

# Annual Report

**1998-1999**

**redfern legal centre**

**annual report  
1998 – 1999**

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*cover design by fiona britton & alex just*

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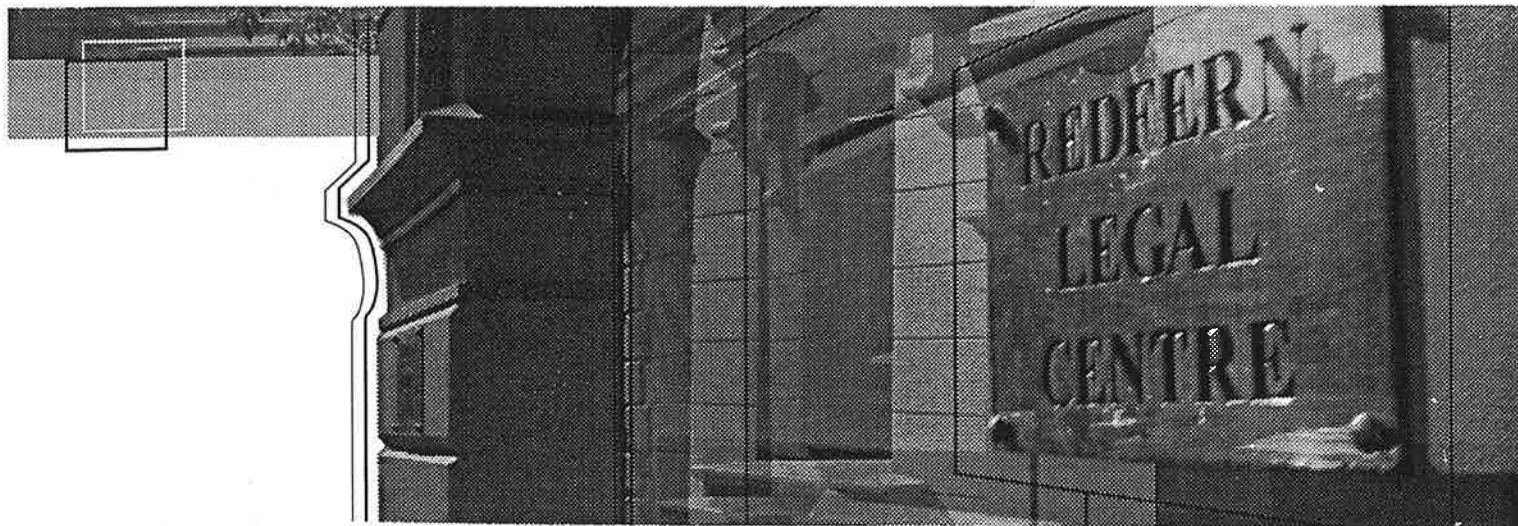
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## our vision/values

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Redfern Legal Centre aims to:

- provide a legal information, advice and referral service
- provide ongoing casework services to people who live or work in the RLC catchment area and who cannot afford the services of a private solicitor nor obtain adequate assistance from the Legal Aid Commission of New South Wales
- identify the inequalities in the laws, legal system, administrative practices and society as a whole that affect Redfern Legal Centre's clients and disadvantaged people generally and to work for social and legal change to remove those defects and inequalities
- promote community legal education
- provide services in a way that promote empowerment of individuals and communities
- investigate and if appropriate develop new ways of providing legal services to Redfern Legal Centre's clients in the interests of improving access to Redfern Legal Centre's services and to ensure that the quality of those services is maintained and improved.



## **the year's highlights**

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1998/99 was – as always – a busy year at Redfern Legal Centre. We moved back into the beautifully renovated Town Hall just in time for the big hailstorm. Our phones were disconnected for weeks, we temporarily lost our TTY number. We faced increasing constraints – and reporting requirements - on funding, legal aid cuts, consultations galore. Despite all this, and thanks to our dedicated staff and volunteers, we continued to provide a much needed and dynamic service to the local community.

### **redfern legal centre hits the world wide web**

The launch of the Redfern Legal Centre website by Simon Rice, Director of the Law Foundation on 10 July 1998 was a great success. Special thanks to Beth Jewell, Social Change Online, Jason Mumbulla, Robyn Holden, staff, the Tenants' Union and Mary Flaskas for her poetic contribution. Hit [rlc.org.au](http://rlc.org.au) for more information.

### **casework**

As usual our casework has been incredibly diverse. We have given advice on matters big and small, complex and simple. We have represented clients in a range of courts and tribunals. Some cases were won, some were lost. In each instance, we endeavoured to assist people to know their rights and assert those rights to achieve the best resolution. Some casework areas we have been involved in this year include:

- employment law
- sexually transmitted debt
- boarding house evictions
- discrimination
- Centrelink disputes
- domestic violence
- crime
- tenancy

### **policy and law reform**

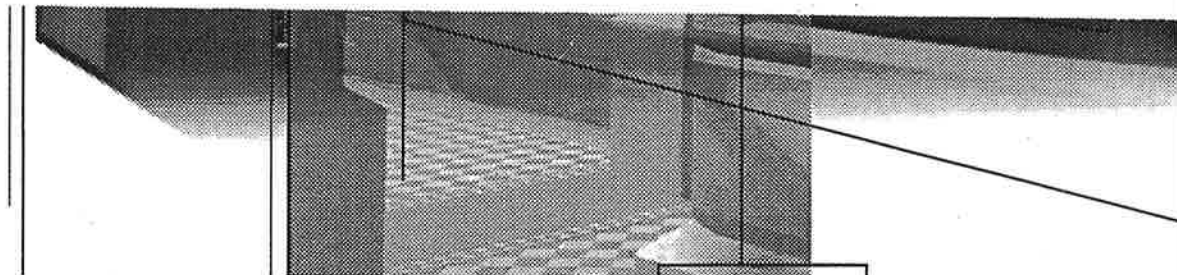
Redfern Legal Centre continued its involvement in policy and law reform. Over the past year, we have been active around a number of policy and law reform issues, including

- rentwatchers, housing rights and the Olympics
- drug law reform issues
- use of public space
- legal aid cuts
- young people and the law
- mobile phones
- domestic violence
- national competition policy

## **community legal education and community development**

Community Legal Education is an ongoing and integral part of our work, and community development underlies our approach to this education (as it does our casework and policy/law reform work). Redfern Legal Centre conducted information, training and educational sessions covering a range of subjects including

- police powers
- tenants' rights (public and private tenants)
- young people and public space
- young people and the law
- credit and debt law
- consumer rights
- victims compensation
- family law
- media workshop



## *funding*

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RLC receives funding and in-kind assistance from a range of sources. We thank these departments, organisations and individuals for their ongoing support.

- The General Legal Service is funded principally through Community Legal Centres Funding Program which is administered by Legal Aid NSW and the Family Law, Legal Aid Division of the Commonwealth Attorney General's Department.
- The Credit & Debt Service is funded by the NSW Department of Community Services, the NSW Department of Fair Trading and the Commonwealth Financial Counselling Programme
- The Students Legal Service (Branch Office) is funded by the Students' Representative Council at Sydney University.
- The Inner Sydney Tenants' Advice & Advocacy Service is funded by the NSW Department of Fair Trading.
- South Sydney Council provides the Centre with a community worker, concessional rent, and occasional small grants for specific purposes.
- Women's Domestic Violence Court Assistance Scheme is funded by legal Aid NSW.

From time to time the centre is successful in gaining funds for non recurrent projects or joint projects. This year project funding was provided by

- Law Foundation of NSW
- NSW Department of Corrective Services
- Community Legal Centres' Secretariat
- South Sydney Council

The Centre also receives income from donations and costs in successful cases. Donations were gratefully received from R Davidson, M Weeks and R Meza.

## management structure

Redfern Legal Centre is a company limited by guarantee and a registered charity. It has six elected directors who have delegated some of their authorities to a Management Committee. The Management Committee meets monthly and members are involved in a range of activities including recruitment of new staff, policy development, Centre planning, and of course, decision making.

This Committee is made up of:

- 4 staff members (2 elected, 2 appointed)
- 6 volunteers (at least 2 practitioners and 2 legal assistants)
- 4 others at least one of whom is from a community organisation and one who is not a lawyer
- 1 Director

### **directors**

<b>Member Name</b>	<b>Occupation</b>	<b>Basis of Appointment</b>	<b>How Appointed</b>
Stamatia Stamatellis	Solicitor	Member	Elected at AGM
Virginia Bell	Senior Counsel/ Supreme Court Judge	Member	Elected at AGM Resigned June 99
Nigel Vertigan	Solicitor	Member	Elected at AGM
Paul Farrugia	Solicitor	Member	Elected at AGM
Peter Stapleton	Solicitor	Member	Elected at AGM
Clare Petre	Ombudsman	Member	Elected at AGM Resigned November 98
Gerard Craddock	Barrister	Member	Elected at AGM



## management committee

Name	Occupation	Basis of Appt	How App
Jenny Lovric	Solicitor	Volunteer	Election
Mehera San Roque	Academic/Post Grad Student	Volunteer	election
Katherine Biber	Author/Academic	Volunteer	Election
Susan Price	Solicitor	Volunteer	Election
Justin Smith	Barrister	Volunteer	Election
Rob Davidson	Solicitor	Volunteer	Election
Kirsti Samuels	Law Student	Volunteer	Election Resigned 3/99
Sarah Crawford	Solicitor	Volunteer	Election
Joanna Quilty	Manager/local resident	Community	Appointed
Paul Farrugia	Solicitor	Community	Appointed
Clare Petre	Ombudsman	Director	Appointed
Margot Rawsthorne	Coordinator	RLC staff - appointed	Appointed Resigned 1/99
Caitlin Perry	Coordinator	RLC staff - appointed	Appointed 5/99
Marion Davies	WDVCAS Coordinator	RLC staff - elected	Elected Resigned 1/99
Pat McDonough	Senior Solicitor	RLC staff - elected	Elected
Beth Jewell	Policy Coordinator	RLC staff	Elected Resigned
Kylie Kilgour	Tenants' Worker	RLC staff - elected	Elected 6/99
Denele Crozier	Administrator	RLC staff - appointed	Appointed

