

Redfern Legal Centre
Annual Report 2003-4

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Redfern Legal Centre is an independent non-profit community centre dedicated to promoting social justice and human rights.

VISION

A just society which respects human rights and enables equal participation by all.

PURPOSE

Redfern Legal Centre promotes social justice through:

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

VALUES

Redfern Legal Centre:

- Promotes the empowerment of individuals and communities;
- Respects clients, community members and each other;
- Provides a safe, meaningful and co-operative work environment for staff and volunteers;
- Involves the staff, volunteers and community members in planning, managing and delivering services;
- Reflects and learns from experience;
- Provides accessible, holistic and non-judgmental services; and
- is independent, effective and accountable.

GOALS

1. To provide legal advice, referral and casework to disadvantaged people and to groups who provide services for or advocate for them.
2. To work with communities and individuals to develop local services and empower people to assert their own interests.
3. To identify the inequalities in the laws, legal system, administrative practices and society as a whole that affect our clients and disadvantaged people generally and to work for social and legal change to remove those defects and inequalities and enhance respect for human rights.
4. To enhance community members' ability to resolve their problems and assert their rights through the provision of community legal education.
5. To contribute to a civil society, including by involving volunteers in our service delivery and by co-operating with other community organisations in pursuit of shared objectives.
6. To sustain an infrastructure and administration that provides adequate resourcing for our activities, and to effectively manage and maintain those resources.

OUTCOMES

1. Clients of Redfern Legal Centre have access to timely, quality local affordable legal services appropriate to their needs.
2. There is improved referral and co-operation throughout the community services and legal services relevant to our clients.
3. There are changes to law, policy and administration which decrease social disadvantage.
4. Clients are better informed of the operation of the justice system and are better able to resolve their problems and enforce their rights.
5. Redfern Legal Centre has strategic partnerships with volunteers, pro bono service providers and other relevant community organisations.
6. Redfern Legal Centre is able to provide the resources needed to achieve its goals.

Acknowledgement

Redfern Legal Centre acknowledges that we work on Aboriginal land, traditionally the home of the Gadigal people of the Eora Nation. In February 2004 a young Aboriginal man died while being followed by police. The staff Board and volunteers of Redfern Legal Centre extend our condolences to this young man's family and community and affirms our commitment to supporting his family and community in their responses to this tragedy.

Management Structure

Redfern Legal Centre is a company limited by guarantee. It has six elected directors who have delegated responsibility for day-to-day management of the Centre to the Director.

Directors

Member Name	Occupation	Basis of Appointment	How Appointed
Gordon Renouf	Consultant	Member	Elected at AGM
Mary Perkins	Community Service Agency Director	Member	Elected at AGM
Nicholas Patrick	Solicitor	Member	Elected at AGM
Rebekkah Donaldson	Human Resources Manager	Member	Elected at AGM
Chris Elenor	Strategic Analyst	Member	Elected at AGM
Tamara Sims	Tenancy Advocate	Member	Elected at AGM

Funding

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

- The General Legal Service is funded principally through Community Legal Centres Funding Program which is administered by the NSW Legal Aid Commission 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 Department of Family and Community Services through its Financial Counselling Program
- 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.
- The former South Sydney Council and since its amalgamation Sydney City Council provides the Centre with concessional rent. South Sydney Council provided small grants for specific purposes.

From time to time the Centre is successful in gaining funds for non recurrent projects or joint projects. We thank:

The NSW Department for Women for a grant for a project to enhance ATSI women's access to the Downing Centre Local Court for assistance in domestic violence matters;
The NSW Law and Justice Foundation for assistance with the production of the second edition of the share Housing Guide;

Volunteers

This year – as usual – volunteers contributed to all aspects of the Centre’s work. Our volunteers are of all different ages and from all walks of life. We had approximately 130 volunteers during 2003/2004 – there are usually at least 70 active volunteers on our books at any one time. Redfern Legal Centre is able to attract approximately 30,000 volunteer hours per year. As almost all our volunteers have some post-secondary education, and many are highly skilled and bring many years of life experience, we estimate that through our volunteers we contribute the equivalent of \$360,000 worth of service to the community each year. We thank all our volunteers for their contribution.

