

**1996/7  
annual  
report**

**redfern  
legal  
centre**

**twenty years**

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annual  
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legal  
centre

twenty years

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# introduction

**W**hat momentous occasions do you remember from 1977? Malcolm Fraser's re-election as Prime Minister? Uranium mining getting the go ahead? Abba? or Redfern Legal Centre opening its doors to people needing free and accessible legal advice?

Redfern Legal Centre (RLC), the first community legal centre in NSW, opened its doors in March 1977 in response to the urgent need for accessible legal services, at no cost, in the South Sydney district. RLC began its life as such organisations do — in premises provided by the South Sydney Council, with furniture supplied by a large firm of city solicitors, a donation from the University of New South Wales and staff consisting of dedicated volunteer students, social workers and lawyers. By the middle of 1977, with assistance from the South Sydney Council and the Federal Government, RLC employed its first paid staff.

When RLC began, it aimed to provide legal services to the most disadvantaged people in our community. This aim has not changed. Today it is one of the largest community legal centres in Australia but it continues to offer its services to those in most need.

Since 1977, RLC has helped over 200,000 people. It has provided an independent voice on controversial areas of the law and has been involved in some significant legal cases in the State.

During the past twenty years, RLC has pioneered a system that integrates social welfare and legal responses; a system which best meets community needs. This system expands on the usual casework and court model, by integrating preventative and interdisciplinary strategies for the delivery of effective legal services.

## **To the reader of this annual report**

**To mark the occasion of RLC's twenty year history, this annual report is directed at a number of different audiences — our funding bodies, past and present management committee members, directors, staff and volunteers, other community organisations and those who simply wish to celebrate with us.**

RLC also provides a service when other legal agencies are unavailable or inadequate.

Over the 20 years since 1977, RLC has helped found other services such as Welfare Rights Centre, Prisoners Legal Service, Intellectual Disability Rights Service, Redfern Legal Centre Publishing and the Inner Sydney Tenant's Advice Service. RLC has also initiated or been actively involved in projects which have led to the establishment of other agencies including The Accommodation Rights Centre, Consumer Credit Legal Centre, Campbelltown Legal Centre, and Streetwise Comics.

Twenty years on, RLC offers a generalist legal service, specialising in areas of the law of particular relevance to our client base. Currently, RLC operates separately funded specialist Tenants', Domestic Violence, Credit and Debt and Students' Services.

The next twenty years may prove to be interesting times for RLC given the change in economic climate. But then again, as RLC has consistently demonstrated over its twenty year history, grass can crack concrete.

# objectives & strategies

## The objectives of Redfern Legal Centre

- To provide an accessible legal advice and referral service;
- To provide ongoing casework services to people who live or work in RLC's 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; and
- 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.

## Clients served by the RLC

RLC 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 the RLC

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** — community education breaks down the mystique that surrounds the legal system and the law. It empowers people through knowledge and information and a little knowledge about legal rights can go a long way.
- **Reform** — Reform of laws, administrative practices and services is essential for systemic change. RLC draws upon information gained from its large case load to alert the government and the public to needed legislative and policy reforms. We use this information to further develop our own services.
- **Case and advice work** — RLC's objectives are 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. Given RLC's limited capacity, it prioritises cases with the potential to assist the greatest number of people.

# funding & management committee

## Funding

Redfern Legal Centre's general service is principally funded through the Community Legal Centres Funding Program, a joint State and Commonwealth scheme.

In addition to this, RLC receives financial support from the NSW Department of Community Services, the Department of Fair Trading, and from the Commonwealth Consumer Affairs Division.

South Sydney Council continues to make an important contribution to RLC. The Council provides a grant for a Community liaison position and provides premises at the Redfern Town Hall at a concessional rent.

RLC receives separate funding from the Students Representative Council at the University of Sydney to operate a student legal service located at the University.

RLC's Women's Domestic Violence Court Assistance Scheme receives funding from the NSW Legal Aid Commission.

From time to time RLC receives additional funds for particular projects. For example, the Law Foundation of NSW provided the funds for the costs of printing and distributing the "Going thru the roof" tenant information kit. (See *Significant Achievements* page 5).

We take this opportunity to thank these organisations for their continued support.

## The Management Committee

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

- four staff members
- six elected volunteers (at least two practitioners and two legal assistants)
- four others, at least one of whom represents a local community organisation and one who is not a lawyer.
- one Director (at least one member of the Management Committee must also be a Director of the company).

## Directors

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

## Management Committee

Jenny Lovric *Student (Volunteer)*  
Katherine Biber *Student (Volunteer)*  
Lisa de Ferrari *Student (Volunteer)*  
Mehera San Roque *Lecturer (Volunteer)*  
(resigned)  
Sarah Crawford *Community representative*  
Joanna Quilty *Community representative*  
Helen Dakin *Volunteer representative*  
Paul Farrugia *Community representative*  
Justin Smith *Solicitor (Volunteer)*  
Conrad Gray *Solicitor (Volunteer)*  
Clare Petre *Social Worker (Director)*  
Mary Perkins *Co-ordinator (Staff)*  
Denele Crozier *Administrator (Staff)*  
Beth Jewell *Community worker (staff)*  
Grant Arbuthnot *Tenancy Worker (Staff)*

# staff & consultants

## Permanent Staff

Grant Arbuthnot *Tenancy worker*  
Steve Bolt *Solicitor (general casework and Drug Law Reform Project (resigned August))*  
Denele Crozier *Administrator*  
Marion Davies *Co ordinator: Domestic Violence Court Assistance Scheme*  
Susan Davitt *Principal solicitor*  
Harriet Grahame *Solicitor (victims compensation)*  
Robyn Holden *Administration Officer*  
Beth Jewell *Community worker*  
Kylie Kilgour *Tenancy worker /Safe As Houses Project*  
Pat McDonough *Solicitor (SRC Branch Office)*  
Jason Mumbulla *Systems officer*  
Mary Perkins *Co-ordinator (resigned May)*  
Penny Quarry *Solicitor (credit and debt)*  
Gabrielle Sullivan *Solicitor (credit and debt)*

## Consultants and Project Workers during this period included:

boccalatte design (Suzanne Boccalatte) *RLC Poster Design and Production*  
Bonny Briggs *Accessing Aboriginal Community*  
Commonwealth Rehabilitation *OH&S Report Service*  
Christina Potts *Going Thru the Roof (Tenant Information Kit)*  
Susanne Briggs *Public Relations RLC 20th Birthday promotions*  
Three Palms Consultancy (Dave Burrows) *Beyond Prohibition Report Drug Law Reform Project*  
Watermark Documents (Susan Delaney) *Strategic Planning*

## Locum & casual workers

Katherine Biber  
Louise Buchanan  
Greg Davoren  
Lisa de Ferrari  
Janine de Saxe  
Kate Escobar  
Mary Flaskas  
Sue Fenwick  
Sari Galapo  
Dave Gibbons  
Tracey Goodhew  
Beatriz Guimaraens  
Sisko Heikonen  
Mick Hillman  
Ian Irving  
Vedna Jivan  
Angela Jones  
Muhunthan Kanagaratnam  
Jeevani Korathota  
Jenny Lovric  
Anne Milson  
Cheryl McDonough  
Simon Moran  
Sarah Neilsen  
Natalie Ross  
Mehera San Roque  
Justin Smith  
Sue Thomas

# significant achievements 1996-97

## Going Thru the Roof

In June 1997, RLC's Tenants Service launched *Going thru the Roof: a tenants guide to fighting rent increases in the Residential Tenancies Tribunal*.

Rising rents in the inner city are of great concern to many tenants who contact our Centre. Since rental laws in NSW are extremely complex, RLC decided to produce some information not fully explored in other education projects ie applications by tenants with respect to rent.

The project had three aims:

- to encourage tenant participation in Residential Tenancies Tribunal hearings;
- to explain the law relating to rent in plain English to enable tenants to gauge whether they have a case for an "excessive rent" application at the Tribunal; and
- to encourage tenants to have an understanding of tenancy law reform issues relating to rent.

## The Birth of Rentwatchers

RLC also founded the group "Rentwatchers". Rentwatchers is a broad based coalition involving Shelter, Tenants Union, TAAP services, Local Councils, Social Change media, private tenants and other groups. Rentwatchers are campaigning against unfair rent increases and evictions in the lead up to the Sydney 2000 Olympics.

## Drug Law Reform Project

Redfern Legal Centre continued to work in the area of Drug Law Reform. On many occasions the media sought RLC's comment on this issue. RLC's Drug Law Reform Project commenced in 1994 and culminated in the production of the report, "Beyond Prohibition", in September 1996. The Report was

## Redfern Legal Centre celebrating 20 years

In March 1977 Redfern Legal Centre was born. To mark this auspicious occasion the staff and management of RLC went to great lengths to celebrate its birthday. Two functions were held to commemorate the founding year. The first was a formal dinner at Parliament House which coupled as a fundraiser. It was a huge success. We raised both vital funds and our profile. The second more down to earth gathering at South Sydney Leagues Club was also well attended; a huge rage. Thanks to Susanne Briggs, the party sub-committee and all the staff and volunteers for making our 20th Anniversary such a memorable one. (See elsewhere in the annual report for more details about our 20 year history).

launched by Garry Sturgess before a large audience in November. The report was well received by researchers and community workers employed in Australia and overseas in the field of drugs and alcohol. The report contains detailed, useful proposals for change in NSW — its contents will remain relevant for many years to come.