## **staff**

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### **permanent staff**

Fiona Britton – Tenants' Worker  
Denele Crozier - Administrator  
Marion Davies - Women's Domestic  
Violence CAS Coordinator  
Susan Davitt - Principal Solicitor  
Robyn Holden - Admin Officer /  
Volunteer Co-ordinator  
Angela Jones - Solicitor  
Kylie Kilgour – Tenants' Worker  
Pat McDonough - Solicitor  
Jason Mumbulla - Equipment,  
Computers & Supplies until Jan '99  
Sarah Nielsen – Solicitor - Sydney  
University SRC  
Caitlin Perry – Co-ordinator  
Polly Porteous – Tenants' Worker  
Penny Quarry - Solicitor (credit &  
debt)  
Margot Rawsthorne – Co-ordinator  
until Dec '98  
Gabrielle Sullivan - Solicitor (credit  
& debt)  
Beth Jewell – Policy Co-ordinator &  
Tenants' Co-ordinator

### **project workers**

Trevor Bates - Aboriginal Access  
Timothy Moore - Drug Policies and  
Law Reform  
Jane King - Employment Law

### **locums & casual workers**

Bernadette Allas  
Paul Barnier  
Katherine Biber  
Hazel Blunden  
Tracey Bosnich  
Kathy Brooks  
Louise Buchanan  
Elizabeth Ceisiolka  
Peter Christensen  
Leonie Crozier  
Katrina Dawson

Phillip Dicalfas  
Eric Ghosh  
Stephanie Glover  
Sisko Heikonen  
Mick Hillman  
Michael Halloway  
Therese Iverach  
Katharine Jeffreys  
Muhunthan Kanagaratnam  
Jane King  
Jenny Lovric  
Cheryl McDonough  
Amelia Montague  
Susan Price  
Natalie Ross  
Jude Saddler  
Mehera San Roque  
Sue Thomas  
Michael Tardif  
Mary Flaskas  
Bridget Purcell  
Carol Roberts

### **consultants**

*Computer Support*  
Tilda Communications  
*Website Development*  
Social Change Media  
*VCT Information Project* - Jill  
Symons  
*Architectural Advice* - Kennedy &  
Associates  
*Review of Centre Practices & Procedure*  
Paul Van Ryke  
*Facilitation of Centre Planning*  
Craig Johnston, Robyn McGrath,  
Roger West  
*Certification of RLC Data Collection  
System*  
Roger West  
*Legal Audit*  
Elizabeth Johnson

## volunteers

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In 1998/1999 many excellent volunteers contributed in diverse ways to the Centre's work. Our volunteers were mostly university students and solicitors of different ages and life experience. Approximately one hundred volunteers provided five hundred hours of voluntary service each week.

Some of the day-to-day tasks volunteers undertook were working on casework files, drafting letters, public counter contact, answering the phones, research on the internet, client referral and booking interpreters. The evening volunteers took instructions and advised clients in face to face interviews or over the telephone.

Other positions held by volunteers were representatives on our Management Committee and staffing the Tenants' Service hotline. This year volunteers provided administrative support to the Women's Domestic Violence Court Assistance Scheme and the Students' Representative Council branch office.

Redfern Legal Centre thanks the following volunteers for their valuable contribution to the Centre in 1998/1999:

Paul Ahearn	Jaya Aiyappan	Rachel Amamoo
Tricia Andres	Wendy Andrews	Elizabeth Avery
Mimi Barbaro	Julie Barca	Elizabeth Beal
Melissa Bellanta	Terese Berrigan	Katherine Biber
Georgette Billeh	Adam Blanch	Libby Brookes
Emma Broomfield	Paula Bruce	Tony Burridge
Kirsty Campbell	Rosemarie Cavill	Kate Chaney
Ding Chen	Adrian Chiodo	Selena Choo
Suzanne Christie	Michelle Chung	Libby Ciesiolka
Felicity Clarke	Sharon Collett	Michael Cowled
Jane Crittendon	Harry Crowe	Alison Davidian
Rob Davidson	Katrina Dawson	Julie Dennison
Gabriella Di Pietro	Tanneke Djuhari	Philippa Donovan
Trish Drum	Marie Duignan	John Eager
Jenny Edgar	Judith Edwards	Seth Eeles
David Evenden	Sammy Fang	Brett Feltham
Sean Flood	Marcus Fowler	Marcus Fowler
Katherine Frost	Kaitlin Galy	Tina Gavel
Fiona Gayler	Eric Ghosh	Stephanie Giannis
Sally Gibson	Mark Gilligan	Bridget Godwin
Kara Goodsell	Alexis Goodstone	Alison Haines
Kate Hall	Matt Hall	Scott Hall-Johnston
Judy Hang Wo Yeung	Rhea Harding	Oliver Harvey
Samantha Harvey	Greg Henry	Lyall Hickson
Nick Hogan	Sophie Holsman	Sarah Hunt
Marc Hutchings	John Hutley	Marie Irwin
Michael Izzo	Louise Jardim	Brian Jebb
Katharine Jeffreys	Muhunthan Kanagaratnam	Anna Kerr

Jahangir Khan  
Joseph Kouper  
Jason Kyrwood  
Craig Lenahan  
Natalie Lowe  
Elise McHugh  
Ross McKinnon  
Kelsey Munro  
Thuy Nguyen  
Chris O'Hara  
Jillian Parkin  
Olivia Perks  
Emma Pritchard  
Bilal Rauf  
Scott Roulstone (Tony)  
Stephen Sander  
Gail Sherlock  
Craig Swan  
Kath Taplin  
Yun-Hui Teoh  
John Tomaras  
Amanda Underwood  
Julie Walsh  
Nick Weeks  
Vanessa Whittaker  
Michael Windsor  
Vanessa Zahra

Kerin Kimber  
Sonya Kumar  
Alison Laurie  
Julia Lonergan  
Landy Luk  
Susan McKendry  
Amelia Montague  
Camilla Newcombe  
Deirdre Nhan  
Richard O'Keefe  
Barry Peacock  
Celia Pitcher  
Mia Prodigalidad  
Tom Roche  
Kirsty Ruddock  
Kaye Sato  
Katrina Smith  
Gillian Tang  
Michael Tardif  
Elizabeth Thomas  
Susan Tuon  
Julie Vass  
Margaret Walsh  
Trisha Whipple  
Carla Wienicki  
Karl Wolfenden

Sally Knox  
Ajay Kumer  
Veronica Lavulo  
Jenny Lovric  
Martine Magers  
Leah McKeown  
Gemma Morrow  
Alber Nguyen  
Phillipa O'Dea  
Kate Owens  
Peter Penklis  
Jenni Priestley  
Glenn Quadros  
Stephen Roseman  
Janice Saddler  
Carla Saul  
Gaby Stein  
Siew Tang  
Penelope Taylor  
Sue Thomas  
Edward Turkovic  
Jennifer Vytopil  
Cathie Warburton  
Stephanie Whitelock  
Stefan Williams  
Ari Zaferellis

## **pro bono support**

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As well as the large number of volunteers who made such a crucial contribution to the work of Redfern Legal Centre, a number of legal professionals and law firms provided substantial pro bono assistance to our clients. Without this assistance, we would not be able to continue to provide a range of services.

This year we have received such support from the following:

Blake Dawson Waldron	Hunt & Hunt	Gilbert & Tobin
Henry Davis York	Keddies	Clayton Utz
Andrew Bulley	Janet Manuell	Turner Freeman
Brian Jebb	John Eager	Evan Smith
Sarah McNaughton	Jemima Brewer	John Graeme & Assoc.
Rory Moriarty	Chris Thompson	

We also refer clients to the Law Society's Pro Bono Scheme and the Bar Association's Legal Assistance Scheme.

Thank you to all who donate their time, energy and expertise.

## **client statistics**

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These statistics represent the services provided by all programs of the Centre. As always, numbers alone cannot indicate the full extent of the work of the Centre, however they provide a useful indication of the range of issues we work with and who our clients are.

<b>total number of clients</b>	<b>8295</b>
Files opened	925
Face to face information	323
Face to face advice	2341
Telephone information	1849
Telephone advice	2857

### **major areas of law**

Tenancy	2120
Family Law	1094
Domestic Violence	451
Credit & Debt	1037
Legal system or process	319
Employment	453
Motor vehicle/traffic	240
Discrimination	60
Wills	192
Government administration	175

These statistics also highlight important changes over the past year in service provision, particularly:

- There continues to be an increase in the number of people seeking face-to-face advice, a 'flow on' from cuts to legal aid services. This is particularly so for people seeking assistance in family law matters
- We have continued to develop our employment law service.
- Increase in tenancy statistics due to the housing market, rent increases and the Olympics.