Daytime volunteers – “legal assistants”– are generally law students and interested members of the community. They do weekly half day shifts, working on reception, casework (under the instruction of the caseworker), research and administration. Night time volunteers – mostly solicitors – take instructions and provide legal advice and do either weekly or fortnightly shifts. All volunteers receive training, sign a confidentiality agreement, and all volunteers are supervised by a member of staff.

Pro Bono Support

A number of legal professionals and law firms provided substantial pro bono assistance to our clients or to the Centre. Without this assistance, we would not be able to continue to provide such a comprehensive range of services. We also refer clients to the Law Society’s Pro Bono Scheme and the Bar Association’s Legal Assistance Scheme.

This year we have received support from the following:

Firms

Blake Dawson Waldron

Gilbert & Tobin

Henry Davis York

Clayton Utz

Keddies

Graham Jones

Phillips Fox has supported our work with Mudgingal Aboriginal Women's Centre.

Barristers

Kate Eastman

Michael Crowley

Law Foundation Award

This year our nominee Kate Eastman won the Law and Justice Foundation Combined Community Legal Centres Group Award for her pro bono service in human rights.

Donations

We would also like to thank Microsoft for software donation and Vodafone for mobile phones for the Women’s Domestic Violence Court Assistance Scheme.

Volunteers in 2003-4

Ambrith Abayasekara
Pauline Adraskelas
Jan Alewood
Lucy Arblaster
Anna Baltins
Caroline Best
Tania Black
Jill Borrie
Anna Boucher
Nikki Brown
Bridget Burton
John Cahill
Sandy Cameron
Jennifer Casperson
Jason Chai
Amy Chan
Nancy Chan
Ding Chen
Cristy Clark
Emma Clarke
Andrew Combe
Joff Crawford
Lachlan Cumming
Ann Daniel
Sanjiva DeSilva
Melissa Doyle
Nicholas Dunstone
Rebekah Edwards
Jeremy Eisman
Lisa Emanuel
Belinda Epstein
Anne-Marie Farah
Simon Filer
Ben Fogarty
Juliana Friedlander
Nicholas Furlan
Helen Galitsky
Jeremy Geale
Katherine Giles
Jennie Goff
Libby Gunn
Sarah Harrod
Danielle Hauer

David Ablen
Paul Ahearn
David Angelkov
Ranjan Arianayagam
Patrick Barry
Linda Black
Alicia Boothby
Claire Bothwell
Ljiljana (Liliana) Brdaric
Patrick Brown
Brianna Butt
Sheelagh Callaghan
Kirsty Campbell
John Catarinich
Rachel Chambers
Joyce Chan
Kate Chater
Victor Chung
David Clarke
Michelle Cohen
Emma Crause
Brad Cuff
Yolanda D'Aquino
Sally Deans
Andrew Djemal
Yvette Dulfer-Hyams
Michael Duong
Tori Edwards
Sarah Ellison
Sheridan Emerson
Cara Fairbanks
Elizabeth Favaloro
Verity Firth
Janet Fox
Andrea Fung
Paulina Fusitu'a
Mel Gangemi
Janice Gialluzzo
Catherine Gleeson
Michelle Golafshan
Mayank Gupta
Gabrielle (Gaby) Hart
Janna Hayes

Kim Healy
Penny Hollott (Murray)
Andrew Howell
Alice Hudson
Yasmin Hunter
Marc Jaku
Margaret Jones
Llewellyn Judd
Chris Jurd
Caroline Katter
Niamh Kinchin
Joanne Kinslor
Lara Kostakidis-Lianos
Vicki Kuek
Veronica Lavulo
Jodie Lee
Sewmay Lee
Andrew Logan
Joanna Lunzer
Blaise Lyons
Leon Mahtani
Caroline Martin
Lily Mathews
Nicholas McBride
Trish McDonald
Rebecca McIlveen
Stephen McKenzie
Sean McMahan
Verity McWilliam
Claire Miles
Filomena Molinaro
Danielle Moutou
Kiersten Mulligan
Kerrin Murray
Roland Natrass
Carly Neylan
Ross Nicholas
Sarah Nielsen
Melanie Noden
Joanna Oakey
Maureen Oh
Lila Oldmeadow
Elizabeth Paine
Elisabeth Passmore
Nicolas Patrick
Patricia Percy