# significant achievements 1996-97

## Safe as Houses

The Safe as Houses project (domestic violence & tenancy law in NSW) was conducted by RLC's Tenants' Worker, Kylie Kilgour, as contracted by Canterbury Bankstown Migrant Resource Centre (CBMRC). As a consultant, Kylie wrote the manual and conducted the training sessions. Beth Jewell, RLC Coordinator, oversaw the conduct of the project.

Information was sought from numerous community organisations and a number of focus groups discussed the content of the manual and the training sessions.

Training seminars were conducted in Parramatta, Wollongong, Dubbo and Sydney. 96 individuals from over 90 community organisations and government departments attended the training.

RLC's Women's Domestic Violence Court Assistance Scheme (WDVCAS) made additional funds in its budget available for the production and printing of the manual. The manual will be distributed widely to NSW Government Departments, the Residential Tenancies Tribunal, all TAAS' and WDVCAS' all NSW CLCs and Legal Aid Commission Offices and training participants among others.

## statistics: education & policy

During the year, RLC recorded the following statistics\*:

No of Workshops/seminars . . . . .	112
No of participants . . . . .	2454
No of policy documents . . . . .	151
No of media contacts . . . . .	125

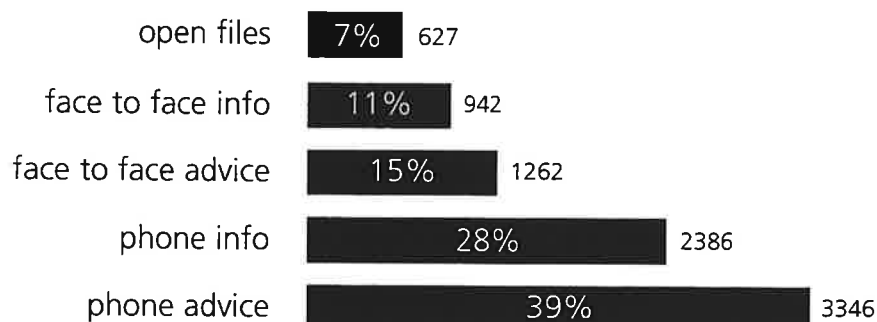
\*As there is still not an acceptable level of confidence in the validity of NSW data, the statistics included in this report indicate trend only.

## WDVCAS goes to the Downing Centre

Redfern Legal Centre extended its Womens Domestic Violence Court Assistance Scheme to the Downing Centre Local Court in October 1996 with funding provided by the NSW Legal Aid Commission. This funding also enabled RLC to employ a full-time co-ordinator to oversee the schemes at Redfern Local Court and the Downing Centre. RLC's Domestic Violence Co-ordinator recruited and trained new support workers and private solicitors to provide a holistic response for women attending court for Apprehended Violence Orders.



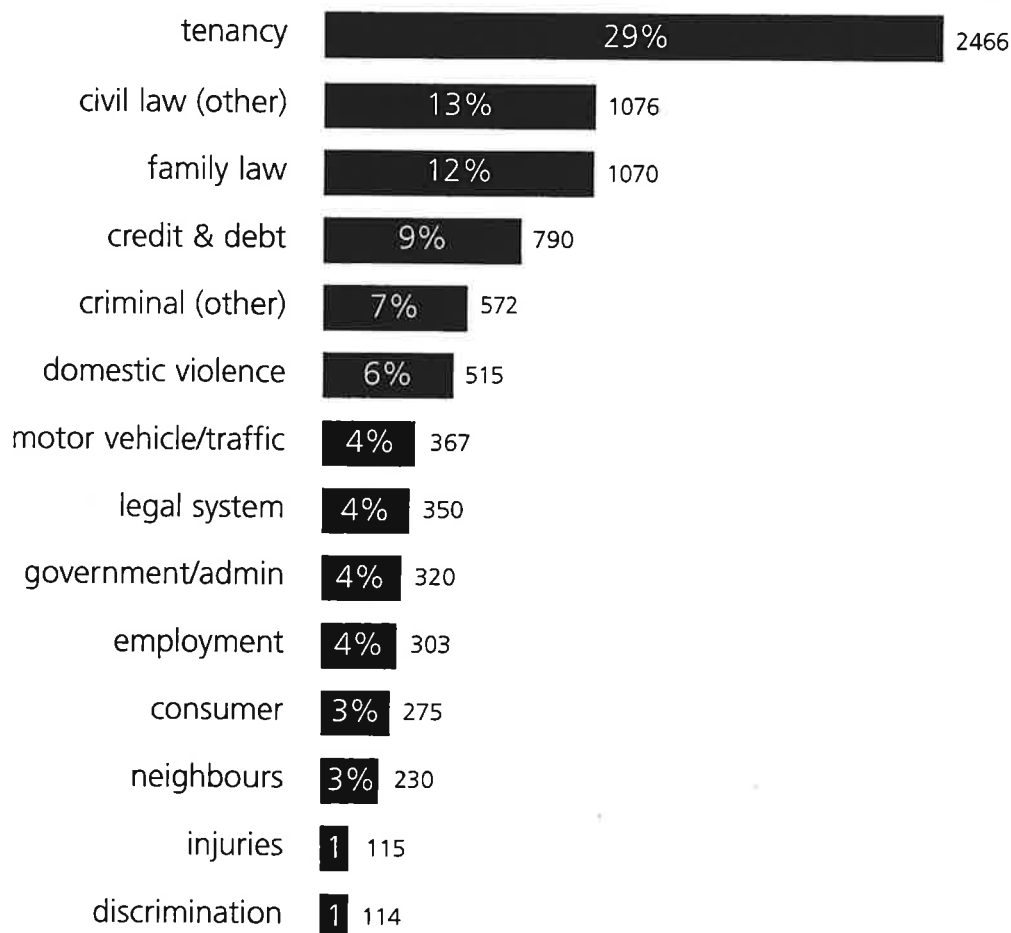
## advice & information given to clients 1996/97\*



**total number of clients advised 8563**

\*As there is still not an acceptable level of confidence in the validity of NS data, the statistics included in this report indicate trend only.

## major areas of law



**total number of clients advised 8563**

# notable cases in the generalist service

## **Youth Issues**

RLC was actively involved with Justice for Young People Coalition. This group was formed in response to the Labor government's *Street Safety Bill*. The Bill proposed to give the police power to "move on" groups of three or more people congregating in public space.

The Justice for Young People Coalition also campaigned against the State-wide introduction of the *Children (Parental Responsibility) Act*. This Act gave the police wide discretion to remove young people from the streets, effectively placing a curfew on young people's movement after 10 pm at night. In Youth Week 1997, Justice for Young People held a Youth Tent Embassy in the Domain to highlight the Labor government's encroachment on youth access to public space. Redfern Legal Centre provided legal back-up in negotiations with the Domain's trustees and the police, as well as on-going legal advice during the protest.

As well, RLC conducted workshops about public space, youth rights and police powers. We also sponsored a port-a-loo!!! Justice for Young People's campaign was successful in defeating the passage of the *Street Safety Bill*, and in substantial amendments to the *Children (Parental Responsibility) Act*.

## **Insurance and Superannuation** *income protection insurance*

RLC continues to act for a former contract draughtsman from a non-English speaking background who took 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 went onto unemployment benefits and then onto the disability pension. We made submissions to the insurance company who maintained they were not liable under the contract of insurance. Shortly after RLC complained about the case to the Life Insurance Complaints Service, the insurance company advised they had re-assessed the claim and would re-instate benefits from a date in 1993 when they had ceased payments.

## *loan protection insurance*

RLC acts for a woman who took out disability insurance on instalment payments on a credit union loan with another large insurance company. After the woman suffered a debilitating back injury at work the insurance company paid the instalments for a while and then stopped as they also said our client was fit for work. RLC arranged for the client to obtain further medical evidence and wrote to the insurance company three times requesting they review their decision. RLC also telephoned the company constantly inquiring about the stage of the review. After the company advised RLC their file had been misplaced RLC requested the Insurance Enquires & Complaints Ltd. to investigate the matter. A couple of months later the company advised RLC the instalments on the loan had been paid by them in full.

## *death benefit*

RLC acts for a local resident from a non-English speaking background (NESB) who was refused payment of death benefits by her son's superannuation fund following his death. At the time the fund did not advise our client of its reasons for the

## notable cases in the generalist service

refusal and our client wrongly assumed it was because her son had died from the recurrence of an illness which he had suffered as a teenager (and prior to becoming a member of the fund) and was unnecessarily distressed by this. Our client's son had left full-time employment when his illness resurfaced and died four months later. The Fund rejected RLC's submission that our client's son was still a member of the fund at the time of his death and RLC has lodged an appeal to the Superannuation Complaints Tribunal.

### Consumer problems

#### *funeral fund*

Our clients are the beneficiaries of their deceased mother's funeral benefits fund. The fund is a mutual aid fund run by a NESB community group. The fund's 680 members pay ten dollars to the nominated beneficiaries of a deceased member following their death to ease the hardship associated with funeral costs. Our client's mother had been contributing to the fund for four years at the time of her death however the fund refused to pay our clients the benefit and alleged the deceased hadn't made recent contributions. RLC viewed the matter differently. On our view, our clients had paid contributions on their mother's behalf within the agreed time frame and we assisted our clients prepare a submission to the Consumer Claims Tribunal. At the end of the hearing at the Tribunal, the fund was ordered to pay our clients \$6,800.