## **project reports**

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### **jobwatch**

Redfern Legal Centre and other community legal centres have been experiencing an increasing demand for assistance with employment problems due largely to changes to industrial laws, declining union membership, and the withdrawal of legal aid for employment matters. We employed Jane King as a project worker for one day a week to:

- investigate funding options
- if appropriate, apply for funding to establish a specialist employment legal service
- develop service model options – we would most likely use the successful Victorian centre Jobwatch and the Working Women's Centres as a model.
- liaise with relevant departments and agencies

The response to date has been positive, with recognition that there is an unmet and growing need for a specialist employment service.

We have had no promises of funding as yet but will be continuing to lobby in the coming year.

### **victims compensation**

We applied for and received funding from the Department of Corrective Services to conduct a workshop for community workers on the NSW Victim's Compensation Scheme – with a particular focus on survivors of sexual assault – and to produce an information resource on the subject.

Jill Symons was appointed to conduct the project, which she did in June and July 1999.

The purpose of the workshop was to raise the level of understanding concerning victims compensation among community workers who provide services for NESB women. The workshop provided an introduction to the subject for those who had no knowledge of the topic and updated those with an existing level of information on the recent changes to the NSW Victims Compensation Act.

A half day workshop delivered by Angela Jones, a RLC solicitor, was conducted in July 1999 and an informative pamphlet was produced. The pamphlet was distributed to a wide range of community agencies and has been utilised by community and health workers when discussing victims compensation with their clients.

## hit the dirt

The Credit and Debt team at Redfern Legal Centre, aware of limited legal services available in rural New South Wales, decided run a program of legal workshops and legal advice in such areas.

The aims of the project were to:

- provide community legal education and training on credit and debt matters to financial counsellors and community workers in rural NSW
- provide advice in credit and debt matters to rural consumers, and
- identify credit and debt issues of concern to rural consumers.

A two week tour of the Riverina district of south-western New South Wales was organised. Extensive publicity was undertaken, and two credit and debt solicitors set out with a bundle of information and resources. Legal workshops and face-to-face advice sessions were provided in Wagga Wagga, West Wyalong and Griffith. During the two week period, 18 workshops were presented and four days of face-to-face advice sessions were provided.

The project was funded by the Law Foundation of NSW and administered by Redfern Legal Centre.

The project was a great success, and provided a valuable insight into the process of providing credit and debt services to rural New South Wales. Overall, the two workers found that:

- there is enormous demand for the type of information provided at the workshops, and financial counsellors and community workers who attended the workshops stated that the training will assist them in more effectively and appropriately advising their clients
- direct client legal advice was given in each of the towns visited, and in most cases the clients' legal problems were resolved on the spot. Some ongoing casework was generated, which has been carried out from Redfern Legal Centre
- by and large, credit and debt issues of concern to rural consumers are the same as those faced by urban consumers.

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## Solicitor's expertise coming to the country

Squeezed for a debt? Behind in the loan repayments? Sheriff knocking at the door?

When you're out of money things start getting tough. They get tougher when you need some legal help, but can't afford a solicitor.

Redfern Legal Centre has been providing free, professional legal advice for inner city people who have credit and debt difficulty (and

who can't afford a solicitor) for the last 20 years. This year, with the financial support of the Law Foundation of NSW, they are "hitting the dirt" and bringing their solicitor's expertise to country NSW.

The Centre will provide free training in credit and debt related law to community and support workers and financial counsellors at the West Wyalong Services and Citizens Club on Thursday, April 22 from 9.30 am - 5 pm.

All interested persons are welcome to attend (no RSVP required).

They will also be providing free face to face legal advice on credit and debt related matters to any person who can't afford a solicitor and would like this type of advice. This advice will be given at West Wyalong Services and Citizens Club on Friday, April 23 from 9.30 am until 5.00 pm.

You do not need to book an appointment. You just need to turn up with any relevant documentation. There may be a short wait before you are seen.

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Page 4, West Wyalong Advocate, Tuesday, April 20, 1999

### **drug policies & law reform**

Redfern Legal Centre's self funded Drug Policy and Law Reform project has had an active and positive year. Timothy Moore, the Project Worker has both initiated and participated in activities and research around drug law reform. The project has been instrumental in the development and widespread support of the harm minimisation approach to drug related policies and law. Safe injecting rooms, the NSW Drug Summit, the medical use of cannabis, and legal rights of drug users are just some of the issues tackled during the year.

### **the tolerance room and legal assistance**

Redfern Legal Centre drug policy project co-ordinated the legal support and appeared in the media for the Reverend Ray Richmond following his being charged for the operation of Kings Cross Tolerance Room. Legal representation was carried out by Peter Grogan and Phillip Donne QC. Charges were withdrawn following application.

### **medical cannabis**

Early in the year advice and research materials provided to a medical cannabis consumer were instrumental in having her periodic detention commuted to a suspended sentence. Towards the end of the period covered by this report, the project was actively involved in the establishment of the Australian Committee for Medical Cannabis and the successful launch of the national campaign to reform laws relating to access to cannabis for medical purposes.

### **community coalitions and the nsw drug summit**

One of the highlights of the year's activities was the NSW Drug Summit held in May 1999. The drug policy project played a key role in a coalition of organisations which became known as the community coalition for drug action (CCDA). This coalition was made up of a wide range of agencies, organisations and individuals including drug user organisations, treatment centres, prisoners rights groups, the AIDS Council of NSW, medical and professional associations and family support organisations.

The CCDA developed a position statement which became a rallying point for many organisations, experts, politicians and delegates. Most of the main points in the statement were adopted by the Summit though were not all reflected in the final recommendations of the Summit. The project continues to remind the NSW government of commitments made at the Summit, and is monitoring implementation of its recommendations.

### **community education**

Numerous information/education sessions were conducted throughout the year on various aspects of drug policy and law reform. Among others, presentations were made to the Probation and Parole Officers Association, the Aboriginal Medical Service, the Australian Drug Law Reform Foundation, the National Expert Advisory Committee on Illicit Drugs, Redfern Drug Action Team, the Settlement, The Sydney Society, Young Labor, the Australasian Conference on Drug Strategy were just some of the organisations



### **drugs, politics and people**

The sad points for the year began for me in January losing a close friend and colleague to overdose. The drug summit was a high point but the NSW governments response in ignoring key recommendations was disappointing. The National support for a "zero tolerance" approach to drug use led by the Prime Minister has continued to retard advances in treatment and service delivery. The case of a young man in Campbelltown who was charged with manslaughter after providing a syringe to a friend was unsuccessfully defended, leading to three year suspended sentence for the individual.

During the course of this year by an estimated 1,000 Australians will have died of heroin related overdose, thousands more will have been arrested for simple possession offences, 8,000 -10,000 people will be newly infected with hepatitis C - swelling the ranks of 150,000-200,000 already living with that chronic condition. It was a year that saw Needle and Syringe exchanges and drug treatment centres remain under funded and under threat. New evidence-based treatments are slowly being approved but treatment is largely inaccessible: only 28% of people who seek treatment for drug dependence are able to access it.

### **future directions**

We can be proud of our achievements and just as sure that there is plenty to do next year. In May 1999, Redfern Legal Centre extended this project for another year. Planning is already underway for further participation in the campaign for medical cannabis, to monitor the NSW government's response to the Drug Summit, to explore policy options that prevent deaths and imprisonment from drug use.

Timothy Moore

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### **The Sydney Morning Herald**

Saturday, May 22, 1999

## **Carr tells: my drug law switch**

By DAVID HUMPHRIES and PAOLA TOTARO

The Premier has conceded that his position on drug law reform has softened as a result of the Drug Summit which wound up a historic week in NSW politics yesterday, recommending changes beyond the expectations of even its more enthusiastic advocates.

Mr Carr acknowledged "it took something to persuade me to a position to say we will not veto" community-approved, non-government heroin safe injecting rooms, but he was less enthusiastic about relaxing the State's cannabis-use laws...

The "weight of the scientific presentation" to the summit, Mr Carr said, could not be overlooked in its potency to persuade him and other MPs that the arguments for alternative policies were worthy of at least serious consideration by his Government.

## **aboriginal access**

The Aboriginal Access Project, funded by Redfern Legal Centre, employed Mr Trevor Bates for a year to undertake research, consultation and policy development with the aim of improving links between RLC and the local Aboriginal community. The project finished in April 1999 and a comprehensive report containing a number of recommendations was produced. In June 1999 the Management Committee voted to implement all recommendations. Thus a submission was prepared for funding for a full time, permanent Aboriginal Access Worker to work with Redfern, Marrickville, Inner City and Kingsford Legal Centres.

### **recommendations of the aboriginal access project**

1. That Redfern Legal Centre recruit an Aboriginal person on a full time basis.
2. Redfern Legal Centre invite an Aboriginal representative to join the management committee
3. That Redfern Legal Centre posters be changed to a different colour.
4. That staff establish and maintain a data system on Aboriginal clients to ensure that statistics are maintained.
5. That Redfern Legal Centre maintain regular contact with Aboriginal Legal Service and Wirringa Baiya Aboriginal Womens Legal Centre.
6. That Redfern Legal Centre staff maintain regular liaison with Aboriginal organizations and key individuals to strengthen the links already established.
7. Redfern Legal Centre continue to hold cross cultural awareness workshops for staff to ensure staff awareness.
8. Develop partnerships with Aboriginal community and organizations to provide opportunities for community to participate in community education workshops.
9. Redfern Legal Centre staff attend relevant Aboriginal community inter agencies' meetings.
10. That centre ensures appropriate information of the centre be sent to relevant Aboriginal organizations on a regular basis.
11. Redfern Legal Centre have information stall during national Aboriginal week.
12. Redfern Legal Centre staff obtain access to Gadigal information services (Koori radio) to promote the centre to the Aboriginal community on a regular basis.

