Redfern Legal

Redfern Legal Centre's bi-monthly e-bulletin

February 2013

Welcome to the February 2013 edition of *Redfern Legal*, bringing you legal updates and developments from our key practice areas and news of the work of Redfern Legal Centre (RLC). Please note that cases cited in legal updates are not always RLC matters.

In this edition:

LEGAL UPDATES

Housing and tenancy

Amnesty for public tenants with unauthorised occupants – 27 January to 17 March 2013

Visitors of Housing NSW tenants can stay in the tenant's home for up to 28 days before the tenant has to report that someone is staying with them. If an additional occupant stays longer, the tenant has to inform Housing NSW. If the occupant can show that they live somewhere else – for example they are an overseas visitor, or someone looking after a sick relative for a period of time – they usually don't have to pay rent.

An occupant might end up staying on in the premises for any number of reasons – such as having formed a relationship with the tenant, or becoming homeless. In these cases, public tenants have to inform Housing NSW and get approval for their additional occupant to remain. Housing NSW will then charge rent based on the combined income of the household, including the additional occupant.

From 27 January to 17 March 2013, Housing NSW has an amnesty on additional occupants living in public housing. This gives tenants who have had someone staying with them the opportunity to inform Housing about this without being charged back-rent, being prosecuted for fraud, and/or being evicted.

Recent media coverage of this amnesty encourages people to 'dob in' public tenants who have unauthorised occupants living with them. If someone notifies Housing of an alleged unauthorised occupant living with a public tenant, Housing NSW will give the tenant one chance to declare the occupant, or if the allegations are untrue, to show that the occupant is just a visitor.

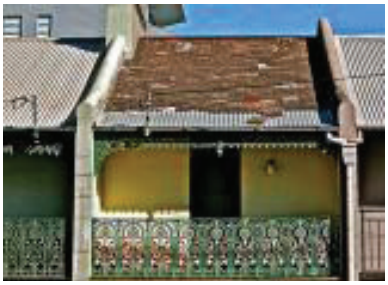

Photo by **Alex E Proimos**

This amnesty applies to all public housing and Aboriginal Housing Office properties. People living in community housing are not covered by this amnesty.

An 'application for an additional occupant' form can be downloaded from the **Housing NSW website**.

Tenants' advice service and homelessness prevention

An important part of the work by our tenants' advocates is the prevention of homelessness. Last year, we collected extra statistics over a three-month period in order to gain data on our homelessness prevention work.

During this period, we assisted 76 tenants who were at risk of homelessness. The majority of these tenants had a disability.

In addition to giving general tenancy advice to over 600 tenants, we prevented 27 tenants and their families from becoming homeless during those three months. It is likely that the real number is much higher, as we do not know the outcomes for other vulnerable tenants who could be assisted through phone advice only.

Falling through the cracks: No tenancy protection for sub-tenants

Section 10 of the *Residential Tenancies Act 2010* (RTA 2010) specifically excludes sub-tenants who do not have a written agreement from the protection of the Act. This affects a large number of people who contact us as many people in the inner city, especially students, live in share housing.

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Anyone who has ever lived in share housing knows that it is unlikely that a head-tenant will give a written tenancy agreement to a sub-tenant. These arrangements are normally quite informal: a new tenant moves in, and pays their bond either to the head-tenant or to the outgoing tenant. Usually the new tenant will get a receipt for the monies paid. If everything goes well, they will get their bond back at the end of the tenancy either from the head-tenant or the new tenant moving in.

Unlike all other tenants, a sub-tenant cannot apply to the Consumer, Trader and Tenancy Tribunal (CTTT) to have his or her bond returned in the event of a dispute. A sub-tenant seeking the return of a bond would have to file a claim in the Local Court, which is more expensive and time consuming than an application to the CTTT. Most sub-tenants, and especially international students, find this prospect overwhelming and usually forfeit their bond money, rather than following this course of action.

In the December 2012 edition of *Redfern Legal*, we wrote about the introduction of the *Boarding Houses Act 2012*, which will give basic protection to boarders and lodgers through occupancy agreements. As this Act only applies to premises with five beds or more, the majority of sub-tenants will again not be able to use it to seek Tribunal orders.

