the full ramifications of the agreement, as is required under various consumer legislation. The resolution of this complaint should have a positive impact for all students in their future negotiations with the Properties Office.

Ongoing legal advice and support was provided to the SRC Education Research Officer in regard to the University Student Disciplinary Procedures. Procedures are still being negotiated.

## pro bono referrals

The following matters were conducted on a pro bono basis:

- Leonie Flannery represented two students in a malicious damage matter. The subject of the damage was an advertising poster portraying a woman in scanty underwear on her back with her legs in the air. The students contended that the poster was sexist. The Magistrate agreed, describing the poster as being "in very poor taste". No conviction was recorded.

- Mark Lynch, barrister at law, represented a student on a victims compensation matter in the NSW District Court of Appeal.
- Clayton Utz, solicitors, provided expert legal advice and representation to several students and a student organisation, on a pro bono basis.
- Chris Whitelaw and Janet Manuel, barristers at law, provided pro bono advices in a range of matters involving students.
- Scott Roulstone, a solicitor at the Redfern firm Keddie's, provided free legal advice in a number of matters, as well as conducting defended hearings for students in the local court for a nominal fee.

## legal education at the src

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The Branch Office Solicitor has been responsible for the following types of legal education:

- Provision of legal advice for the publication of the Counter Course Handbook.
- Organising and staffing a stall at Orientation Week.
- Assistance and provision of back-up to the SRC President in regard to matters such as the HIV/HepB case.
- Ongoing provision of legal advice to the SRC Education Research Officer and the Welfare Officer in regard to matters such as Austudy, tenancy and university complaints.
- Participation in the induction of *Honi Soit* editors.
- Provision of legal advice to students working on the Tenants Union Hotline Service.

## src branch and rlc

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The current Branch Office Solicitor has an unrestricted Practising Certificate. The RLC Principal Solicitor and other Centre workers are also available to provide advice and assistance at all times.

The Branch Office is 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 RLC. Pat McDonough is the current SRC Branch Office Solicitor. During a period of leave she was replaced by a locum solicitor, Sarah Nielsen.

- file means that the matter required more than one-off advice or referral, and that a file was opened for the conduct of the matter.
  
- aso means that an Advice Sheet Only was completed. In these instances, the student saw the solicitor only once for advice or referral. This was recorded on an Advice Sheet and no file was opened.
  
- phone means that advice or referral was given over the telephone and no file was opened.

type of matter	file	aso	phone	total
austudy/hecs	11	17	1	29
university complaint	6	6	2	14
discipline	5	1		6
academic appeal	1	1		2
special consideration	2			2
debts	9	7	2	18
tenancy	6	10	1	17
family law	1	17		18
complaints	1	7	1	9
victims compensation	2			2
transport injuries	2			2
personal injuries	1	2		3
domestic violence	2	3		5
other criminal	7	18		25
traffic summons	2	8		10
motor vehicle property damage	11	12		23
wills/probate	1	3		4
social security	3			3
employment	2	7	2	11
finances	1	9		10
other	8	10	2	20



# pro bono arrangements

**R**edfern Legal Service utilises the services of over 100 volunteer students, solicitors and barristers each week. All of these people give their time for free.

Every Tuesday afternoon, rostered solicitors from the following firms give general law advice to clients who cannot attend the Centre in the evening. These clients are usually elderly people or single parents; the Centre endeavours to provide accessible legal services for all sectors of the community.

The rostered firms are

- Hunt and Hunt (Jemima Brewer, Annette O'Brien, Graham Jones, solicitor)
- Henry Davis York (Odaria Finemore, Jane Simpson, solicitor)
- Cowley Hearne (Peter Le Guay, solicitor)

Every Thursday afternoon, rostered solicitors from Blake Dawson Waldron (BDW), 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 50 clients referred by RLC each year. The scheme has proven to be the only source of legal representation available to some clients. The scheme has been subsequently expanded, and Clayton Utz have undertaken to provide free legal work to the value of \$1 million each year.