## **the general legal service**

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The General Legal Service provides face to face and telephone advice to residents of the Botany, South Sydney, Sydney and Leichhardt Local Government Areas as well as undertaking casework in priority areas of law. This service employs 2 full time solicitors and 1 part time solicitor (21 hours per week). Our major direct client service is the running of the night time advice sessions, Monday to Thursday with the invaluable assistance of some 40 volunteers. In addition, we conduct case files, policy work, law reform activities and provide Community Legal Education sessions.

Volunteers assist in each area of legal casework. Without substantial pro bono support we would not be able to offer such a comprehensive legal service.

### **casework**

#### **social security cases**

(1) In 1989 Centrelink (as it is now) raised a debt of over \$37,000 against a client deemed to be receiving a Widows pension inappropriately – Centrelink thought the client was in a marriage like relationship.

The client approached Redfern Legal Centre almost ten years after the debt was raised. Her delay was due to her discomfit of being around anyone in authority which the client believes was a result of being part of the stolen generation.

After obtaining the client's files on an FOI application, we realised Centrelink had no material on which to base their decision that our client was living in a marriage like relationship, she was merely assisting a friend in need by allowing him to stay at her home. After taking a fresh look, Centrelink realised the client was genuinely receiving the widow's pension and the debt was raised in error. The client was repaid the money erroneously deducted from her social security payments over 10 years.

(2) In another social security case the client approached the Centre after prosecution action had been commenced against her for an alleged debt of \$5,000. The client had a casual job with a supermarket which meant a constant change of hours and income.

The case was complicated by the fact that her husband was out of work at the time and as a result he completed the fortnightly Newstart application for benefits which meant he would declare his spouse's income, which changed constantly. Mistakes were often made when our client would get an unexpected shift on the same day that the form was lodged, and money earned was not declared. However, many more mistakes were made by Centrelink, particularly when incorrect assumptions were made about our client's income that was earned within a pay period, different from the pay period on the Newstart declaration form. It was also discovered that at least \$2,500 of the alleged debt arose because

of administrative errors made by Centrelink. When this evidence was presented to the DPP, the charges were withdrawn.

Unfortunately, our client, when presented with the alleged debt of \$5,000, borrowed the money immediately from her daughter and paid the money to Centrelink. Prosecution action was commenced nevertheless. This action caused so much stress to our client throughout the months it took to successfully resolve the matter.

(3) A family arrived from Pakistan and landed in Sydney on 1 January, 1997 when the new laws were promulgated where social security benefits were not available to migrants for 2 years from arrival in the country (the waiting period was increased from 6 months).

In this case the two children of the family (one in high school and one at University) would have been eligible for Austudy had they arrived in the country on 31 December, 1996. Their father had appealed the case to the Administrative Appeals Tribunal when he came to the Centre for assistance.

As the children had no legal right to the benefits, submissions were made to the Commonwealth Government Solicitors arguing that both the Department of Immigration and Department of Employment Education Training and Youth Affairs were negligent in not providing any information about Austudy benefits before the family arranged to travel to Australia, as they could have readily arrived in the country before the 1 January, 1997. While the claim was to the value of two years benefits for each child, the Commonwealth while denying liability, agreed to pay one years Austudy benefits to each child. Obviously the family were very happy with the result as it meant quite a sizeable backpayment.

### **victims compensation cases and appeals**

Redfern Legal Centre is slowly decreasing its victims compensation case work. Applications under the 1987 Act are just now being finalised.

In one matter, we appealed on behalf of a client to the NSW District Court on quantum. The client had lodged three applications for unrelated acts of violence perpetrated by her father. The original award was \$63,000. On appeal to the District Court, the client was awarded a total of \$96,000.

A number of other applications under the 1987 legislation were successfully finalised at first instance with other matters successfully appealed to the District Court.

### **discrimination cases**

(1) In *Wheeler & Ors v Shellharbour Golf Club*, our client Lyn Wheeler complained to the Anti-Discrimination Board about the sexual harassment by the president of the Golf Club where she was employed. Attempts to conciliate the matter were unsuccessful. The club attempted to avoid liability by issuing a circular on workplace harassment and displaying it on the staff notice board.

The Equal Opportunity Tribunal determined that the president had in fact engaged in the behaviour complained of. It was found that the president was acting in his capacity as president of the club when he had engaged in the sexually harassing conduct. The Tribunal also found that the club was liable for the president's conduct. It was determined that the club could only avoid liability by proving that it had not authorised the president's conduct. On the evidence the Tribunal also determined that the circular on workplace harassment was never formally brought to the attention of the directors or discussed by them as a Board. The Tribunal also took account of the fact that the president was known for inappropriate behaviour.

The club appealed the determination of the Tribunal to the NSW Supreme Court. Justice Studdert dismissed the Club's appeal and upheld the Tribunal's earlier decision. As a result of this case employers have a clear obligation to ensure that policies and procedures on sexual harassment are actively communicated to all employees at all levels. Inactivity may result in a finding that the employer permitted the conduct. Especially, where an employer may suspect or is aware that inappropriate behaviour has occurred or may occur.

This was a splendid victory for our client as well as an important change in discrimination law where a heavy onus is now on employers to provide a discrimination free workplace.

(2) In *Ruth Robertson v Ray White Real Estate*, our client was awarded \$11,200 in damages after the Human Rights & Equal Opportunity Commission determined that Mr Lofitis (the proprietor of Ray White Real Estate) had engaged in inappropriate behaviour. Ms Robertson complained that within the first week of her employment, Mr Lofitis made comments of a sexual nature. For example, he openly discussed circumcision in relation to sexual performance and masturbation, and she was made to model clothes he had chosen. When Ms Robertson made it clear she objected to his behaviour she was out of a job within 6 weeks.

Commissioner Graeme Innes found "She was forced to tolerate comments and actions...which were demeaning, cruel and highly inappropriate in an employer-employee relationship. I view Tony Lofitis' actions as unwelcome sexual advances and other unwelcome conduct of a sexual nature. Comments about her appearance, and stories told in her presence with sexual references clearly fall into this category".

Of particular interest in this case was when another former employee came forward after seeing the media exposure of the case. At that time, all the evidence had been completed with only final submissions to be made. The case was relisted to allow this woman to give further evidence which was very similar to Ms Robertson's complaint. It is understood that this was the first time that a discrimination case has been re-opened to allow for further evidence.

Unfortunately, any Human Rights and Equal Rights Commission's awards are not enforceable and Mr Lofitis did not pay the award. Ms Robertson's only remedy was to file the matter in the Federal Court where she would have had to go through another trial. Ms Robertson did not want to pursue this course, however, she did advise that she was really pleased with the result, especially the publicity in the newspapers, Channel 10 and A Current Affair which exposed Mr Lofitis' behaviour.

## **employment law**

The Centre runs many unfair dismissal matters on a continuous basis which are usually settled without the matter being arbitrated. Some cases of interest were:

### **electricians' cases**

(1) In two separate matters, both employees that the Centre acted for were treated as sub-contractors by their employer and both clients thought of themselves as sub-contractors. No contracts for employment were ever signed. Both clients came to us when they had been unfairly dismissed. The employers argued that they were sub-contractors, paid income tax as a sub-contractor and were therefore excluded from any potential remedies from the Industrial Commission.

The Centre argued that they were not sub-contractors as they worked the same hours each week and overtime only by direction, they did not hire and fire, they did not supervise other workers, they were under the authority of the employer, they were paid on a weekly basis, they did not tender for the work and the employer paid for the relevant workers compensation premiums.

In both cases the employers did not proceed with this jurisdictional point and we settled the matters with payments satisfactory to our clients. The important point in these types of cases is that it does not matter that the employer and employee saw the worker as a sub-contractor, as the real relationship was that of an employer/employee relationship. Moreover, it is the obligation of all employers to make sure that the relationship between him/herself and his/her workers is correctly reported to the ATO and the correct tax is collected and paid as a rather large fine can be imposed on offending employers.

(2) In an interesting matter before the Australian Industrial Relations Commission, our client who had been a co-ordinator of a Homework Centre under the Aboriginal Tutorial Assistance Scheme, had been dismissed by Department of Education, Employment, Training and Youth Affairs (DEETYA). Co-ordinators are contracted twice annually with breaks over school holidays. Our client had just completed his second period of work. Many of his colleagues in the various Homework Centres had been doing the same work for up to 5 years.

The jurisdictional points argued by the Government barrister were that our client was not covered by an award, he was not a public servant and as an employee employed for a specific period of time, he was excluded from any remedies. The Deputy President determined that he was a public servant and therefore he

would be covered by Community Public Service Union's (CPSU) general employees award. However, she also determined that he was employed for a specific period of time and he was therefore excluded from the jurisdiction.

The decision by Deputy President Drake means that Co-ordinators of Homework Centres are public servants. Had our client been employed for a further period, the court may have viewed his employment as continuous. At common law, if renewal is necessary the contract should become an ongoing contract. The CPSU can now negotiate on behalf of this class of workers and hopefully be able to improve their conditions, so that they are not employed on specified time contracts.

# Humiliated for not sleeping with the boss

By ANTHONY PETERSON  
Court Reporter

WHEN his newly hired receptionist made it clear sex with the boss was not part of her job description, estate agent Tony Lofitis decided she had to go.

But when weeks of blatant rudeness and silent treatment didn't force Ruth Robertson to resign from his Dulwich Hill business, Mr Lofitis began setting booby traps and made false accusations about her work performance.

Before Mr Lofitis finally gave Ms Robertson her marching orders, he demeaned and humiliated the single mother by making her model new clothes for him, accused her of having an affair with a colleague and admitted he was jealous.