Joanna Hemingway
Helen Horsington
Kirsty Howey
Andy Hui
Lici Inge
Megan Jenkins
Sonya Jones
Daniel Jung
Kerryn Kahler
Nancy Kemp
Ann Kinghan
Tanya Klein
Simon Kritsotakis
Michael Lalji
Emma Le Coic
Richard Lee
Simon Levett
Lisa Lu
Rhonda Luo
Edwina MacDonald
Tony Marshall
Jane Mason
James Mayne
Natasha McCarthy
David McElrea
Monica McKenzie
Debbie McMahan
Sheila McMahan
Belinda Michalk
Rocky Mimmo
Amelia Montague
Jane Muir
Lisa Munro
Bobak (Bob) Nanva
Katy Negroh
June Ng
Ellen Nicolson
Ruth Nocka
Morgan Nyland
Sri Ogden
Anna Oldmeadow
Tammy Paddock
Sarah Paparo
Ben Patrick
Georgina Pazio
Anita Pershad

Irena Petchanatas
Steve Quinn
Mike Race
Aaron Rathmell
Alex Rhodes
Helen Roberts
Cameron Roles
Lenny Roth
Julie Hourigan Ruse
Kaye Sato
Anvij Saxena
Karin Schwartz
Helen Service
Lauren Sharp
Lara Shevchenko
Joanna Shulman
Tamara Sims
Susan Smith
Dustin St. Clair
Andrew Stavro
Elizabeth Steer
Joshua Stern
Jane Stratton
Danielle Stubbs
Katherine Sutton
Ingrid Switzer
Priya Tamhane
Geni Tanda
Anne Taylor
Mark Teutsch
Katy-Jo Turner
Nicole Urban
Kira Vansman
Karinya Verghese
Elizabeth Wells
Mary Wignall
Michael Windsor
Helen Wodak
Andrew Woods
Sarah Wyatt
Erik Young
Mi Zhou

Drazen Petkovich
Jeremie Quiohilag
Lucy Rangi
Ilona Renner
Amy Richardson
Sam Robinson
Justin Rossetto
Kristen Rundle
Tom Sansom
Gemma Saville
Adrian Scardilli
Maya Sen
Melanie Shanker
Susan Shehadie
Jeremy Shirm
Shanthi Silva
Priya Sivakumaran
Harshanie Sooriyabandara
Tim Stainton
Alexandra Steell
Jacqui Stenson
Suzie Stern
Brad Stringer
Lynette Styles
Rachel Swift
Eva Szudej
Jessica Tan
Juliana Tang
Rodney Teoh
Therese Tran
Jennifer Tyler
Annette Van Gent
Pasquale Vartuli
Ashley Walker
Mary-Rose West
Susan Williamson
Sarah Winter
Emma Wood
Belinda Wright
Emily Yin
Carli Yung

Staff 2003/04

Permanent and fixed term staff in 2003/04:

Narelle Anderson – WDV CAS Assistant
Coordinator
Hilary Chesworth – Administrator
Matthew Hazard – SRC Solicitor
Kirrillie Moore – Senior Solicitor
Rebecca Neil – Senior Solicitor
Ann Petrou – Administrative Assistant
Penny Quarry – Senior Solicitor Credit & Debt
Amy Richardson – Tenancy Worker
Sue Thomas – Tenancy Worker

Helen Campbell – Director
Lyndal Gowland – WDV CAS Coordinator
Robyn Holden – Volunteer Coordinator
Elizabeth Morley – Principal Solicitor
Sri Ogden – Tenancy Worker
Nicki Petrou – Solicitor Credit & Debt
Jeremie Quiohilag – Front Desk
Coordinator
Jacqui Swinburne – Tenancy Coordinator

Locums and casual workers:

Ambrith Abayasekara – Tenancy Adviser
Bridget Burton – Day Information Service
Alicia Chrysochoides – Tenancy Adviser