### Discrimination

#### *sports club employee*

RLC acts for the former employee of a sporting club who was sexually assaulted at the Club's staff Christmas party by the President of the Club. The case was



*The old building served us well for 20 years*

heard over a number of days between May and December 1996. The Equal Opportunity Tribunal found in May 1997 that the employee's complaint of sexual harassment was substantiated and the President and the Club jointly and severally liable. The Tribunal also made a partial order for costs against the President and the Club. The Club has appealed to the Supreme Court.

#### *disability discrimination*

Our client suffers from a nervous disorder and complained that his workmates called him "forest gump" and then after management spoke to his workmates that they called him "dumber than dumber". Our client resigned and RLC lodged a complaint on his behalf to the Anti Discrimination Board. Our client's former employers responded to the Board with a number of allegations about our client's work performance. The case did not settle at conciliation but settled some months later following negotiations between RLC and the employers.

## notable cases in the generalist service



Clare Petre: A worker & supporter since 1977...still talking RLC in 1997

### Wills

RLC has revised its Wills policy and will now prepare Wills for clients within our area who do not own real estate or significant liquid assets. This service is popular with local residents who wish to confirm the arrangements for the distribution of their furniture and precious possessions (eg war medals) and the disposal of their body or ashes after their death.

### criminal and family law matters

Although not typical of general casework conducted by RLC, we do sometimes act in a minor criminal or family law matter where legal aid is not available and our client has special needs.

#### *Criminal law and the RSPCA*

RLC acted for a client with mental health problems who had been charged with mistreatment of a dog by the RSPCA. The client had found the injured dog in the street and taken it into her home to care for it. She believed she could return the dog to good health and did not trust vets. The client did not accept she had mental health problems and RLC could not raise this fact in submissions to the RSPCA requesting them not to proceed with the prosecution. A pro bono barrister represented our client at the hearing and the case was dismissed.

Redfern Legal Centre's Community Worker co-ordinates the Centre's access and equity work. During the year, this work included the following:

## **Centre Promotion**

As part of the implementation of the Access and Equity plan, RLC decided to mount a promotion campaign. Dovetailing on the RLC 20th Birthday celebrations, Anne Milson spent a lot of her time organising this campaign.

In May 1997, RLC commissioned Suzanne Boccalatte to design RLC's new poster and general leaflet. The impetus for this was to counteract the effects of the ABC News report stating RLC had closed.

Based on this report, RLC's promotion sub-committee determined the need for a promotional campaign and a distribution strategy for the new poster. The poster and leaflet were distributed in June to all the community organisations, Local government Councillors and community workers in the four Council areas. In addition, we addressed staff meetings, interagency meetings and personally delivered the poster and leaflet in order to reinforce the aims of the project.

## **Disability forum**

RLC was one of the major members of a working party made up of representatives of Community Legal Centres (CLC), the Legal Aid Commission (LAC) and community organisations in the Disability sector, to organise a Forum on Access to Legal Services for the Disability Sector. The forum was held in June 1997. The LAC published a report on the Forum which was a great success. Since the forum RLC has improved its access by installing a TTY. As a result of the Forum, the working party decided to create a Disability

and Legal Services Network. Quarterly meetings with disability services was proposed with the purpose of further implementing recommendations from the Forum and sharing information between the two sectors.

## **Leichhardt outreach**

The community worker attended the Tenancy outreach service held fortnightly at Leichhardt Marketplace. This provided another great opportunity to dispense legal information and information about the services available from RLC in addition to the Tenancy service provided. The aim was to improve access to services.

## **Combined Access and Equity**

In addition, RLC has continued working with the Combined Access and Equity group on issues around provision of interpreters, "implementation of the quarter way to equal" report and the employment of an access and equity resource person by the NSW CLC Secretariat.

## **Community Legal Education Project**

The community worker designed the program 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 Program once again included the very popular bus trip in which 25 community workers are 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. In addition to running the bus trip, RLC contributed to the Combined Community Legal Education Project "More than just a talk" which was launched in June 1997.

As well as the advertised program of workshops and bus trips, RLC responded to numerous requests for community legal education.

Over this period some of the organisations for whom we ran CLE were:

- Adult Migrant Education Service (AMES)
- Australian National Organisation of Women Refugees (ANCOWR)
- Financial Counsellors
- NSW Council of Social Services (NCOSS)
- Australian Federation of Housing Associations
- Lifeline
- Domestic Violence Court Support Services
- TAAP (Tenants Advice and Advocacy Program)
- The Tenants Union

(for other CLE seminars, see the individual CLE sections under tenancy, credit and debt, victims compensation etc)

## specialist areas

**Redfern Legal Centre has a number of specialist areas. These specialist areas include victims of crimes, domestic violence, tenancy, credit and debt and student services at the Student Representative Council at Sydney University.**

### **Victims of Crime (sexual assault)**

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

As well as pursuing financial compensation for victims of sexual assault, RLC 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.

### **Victims of Crime Notable Cases**

RLC has continued to manage a large victim's compensation practice, which involves preparing applications for submission to the Victims Compensation Tribunal and continuing to run District Court Appeals against the decisions of the Tribunal.

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

#### **Assault by police**

A client's award was increased by the District Court in relation to injuries suffered after she was sexually assaulted by a police officer whilst in police custody. There was considerable media attention in relation to this case and investigations in relation to this officer's conduct were subsequently re-opened by the Police Commissioner.

#### **Investigation of a defence barrister**

Another client who had been sexually assaulted was awarded the maximum amount. Although there had been an acquittal at the criminal trial, the District Court accepted our client's version of events. The behaviour of the defence barrister at the trial is still under investigation by the Legal Services Commissioner.

# victims of crime (sexual assault)

## **Maximum award**

A client who was sexually assaulted for many years as a child was also awarded the maximum amount. The Director of Public Prosecutions had declined to prosecute in this matter. The District Court accepted our client's version of events and compensated her accordingly.

## **Intoxication**

A large award was ordered for a client who was sexually assaulted while intoxicated. There were no criminal proceedings in this case, however her evidence was accepted by the District Court.

## **Victims of Crime Law Reform and Policy**

RLC continued in its involvement in organising a concerted community campaign to protect the Victims Compensation Scheme from proposed legislative changes designed to reduce compensation for victims of crime.

Redfern Legal Centre was active in the Combined Community Legal Centre Group's Victims Compensation Committee. RLC participated in numerous delegations to NSW politicians including the Attorney General and the Shadow Attorney General in relation to issues concerning victims of crime. We worked closely with Upper House Independents, particularly Ian Cohen MLC. RLC liaised with other legal centres,

victims groups and with professional associations such as the Law Society and the NSW Bar Association. We participated in numerous media interviews to voice our opposition to the new Bill. A solicitor from RLC also prepared submissions and appeared before the Joint Select Committee on Victims Compensation to present some of our concerns.

Unfortunately, despite our greatest efforts, the *Victims Compensation Bill* 1996 was passed and became law in April 1997. The result is a radically different system of victims compensation in this state. Awards will be reduced and appeals greatly restricted.

## **Victims of Crime Community Education**

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

We have maintained a close association with Sexual Assault Services in NSW and have participated in a number of 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.



## domestic violence

The Women's Domestic Violence Court Assistance Scheme (WDVCAS) is a specialist court assistance scheme, operating successfully at Redfern Local Court since March 1990 and the Downing Centre Local Court since October 1996. After six years of campaigning, the state government funded schemes around the state based on the Redfern Model. The Redfern and Downing Centre Scheme is co-ordinated by RLC. The Model is a unique and innovative attempt to provide a range of legal and support services to women seeking Apprehended Violence Orders (AVOs).

The scheme recognises the necessity of providing a co-ordinated and holistic response for women attending court for AVOs and operates on the principle of empowerment. The scheme aims to provide appropriate legal advice, representation and empathetic professional support both within and outside the court room. The scheme also emphasises the different needs of women in relation to their cultural background, age, social isolation or disability. The scheme operates with a roster system where local community workers and a solicitor are available to represent and support women seeking AVOs on the courts list day.

### **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 in other areas such as overlapping family law problems or victims compensation, and appropriate referrals are made.
- All women are represented in Court by a solicitor.

- All women are seen by a local community worker who offers support and makes an assessment of any other related needs. Women are referred to relevant services such as counselling, housing and tenancy services and support groups and community centres.
- Legal files for all cases are maintained and supervised at RLC. After the first court appearance, various matters are followed up. Tasks may include checking with police that the summons has been served, or confirming that a client who is eligible for legal aid has an appropriate solicitor to represent her.
- When a matter has been finalised, RLC is still available to women wanting advise concerning breaches of the AVO or any other matters.

### **Projects of the WDVCAS:**

Since the funding for a co-ordinators position commenced in August 1996, the scheme participated a number of domestic violence projects in the local area.

- A Women's Court Assistance Scheme commenced at the Downing Centre on 30 October 1996 after recruiting and training new support workers and private solicitors. The Scheme initially shared a room with the Salvation Army at the Downing Centre, but in April, 1997 the Salvation Army was relocated. The Scheme now has its own room in which to interview clients.
- In October 1996, in conjunction with the South Sydney Domestic Violence Committee, a successful seminar on Children and Domestic Violence was organised. Four speakers presented papers on a variety of issues, such as changes to Family Law in relation to domestic violence, the law and child

abduction, police responses to child victims of domestic violence and a puppet show which demonstrated the effects of domestic violence on children. Over 60 community workers and interested people attended the day.