Lofitis made his attraction to the receptionist clear, and told Ms Robertson he wanted to have sex with her. He also openly discussed circumcision in relation to sexual performance and masturbation.

Within six weeks Ms Robertson was out of a job, but yesterday she had her revenge when the Human Rights and Equal Opportunity Commission ordered Mr Lofitis to pay her \$11,200 damages after finding him guilty of sexual harassment.

"She was forced to tolerate comments and actions at the Dulwich Hill premises of the business which

were demeaning, cruel and highly inappropriate in an employer-employee relationship," Commissioner Graeme Innes said.

"I view Tony Lofitis' actions as unwelcome sexual advances and other unwelcome conduct of a sexual nature.

"Comments about her appearance, and stories told in her presence with sexual references, clearly fall into this category.

"The incident where Ms Robertson was required to model clothes is almost voyeuristic, and has obvious sexual connotations.

"It almost goes without saying that such circumstances would ... have caused Ms Robertson to be offended, humiliated and intimidated."

Ms Robertson began work at Ray White Dulwich Hill on July 24, 1996, and during her first week her boss made inappropriate comments about her appearance.

In her statement of complaint, Ms Robertson said she was made to model in front of him new clothes he had chosen and would buy, before he extended an invitation for drinks and dinner.

"I was not at all attracted to Tony and found his blatant abuse of power repugnant and distressing," she said. "His comments and other behaviour such as looks, tone of voice and body language made me uncomfortable and anxious to the

extent that I began to suffer nausea and to lose weight.

"I was sickened and angry that he was continuing his sexual harassment in spite of my clearly-stated objections."

She said Mr Lofitis and his wife set up "booby traps" in the office to make her look responsible for the disorganised operation. This included leaving large sums of cash unsecured so they could accuse her of stealing if it went missing.

Ms Robertson alleged Mr Lofitis told her the reasons for her sacking were that she was too classy for the job, didn't fit in, was too methodical and didn't respond well when he put pressure on her. She also alleged that her former boss drove repeatedly up and down her street and stared at her and her daughter two months after her dismissal.

"I am satisfied that Tony Lofitis was determined to remove Ms Robertson from the workplace when she drew to his attention the unacceptability of his comments towards her, and indicated that she wished to have only a business relationship with him," Commissioner Innes said.

When in the witness box, Mr Lofitis denied all of the allegations and said Ms Robertson was a poor employee who continually forgot important instructions and whose work performance justified her job being terminated.

## **credit and debt service**

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### **casework**

#### **unjust contracts**

A local couple, both with cognitive defects, bought a car using finance from AGC, a finance company. One month later, at the initiation of AGC (and for no other apparent reason), they refinanced with AGC. This transaction cost our client several thousand dollars extra. Although the monthly loan repayments were cheaper, the loan went over a longer period of time. Our clients were not aware of this. They happily paid off the vehicle for several years, until the car was written off in an accident. The car was fully insured and our clients bought a new car with the insurance monies. They continued paying off the repayments on the old car. Some eighteen months later, an AGC agent called, uninvited, at 9pm at our clients' home. Our clients were under the influence of sedative medication at the time. The agent got them to sign yet another finance contract, with the new car as security, and with another few thousand dollars in added interest. Our clients did not understand what they were signing, and came to us for advice.

We were able to get this contract set aside without going to the Commercial Tribunal, and have our client's liability reduced to what it would have been had the original finance agreement remained on foot. This was an excellent result for the client.

#### **when is a debit card not a debit card?**

Our client, who had a mental illness and was predisposed to spending sprees, decided to protect himself by opening a debit account with St George Bank. The product was advertised as one where account holders would 'use their own money': it was not a credit card account. Our client embarked upon a whirlwind tour overseas, frequently withdrawing money from his account. He was never given an account balance. He thought, because of the nature of the account, that the bank would not extend credit to him. He was wrong. St George and international Visa gave him \$12,000 credit, and then sued him to get it back. We defended the matter. St George eventually agreed to settle the matter in our client's favour.

#### **sexually transmitted debt**

Our client, who was referred to us by a financial counsellor, had been sued in the Supreme Court by a credit union. She had bought a house and later formed a relationship with a man who, at the time, had a job. The man moved into her house and became her de facto. For the next couple of years, she continued to pay off her home mortgage, together with all food and household expenses.

The de facto then told our client that his car was about to be repossessed, and he asked her if she could help him by granting a further mortgage over her home so



that he could get a loan. She said no. Subsequently, she and the de facto went to the credit union, and she said that she did not want to sign any mortgage documents unless the repayments were covered by insurance, and that any repayments should be taken out of her de facto's pay. She understood that this was agreed to, and she signed the mortgage document and a loan "indemnity".

The relationship ended; the de facto lost his job; the loan fell into arrears; and the credit union sued. Typically for a sexually transmitted debt case, they sued our female client first, and only later joined the de facto male as a defendant.

We defended the matter on the basis that the contract was unjust in the circumstances, misleading, and deceptive.

The matter became increasingly complicated in that:

- it was impossible to trace where all the loan monies had actually gone;
- the de facto had authorised his employer (in writing) to pay the credit union any monies he owed to it if he ceased employment. Therefore, we subpoenaed the employer to find out if any of the de facto's redundancy and other monies had been paid to the credit union to reduce the debt. The employer and the credit union strongly resisted this subpoena (eventually having it struck out, after three attempts);
- the de facto supported our client's statement that the credit union employee told her that the mortgage repayments were covered by insurance, but the credit union employee denied it;
- the solicitor for the credit union produced a document signed by our client, saying our client was offered the opportunity to obtain independent legal advice, but had rejected it;
- the credit union refused to participate in mediation under the Lawyers Engaged in Alternative Dispute Resolution (LEADR) programme; and
- at a late stage in the proceedings, the de facto disclosed (to the surprise of everyone, including his own barrister) that he had spent a recent superannuation payout on a new house for himself!

The matter was set down for a three day hearing, but was settled shortly beforehand.

### ***delayed debt recovery***

On two occasions during the reporting period, we were unsuccessful in convincing magistrates not to allow debt buyout companies to continue to enforce debts after twelve years had elapsed since judgment had been entered. Community Legal Centres have been swamped with clients who are being chased for very old debts, often when they haven't heard from the creditor or its assignee for up to nine years. This is particularly unfair when debtors believe the debt is no longer owing, or have entered into new financial and/or living arrangements in the belief that the debt no longer exists. They are understandably shocked when they are belatedly harassed about repaying this debt, which is often many times its original amount due to interest accruing. Our lack of success in the courts led us to look at policy responses. After receiving an unsatisfactory response from the NSW Attorney General's office, we

are considering other avenues such as amendment of the Local Court Civil Claims Act to prevent such travesties of justice occurring.

### **hire car scams**

Read the fine print when you hire a car on holidays! On countless occasions we were contacted by holidaymakers who had been ripped off by hire-car companies. More often than not, the rip off occurs when the company claims you have caused minor damage to the vehicle that was already there, and retains your deposit (or zaps your blank credit card slip!). Most car hire contracts say that the car was in pristine condition at the time of hiring. Unless you happen to be travelling with a JP or a priest who will back up your explanation that "you didn't do it", you are probably going to lose your deposit. In addition, some hire car companies offer insurance on their vehicles which, in an exclusion clause written in tiny lettering on the back of the contract, says that the insurance won't cover property damage if you were driving in any way contrary to traffic laws. Of course such laws covers the gamut of driving offences from DUI to failing to keep a proper look-out. We wrote to the Insurance and Superannuation Commission suggesting action under section 55A of the Insurance Contracts Act.

### **other cases**

- Complaints about mobile phones continued during the year, although we noticed over the period that advertising of mobile phones improved slightly in some regards. A particular problem for our clients was the misleading conduct by mobile phone sales people. We provided advice to a firm of private solicitors in Melbourne on possible legal arguments for a test case on mobile phones, and commenced discussions with the NSW Legal Aid Commission about possible methods to address the problems which have been occurring.
- At very short notice, we represented a Koori tenant from the Block in an application for an Apprehended Personal Violence Order against a person who was allegedly harassing him in relation to attempts to evict him. We succeeded in obtaining a court undertaking from the defendant that he would not harass our client until the Residential Tenancies Tribunal made a determination as to whether our client was in fact a tenant. Our client very pleased with this result.
- Unfortunately, a good case potentially involving our client suing a car yard for misleading and deceptive conduct, or the tort of deceit, collapsed, in part due to the difficulty in obtaining instructions from a key witness. The case had taken three years of extensive work to get to this stage.

### **policy and law reform**

Over the year, the Credit and Debt Service was involved in the following campaigns which were aimed at enhancing the rights of economically disadvantaged consumers of financial and other services:

- Harassment of debtors by debt collectors was an important issue during the reporting period. We wrote a submission to the Australian Competition and Consumer Commission (ACCC) in relation to its research project on undue harassment and debt collection (section 60

Trade Practices Act); commented on a draft proposal by the Consumer Credit Legal Centre (Victoria) regarding unacceptable behaviours by debt collectors; participated in a phone link-up with credit advocates in other States and the A.C.T. on legislative and other moves; and assisted a Queensland group to draft a "Harassment Survey" (to assess people's experiences in relation to harassment by the debt collection industry).