A number of barristers and solicitors have provided free advice and representation for our clients. These include:

- |                 |                |                   |
|-----------------|----------------|-------------------|
| ■ Tony Payne    | ■ Janet Manuel | ■ Leonie Flannery |
| John Basten     | Sylvia Winters | Chris Whitelaw    |
| Scott Roulstone |                |                   |



# community liaison and networks

**R**edfern Legal Centre workers are members of numerous committees, organisations and working parties. In many of these instances, the committees are convened under the auspices of the NSW Combined Community Legal Centres (CLCs) Group. The NSW Community Legal Centres Secretariat provides invaluable assistance and support for these groups. Some of the groups in which staff members are involved include:

- Australian Financial Counsellors and Credit Reform Association (AFCCRA)
- Coalition Against Removal of Banking Services (CAROBS)
- Coalition for Class Actions
- Consumer Law Sub-Committee of the Law Society of NSW
- Consumers Federation of Australia (previously the Australian Federation of Consumer Organisations)
- Department of Consumer Affairs Liaison Committee
- Department of Social Security Consultation Group
- Financial Counsellors Association of NSW (FCAN)
- Justice Action
- Inner Sydney Migrant Interagency
- Legal Aid Defence Alliance
- Leichhardt Interagency
- NSW Combined CLCs Group
- NSW Combined CLC Group Access and Equity Committee
- NSW Combined CLCs Group Consumer Credit Committee
- NSW Combined CLCs Group Domestic Violence Committee
- NSW Combined CLCs Group Practice Committee
- NSW Combined CLCs Group Administrators Network
- NSW Combined CLCs Group Tenants Legal Working Party
- NSW Combined CLCs Group Aboriginal Reconciliation Committee
- NSW Council of Social Services
- Access to the Family Court Consultative Committee

- Redfern Legal Centre Publishing
- Regional Department of Community Services Consultation Process
- Representative of NSW CLCs at the National Association of Community Legal Centres
- Residential Tenancies Act Consultative Committee
- South Sydney Interagency
- Superannuation Consumer Coalition
- Tenants Advice and Advocacy Program Network, including statistics database sub-committee and NESB access sub-committees
- Tenants Union Board, including TAAP advisory and Human resources sub committees
- The Shop Management Committee
- Law Society Pro Bono Committee
- Network of Domestic Violence Court Assistance Schemes
- Intellectual Disability Rights Centre Steering Committee
- Austudy Network

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# intellectual disability rights service

**A**fter successfully requesting a review from their funders of their access and equity procedures, IDRS was given sufficient funds to move to more appropriate and accessible premises. In their new location, opposite Central Station, they are able to offer easier physical access to people with wheelchairs and other mobility aids. The new premises also offer a pleasant environment to IDRS staff and workers.

As a result of their move, IDRS has separated from RLC and incorporated separately, with their own management structures.



# management

**R**edfern Legal Centre is a company limited by guarantee. It has six elected directors who have delegated responsibility to the Centre Management Committee. This committee comprises the following:

- 4 staff members
- 6 elected volunteers (at least 2 practitioners and 2 legal assistants)
- 4 others, at least one of whom represents a local community organisation and one who is not a lawyer
- 1 Director (at least one of the members of the Management Committee must also be a Director of the company)

## directors

member	occupation
Stamatia Stamatellis (secretary)	Community Worker
Virginia Bell	Barrister
Nigel Vertigan (chair)	Solicitor
Peter Stapleton	Solicitor
Clare Petre	Social Worker
Gerard Craddock	Barrister

## management committee

member	occupation
Jenny Lovric	Student (RLC volunteer)
Katherine Biber	Student (RLC volunteer)
Mehera San Roque	Lecturer (RLC volunteer)
Sarah Nielsen	Tenancy Worker (RLC volunteer)
Bridget Godwin	Solicitor (RLC volunteer)
Simon Moran/David Gibbons	Solicitors (RLC volunteers)
Paul Farrugia	Solicitor
Clare Petre	Social Worker (RLC Director)
Mary Perkins	Co-ordinator (RLC Staff)
Denele Crozier	Administrator (RLC Staff)
Simon Cleary	Solicitor (RLC Staff)
Grant Arbuthnot	Tenancy Worker (RLC Staff)



# staff

Denele Crozier  
Steve Bolt

Simon Cleary  
Penny Quarry  
Susan Davitt  
Harriet Grahame  
Ingrid Gubbay

Robyn Holden  
Beth Jewell  
Pat McDonough  
Mary Perkins  
Jason Mumbulla  
Kylie Kilgour  
Grant Arbuthnot  
Gavin Butler

Administrator  
Solicitor (general casework) and  
Drug Law Reform Project worker  
Solicitor (credit and debt)  
Solicitor (credit and debt)  
Principal solicitor  
Solicitor (victims compensation)  
Locum solicitor (victims  
compensation and  
employment law)  
Company secretary  
Community worker  
Solicitor (SRC Branch Office)  
Co-ordinator  
Systems officer  
Tenancy worker  
Tenancy worker  
Statistics



# volunteers

**R**LC has implemented a new training programme for prospective volunteers. The programme has had good feedback from the volunteers and from the Centre staff. The purpose of the programme is to produce excellent volunteer standards and to effect better communication between staff, volunteers and management.