- In April 1997 RLC helped with the organisation of a local "Stop Domestic Violence Day" in Redfern. There was a march up Redfern Street to Redfern Park, where speakers addressed approximately 100 local residents and concerned people. Afterwards the Redfern Police funded and ran a sausage sizzle with the help of the State Emergency Services.
- RLC was also involved with a campaign to maintain the Legal Aid Commission policy which allowed victims of domestic violence to choose their own solicitor. The Legal Aid Commission sought to withdraw that choice and have victims represented by duty solicitors. Due to submissions on behalf of Redfern Legal Centre and the Network of Court Assistance Schemes this policy has not been pursued by the Legal Aid Commission.

**twenty  
years on**

**redfern  
legal  
centre**

**a brief history**

## twenty years on...



Planning Weekend circa 1980

National Conference 1995



**A** brief history of Redfern Legal Centre assisting the most disadvantaged in the community.

**1977** Redfern Legal Centre opened its doors on a non-existent budget and a dream to give those less advantaged access to the law.

**1985** RLC opened over 920 action files and defended over 220 matters for the prisoners at Long Bay Prison.

**1986/87** RLC's Intellectual Disability Rights Service helped over 900 people needing legal advice.

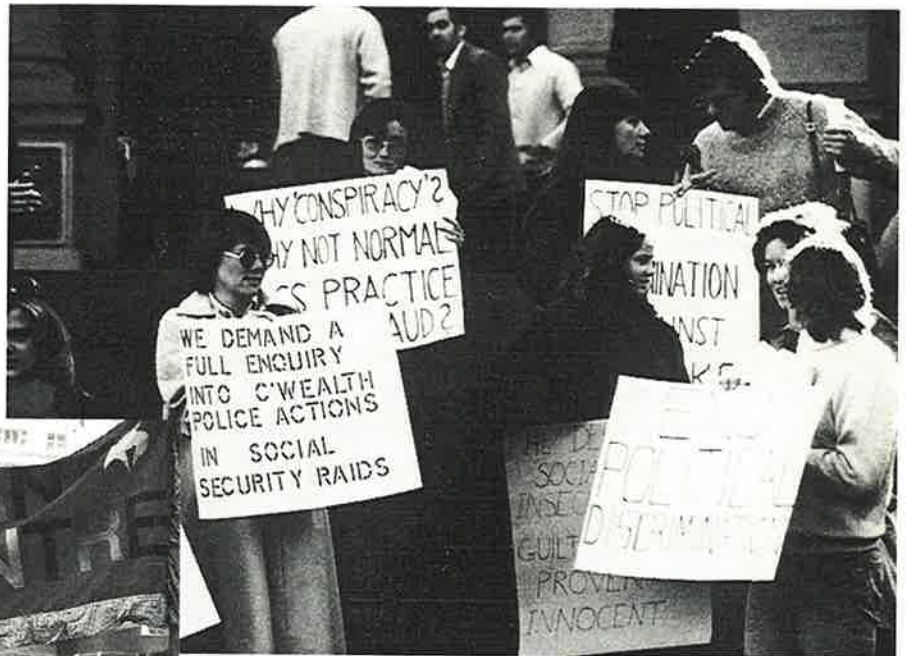
**1987/88** RLC assisted clients with applications for compensation from the Victims Compensation Tribunal which was created in February 1988. Initially, the work included applications for compensation as a result of street assault and sexual assault. Over the following years, the primary focus

of the RLC victims of crime work rested with adult and child sexual assault and domestic violence. RLC developed an expertise in this area and together with the case work, conducted seminars and information sessions and lobbied for an improvement in the services for victims of crime.

**1988/89** RLC established the concept and developed the Women's Domestic Violence Court Assistance Scheme at Redfern in conjunction with South Sydney Domestic Violence Committee. It was a joint initiative of community workers in the South Sydney area and solicitors from community legal centres. The scheme attempted to ensure women were

## twenty years on...

Another demo...



Yet another demo...

provided with adequate protection by the legal process. Since 1988, the schemes have been extended throughout NSW based on the Redfern model.

**1989/90** Over 4,500 people were helped with legal advice in the areas of family, tenancy, credit and criminal law. In particular, RLC acted for the relatives of David Gundy at the inquest into his death. Mr Gundy was an Aboriginal man shot and killed in his own bedroom in April 1989 by members of the NSW Police Special Weapons and Operations Section. Mr Gundy was not wanted by the police for any offence.

RLC acted for the brothers and sisters of Mr Gundy as government funding

for representation at the inquest was refused. Peter McClellan QC, Kate Traill, Lloyd McDermott and Paul Byrne of the NSW Bar

appeared at the inquest donating their services free in a case which ran over six weeks.

**1991/92** Almost 6,000 people received legal advice. RLC ran the first of a number of test cases against the Department of Housing. This first matter was settled on terms favourable to our client. The issue was eventually litigated in *Nicholson v NSW Land and Housing Corporation*. Stoddard J held that the Department of Housing could not evict a tenant without grounds as the principles of natural justice applied to prevent the Department depriving tenants of the right to a fair hearing.

**1993/94** Almost 5,000 people received legal advice during this



## **Redfern Legal Centre Achievements**

RLC has assisted in the establishment of other specialised organisations:

**Prisoners Legal Service**

**Consumer Credit Legal Centre**

**Inner Sydney Tenants' Advice Service**

**Intellectual Disability Rights Service**

**Redfern Legal Centre Publishing**

**Welfare Rights Centre**

**Women's Domestic Violence Court Assistance Scheme**

### **Drug Law Reform Project**

Redfern Legal Centre's Drug Law Reform Project began in 1994. The work of the project has been groundbreaking in its international significance. RLC recognised the failures of prohibition - most notably the corruption arising from the existence of the black market and the negative impact on individuals and the legal system. As an alternative to prohibition, RLC developed a harm reduction model for controlled availability of drugs. Although the work was controversial, it was well received in health, legal and community fields.

financial year. This year saw the continuation of a matter begun several years earlier. In 1990, RLC and the Consumer Credit Legal Centre jointly represented borrowers before the Commercial Tribunal in an action against a Bank for breaches of the Credit Act. This breach affected 300,000 borrowers in NSW. The case amounted to the most comprehensive investigation of a major Bank's personal lending practices yet carried

out in Australia. On the basis of this case, other credit providers admitted they too had breached provisions of the consumer protection legislation. RLC's successful involvement in cases such as this one, forced many of the major banks to realise the importance of their duties to borrowers and the need to implement comprehensive staff-training and borrower-information procedures.

Over 8,000 people were helped by Redfern Legal Centre. For 18 months, Redfern Legal Centre worked on a project aimed at improving life on some of Australia's poorest urban housing estates. The project was honoured with an Award for innovation in Community Planning by the NSW Division of the Australian Institute of Planners. RLC also received an Award from the NSW Minister for Community Services for its commitment to prevention of domestic violence.

**1996/97** Redfern Legal Centre celebrated its 20 year history and assessed its 1977 dream.

RLC's Tenants Advice and Advocacy Program (TAAP) 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 and supervised by RLC's community worker.

The TAAP 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, help completing necessary forms, letter-writing, advocacy and representation in the Residential Tenancies Tribunal.

RLC has developed strong links with advocacy services for people with a disability and regularly provides tenancy and housing advice to workers from the Disability Complaints Unit and the Intellectual Disability Rights Service. The service emphasises self-advocacy where possible and appropriate.

### **Notable Tenancy Cases**

#### *Refusal to lodge bonds leads to class action against landlord*

Six tenants approached RLC for assistance against their landlord who refused to lodge their bonds. Although the Rental Bond Board had requested that he do so, the landlord refused, saying they were lodged in New Zealand where he resided. RLC undertook inquiries with the New Zealand Rental Bond Board who advised that the tenants' bonds had not been lodged in New Zealand. The landlord was also illegally charging the tenants for electricity which was not separately metered. RLC assisted all of the

tenants in the Residential Tenancies Tribunal with their claims for compensation for these charges. These claims were settled in the tenants' favour.

#### *Kelburn Hall tenants v Avadale Pty Ltd*

Kelburn Hall was a South Sydney Council owned property, recently sold to property developers. RLC assisted the tenants with a number of disputes about access to refurbish the property. The developers later sought to evict several tenants who had lived in the premises for over twenty years for no grounds. RLC assisted the tenants in preparing their case to defend the eviction proceedings. The tenants were successful in arguing the application of *Swain* to their case. *Swain v RTA* established that in certain circumstances the Residential Tenancies Tribunal may dismiss a landlord's application to evict a tenant. When the RTT is convinced that in a particular case the 'hardship' of the tenant far outweighs the 'hardship' caused to the landlord it may stop the eviction. This only applies where the tenant is not in breach of the residential tenancy agreement and has been issued with a 60 day 'no cause' termination notice.

More recently, another tenant sort our assistance to fight a further eviction action and she will also be using a *Swain* argument.

#### *Department of Housing engages in illegal debt recovery*

A former Department of Housing tenant, currently homeless and on a methadone program, approached RLC for assistance with rehousing. The Department refused to approve her application because of an alleged rent arrears debt. Upon closer

inspection, it appeared most of this debt was due to a "maintenance" bill attached to her rent arrears account, without any authority from a Tribunal or court. We are challenging their decision in this particular case, as well as lodging a complaint about this 'practice' with the Ombudsman's Office.