Deleting s 10 from the RTA 2010 would not in any way prejudice head-tenants and landlords. It would afford protection to a large number of tenants who are at the moment falling through the cracks.

In the meantime we strongly encourage all sub-tenants to sign a share housing agreement, in order to be protected by the RTA 2010. A sample agreement can be downloaded from the **RLC share housing website**.

Domestic violence

The NSW Domestic Violence Justice Strategy

The NSW Attorney-General has announced a new NSW Domestic Violence Justice Strategy, describing it as 'a clear framework to improve the criminal justice system's response to domestic violence'.

We have advocated for many of the initiatives contained in the Strategy, in particular the development of domestic violence list days in all local courts, the provision of specialist domestic violence training for police prosecutors and access to training and resources on domestic violence for magistrates.

The Strategy also provides that all victims will be immediately referred to a local Women's Domestic Violence Court Advocacy Service by a police officer who attended the event, before the end of that officer's shift.

Read the **NSW Domestic Violence Justice Strategy** and read RLC's **press release**.

Case study: Victim's compensation and urgent payments for victims of violent crime

Laura (not her real name) came to see our service after she had been badly assaulted by her partner. As a direct result of the assault she lost four of her front teeth. She had no private health insurance and could not afford dental treatment. She was referred to Victims Services for an urgent interim payment to cover some of the cost of her dental treatment.

In NSW, an interim award of money can be made before the final decision is reached about a claim for victim's compensation. Interim awards are usually made because the applicant is in 'severe financial hardship' or is a family member of a homicide victim who is applying for funeral expenses. When making an interim award, the Victim's Compensation Assessor must be satisfied that the applicant will receive compensation when the claim for victim's compensation is finally determined. In some circumstances, the Assessor has discretion to make an interim award where there is no severe financial hardship, for example where the victim cannot afford dental treatment for injuries resulting directly from the act of violence and has no private health insurance to cover the cost of treatment.

Laura provided a quote from her dentist and the Assessor made an interim award for the amount quoted. The amount will be deducted from her final victim's compensation award payment.

For more information about interim payments for victims of violent crime, see the Victims Services **website**.

Bail amendment – enforcement conditions

An amendment to the *Bail Act 1978* was assented to and commenced on 20 November 2012. The amendment inserts a new s 37AA into the Act, which enables a court to impose an enforcement condition when granting bail. An enforcement condition requires an accused person to comply whilst on bail with directions given by police officers, for the purpose of monitoring or enforcing compliance with an underlying bail condition.

Enforcement conditions can include:

- a requirement that the accused undergo drug or alco-

hol testing to check their compliance with a condition not to consume drugs or alcohol;

- a requirement that the accused present at the front door of their premises to check their compliance with a curfew condition.

An enforcement condition may only be imposed at the request of the prosecutor in the proceedings, per s 37AA(5).

At the second reading of the Bill, before it was introduced into law, the NSW Attorney-General said:

"Sadly, alcohol often contributes to offences of violence, particularly offences of domestic violence. Giving police powers to test a person prohibited from using alcohol during the bail period is intended also to safeguard the alleged victim—often the wife or partner of the person who has been charged."

The price of violence – consideration of family violence in property settlements

A party's entitlement to a property settlement after the dissolution of a relationship is assessed by considering a number of factors. They include the contributions made by that party (both financial and non-financial) during the relationship, as well as what future needs that party has after separation. Although Australia has a "no fault" family law system, family violence has, in some cases, been relevant to the Court when assessing the contributions made during the relationship, and in some cases has resulted in the victim of violence receiving a higher property settlement adjustment.

The Court will not make these adjustments lightly; it is only in those cases involving ongoing and severe domestic violence, found to have 'had a significant adverse impact upon that party's contributions or, put the other way, to have made his or her contributions significantly more arduous than they ought to have been' (Kennon v Kennon [1997]).

A victim will not only need to demonstrate the existence of violence but also the effect of that violence on their contributions to the relationship.