RLC volunteers are responsible for many aspects of the day-to-day conduct of the Centre. During the daytime (9am-6pm) volunteers, under the supervision of a staff member, are involved in the operation of the front office. They answer telephone inquiries from clients, community workers, government officers, and others. They also assist anyone who drops into the Centre seeking information or referrals. Volunteers work on client files, following up problems, writing letters, undertaking research and many other aspects of legal case work.

In the evenings (6pm-9pm), volunteer students take instructions from clients, before handing the matter over to a volunteer solicitor. Volunteer solicitors advise clients in face-to-face interviews and over the telephone. Again, the evening sessions are supervised by a staff solicitor.

RLC volunteers are also encouraged to become involved in other aspects of the Centre. Some volunteers work on particular projects (e.g. the Drug Law Reform Project), others become involved in volunteer initiatives such as the Access and Equity Action Group. Volunteers are able to attend the National Conference of Community Legal Centres, thus broadening their understanding of the context in which RLC works. RLC volunteers are represented on the Management Committee by members who are elected each year by other volunteers. Of course, many volunteers become active in the CLC movement, and ultimately become staff members at either RLC or other community legal centres.

During the year the following people were volunteers at RLC, and are thanked for their dedication and effort:

- |                  |                    |                      |
|------------------|--------------------|----------------------|
| ■ Marie Kwok     | ■ Fiona O'Neill    | ■ Jeevani Korathota  |
| Bonny Puszka     | Carolyn Wyatt      | Jason Moody          |
| Ken Price        | Zosha Zuidema      | Warren Armstrong     |
| William Walsh    | Stephen Diedericks | Konstantinos Stellos |
| Sophia McIntyre  | Ceyda Ozsayin      | Tara Ward            |
| Kate Wrigley     | Catherine Bray     | Daniel Sinclair      |
| Richard Chia     | Michelle Musgrave  | Julia Grix           |
| Fiona Allison    | Helen Dakin        | Linda Meyns          |
| Maria O'Sullivan | Lokki Woo          | Alexis Roitman       |
| Peter Stern      | Jemima Brewer      | Lyndsay Brooker      |