#### *Landlord's responsibility for tenants safety*

A tenant in the private rental market was concerned about the condition of the external stairs for a number of years. She pointed this out to the real estate agency, but they did not attend to the repairs. The tenant did not pursue the matter for fear that 'complaining' would mean a rent increase or eviction. With the price of rental in Sydney, the tenant was not prepared to take that chance. Late in 1996, she fell through the stairs and sustained an injury. She approached RLC as, despite proving the unsafe nature of the stairs, the real estate agency still refused to attend to the repairs. The real estate agency also informed her that her rent was going to be increased. We assisted her in preparation for a hearing at the Residential Tenancies Tribunal with regard to an orders for repairs and a rent reduction, as well as suspension of the rent increase. We also referred her to private solicitors for assistance with her claim for personal injury.

## tenancy

### *Department policy of "under-occupancy" evictions*

Our client had been living with his grandmother in a three-bedroom house in Waterloo for 13 years. His grandmother died and his brother left, leaving him the sole occupant. The Department of Housing threatened to evict him from his family home if he refused to move to a smaller dwelling. The tenancy agreement for all Departmental tenants includes a clause regarding "under-occupancy" which supposedly gives the Department the right to evict tenants when the household number drops. If the Department seeks to terminate this tenancy, RLC will endeavour to test the legality of this clause in the Residential Tenancies Tribunal.

### *Lodger wins compensation at the Consumer Claims Tribunal*

The client sought compensation for loss of personal property that was disposed of by the landlord. As he was a lodger, he could not take his claim to the Residential Tenancies Tribunal. RLC assisted the client to draft an application to the Consumer Claims Tribunal. He represented himself at the Tribunal and was successful in obtaining compensation for the loss of his false teeth and other items.

### *Army car ruins tenants' home*

An army vehicle accidentally crashed into the front room of the tenants' premises, rendering them totally uninhabitable. RLC negotiated with the real estate agent for the landlord to remove the tenants' belongings from the premises at no expense to the tenant.

### **Community Education in Tenancy**

During the reporting period, RLC continued to conduct community education sessions in tenancy and housing law at the Adult Migrant Education Service (Surrey Hills and Daceyville), as well as sessions for particular NESB community groups and community workers.

RLC also ran training for all Tenants Advice and Advocacy Service (TAAS) workers and some Legal Aid Commission solicitors about domestic violence and tenancy law. This training was conducted in conjunction with the Domestic Violence Advocacy Service.

RLC conducted a very successful three month Community Legal Education program especially for workers and communities from non-English speaking backgrounds. RLC participated in two of the sessions for this program.

In response to inquiries from many non-English speaking public tenants about the proposed changes to the Commonwealth-State Housing Agreement, RLC conducted 3 information sessions in conjunction with The Shop Women and Children's Centre. There was a total of 86 tenants from Vietnam, China, Russia and Spanish-speaking countries.

The following are a sample of some of the workshops conducted and educational tools devised by RLC:

- *Going thru the roof* a guide for tenants fighting rent increases in the Residential Tenancies Tribunal. Translated into Spanish and Chinese — so far.
- RLC 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 ten-



ancy services in NSW. The sheets were translated into 10 minority languages including Kurdish, Urdu and Tagalog.

- RLC continues to distribute the "share housing guide" and has secured another \$40,000 to print a further 40,000 copies.
- Sessions on Tenants' Rights were conducted at various venues for a wide range of participants such as: TAAS workers, LAC solicitors, Department of Community Services (DCS) domestic violence workers, University of Technology, Sydney students, Tenants Union hotliners, RLC's law for non-lawyers course, youth tent ambassadors, WDVCS coordinators, WEST-HIRN (the western housing and information network) and RLC volunteers and staff.
- Tenants' Rights workshops were conducted on a regular basis to newly-arrived migrants. These sessions were held in English classes offered by the Adult Migrant Education Service at Daceyville and Surrey Hills. Regular sessions are also held at ANCOWR and the Leichhardt Multilingual Information Centre.
- Regular training on tenancy issues was offered to community workers in the local government areas covered by RLC.
- NESB-specific education was offered to individual communities. Sessions on Tenants' Rights were conducted in Russian (through South Sydney Community Aid), in Spanish (through the Botany Migrant Resource Centre) and a special session for the Vietnamese Ministry of Justice delegates visiting Australia.

- RLC's Tenants' service delivered tenancy community education sessions to a total of 541 participants.

- RLC is developing an education campaign aimed at members of the deaf community and members of the police force around illegal evictions and police involvement.

### **Housing Policy**

RLC was involved in the following areas of housing policy:

- Working with the Tenants Union on model legislation for residential tenancies and in safeguards in the lead up to the Olympics.
- RLC, 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.
- RLC continues its 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.
- RLC submitted policy responses to a number of reviews such as the review of Tribunals, review of the Commonwealth State Housing Agreement and the Senate inquiry into housing.
- Another large area of work has been the "going thru the roof" kit and the Rentwatchers campaign which is lobbying for rent capping and eviction safeguards between now and the year 2000. (For more information see under *Significant Achievements* page 7.)

## credit & debit

### Credit and Debt Service

RLC's Credit and Debt Service has two solicitors. One solicitor is a full-time case worker, and the other position is divided between casework and resourcing of financial counsellors.

The Credit and Debt Service provides the following services:

- 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 1996/97 financial year, the Credit and Debt Service

- provided 344 person-to-person interviews and
- opened 99 casework files.
- clients were advised and assisted on 1181 occasions.

The Credit and Debt 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. Outside the specialist sessions, telephone and face to face advice and assistance is provided to clients, financial counsellors and workers in other organisations.

The Credit and Debt Service also makes use of and greatly appreciates the pro-bono assistance from the legal firms Blake Dawson Waldron and Clayton Utz.

### Resourcing of Financial Counsellors

The Credit and Debt Service provides continuing legal advice, support, assistance and training for financial counsellors and their clients. It also maintains a close involvement with the Financial Counsellors Association of NSW (FCAN). The continued resourcing of financial counsellors involves:

- providing telephone advice to financial counsellors on legal issues affecting their clients;
- accepting referrals 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 recent legal developments; and
- conducting training workshops.

### Continuing Legal Education & Financial Counsellors

The Credit and Debt Service prepared and delivered a specialist legal training program for regional and rural financial counsellors in northern NSW. The training course was accredited by FCAN and was run over one-and-a-half days. Financial counsellors from 11 financial counselling services attended the program. The program was evaluated positively by course participants.

Specialist legal training for financial counsellors was delivered at the September, October, and November monthly FCAN meetings. Between 40-50 financial counsellors attended each session.

In addition, a solicitor from the Credit and Debt Service 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.

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

**Community Education in Credit & Debt**  
Workers from the Credit and Debt 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.

**Policy and Law reform in Credit & Debt**

The Credit and Debt Service 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:

- proposed changes to State government debt recovery practices;
- the campaign against poor lending practices of a large finance company;
- the Inquiry into the Regulation of the Australian Financial System ("Wallis inquiry");
- bank fees and charges, and the provision of a basic banking product to the public;
- withdrawal of local banking services;

- uniform Credit Legislation; and
- Alternative Dispute Resolution for Finance Companies.

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

*NSW Government:  
what to do with bad debts?*

Shifting to a new public sector accounting system has caused the NSW Parliament's Public Accounts Committee to 'discover' an alleged massive blow-out in debts owed to the State. RLC learned early in 1997 that the original idea was to tweak at the edges of billing and collections procedures of the numerous state Government departments and authorities (eg Health, Housing, Roads and Traffic Authority, Attorney-General, Electricity), to send more notices, make the notices clearer and then hope to gather the desired returns for the State.

However, the investigation triggered responses that were far more radical, (and pro-creditor) than even the Committee expected. The Credit Committee of the NSW Combined Community Legal Centre Group put in a hurried submission and met with the adviser to the Committee. The Public Accounts Committee decided to issue an interim discussion paper for public comment, instead of a final report. The inquiry raises serious concerns for low income debtors in NSW whose plight appears to have been completely ignored in the rationalist rush to balance the books.

*AVCO Campaign*

RLC's Credit and Debt Service is forever confronted by clients falling victim to the sharp and often unlawful practices of

institutional lenders who lend to people at the 'lower end' of the finance market. One of the most notorious of these companies is AVCO Finance. AVCO's anti-consumer practices were exposed by a joint campaign of the Legal Aid Commission and Consumer's Federation of Australia.

The Credit and Debt Service assisted the national campaign in various ways, such as providing the Legal Aid Commission with case studies and assisting with the campaign strategy.

The campaign culminated in the release of a report on AVCO's lending practices, and the filing of a Supreme Court representative action against AVCO by the Legal Aid Commission. A great deal of media surrounded these events. AVCO responded by setting up a consumer grievance hotline, and by establishing a review of their lending practices.

*Audit of Consumer Protection Laws*

Consumer Protection Acts (State and Federal) have been around for many years. Early in 1996, the Federal Bureau of Consumer Affairs decided to conduct a nationwide audit of these laws. The purpose of the audit was to produce a public report identifying inconsistencies, gaps and overlaps in Australian consumer protection legislation, and inviting the public to comment with an eye to legislative reform.

In a joint submission with Campbelltown Legal Centre and the Consumer Credit Legal Centre, RLC responded to the first report of the Bureau, arguing for an extension of the coverage of the NSW Fair Trading Act, and for more extensive provisions in both State and Commonwealth legislation concerning

## credit & debit

harassment by debt collectors.

At the time of writing, no comment has been publicly made by FBOCA on submissions received to date. FBOCA have since issued a second report, and RLC, as part of the NSW Combined Community Legal Centres Group (NSWCCLCG) Credit Committee will continue to comment where we believe the interests of Australian consumers can be protected.