What the Court regards as violence

The new definition of family violence under the Family Law Act 1975 is not limited to physical violence. The wider definition includes threats of violence, emotional abuse, possessive and jealous behaviour, financial control, harassment and intimidation.

In one case, the wife provided evidence of violence which included threats to kill; threats to pour petrol over the house while she slept; throwing objects at her such as shoes, forks, spoons and television remote controls; hitting her over the back of the head; punching her all over her body; trying to stab her with a knife; and putting a knife to her throat and insisting that she go to the bank to sign paperwork. This conduct resulted in the wife receiving a 10% adjustment in her favour (Kozovska & Kozovski [2009]).

RLC submissions and publications

RLC makes submissions to the public hearing on the Human Rights and Anti-Discrimination Bill

On 23 January 2013, RLC CEO Joanna Shulman appeared at the public hearing into the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012 in Sydney.

RLC appeared on behalf of National Association of Community Legal Centres (NACLC) as a centre specialising in discrimination law. Ms Shulman's stated that RLC:

- supports the consolidation of Commonwealth anti-discrimination legislation generally; but
- calls for the government to reinstate the requirement to make reasonable adjustments to the definition of discrimination in relation to disability; and
- calls for a systemic response that allows organisations to have standing to apply when discrimination affects more than one individual.

On the issue of organisations having greater involvement in discrimination, Ms Shulman said:

> "Systemic discrimination affects many people, not just individuals. However, in Australia it is only an individual who can pursue a complaint of discrimination ... We need to share the burden of ensuring that policies and practices are fairer and more accessible. Advocacy organisations connected with the discriminatory conduct should be able to complain if it is systemic discrimination, and human rights commissioners should have the power to initiate complaints into systemic discrimination."

RLC also supported the submission from NACLC that victims and survivors of domestic violence should be protected under anti-discrimination law.

A **full transcript of the public hearing** is available. See also RLC's **joint submission** on the Human Rights and Anti-Discrimination Bill.

CEO Jo Shulman, second row, first from left, and other community delegates attend the public hearing.

The Court's role is not to compensate for injuries sustained or to punish the violent party, but rather to consider whether the violence has made the victim's role far harder than it otherwise would have been. There has been criticism of this approach, as it seems to favour those who continue to contribute (whether financially or as a parent/homemaker) in the face of family violence, rather than those who are incapacitated by violence and are not able to contribute in a positive way. However, the case law is evolving and it is an area where we are likely to see ongoing changes and legal development in years to come.

Family violence and its impact on future needs

The future needs of both parties after separation are considered in property matters and the Court will look at whether there should be an adjustment in one party's favour on account of their higher future needs because of their health (physical and mental), their care for children, their earning capacity, their financial resources, and other factors set out in the Family Law Act.

Family violence can be relevant to the Court when determining what future needs each party has, particularly where the violence is shown to have affected the health of the victim, such as where the victim suffers from post traumatic stress disorder, depression and anxiety related disorders, or a physical injury/disability as a result of the violence.

The Court will try to avoid "double dipping"; where violence has already been taken into account when assessing the contributions made during the relationship, the Court would be reluctant to consider it again with regards to future needs other than in exceptional cases. Further, where the victim has received criminal or civil compensation for injuries sustained during the violent relationship, the Court will be wary of making adjustments in the property settlement.

However, in a recent case, criminal compensation already paid to the victim did not prevent the victim obtaining 90% of the assets during property proceedings. In this case, the husband had attempted to kill the wife and in his attack had caused permanent injury to the wife. The husband was sentenced to eight years in gaol and the Court determined that the wife should receive 90% of the total property. The contributions were assessed at 60:40 in the wife's favour, and the wife then received an additional 30% because of her future needs. Relevantly, the compensation amount received by the wife was not included in the property settlement (Coad v Coad [2011]).

It will be interesting to see how the new and wider definition of family violence will be applied in property matters in the coming years, particularly in cases of severe psychological abuse and cases where the victim, by virtue of the family violence, may not have been able to 'contribute' to the assets of the relationship.