- Simon Moran  
Cynthia Banham  
Brian Kelleher  
Latika Prasad  
Mittu Gopalan  
Ellison Jang  
Paul Barnier  
Elizabeth Szabo  
Eliza Colquhoun  
David Ball
- Justin Smith  
Sununda Bhar  
Trish McDonald  
Kirsti Samuels  
Andrew Grimm  
Marisa Ordea  
Alice Chow  
James Gibson  
Kerrin Forsythe  
Alison Haines
- Jacqui Dawson  
Lisa Hill  
Catherine Warner  
Lisa de Ferrari  
Melissa Taylor  
Claudette Wordsworth  
Tony Mitar  
Jamie Benson  
Rachel Way  
Chandrani Buddhipala
- Sam Kelso  
Loris Hendy  
Michael Windsor  
Bridget Godwin  
Kate Ballantyne  
Abby Rath  
Tony Nacinovic  
Gavin Sullivan  
Sue Thomas  
Dimitri Tsihilis
- Paula Nassif  
Harry Uppal  
Conrad Gray  
Simon Gallant  
Sean Brennan  
Frances Gibson  
Jared Cowie  
Jenny Lovric  
Alpana Roy  
Kristen Jung
- Jill Robertson  
Pia Van de Zandt  
Julie Walsh  
Erin Kennedy  
Deborah Henwood  
Susan Israel  
Jan Sidaway  
Sheila McMahon  
Raani Costelloe  
Athula Pathinayake
- Mark Sidhom  
Sarah Tafari  
Kate O'Rourke  
Christine Weekes  
Sarah Crawford  
Craig Lenahan  
Christine Johnson  
John McIntosh  
David Robb  
Andrea May
- Phoebe Chow  
Alice Chow  
Alison Garrod  
Ross Nicholas  
Victoria Pitt  
Peter Barley  
Yvette Kingston  
Leonie Walton  
Ridwaan Jadwat  
Angela Abrahams
- David Gibbons  
Paul Argent  
Michelle McGrath  
Katherine Biber  
Mehera San Roque  
Roxanne Adler  
Emma Maloney  
Manal Maurice  
Stephen Klineberg  
Catherine Raffaele
- Greg Davoren  
Maeve McCarthy  
Janet Lee  
Susie Breuer  
Scott Roulstone  
Sharon Pollock  
Mark Anstee  
Sarah Nielsen  
Mark Austin  
Jenny Gentles
- Anna Kaszonyi  
Tim Wallace  
Shauna Alexander  
Amit Khanna  
Janine De Saxe  
Zarina Braybrooke  
Sonia Azam  
Ian Newbrun  
Phillipa Gaffney  
Fiona Moore
- Albert Yuen  
Tebby Khutsoane  
Mark Baker  
Helen Sarlas  
Jane Eccleston  
Joanne Wing  
Chris Grant  
Meena Sripathy  
Anne-Marie Devereaux  
Tania Panico
- Mathew Wong  
Melanie Faithful  
Tom Roche  
Gary Cowan  
Roslyn Cruse  
Ross Hall  
Janet Williams  
Victoria Hiley  
Francis Moffit  
Celina Creek
- Wally Cheung  
Sari Galapo  
Susannah Vicars  
Rebekah Rodger  
Susan McKendry  
Bethany Cheever  
Bernadette Allas  
Victoria Fisher  
Aiyaz Sayed-Khaiyum  
Muhunthan Kanagaratnam
- Donna Wiltshire  
Victor Kwok  
Ros Parsons  
Cissie Abraham  
Dominic Sullivan  
Winnie Ching  
Jane Weber  
Donna Daleo  
Sharon Miskell



## finances

**R**LC receives funding from various Federal, State and Local Government offices. These include Legal Aid and Family Services, Legal Aid Commission of NSW, Department of Community Services, Federal Bureau of Consumer Affairs, Department of Fair Trading, Office of Real Estate Services, and the NSW Department for Women. We also received project funding from the Law Foundation of NSW. We take this opportunity to thank these organisations for their continued support.

## donations

The Centre also receives income from donations and costs in successful cases. Donations were gratefully received from T. Harris and G. Rowlands.

## intellectual disability rights service

As noted earlier in this report, IDRS separated from Redfern Legal Centre Limited in July 1995. This change has affected our 1995/96 Profit and Loss accordingly.

redfern legal centre limited  
profit and loss account 1995/6  
ended 30 june 1996

■ income	\$ 1996	\$ 1995
gross profit from trading	0	1,622
consulting fees	0	0
interest	12,971	26,856
recoveries	16,645	38,168
other revenue	4,109	5,949
grants	674,931	869,549
donations	300	160
<b>total</b>	<b>708,956</b>	<b>942,304</b>

■ expenses	\$ 1996	\$ 1995
accountancy	1,545	1,726
activities	1,808	1,422
auditors remuneration	4,073	6,896
bank charges	1,269	1,653
consultancy fees	0	5,399
depreciation	11,575	9,370
disbursements	2,432	2,276
fitout	0	0
furniture	0	0
grant expenditure	0	0
insurance	3,767	4,324
loss on theft	0	100
office supplies	18,577	17,694
office equipment	10,382	25,884
printing, post, stationery	49,006	54,643
purchase for resale	0	0
rent	4,498	7,000
repairs and maintenance	4,011	3,849
reprinting	0	1,623
salaries and wages	514,209	688,360
staffing expenses	17,780	19,890
subscriptions	14,248	12,373
sundry expenses	1,264	3,067
superannuation	23,605	10,906
telephone	10,771	15,146
travelling expenses	8,504	10,418
<b>total expenses</b>	<b>703,324</b>	<b>904,019</b>
<b>net profit for the year</b>	<b>5,632</b>	<b>38,285</b>

redfern legal centre promotes social justice through:

- providing free legal advice, legal services and education to disadvantaged people in New South Wales, and to groups who advocate for them
- participating in activities which reduce inequalities and defects in laws, the legal system, and administrative and social practices that impact on disadvantaged people.

## REDFERN LEGAL CENTRE

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