Sally Deans – Day Information Service
Scott Downie – Archives Assistant

Mary Flaskas – Tenancy Adviser
Amanda Frost – Women’s Domestic
Violence Court Assistance Scheme
Hellen Galitsky – Women’s Domestic
Violence Court Assistance Scheme
Libby Gunn – Women’s Domestic
Violence Court Assistance
Wei Hu – Cleaner
Anna Kerr – Locum solicitor

Amie Meers – Tenancy Adviser

Ben Patrick – Night Advice Service
Seth Richardson – Project Officer, Fines
leaflet
Fei Shen – Cleaner
Tamara Sims – Tenancy Adviser

Tim Stainton – Day Information Service
Mary Wignall – Day Information Service

Thomas Brennan – Tenancy Adviser
Patrick Chan – Day Information Service
Lachlan Cumming – Day Information
Service
Yuan Ding – Cleaner
Yvette Dulfer-Hyams – Day Information
Service
Ben Fogarty – Locum Solicitor
Paulina Fusitu’a – Night Advice Service

Dixie Gordon – Women’s Domestic
Violence Court Assistance Scheme
Michael Halloway – Locum Solicitor

Cha Li Jiang – Cleaner
Natasha McCarthy – Women’s Domestic
Violence Court Assistance Scheme
Vanessa O’Sullivan – Night Advice
Service
Narendra Ragulakollu – Cleaner
Belinda Russon – Locum Solicitor

Jeremy Shirm – Day Information Service
Susan Smith – Women’s Domestic
Violence Court Assistance Scheme
Nicole Urban – Tenancy Adviser
Susie Williamson - Women’s Domestic
Violence Court Assistance Scheme

Consultants

Tilda communications – computer support
Access Programs – Employee Assistance Program
Shanon Maguire – Employment consulting

Client Statistics:

General Legal Service

Redfern Legal Centre provides free legal information and advice, and legal casework to disadvantaged people who live and/or work in the Sydney, Leichhardt and Botany local government areas, and in some instances beyond this region. We provide general legal advice and specialist advice in credit and debt, domestic violence, tenants' rights, and employment law. We also conduct community legal education and participate in law reform campaigns.

Operating Hours

On Monday to Thursday we are open from 9am to 8.30pm, and on Friday we are open from 9am to 5pm. We are closed each day for lunch between 1pm and 2pm.

Advice and Casework

Legal advice is provided at a number of advice sessions each week. Some ongoing casework assistance is provided – we use casework guidelines to determine which matters to take on. The weekly file intake meeting also determines – and monitors - how much work is done on each file.

The Centre can't take on all cases because it is funded by the government and has limited resources. Most of the advice is given by lawyers who volunteer after work hours. We try to make the best use of our resources and to help as many people as possible, and we only have experience in specific areas.

In deciding whether to take on a case, the Centre considers whether there are other forms of assistance available, whether it is an area of work the centre does, what the chances of success are, whether the case will assist a large number of people or change the law, and how much other work the Centre is doing at the time.

We have implemented a policy whereby indigenous clients – resources permitting - have access to immediate legal advice. If we are not able to provide the advice required immediately, we take initial instructions and give the client an appointment the same evening. This policy has been implemented and we have noted an increase in the number of indigenous clients accessing our service. We have also promoted the policy to the Aboriginal Interagency group for the inner Sydney region.

The Centre's general advice hours are as follows:-

- *Monday to Thursday evenings from 6:30pm to 8.30pm*

We see up to 10 clients per session, and provide advice by telephone. Priority is generally given to clients who have a pre-arranged appointment.

All evening advice sessions provide advice on a range of general legal matters; two evening advice sessions also provide specialist advice in credit and debt matters. Information and referral is provided as appropriate during these advice sessions.

Where clients require an interpreter, or are unrepresented litigants requiring assistance with the drafting of court documents or have, for instance, a mental health/intellectual disability we provide a longer appointment time to ensure they have the access they need.

- *Thursday morning*

We provide a specialist daytime credit and debt advice service with the assistance of Blake Dawson Waldron.