### *Alternative Dispute Resolution for Finance Companies*

Various alternative dispute resolution (ADR) schemes exist in the financial services industry. Credit and Debt workers in the community legal centre movement have long seen a need for a scheme in a "gap" area, that is, a scheme to resolve complaints by consumers about finance companies.

Six months into the reporting period, consumer advocates from around Australia commenced a series of telephone link-ups to discuss the possibility of encouraging relevant authorities to establish such a scheme. One issue of considerable importance was the need for such a scheme to be seen by consumers to be independent. Generally, ADR schemes are overseen by a body including consumer and government representatives. At the end of the reporting period, discussions were continuing.

### *The Wallis Inquiry*

The Financial Services Inquiry (the "Wallis Inquiry") was set up by the Federal Treasurer in May 1996 to "conduct a stocktake of financial regulation, seek to establish a regulatory framework for overlapping financial products, and propose ways for dealing with further finan-

cial innovation". Members of the consumer movement throughout Australia were of course vitally interested in the progress and outcome of this Inquiry. A network of consumer advocates, co-ordinated by the Consumer's Federation of Australia, engaged in regular telephone link-ups to discuss relevant issues; appeared at public Inquiry hearings; and drafted a major submission to the Inquiry. RLC's Credit and Debt Service provided details about the withdrawal of banking services from the South Sydney area, for the submission.

### *Coalition Against the Removal of Banking Services (CAROBS)*

The Credit and Debt Service has had significant involvement with the Coalition Against Removal of Banking Services (CAROBS). CAROBS is a local community group comprising residents, community organisations and businesses in the South Sydney area. It was formed in response to community outrage over the closure of two local bank branches. These closures left the public housing estates tenants, other local residents and local businesses at a disadvantage by reducing their access to financial services.

CAROBS consulted with the banks, asking them to reconsider, but 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 consulted with the Credit Union Services Corporation of Australia Limited, which was established to assist community

groups to set up their own credit unions.

A survey was conducted within the local community, to ascertain the level of demand for an alternative banking service, and the preparedness of local people and businesses to move their banking business to a new credit union run by themselves. Forty-five per cent of local businesses and thirty-six per cent of residents said that they would like to invest in or maintain deposits in a local community based credit union.

### *Other Networks*

The Credit and Debt solicitors regularly attend meetings of the Consumer Credit Committee. This is a sub-committee of the Combined Community Legal Centre's Group. It is a valuable forum for the exchange of ideas and information between credit and debt solicitors and advocates from Community Legal Centres and the Legal Aid Commission.

### **Notable Cases in Credit and Debt**

#### *Unjust or unconscionable conduct by creditors*

An intellectually disabled couple were referred to the Credit and Debt Service by the Intellectual Disability Rights Service. The couple, neither of whom could read, had been signed up to a finance contract for the purchase of a vacuum cleaner costing approximately \$2,600. The salesman knew that the couple were intellectually disabled, and knew that they already owned a good vacuum cleaner. The finance company agreed to waive the debt.

#### *Women harassed by debt collectors*

The Credit and Debt Service has had several female clients who have been harassed by debt collectors. Provisions of

the *Commercial Agents and Private Inquiry Agents Act* have been successfully argued in these instances, resulting in the cessation of the harassment.

### *AVCO caught trying to sue out of time*

AVCO Financial Services Limited tried to sue for a debt out of time. The client contacted RLC when she received a statement of claim, relating to defaulted payment on a loan taken out jointly by our client and her ex-husband 13 years ago.

After the relationship had broken down, our client was forced to move several times, and she had heard nothing about the loan for many years. She assumed her husband was taking care of it, since the loan was used for his personal purposes anyway. However, she was eventually contacted by AVCO's agents to recommence making payments on the loan, which she did for a time (to avoid harassment), but when she found herself unable to make the repayments, she was served with the statement of claim.

The extraordinarily long period of time since the origination of the loan alerted RLC solicitors to the possibility of the suit being out of time. Even though the client had commenced repaying the loan, there had been a period of more than 6 years during which no confirmation or payment of the debt had been made. AVCO's right of action had therefore been extinguished, and the action was statute barred. A deed of release was finally signed and RLC's client was eventually freed from the debt, after all those years.

### *Privacy invasion on insurance proposal forms*

A financial counsellor sought advice about a question in an insurance compa-

ny's motor vehicle insurance renewal form. The Credit and Debt Service took the view that the question was an unjustifiable invasion of privacy, in that the requirement disclosure was not necessarily relevant to the risks associated with the insurance of a motor vehicle.

The Privacy Committee wrote to the insurance company in the same terms, seeking its comments. The company replied that this query coincided with a review of its forms, and that it was intended that at least three of its forms would be amended. This was a good result which will affect a large number of people.

### *Unsolicited credit?*

RLC was contacted late in December 1996 by a client who had a savings account with a large bank marketed as a 'debit' account: ie account holders would not get access to credit, but could use a card for ease of access to their savings.

Our client has a mental illness and specifically did not want a credit card because of previous trouble with credit. During a brief stint overseas, our client's card was presented at the exchange booth on multiple occasions, with cash from the account being handed over (in foreign currency) on a 'no questions asked' basis. Our client flew home, only to be shortly served with a statement of claim in relation to that account for more than \$12,000.

Our client had no idea that the account was 'in the red', or indeed that, it was possible for this type of account to be used to give credit. The client has no recollection of spending such vast sums of money. RLC's Credit and Debt Service is defending the matter on the basis of mis-

leading & deceptive conduct, breach of bankers duties to inform customers, and unjust contract provisions contained in State law. The matter has been incredibly protracted and is continuing at the date of writing.

### *Buying cars*

RLC continues to be inundated with people who have been signed up to purchase a car at car yards, without having been fully aware that that was indeed what they were doing. Some car salespeople are rather ingenious at obtaining unsuspecting victims' signatures on the page. When the consumer then informs the car yard that they have decided not to buy the car, the car yard produces the signed contract, draws the victim's attention to the damages clause in it, and insists that, in addition to forfeiting any deposit, consumers have to pay several hundreds of dollars in 'damages' for breach of contract.

On several occasions in 1996/7 RLC intervened in these cases, and in arguing that the contracts were induced by misrepresentation, was able to successfully settle the matters, without the consumer having to pay the alleged 'damages'.

Nonetheless, the practices continue, and a more systemic answer is needed. A revival of the community legal centre campaign to get a statutory cooling off period is currently being considered.

## university of sydney src branch office

### University of sydney src branch — statistics

Matter	File	ASO	Phone	Total
Austudy/HECs	8	4	2	14
University complaint	10	7		17
misconduct	3	1		4
academic appeal		1		1
debts	4	8	2	14
tenancy	8	20	10	38
family law		16		16
complaints	3	12		15
victims compensation	2	3		5
transport injuries	2	2		4
personal injuries	2	5		7
domestic violence	3	5	3	11
other criminal	3	17	2	22
traffic summons	2	5		7
mv property damage	13	10	2	25
wills / probate	1	2		3
employment	1	2	2	5
finances	1	11		12
Discrimination	5	2	3	10
Defamation	1	2		3
Other	2	19	1	22
Totals	74	154	27	255

**Casework** The statistics show the types of matters students sought advice on. Only undergraduate students are eligible for assistance.  
**File** means that the matter required more than one-off advice or referral so that a file was opened for the conduct of the matter.  
**ASO** means that the student saw the solicitor at least once for advice or referral and that an Advice Sheet Only was completed i.e. no file was opened.  
**Phone** means that advice or referral was given by phone and no file was opened.

The University of Sydney Students Representative Council (SRC) — the Branch Office of the Redfern Legal Centre — opened over six years ago. The office is funded by the SRC who contracts RLC to provide a solicitor at the SRC office for three days per week.

The current Branch Office Solicitor, Pat McDonough, has an unrestricted Practising Certificate. However, the Principal Solicitor and other workers at RLC are available on call to provide advice and assistance at all times.

The Branch Office is covered by RLC's Professional Indemnity Insurance and operates in accordance with the agreement between the SRC and RLC Directors. During a period of leave, Pat McDonough was replaced by locum solicitors Harriet Grahame and Ian Irving.

### Appointments, Meetings & Representation

301 appointments were made, each of approximately one hour duration.

29 meetings were attended comprising regular monthly meetings with the University Registrar, meetings with the University Legal Officer and University Employment Officer. Meetings with the President, Education and Welfare Officers of the SRC were also attended.

Sydney University students were represented at Redfern, Newtown, Balmain, and Downing Centre Local Courts on various matters. Students were also represented at the District Court, the Industrial Relations Commission, and the Human Rights and Equal Opportunity Commission. As well, students were represented at the Social Security Appeals Tribunal (SSAT) and the Administrative Appeals Tribunal (AAT).

### Notable Cases from the SRC Discrimination

#### *Sight Disability*

A discrimination claim by a student with a sight disability was settled successfully resulting in the student undertaking 3 months part time employment. The work previously denied to her, on the basis of her disability, was for 5 to 6 weeks work at a lower hourly rate.

#### *Actual means test*

Particular austudy problems for students this year resulted from the introduction of the actual means test (amt). The origin of the amt lies in the perception of alleged rorting of the austudy scheme by wealthy families who were able to minimise their taxable income. However, the implementation of the amt has proved to be an inequitable attempt to address what is essentially a problem with the

## university of sydney src branch office

income tax system. The badly designed test resulted in increased hardship for a number of individuals and families already financially strained. In particular, the application of the amt to independent full time students was obviously harsh, as in most cases their incomes are not large enough to minimise. However, many independent students who earn small incomes as self-employed people or who take out a debt to finance their study are having their benefits severely affected. This has meant a significant increase in workload because of the very complicated nature of the scheme.