What will be most important for solicitors assisting victims of family violence in the family law system (whether in property and/or parenting matters) will be to ensure that evidence of the family violence and the effect of the violence on that party is properly put before the Court in an admissible way. This will include sourcing independent records (such as police, witnesses, and medical records from hospitals, doctors, psychologists/ psychiatrists), where such evidence is available.

This article was compiled by Kate O'Grady, Senior Associate, Watts McCray Lawyers and Coordinator of the Watts McCray Lawyers/ Redfern Legal Centre pro-bono partnership, with the assistance of Emily Ward, Paralegal, Watts McCray Lawyers.

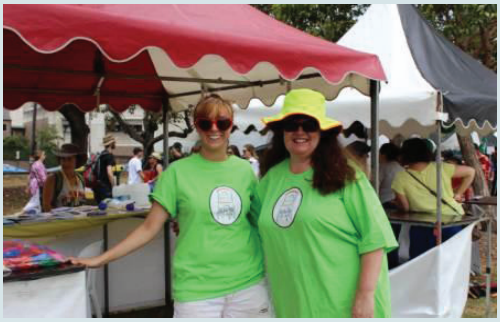
RLC events and projects

Legal Assistance with Armidale Project Launch

In February, RLC will launch its Legal Assistance Project in co-operation with the University of New England, Armidale and pro bono partners. The project connects international students at UNE with specialist volunteer solicitors at RLC. Users connect with their advisors over the National Broadband Network using web-conferencing software, which allows them to see their advisors, as well as being able to easily exchange and draft documents, despite being nearly 500 kms away. The launch will be held on campus during UNE's O-week, with RLC's Jacqui Swinburne and UNE's Vice-Chancellor Professor Jim Barber opening the service.

Yabun

On Australia Day, RLC took part in Yabun, the largest single day festival celebrating indigenous arts and culture, held in Victoria Park. 2013 marks 11 years of the festival, which features award-winning indigenous artists and performers. RLC teamed up and shared a stall with staff and volunteers from Marrickville Legal Centre, Kingsford Legal Centre and the Tenant's Union. Visitors to the stall were invited to make stress balls, to have a drink of water and speak to staff and volunteers about the role of CLCs in the community.



Volunteers at the RLC stall at Yabun.

Employment

Impact of amendments to the Fair Work Act 2009 on dismissal claims

On 1 January 2013, a number of amendments to the Fair Work Act 2009 (FWA) came into force. The main changes affecting dismissal claims are summarised below.

New time limits for unfair dismissal and general protections claims

Under the amendments, the time limit for an unfair dismissal claim when the person was dismissed after 1 January 2013 is now 21 days. For employees dismissed before 1 January 2013, the time limit remains 14 days.

Photo by **pj_vanf**

For a general protections (adverse action) claim, the time limit has been reduced from 60 days to 21 days for a person dismissed after 1 January 2013.

Applicants who believe that they have been unfairly dismissed or forced to resign now have 21 days from the date of dismissal to file either an unfair dismissal application or a general protections dismissal application.

Fair Work Australia renamed

The body previously known as Fair Work Australia will now be known as the Fair Work Commission (FWC).

Power to dismiss applications and award costs

The Fair Work Commission has been given increased powers under the new s 399A to dismiss an application if the applicant has:

- failed to attend a conference conducted by the FWC, or a hearing held by the FWC, in relation to the application; or
- failed to comply with a direction or order of the FWC relating to the application; or
- failed to discontinue the application after a settlement agreement has been concluded.

Under the new s 400A, the FWC can make a costs order against a party if the Commission is satisfied that an unreasonable act or omission of that party caused the costs to be incurred.

An act or omission under this section could include failing to accept a settlement offer.

In a submission about the proposed changes in December 2012, RLC expressed concern about the new s 400A, and recommended that the section be rejected. The reason was the likelihood that it would force applicants to accept unreasonably low settlement offers to avoid the possibility of a costs order against them, and discourage them from seeking other remedies, such as reinstatement or an apology.

See also **RLC's submission** on the draft Bill.