- We wrote a submission to the Department of Fair Trading ("DFT") concerning the structure and administration of the DFT's consumer tribunals (the Commercial Tribunal, Consumer Claims Tribunal, Residential Tenancies Tribunal, and the Motor Vehicle Disputes Tribunal). Our submission included a recommendation that these tribunals be subject to accessible appeals mechanisms on facts of law.
- We co-authored submissions to the Federal Bureau of Consumer Affairs in response to its second audit of Consumer Protection Laws.
- We co-authored a submission to the Federal House of Representatives Standing Committee on Financial Institutions and Public Administration's "Inquiry into Alternative Means of Providing Banking and Like Services in Regional Australia" (the "FIPA Inquiry").
- A Financial Services Network conference was held in Melbourne on 18 March 1999. One of the Credit and Debt solicitors was asked to give a paper at a seminar on alternatives to conventional banking systems. A copy of the speech is on the Redfern Legal Centre website.
- We spearheaded a campaign to ensure adequate controls in relation to the outsourcing of debts owed to the NSW government. This campaign is still under way, but headway is being made in terms of policies regarding harassment by debt collectors, alternative dispute resolution mechanisms for aggrieved consumers and early, funded financial counsellor involvement.
- Submissions were made in support of proposals by the NSW Consumer Credit Legal Centre seeking the establishment of an alternative dispute resolution scheme for finance companies;
- A Credit and Debt Service solicitor held the position of Community Representative on the NSW Attorney General's Local Court Civil Claims Rules Committee;
- A Credit and Debt Service solicitor was conveyer of the NSW Combined Community Legal Centre's Group Credit Committee.

### **access to affordable banking & credit**

Since 1994/95 (see Redfern Legal Centre's Annual Reports for 1994/95 to date), the Credit and Debt Service has been involved with other community groups seeking alternative banking services following the closure of local bank branches.

Many of the clients in Redfern Legal Centre's catchment area are denied access to credit and banking services on fair terms because of the failures associated with the profit motive underpinning the mainstream financial service providers.

Specifically,

- the mainstream banks have been deserting small depositors/lenders by closing bank branches, installing ATMs and charging increasing fees for the use of transaction accounts;

- clients are unable to get credit at all, or on fair terms, from mainstream providers of financial products, and so have to pay exorbitant rates from finance companies, pawnbrokers, rental companies etc.

In the wake of the repeated refusal of governments to regulate banks effectively, RLC's credit & debt service has been looking at alternatives for our clients. This year, the Service undertook to compile its existing research on the effects of bank closures, and to further investigate alternatives to the current banking system. By the end of the reporting period, a draft study entitled "Access to Affordable Banking and Credit" had been prepared. The report is a feasibility study into setting up an alternative and ethical banking and credit service in the Redfern area. The Report must now be put to the RLC Management Committee for consideration.

### **community legal education**

The Credit and Debt team has undertaken a variety of Community Legal Education initiatives in 1998/99. These include the following:

- We obtained funding from the Law Foundation of NSW to prepare and deliver a "credit and debt" community legal education and advice programme to rural Australians in Wagga Wagga, Griffith and West Wyalong. The project was initiated in response to the Department of Industry Sport & Tourism's 1997 report on the consumer education needs of rural Australians, which highlighted the dearth of legal services in rural and remote Australia. (For a full report, see under the Annual Report section titled "Project Reports").
- We conducted an intensive workshop for local community workers entitled 'Debt: When can the law help?', as part of the Centre's annual Community Legal Education programme for community workers.
- We analysed and produced a fact sheet on the new NSW Fines Act 1996, and circulated it to financial counsellors, local chamber magistrates, other community legal centres, and community workers in NSW.
- We gave regular training to financial counsellors, including special education sessions at financial counsellors' regional offices. One such training session covered mobile phones, the important case of *Garcia v. National Australia Bank*, proposed changes to the Local Court (Civil Claims) Act, and information on harassment of debtors by debt collectors.
- We provided ongoing telephone and face to face advice to financial counsellors throughout NSW.

### **media contacts and articles included the following:**

An article in the Sydney Morning Herald concerning what causes credit problems; an article in the Sun Herald on credit cards as an inappropriate credit product; information supplied to the Australia Financial Review concerning bankers' rights regarding the recovery of monies paid by mistake; two articles were written for the South Sydney Bulletin (a regular Redfern Legal Centre column) concerning sexually transmitted debt and the poverty trap; we gave an interview on community radio station 2RES on the causes of indebtedness in Australia and what can be done about it; we supplied legal information to the

Women's Weekly concerning defective product legislation; we supplied legal information to a Foxtel journalist working on a consumer programme; and wrote an article for "The Umbrella", the financial counsellor's national paper, on current developments in relation to the issue of undue harassment by debt collectors.



## **students' representative council branch office university of sydney**

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### **about the service**

The legal service at the Students' Representative Council (SRC) is provided by Redfern Legal Centre and operates as a branch office of the legal centre. Redfern Legal Centre provides a solicitor and legal support and supervision. The SRC funds the service.

The service is available to undergraduate students at the University and students at the affiliated campuses of Sydney College of the Arts, The Conservatorium of Music, Orange Agricultural College and Camden Farms.

The solicitor provides a very busy advice service three days per week. Appointments are available 2 days a week with a third afternoon dedicated to a drop in service. Students at distant campuses can also make telephone appointments.

The solicitor also provides legal assistance and back up to the student advisors at the main office and the offices of affiliated campuses.

The solicitor provides ongoing casework services representing clients in legal action or providing assistance for clients to represent themselves. The solicitor also undertakes policy work and community legal education. Policy or law reform work is work that is not necessarily related to any particular client but aims to achieve some systemic change in the legal system or the University in order to benefit a group or students or all students.

Community education aims to increase the ability of clients to avert legal problems or to solve them themselves by providing legal information, for example in the form of fact sheets or information brochures.

In addition to the duties at the SRC the solicitor participates in the organisational life of the main office of the legal centre through attendance at staff meetings and file intake meetings.

### **casework**

The statistics here set out the numbers and types of casework undertaken. These statistics include both advice sessions (that may be 'face to face' or over the telephone) as well as 'cases opened'.

During the year 323 appointments were made. The demand for the advice service has increased from last year. A number of trends can be identified from the advice and casework.

### **domestic violence and stalking**

During the year the service has dealt with a number of matters involving harassment, stalking, intimidation and sometimes violence against students.

In one matter a young woman student was pursued by a fellow student who was determined to establish a romantic relationship with her. He telephoned her repeatedly (up to 15 times per day) and followed her on campus and approached her repeatedly and aggressively. After nearly 12 months of this behaviour and repeated requests for him to leave her alone she sought an apprehended violence order. The legal service represented the client with her application and then again in the District Court with the other student appealing the order. We successfully resisted the appeal and the client kept her orders.

Concerned that the review of the system of AVOs may reduce the availability of such non-domestic orders we provided submissions to the review of the law by the NSW Attorney General's Department.

### **university matters**

The legal service also advises on University matters. These may relate to the University's internal procedures such as misconduct proceedings, expulsions or disputes over results.

We have assisted one student to negotiate a significant reduction in a debt owed to the University.

In one matter the client did not challenge a finding by the University that she was guilty of misconduct but did wish to challenge the severity of the penalty the University had imposed (suspension for one semester). We assisted the client with submissions to the Vice Chancellor, which unfortunately were unsuccessful. In this case we were forced to use the provisions of the Freedom of Information Act to access the misconduct file, as the University would not agree to hand it over so that we may prepare the appeal.

The client then appealed to the Student Appeals Committee but after waiting two months for the Committee to be constituted, decided to withdraw her appeal. In the end the slowness of the University's appeal processes were too much for the student.

### **motor vehicle accidents**

Motor vehicle accidents continue to be a major source of legal problems for students. The advice in this area is almost entirely to young drivers who are liable for the damage to another and have no insurance.

Debts claimed can be significant and there is often little that can be done legally except to assist the client to negotiate a settlement. This year we have been attempting to extend the advice students receive by referring them to financial counseling services to get financial advice as well as legal advice.

### **crime**

A significant number of students sought advice on criminal matters. Students were generally given initial advice and assistance to understand the court process and then referred to either private solicitors for representation or legal aid.

In some less serious cases we were also able to offer to represent. We represented one student in a guilty plea to a charge of offensive conduct and were successful in getting the matter dealt with under section 556A, so that the charges were dismissed.

While many of the matters were more minor matters (offensive conduct, minor traffic offenses attracting infringement notices) there were a number of more serious matters including assault, drug offences and social security offences.

### **tenancy**

Many students, particularly young and overseas students find themselves enmeshed in legal problems related to share housing; boarding and tenancy, and we have assisted clients to negotiate these problems and in some cases to prepare submissions to the Residential Tribunal.

One client sought to claim compensation because of the landlord's failure to repair the stove and the kitchen floor. We assisted the client to prepare for the hearing of his matter at the Residential Tribunal. The client was successful in his application and the Tribunal made orders for the landlord to pay the tenant's compensation.

### **consumer**

We continue to have a number of inquiries about consumer matters. These problems arise with students purchasing goods and services and then finding themselves vulnerable either to aggressive sales techniques or the victim of dodgy sales or credit contacts.

We assisted one client to make an application to the Fair Trading Tribunal claiming her losses when a travel agent failed to properly book her long saved for overseas trip to visit family and further her studies. As a result she was unable to catch an interconnecting flight and missed out on part of her trip.

We provided her with written submissions to take to the hearing. The student was awarded \$1,400 by the Tribunal.

We represented another student to resist a claim by a debt collection company acting for a large applicant hire company. The company was pursuing the client for the cost of hire goods that had gone missing after the client cancelled the contact with the company and the company renegotiated the hire contract with her ex flatmates. It seemed that the hire company was pursuing her because she was the only one they could find. After submissions by the Centre the hire company discontinued action against the student.