### University Matters

#### *Students in Health Studies*

As a result of the Woods Royal Commission, the Department of Health now demands mandatory criminal record checks of all students studying in the health area. Under this scheme the Department may decline to accept a student for placement in a hospital or other health care facilities if that student has been convicted of offences such as sexual offences against children or serious offences involving a threat or serious injury to another person. The Department was originally of the view that it should be notified of all convictions, such as dishonesty, drink driving, traffic matters, drugs, etc. RLC and the SRC have been working with the University, who have been particularly helpful in this matter, and lobbied hard to prevent such a draconian measure.

#### *Fees and cuts*

Students had a particularly full year demonstrating against up front fees and the massive cuts to university budgets.

Students were involved in a particularly eventful demonstration on campus when the Prime Minister attended a graduation ceremony. A Tent Embassy was also organised in the main quad where students camped for some time. The occupation of the Vice-Chancellor's office by students was organised during the existence of the Tent Embassy protest. RLC prepared written information for student activists demonstrating on campus.

#### *Apprehended Violence Orders*

Unfortunately, there was a 100% increase in enquires regarding restraining orders as a result of domestic violence. This statistic is alarming.

#### *Dried Beef*

An overseas student was stopped and questioned for hours by customs as a result of bringing a package of dried beef from home. The student's English was not adequate enough for her to understand the warnings displayed at the terminal. Apparently it is a frequent occurrence for students and others to bring into the country various food items from home. Unfortunately, the laws are severe for this type of an offence and are stringently applied by the courts. Penalties for this offence are large fines and/or imprisonment. A student attracting a criminal record could have his/her student visa revoked. As a result of this case, the University is now warning students of the consequences of "smuggling food into the country" as part of its student orientation programs.

#### *Housing in the old Grace Bros Building*

The old Grace Bros Building in Broadway was redeveloped into apartments for student housing, especially for overseas stu-

dents. The advertising promotes the development in such a way as to strongly imply that the University is a party to the venture, which is incorrect. The contracts signed by students are for significantly high rents for very small accommodation, with no air conditioning and no windows in the majority of units. The contracts are very restrictive in their terms, and also define the residents as lodgers, with no legal rights, rather than as tenants. This means that students are not protected by the *Residential Tenancy Act*. There have been a number of complaints, but so far we have not found a student willing to allow us to test the agreement in the Residential Tenancy Tribunal.

#### **Pro Bono Assistance — Thank you**

- Briget Godwin, solicitor, provided advice for the Editors of Honi Soit;
- Clayton Utz provided advice and representation in relation to various matters
- Sylvia Winters, Barrister, provided advice & assistance to various matters

#### **Legal Education**

RLC's Branch Office Solicitor has been responsible for the following:

- Provision of legal advice for the publication of the Counter Course Handbook;
- Organising and staffing of a stall at Orientation Week;
- Preparation of information for student activists demonstrating on campus;
- Preparation of *graffiti and the law* written material for a student group;
- Ongoing provision of legal advice to the SRC Education Research Officer and the Welfare Officer (e.g. Austudy, tenancy and complaints); and
- Provide legal advice to students working on the Tenants Union Hotline Service.



## pro bono arrangements

Redfern Legal Centre utilises the services of over 100 volunteer students, solicitors and barristers. All of these people give their time for free.

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

Tuesday afternoon solicitors currently include:

- *Jemima Brewer* of Hunt and Hunt
- *Keren Davis* of Henry Davis York
- *Kate Hocking, Joanne Rogers, Richard Doyle*

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 continued to provide valuable and free legal work to a number of clients each year.

A number of barristers and solicitors have provided free advice and representation for our clients. These include *Janet Manuel, Chris Whitelaw, Jason Watts, Briget Godwin and Sylvia Winters*.

The Centre also refers clients to the Law Society's Pro Bono scheme and the Bar Associations' Legal Assistance Scheme.

We would like to acknowledge the work of these individuals and extend our sincerest thank you for your assistance.

# community liaison & networks

Redfern Legal Centre staff work co-operatively on numerous committees, organisations and working parties to achieve structural change and social justice. 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 Centre 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)
- Austudy Network
- 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)
- Criminal Justice Coalition
- Department of Consumer Affairs Liaison Committee
- Department of Social Security Consultation Group
- Financial Counsellors Association of NSW (FCAN)
- Justice Action
- Inner Sydney Migrant Interagency
- Intellectual Disability Rights Centre Steering Committee
- Law Society Pro Bono Committee
- Lawyers Practice Manual Editorial Committee
- Legal Aid Defence Alliance
- Leichhardt Interagency
- Multicultural Access Committee of South Sydney Council
- Network of Domestic Violence Court Assistance Schemes
- NSW Combined CLCs Group
- NSW Combined CLCs Group Access and Equity Committee
- NSW Combined CLCs Group Consumer Credit Committee
- NSW Combined CLCs Group Community Legal Education Workers
- 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 Combined CLCs Group Disability Network
- NSW Combined CLCs Victims Compensation Committee
- NSW Combined CLCs Group State Conference organising committee
- NSW Council of Social Services
- "On the Record" editorial committee - NSW Community Legal Centres Newsletter
- 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, Computer database, Program standards and Human resources sub-committees
- The Shop Management Committee

# our volunteers

## Recruitment of Volunteers (students and solicitors)

Volunteers provide an invaluable contribution to Redfern Legal Centre. Our volunteers are mostly university students and solicitors of all ages and with diverse life experiences. There are approximately ninety volunteers at RLC providing approximately 420 hours of unpaid service each week.

Some of the day-to-day tasks volunteers undertake include working on casework files, drafting letters, public counter contact, staffing the phones, research work, client referral and booking interpreters.

In the evenings (6 pm – 9 pm, Monday to Thursday) student volunteers 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.

Students become volunteers by ringing RLC requesting to be involved. Students also become aware of RLC through special days held at Universities where Redfern Legal Centre is represented on stalls providing information to students about different areas of law. Redfern Legal Centre provides training for volunteers to assist them in their duties.

Solicitors and barristers wishing to be volunteers at this Centre often ring RLC requesting to do so. Solicitors and barristers come to RLC to give advice in the evenings. They often further their own experience while assisting people otherwise unable to afford legal assistance.

There are other areas volunteers can be involved in at RLC such as staffing the tenants' hotline under the supervision of RLC Tenants' workers. Volunteers also hold six positions on the Management Committee, (at least two positions must

## a volunteer's tale...

*I'll tell you what kept me coming back as a volunteer, week after week, at Redfern Legal Centre. The third thing was the building — the wonderful, crumbling, pink wedding cake on Pitt Street. The second thing was RLC confirmed what I knew all along but had merely used as an excuse to avoid going to law classes. This was that everything I had learnt about law at university was meaningless and a waste of time. But this did not bother me because it was the first thing that tied it all together. And that was the people.*

*On my first shift I was faced with numerous tasks. Not only did I have to work out the intricacies of RLC phone system, I had to work out how to photocopy pages from the Law Handbook on a pre-WWII machine. Someone rang "for a friend" to discuss the legality of flying a plane filled with dope from NSW to WA. I drank way too much coffee and ate more ice creams than the Paddlepop Lion. Not much has changed!*

*I had never been much of a believer in the law or the legal system. Too many sections, too many cases, too many boring conservative farts talking about certainty and the need for ordered rules. It worried me that we could study whole areas of law without ever coming into contact with living, breathing people and the stories that go into the legal problems they face. So it was no surprise that what I learnt about law and legal institutions was a hell of a lot more interesting from the RLC perspective. As a volunteer I've learnt to say "Legally, I can't advise you to do this but you may want to consider..."*

*or "you may be up for this but they've got to find you first". If I ever end up in jail for bending the law too far I hope to plead, as a defence, that I once volunteered at RLC and it bent my view of law forever.*

*But I know that RLC operates in this way because of the people it attracts. Where else does everybody and their dog wander in for help? Where else do clients borrow money from you and pay you back? Volunteers experience the way in which the law hates the poor and disempowered. We are on the receiving end of frustration, anger and years of downward spirals. We deal with the toughest clients in Sydney but also those most in need of help. Clients that abuse us, stick their head in the sand and refuse to contact us, but they also send us flowers and give us biscuits because this is all they can truly afford. This is what the volunteer experience at RLC is all about.*

*So in thirty years time, after my Che Guevara phase, when my monster truck racing career is over and I've sold out, worked for a firm and talked about the need for certainty and the rule of law; after I've dropped out, learnt to play the sitar and gotten hip to Ravi Shankar in an ashram in India, or whether I'm dead and buried; I'll look back on my volunteer work at Redfern and realise that for once in my life I gave my time to be in a place where it was a privilege to work. And I'll know that when the revolution comes, Redfern Legal Centre will be one of the few places left standing.*

Greg Davoren

be filled by legal assistants and 2 by legal practitioners). These representatives are elected by other volunteers. Volunteers, in addition, are able to attend the National Conference of Community Legal Centres held each year. From this experi-

ence volunteers can see how RLC is part of a much broader network interested in social justice issues. Many volunteers become involved in projects of RLC and can lead to employed positions at RLC or other legal centres.