Worker entitled to lodge an unfair dismissal application against employer in administration

Clifford v S&N Civil Constructions [2013] FWC 235

The Fair Work Commission (FWC) has found that an employee was entitled to lodge an unfair dismissal application, despite his employer having entered into voluntary administration. Mr Clifford worked for S & N Civil Constructions and his employment was terminated by the administrator a few weeks after the company entered administration. He lodged an application for unfair dismissal against the company. The new directors of the employer argued:

a) that the application should be dismissed, because under the *Corporations Act 2001*, s 440D, proceedings in court cannot be commenced during the administration of a company; or in the alternative,

b) that it was the administrator who had terminated Mr Clifford's employment, not the company.

The Commission held that the section of the *Corporations Act* didn't apply to proceedings commenced in the FWC, applying *Re Smith* in which it was held that a similar provision didn't apply to proceedings in the Australian Industrial Relations Commission. It held that if the provision was meant to cover proceedings in Tribunals and other bodies as well as courts, it would have expressly stated so.

The Commission also found that the administrator was acting as the company's agent in dismissing Mr Clifford (as well as 200 to 250 other employees), and rejected the argument that the application should have been brought against the administrator. As a result, the arguments of S & N Constructions failed, and Mr Clifford was able to bring the unfair dismissal application against them.

Donate to RLC

Demand for our services has continued to increase, however limited funding prevents Redfern Legal Centre from expanding to meet this need.

Redfern Legal Centre has been a registered charity since 1977 and donations are most welcome and also tax deductible.

Donations can be made **here**.

Police and government accountability

Government announces trial of 'sobering-up' centre in Sydney CBD

On 16 January 2013 the NSW government announced plans to trial a 'sobering-up' centre in the Sydney CBD. The centre would be staffed by police and located in converted holding cells at the Central Local Court. An individual will be able to be held at the centre if they are intoxicated, have failed to obey a move-on direction, and are potentially violent or at risk of harm. The trial will run for 12 months.

Since mid-2011, the government has introduced a number of changes to expand police powers in reducing substance abuse, starting with the amendment to move-on powers in June 2011. The amendment gave the police the power to give directions to an intoxicated person found in a public area to move on, and not to return to that area for a specified period of time.

Photo by **darren-johnson**

In late June 2011, legislation creating an offence of 'continuation of intoxicated and disorderly behaviour following a move on-direction' was introduced. It provides that if an intoxicated person has been given a move-on direction, and is found in a public place within six hours of the direction, they may be guilty of an offence. The maximum penalty for the offence is $660.

The intoxicated and disorderly offence came into force on 30 September 2011.

The NSW Ombudsman was to review use of the intoxicated and disorderly offence 'as soon as practicable' after 12 months of its operation. In December 2012, the NSW Ombudsman released an Issues Paper on police intoxicated and disorderly powers. The review is to determine whether the powers are being implemented effectively, and whether policy objectives are being achieved. Comments to the review close on 15 February 2013.

The sobering-up centre was announced in January 2013, and is to commence operation on 1 July 2013. RLC is concerned that the operation of the sobering-up centre will not fall within the scope of the Ombudsman's review. Instead, the review will conclude before the centre commences operation.

The effect of the policy is that police will be given additional powers to take someone into custody even though they have no intention of charging that person with any offence when the person is clearly under the effect of intoxicating drugs. It is important that the custody and treatments issues attached to these detention powers be closely considered.

Discrimination and human rights

Registering conciliation agreements in discrimination complaints

Lawson v State of New South Wales (Housing NSW) (EOD) [2013] NSWADTAP 5

In the August 2012 edition of *Redfern Legal* we reported on a decision by the NSW Administrative Decisions Tribunal (the Tribunal) to refuse an application by Ms Janet Lawson to register a conciliation agreement she had entered into with Housing NSW following her complaint of disability discrimination.

That decision has now been overturned by the Appeal Panel of the Administrative Decisions Tribunal (the Appeal Panel) in a successful appeal by Ms Lawson.

In the conciliation agreement, Housing NSW agreed to do a number of things, including:

- nominate a particular Client Service Officer, and an alternate, to deal with Ms Lawson and to be briefed on her medical condition;
- provide Ms Lawson with advance notice of any intended works and with a material data safety sheet so that she could consult her doctor and ascertain if any of the substances or materials planned to be used posed a risk to her health; and
- consider including multiple chemical sensitivities in relevant Housing NSW training programs.