## **jabiluka**

In late 1998 the SRC branch office began to see students seeking advice on charges they faced in the Northern Territory which allegedly arose from their participation in demonstrations against the Uranium mine at Jabiluka.

Protesters were finding it very difficult to get advice from the Northern Territory on their charges and were finding that solicitors in New South Wales were unable to advise on Northern Territory law.

The SRC office contacted the Darwin Community Legal Service and participated in the establishment of a national scheme to get information to the hundreds of people involved, now mostly returned to their home states. The Jabiluka Arrestee Information and Legal Support (JAILS) network was established and distributed information kits and briefing information on charges to people who had been arrested.

The SRC solicitor and Redfern Legal Centre gave initial advice to students and other protesters and distributed information. We attended a mass information session for protesters to assist a local solicitor and legal support people to give information about NT legal system. We operated as one of the referral points for protesters in NSW seeking information and advice.

We took on further work for some clients and successfully negotiated with the Prosecution Service in the NT to drop charges against an RLC client after submissions from RLC that they did not have sufficient evidence to convict.

## **policy, law reform and legal education**

The SRC solicitor undertook policy work related to the student community.

The solicitor participated in the campaign against voluntary student unionism and made submissions to the Senate Inquiry on Student Unionism.

During the year the SRC legal service provided legal information numerous people and places, including the following:

- Orientation Week – an RLC stall at the University
- Talked to the International student advisers network about telecommunications services and the problems students run into and where to get help
- Providing a number of short articles to be published in the South Sydney paper
- Provided back up advice to Hotline Volunteers at the SRC
- Provided back up advice to the Welfare and Education workers at the SRC
- Talked to UTS students on community legal centres.

## **pro bono assistance**

The SRC service received invaluable assistance from a number of people including the following:

## women's domestic violence court assistance scheme

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Redfern Legal Centre's Women's Domestic Violence Court Assistance Scheme operates at both Redfern and the Downing Centre Local Courts. The scheme provides assistance and support to women seeking legal protection from domestic violence – a process which can be confusing and disempowering without support. The scheme co-ordinator arranges a roster system where local community workers and a solicitor are available to represent and support women seeking Apprehended (Domestic) Violence Orders on the courts' list day. RLC and Inner City Legal Centre solicitors provide representation at Redfern Court, and solicitors from private firms work a pro bono basis at the Downing Centre Court.

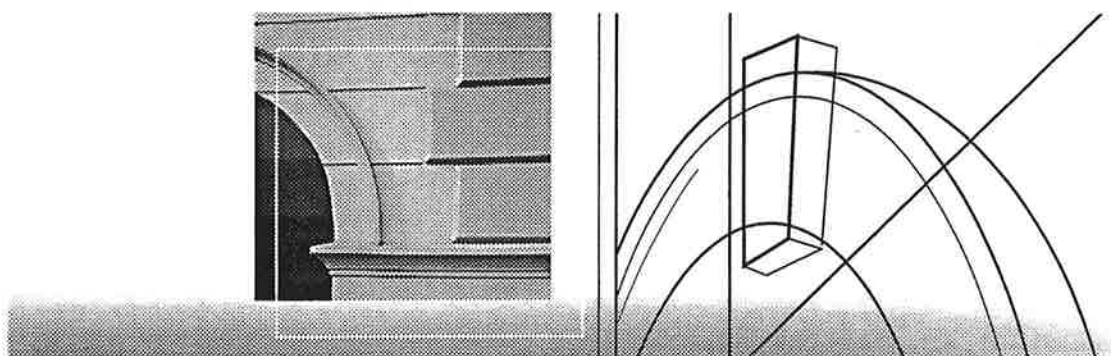
During this year, twelve new support workers have been recruited and trained for the Scheme. The following local community organisations second staff to work on the Scheme

- Domestic Violence Line
- Women and Girls Emergency Centre
- Aboriginal Medical Service
- Broadway Early Childhood Centre
- South Sydney Aboriginal Corporation
- South Sydney Community Aid
- Mudgin gal Aboriginal Corporation
- D4 Family Support Services, Harris Centre
- The Shop Women and Children's Centre
- Sydney City Mission WISH program
- Kirkton Road Drug and Alcohol Centre
- Darlinghurst Community Health Centre

Four new solicitors from private firms have joined the Scheme and provide pro bono representation for clients. Legal representation is provided for clients at both courts. We would like to thank the following law firms, community legal centres and individual practitioners for their ongoing support for the scheme:

- Redfern Legal Centre
- Gilbert and Tobin
- Inner City Legal Centre
- Robyn Sexton
- Keddie's
- Clayton Utz

- Clayton Utz provided pro bono advice and representation in relation to a number of matters
- Janet Manuell Barrister provided significant pro bono representation and advice



## **casework**

The scheme assisted a total of 437 clients during the year – these statistics provide information about who we assisted, and in what way.

Contacts during 1998/99

Total number of contacts	437
Number of women assisted at court	382
Number of women assisted at Redfern Court	195
Number of women assisted at Downing Centre	187
Number of ATSI clients	40
Number of NESB clients	139

In addition, Redfern Legal Centre solicitors have assisted WDVCS clients by providing both legal advice and representation at hearings. Some clients are referred to the Centre's evening advice service for advice concerning their AVO application or to assist clients to prepare for self representation at hearing.

## **policy and law reform**

Perpetrator programs, amendments to Apprehended Violence legislation and the Chamber Magistrates Service in NSW have been areas where significant changes are on the agenda. Redfern Legal Centre has contributed towards the debate through participation in the WDVCS Network and the Combined Community Legal Centre Domestic Violence Committee.

## **community legal education & community development**

A Redfern Multicultural Expo was held for International Women's Day organised jointly with other local organisations. A grant from South Sydney Council financed the event. Seven different language interpreters meant that information was made available to a large number of women from non-English speaking backgrounds. 200 women attended the Expo and the day was a great success.

A local "Stop Domestic Violence Day" event was held in Centennial Park. Local police provided the BBQ and donated sausages while local community groups provided entertainment. Speakers including the WDVCS Co-ordinator and a local Police Domestic Violence Liaison Officer addressed issues of domestic violence relevant to this community.

The WDVCS Co-ordinator is a member of the Reference Group for the Central Sydney Regional Violence Specialist of the Violence Against Women Council.

## **inner sydney tenants' advice service**

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Redfern Legal Centre receives funding from the Department of Fair Trading to run the Inner Sydney Tenants' Advice and Advocacy Service.

In the year 1998/99 the service did a massive amount of advice work:

- 1830 clients received tenancy advice and information
- 107 clients received face-to-face advice
- 118 cases were opened

Despite the disruption of moving premises in May and phone trouble, the service has done more advice work than the previous year. In fact, in the year to date (June 1999) our workers have done more advice work than any other TAAP service in New South Wales.

### **casework**

- hailstorm damage

Following the Sydney hailstorm in April, the Service was inundated with calls for advice about repairs and rent reductions. There are still a large number of tenants who have not had repairs done to their roofs. The Service has assisted in the preparation of a number of these cases for hearing at the Residential Tribunal.

- Aboriginal housing

Ongoing assistance to a group of women who challenged the Aboriginal Housing Company for failure to do repairs for 10 years. They investigated setting up their own co-operative.

- boarder/lodgers

We assisted a number of clients to get recognition as tenants through the Residential Tenancies Tribunal. These tenants now have coverage by the Residential Tenancies Act.

- retaliatory eviction

We won a case at the Residential Tenancies Tribunal proving a private tenant was being evicted on retaliatory grounds. These cases are very hard to win as they are so difficult to prove. We had previously (successfully) assisted this tenant with a security matter at the Residential Tenancies Tribunal.

- compensation for non-economic loss

We have assisted a number of clients with claims for non-economic loss in the Tribunal. This is a complex area of law for tenants and requires specialist advice.

- domestic violence

Domestic violence and tenancy issues continue to be a major issue for women in NSW. The Service has provided back-up to a number of TAAP Services in their casework. We have conducted training for local community workers on this issue.

- Residential Tenancies Amendment (Social Housing) Act 1998  
Following the commencement of this Act in early 1999, the Service has represented a number of Department of Housing tenants in proceedings commenced on the grounds of noise and nuisance, under the new provisions of the Act.

## **policy**

Amazingly, the team has also managed to produce more policy and community education than ever before.

## **the rentwatchers campaign**

Highlights from 1998/99 include:

- Launch of first Rentwatchers Report
- Arranged the visit of Anita Beaty and family to Sydney for the Homelessness Conference in 1998 – they were part of the housing activist movement in Atlanta who lobbied for impact minimisation in 1996 (thanks to assistance from the Law Foundation in NSW)
- Launch of Website in 1998
- Ongoing production of the quarterly Rentwatchers Reports
- Submissions – including to UN Committee on Economic, Social and Cultural Rights and every relevant State and Federal politician
- Correspondence with Government – letters, subs, committee membership, other
- Generation of enormous media response from TV, print and radio<sup>1</sup>
- Assisted the NSW Greens write and prepare a Private Members Bill called the Residential Tenancies Act (1987) OLYMPICS amendment
- Organised demonstrations.
- Postcard campaign
- Formation of Branches (most notably in Western Sydney close to Homebush)
- Forging international links through the presentation at the Conference on Forced Evictions held in Bangkok June 1999

## **other policy work**

- Submission to the review of the Residential Tenancies Act under competition policy.  
Our submission was detailed and well received by the Department of Fair Trading and the TAAP network.
- The Service has provided extensive advice and assistance to The Greens on the drafting of the Residential Tenancies Amendment (Domestic Violence) Bill 1999.
- The service has been one of the leading lobbyists for the introduction of legislative protection for boarders and lodgers.