# thank you to our volunteers

We thank the following volunteers for their dedication and passion over the past year:

Roxanne Adler (Dunkel)  
Shauna Alexander  
André de Almeida  
Peretta Anggerek  
Mark Anstee  
Paul Argent  
Mark Austin

Irene Baghoomians  
David Ball  
Mark Bastic  
Terese Berrigan  
Katherine Biber  
Danielle Blond  
Abdul Boutros  
Zarina Braybrooke  
Sean Brennan  
Susie Breuer  
Lyndsay Brooker  
Sandra Butler

Melissa Chaperlin  
Richard Chia  
Selena Choo  
Eliza Colquhoun  
Andrew Comb  
Sarah Crawford  
Roslyn Cruse  
Michael Culshaw

Helen Dakin  
Rob Davidson  
Greg Davoren  
Georgia Dawson  
Jacqui Dawson  
Katrina Dawson  
Louisa de Ferranti  
Janine Desaxe  
Simone Dossetor  
Richard Doyle

Jane Eccleston  
Melanie Faithfull  
Michelle Fernando  
Diona Forlee  
Helen Fraser  
Robyn Fraser  
Chris Froissard

Simon Gallant  
Suzanne Garland  
Eric Ghosh

Jackie Gibbons  
Bridget Godwin  
Kara Goodsell  
Chris Grant  
Conrad Gray

Alison Haines  
Margaret Hardie  
Joanne Hawkins  
Liz Hayes  
Jeremy Heimans  
Loris Hendy  
Jayne Huckerby

Cameron Jackson  
Vanessa Jeavons  
Katherine Jeffreys  
Vedna Jivan

Carl Kalapesi  
Muhunthan Kanagaratnam  
Lyn Kearney  
Nerissa Keay  
Sam Kelso  
Samantha Kennedy  
Nick Kidd  
Christina King  
Yvette Kingston  
Chris Komor  
Jeevani Kothari

Gala Lane  
Craig Lenahan  
Jenny Lovric

Amar Maini  
Iain Martin  
Tracie May  
Christopher McDuff  
Katie McGovern  
Michelle E L McGrath  
John McIntosh  
Ross McKinnon  
Sheila McMahon  
Colle  
Richard O'Keefe  
Ceyda Ozsayin  
James Payten  
Truda Pigani  
Vino Pillai  
Victoria Pitt  
Victoria Poole  
Susan Price  
Lisa Pryor

Astrid Raetze

Catherine Raffaele  
David Robb  
Tom Roche  
Stephen Roseman  
Scott Roulstone  
Martha Ryan

Diane Sassine  
Anna Senjak  
Joanne Sharah  
Jaskaran (Jack) Singh  
Pallavi Sinha  
Belinda Smith  
Justin Smith  
Damian Spruce  
Meena Sripathy  
Sarah Stewart  
Richard Stowe  
Stella Sykiotis

Paul Tahar  
Jo Tan  
Fenella Thomas  
Hao Ho Thuc  
Siokatame Tupou

Nigel Vertigan

Julie Walsh  
Tess Walsh  
Jane Weber  
Michael Windsor  
Joanne Wing  
Mathew Wong  
Lokki Woo

Suzin Yoo

## finances

RLC 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**

RLC also receives income from donations and costs in successful cases. Donations were received from Lina Albie and M.K. Raven. Thank you.

We also extend a thank you to NRMA who offered their old furniture to community groups. RLC acquired 5 work stations and a stationery cupboard.

In addition to general donations, our 20th Birthday celebrations included fund raising activities bringing in a total of \$15,203.

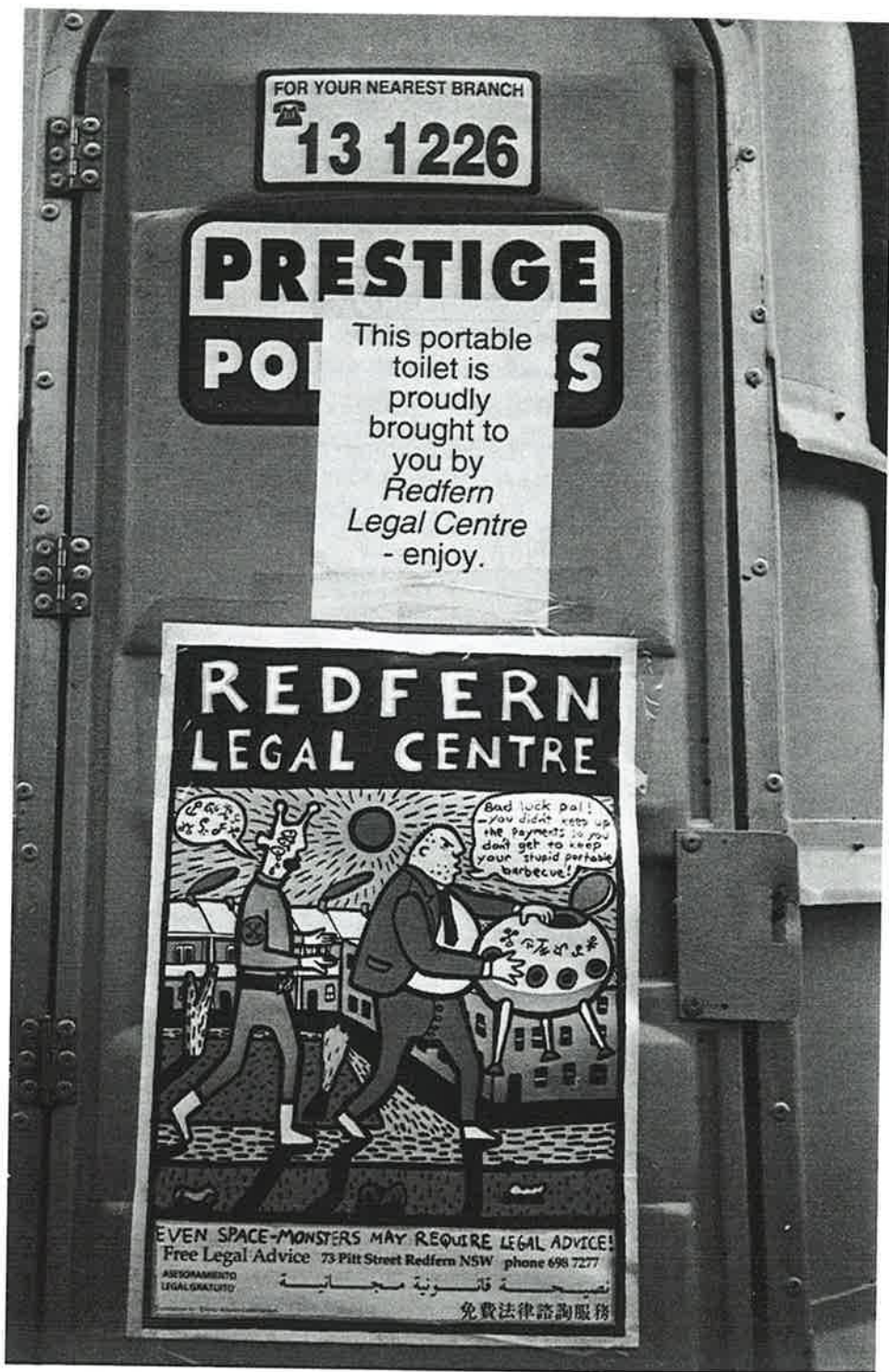
We are grateful for all donations received during the 1996/97 financial year and extend a hearty thank you for the generosity of spirit shown.

# redfern legal centre limited

## trading, profit & loss statement 1996/97

Year Ended 30 June 1997	1997	1996
	\$	\$
<b>FUNDRAISING</b>		
Fundraising Events	25,455	0
LESS:		
Cost of Fundraising Events	10,252	0
	10,252	0
<b>GROSS PROFIT FROM FUNDRAISING</b>	<b>15,203</b>	<b>0</b>
<b>EXPENSES</b>	<b>1997</b>	<b>1996</b>
Accountancy	1,600	1,545
Activities	7,554	1,808
Auditors remuneration	5,358	4,073
Bank Charges	917	1,269
Consultancy Fees	0	0
Depreciation	17,561	11,575
Disbursements	1,256	2,432
Fitout	0	0
Furniture	0	0
Grant Expenditure	0	0
Insurance	3,585	3,767
Loss on Theft	0	0
Office Supplies: see stationery	0	18,577
Office Equipment	6,222	10,382
Printing, post & stationery	66,751	49,006
Purchase for resale	0	0
Repairs & Maintenance	3,717	4,011
Reprinting	0	0
Salaries & Wages	574,800	514,209
Staffing Expenses	20,584	17,780
Subscriptions	15,144	14,248
Sundry Expenses	1,088	1,264
Superannuation	23,552	23,605
Telephone	11,778	10,771
Travelling Expenses	7,457	8,504
Rent	7,000	4,498
Total Expenses	775,924	703,324
	(760,721)	(703,324)
<b>OTHER INCOME</b>		
Interest	28,700	12,971
Recoveries	289,626	16,645
Other Revenue	5,116	4,109
Grants	724,300	674,931
Donations	220	300
<b>TOTAL</b>	<b>1,047,962</b>	<b>708,956</b>
Net Profit for the year	287,241	5,632

*\*As there is still not an acceptable level of confidence in the validity of NIS data, the statistics included in this report indicate a trend only.*



Youth Justice Tent City, RLC supporting both ends of the campaign.



**redfern legal centre promotes  
social justice through:**

- **providing free legal advice,  
legal services & 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**

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