The *Anti-Discrimination Act 1977* (NSW) provides in s 91A that:

"(6) If a party to a recorded agreement is of the opinion that any other party has not complied with the terms of the agreement, the party may, not later than 6 months after the date of the agreement, apply to the Tribunal to have the agreement registered.

...

(8) If the member of the Tribunal who hears the application is satisfied that a party to the agreement has not complied with the terms of the agreement, the member is to register those provisions of the agreement (if any) that, in the exercise of the Tribunal's jurisdiction, could have been the

subject of an order in proceedings relating to a complaint.

(9) The provisions of an agreement that are registered in accordance with this section are taken to be an order of the Tribunal and may be enforced accordingly."

The Tribunal at first instance found that most terms of the agreement could not have been the subject of orders of the Tribunal for a range of reasons. Some parts of the agreement imposed obligations on Ms Lawson herself, and not the respondent. Some parts of the agreement were considered to be too uncertain or imprecise. Some were considered to relate to administrative arrangements only.

The Tribunal found that one part of one term of the agreement was capable of being registered, but that there was not enough evidence that Housing NSW had failed to comply with this part of the term.

The Appeal Panel criticised the approach taken by the Tribunal and held that the correct approach is to first determine whether there had been a failure to comply with any term or terms of the agreement. The next step is then to determine whether any of the terms of the agreement could have been the subject of an order in proceedings relating to a complaint, as required by s 91A(8). The Appeal Panel found that the Tribunal had reversed the order of these steps, confining its consideration of compliance to those terms it found eligible for registration.

Contrary to the finding by the Tribunal, the Appeal Panel found that there was evidence that Housing NSW had failed to comply with two of the terms of the agreement. It stated:

"in determining under section 91A(8) whether a provision of a conciliation agreement is one that 'could have been the subject of an order', the Tribunal need not, and indeed should not, decide whether the complaint, if brought before it for adjudication, would have been upheld and would have resulted in its making an order in the same terms as the provision or along similar lines ... In making this determination, however, the Tribunal must adopt the hypothesis that the complaint was one that would, if brought to trial, would have been 'substantiated in whole or in part'."

The Appeal Panel found that all the terms of the agreement that Ms Lawson wished to have registered could have been the subject of an order by the Tribunal - an order preventing Housing NSW from repeating or continuing conduct amounting to indirect discrimination. The Appeal Panel held that none of the terms of the agreement were uncertain to the extent that they could not be understood or enforced.

The Appeal Panel went further and ordered the registration of terms not requested by Ms Lawson. The reason it gave was that "section 91A(8) imposes an obligation on the Tribunal, following a finding of non-compliance, to register all the provisions of a conciliation agreement that 'could have been the subject of an order'. It does not appear to provide leeway to the complainant, or indeed the Tribunal, to select some only of these provisions for registration and omit others".

This decision of the Appeal Panel is a welcome one from the perspective of complainants trying to enforce conciliation agreements, particularly those agreements directed at changing the behaviour of respondents.

Update on Shadow Report on the United Nations Convention on the Rights of Persons with Disabilities (CPRD)

The Shadow Report on the CRPD developed by Disabled Persons, Advocacy and Human Rights Organisations was launched in August 2012 and subsequently sent to the UN Committee in Geneva. Redfern Legal Centre's CEO, Joanna Shulman, is one of project members leading the development of the report. The report contains over 130 recommendations and was developed over a three-year period. To date the report has been endorsed by 73 organisations, and is is still open for endorsement. The report can be downloaded **here**.

Photo by **ToGa wanderings**

In 2013 the UN Committee on the Rights of Persons with Disabilities will begin dialogue with Australia in regards to Australia's compliance with CRPD obligations. Commencing in April, the Committee will develop a list of issues emerging from Australia's baseline report. Australia will then be invited to appear at the tenth session of the Committee in September, at which time the Committee will engage with the government delegation and any nongovernment delegations in attendance. Following this dialogue the Committee will issue concluding comments and recommendations. Representatives from the Project Group will attend the April and September sessions subject to the receipt of funding.