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<sup>1</sup> List of Media contacts: radio – JJJ, 2BL, 2GB, radio national, Today FM, 2UE, 2SER, 2RES etc. Print: SMH, Daily Telegraph, The Australian, Chicago Post, Bangkok Review, Southern Courier, Western Courier, Glebe, the Hub etc. TV: Channels 7, 10, 9, ABC, SBS, Today Tonight and Korean Broadcasting Commission (KBC).

- The service has undertaken a very successful project in policy and reform for tenants with a psychiatric disability. A successful and exciting training manual has been developed. This worker has also been crucial in the policy work around the Social Housing Act.
- We made submissions to the Senate Inquiry into the new tax system.

### **community legal education**

The service is committed to providing accessible information to tenants in the inner Sydney region, and our extensive community education programme this year included:

- A survey of training needs in the local area. Public Housing was added to our list of community education forums. Produced the Focus on Inner Sydney report to assist in planning future education for the service.
- We delivered training on the following topics in May/June
  - Tenancy Law
  - Public Housing
  - D.V. and Tenancy
  - Issues for people with Psychiatric Disabilities
- Other training/information activities included:
- Basic tenancy law (two sessions for St Vincents de Paul)
- The Inner Sydney Tenants Service helped develop and present the Tenants' Union New Worker Training and RTT training
- Working with people with a psychiatric disability
- Developed & ran a 'legal concepts for tenants' workers' training package for the Tenants' Union that is part of the core training for new TAAP workers

### **factsheets**

- compensation  
Compensation queries continue to come through the service. We have written up a compensation factsheet, (that includes a table for laying out a claim), which is going to be printed and distributed through the Network
- DV and tenancy  
We have drafted a factsheet which will be produced in conjunction with the Tenants' Union of NSW
- hailstorm and storm damage  
The service has developed a factsheet for tenants concerning their rights to compensation and rent reduction which will be distributed by the Tenants Union.

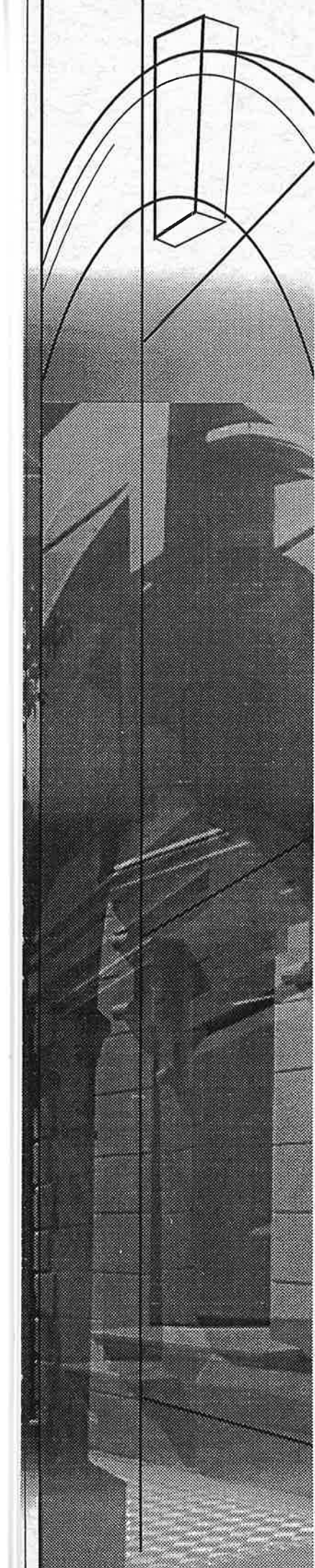
Some special thanks:

We would like to thank Mary Flaskas for her hard work and wonderful flexibility during her time as full-time tenant worker locum till Kylie's return in February this year. Also thanks to Hazel – our one day a week advisor – Louise Buchanan (locum), Sue Thomas and Michael Izzo for doing the hotline.

Redfern Legal Centre Limited  
A.C.N. 001 442 039  
Trading and Profit & Loss Account 1998/99

Year Ended 30 June 1999	1999	1998
	\$	\$
<b>FUNDRAISING</b>		
Fundraising Events	-	-
<b>LESS:</b>		
Cost of Fundraising Events	-	-
<b>GROSS PROFIT FROM FUNDRAISING</b>	-	-
	<hr/>	<hr/>
<b>OTHER INCOME</b>		
Donations Received	110	685
Interest Received	19,191	21,333
Other income	2,594	5,010
Recoveries	10,770	3,435
Grants	767,211	749,866
<b>TOTAL OTHER INCOME</b>	<hr/> <u>799,876</u>	<hr/> <u>780,329</u>
 <b>EXPENDITURE</b>	 1999	 1998
Accounting fees	-	2,200
Audit fees	5,618	5,363
Bank charges	961	964
Consultancy fees	-	1,213
Depreciation	24,484	21,773
General expenses/disbursements	2,695	1,585
Insurance	3,273	3,152
Loss on disposal	-	1,283
Office Equipment	12,118	5,771
Printing & stationery	23,958	82,955
Program and sundry expenses	13,731	4,837
Rent	5,955	6,000
Repairs & maintenance	12,504	5,481
Salaries & wages	666,110	570,414
Staffing costs	24,201	25,759
Subscriptions	18,190	14,547
Superannuation	33,492	25,213
Telephone	16,738	16,121
Travelling expenses	13,167	10,392
<b>TOTAL EXPENSES</b>	<hr/> <u>877,195</u>	<hr/> <u>805,023</u>
<b>NET PROFIT</b>	(77,319)	(24,694)
<b>OPERATING PROFIT AFTER INCOME TAX</b>	<hr/> <u>(77,319)</u>	<hr/> <u>(24,694)</u>





Redfern Legal Centre offers free legal advice to disadvantaged people who live and work in the South Sydney area. You can contact us through an interpreter by ringing the Telephone Interpreter Service on 131 450. Ask the interpreter to contact us on 9698 7277 between 9am and 6pm, Monday to Friday.

يسكنون ويعملون مركز ردفرن القانوني يقدم استشارة قانونية مجانية للأشخاص الغير قادرين في منطقة سدني الجنوبية . يمكنكم الاتصال بنا عن طريق مترجم الذين بالاتصال بمركز خدمة الترجمة على الرقم ١٣١٤٥٠ . الرجاء الطلب من المترجم ان يتصل بنا على الرقم ٩٦٩٨٧٢٧٧ بين الساعة ٩ صباحا والساعة ٦ مساء، من الاثنين حتى الجمعة.

Redfern法律中心为在悉尼南区生活和工作的人提供免费的法律咨询.您可以拨打电话传译服务131450,通过传译员与我们联系.请传译员于每星期一至星期五上午9:00到下午6:00通过电话96987277与我们联系.

To Νομικό Κέντρο του Redfern [Redfern Legal Centre] προσφέρει δωρεάν νομικές συμβουλές σε άτομα που βρίσκονται σε μειονεκτική θέση, τα οποία ζουν και εργάζονται στην περιοχή του Νότιου Σίδνεϊ [South Sydney]. Μπορείτε να επικοινωνήσετε μαζί μας μέσω διερμηνέα καλώντας την Τηλεφωνική Υπηρεσία Διερμηνέων [Telephone Interpreter Service] στο 131 450. Ζητήστε από το διερμηνέα να επικοινωνήσει μαζί μας στο 9698 7277, Δευτέρα με Παρασκευή, 9πμ έως 6μμ.

사우스 시드니 지역에서 분리한 조건으로 거주하시며 일하시는 분들께 Redfern 법률센터는 법률에 관한 조언을 무료로 제공해드립니다. 131.450의 통역 서비스로 전화하심으로써 통역관을 통해 저희에게 연락하실수 있습니다. 통역관에게 9698 7277으로 연결을 부탁하시면 됩니다. 월요일부터 금요일, 아침 9시와 저녁 6시사이 언제든지 저희와 연락하실수 있습니다.

Юридический центр Редферна (Redfern Legal Centre) предлагает бесплатное юридическое консультирование людям, попавшим в различные затруднительные ситуации, которые проживают и работают в районе Южного Сиднея ( South Sydney). Вы можете связаться с нами через переводчика, позвонив в Телефонную Переводческую Службу по номеру 131 450. Попросите переводчика позвонить нам по номеру 9698 7277 с 9.00 до 18.00 в любой день с поведельника по пятницу.

El Centro Legal de Redfern (Redfern Legal Centre) ofrece sus servicios legales en forma gratis a gente de menos recursos que vive y trabaja en el área Sur de Sydney. Usted nos puede contactar por medio de un intérprete llamando al Servicio Telefónico de Intérpretes 131 450. Pidale al intérprete que se contacte con nosotros llamando al número 9698 7277, de Lunes a Viernes, entre las 9am y las 6pm.

Trung Tâm Pháp Lý Redfern giúp cố vấn luật pháp miễn phí cho các đồng bào bị thiệt thòi đang sống và làm việc tại Khu vực Phía Nam Sydney. Quý vị có thể liên lạc với chúng tôi qua dịch vụ thông ngôn bằng cách gọi điện thoại cho Sở Thông Dịch Điện Thoại, tức the Telephone Interpreter Service qua số 131 450. Hãy yêu cầu thông dịch viên gọi điện cho chúng tôi qua số 9698 7277 ban ngày từ 9 giờ sáng đến 6 giờ chiều, suốt tuần từ Thứ Hai đến Thứ Sáu.