For further information about the delegations and the Shadow Report click **here**.

Credit, debt and consumer complaints

EWON survey finds consumers paying for a free service

The Energy and Water Ombudsman NSW (EWON) recently conducted a survey to gain a better insight into why consumers used "credit repair agents". Credit repair agents will, for a fee, attempt to negotiate on behalf of debtors to remove credit listings on the debtor's credit report. As part of their service, credit repair agents will often use EWON to attempt to resolve the debtor's complaint.

The research was conducted to determine why consumers were paying credit repair services instead of simply contacting EWON directly, for free. According to EWON's survey,

credit repair agencies often charge an up-front fee of up to $1,000 and an additional fee per listing, whether or not they are able to remove the listing. It also found that the majority of customers surveyed had more than one credit listing, making it an expensive service to use.

According to the survey results, most consumers were not aware that EWON was a free service that they could access directly. When given a choice as to whether they wished to continue using the agent or to advocate for themselves, consumers chose to advocate for themselves. The survey found that many credit repair agents engaged in misleading conduct when dealing with consumers, in that they failed to disclose that EWON was a free service which consumers could use themselves.

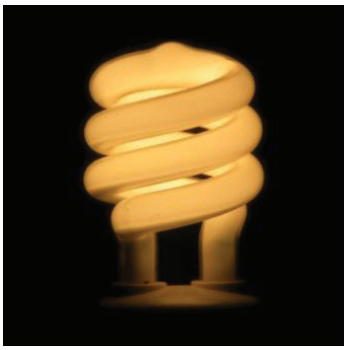


Photo by **Nioxxe**

The survey also found that many consumers were not even aware that they had a bad credit rating until they applied for finance and were rejected. In practice, this means that consumers seek out credit repair agents to quickly resolve their credit history problem, which ends up being a more expensive option for them.

As a result of the survey findings, EWON made the following recommendations:

1) Direct promotion to affected consumers of the message that free help is available through Ombudsman services, and generally raising awareness through existing communications and outreach channels.

2) Promotion to creditors that they should advise customers whose applications are declined on the basis of credit reports that they can contact Ombudsman services free of cost if they dispute their credit default listing.

3) Working with credit reporting entities to negotiate inclusion of reference to Ombudsman services on credit reports and websites etc.

Credit repair agents are expensive, and there is no guarantee that they will achieve the desired outcome. Consumers should explore other options before engaging an agent to act on their behalf. EWON and other Ombudsman schemes offer free and accessible services that can achieve great outcomes for consumers, without exacerbating existing financial difficulties. See more information on EWON's survey at its **website**.

RLC media

RLC on gross underpayment of hospitality staff

An article about the underpayment of hospitality staff by Sarah Whyte and Clay Lucas published in *The Sydney Morning Herald* featured comments from RLC's employment solicitor Jacqui Swinburne about her experience with clients, especially international students, being grossly underpaid in the food services industry. The article was published after it was revealed that businesses, including large chains, were paying staff up to a third below minimum wage.

"I have been really shocked by the underpayments ... Owners are making huge profits while they are exploiting people at the same time," said Ms Swinburne.

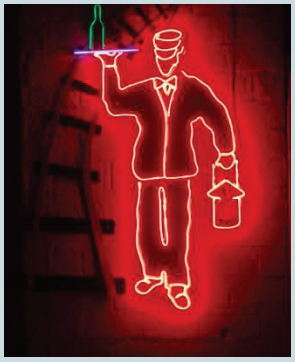


Photo by **Joelk75**

For the full story, see: ***Underclass of Restaurant Employees***.

The Australian profiles RLC's Jacqui Swinburne

RLC's Jacqui Swinburne gave an **interview** to Susannah Moran of *The Australian* about working in a community legal centre. Jacqui spoke about her beginnings as a volunteer in tenancy law, eventually moving into the dual roles of chief operations officer and employment solicitor this year. She told *The Australian* about RLC's various services and involvement in the community, and the ever-growing demand from residents in the area for legal advice and support.

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