- *Tuesday afternoon*

We provide afternoon general legal advice service each Tuesday with the assistance of Paul Farrugia, Henry Davis York, Keddie Solicitors and Graham Jones Lawyers. We try to make these appointments available to clients who have difficulty accessing the evening service, for example if they have the care of young children, or are frail.

- *Outreach Clinics*

We have developed a program of resources provided to the local ATSI community through the Mudgin-gal Women's Centre to provide outreach services to women and families on credit and debt matters.

Casework

The main areas of law we advised people in included:

- Crime
- Fines
- Family law
- Domestic violence
- Care and Protection matters
- Victims compensation
- Credit and debt
- Employment
- Police complaints
- Discrimination
- Local Government and urban planning

The Centre provided representation on a number of matters during the year, some of which settled and some of which are still going at the time of this report. It is obviously difficult to report much of the cases in view of settlement conditions of confidentiality and client confidentiality. We also often do not know about successful conclusions of matters as we resource the client to deal with the matter themselves.

Cases included:

- A successful claim for a woman from a non-English speaking background arising from sexual harassment in the workplace.
- The recovery of money from a bank who had mistakenly paid out a substantial sum of money from her account to someone else.

- Assistance to several women who have had their children removed by DOCS .
- A number of ongoing victims compensation matters particularly focusing on family violence situations and the issues of a life time of violence treated as one “act of violence” by the law.
- Representation of one of the persons charged in relation to the “Redfern Riot”
- Assistance to one of the witnesses, to the death of the Late T J Hickey, regarding his attendance at the Coronial Inquest.
- Representation of persons with disability who face criminal charges largely for matters arising from the manifestation of their disability in the street.
- Assistance to an Aboriginal family faced with the likelihood of an autopsy on a young child dying of cancer and who did not want the autopsy.
- Assistance in the writing and lodging of complaints against Police mainly arising from racial or disability issues of the complainant.
- Successful claims for printing of corrections by two major newspapers which had printed incorrect information about a person thereby making them appear substantially linked with an alleged terrorist.
- A successful negotiated outcome with the Dept of Housing for tenants who wanted mutual exchange but had been refused because of the attributes of some of the people involved.
- Continuing monitoring of the Dept of Housing for completion of the repairs and security measures arising in the Crown St case.

Compensation for victims of domestic violence

The Centre has been developing a resource kit for use by advocates to assist the accessibility of the victims compensation scheme to Aboriginal victims of domestic violence. It is hoped that the successful completion of this project will result in enhanced understandings by service providers of the particular needs of this group of victims and a sympathetic response from the tribunal to applications that address their needs.

Community Legal Education

The Centre is asked to provide a number of community legal education sessions for a wide range of community organisations. During this reporting period we presented approximately 20 community legal sessions or provided information on a range of topics including

- human rights

- credit and debt
- criminal law
- mental illness
- video surveillance
- information about access to legal services
- family law
- aged care
- information for students, volunteers and youth workers
- local planning and environment issues, and
- disability discrimination.

We produce fact sheets and brochures, which provide legal information in an accessible way. We have information about our services available in five community languages.

Development of information resources on our website was impeded during this period by the new rules prohibiting certain forms of solicitors' advertising. Now that our status has been clarified we hope to increase the content of the website in the year ahead.

We have been providing community legal education to residents of Redfern/Waterloo in relation to their rights to consultation in the proposed redevelopment of the area. We have prepared and delivered a series of community workshops and education sessions on these issues and provided and distributed substantial resource material on "The RED Strategy - Understanding the legal Framework". We acknowledge the assistance of the Environment Defenders' Office with these materials. We have also been able to draw on our pro bono partnerships for assistance and expertise in planning law.

Plans for other community legal education opportunities were in train as at the end of the year including participating in training of lawyers in family violence matters offered by the College of Law at this Centre's instigation. We are also looking at some workshops or other arrangements to support local women who are experiencing intervention by DOCS in their family situation. Approaches will be made to relevant community organisations to discuss how and if the latter should proceed.

Law Reform

Like other CLCs, our primary aim is to achieve a fair and accessible legal system that really delivers justice. Therefore we participate in a range of law reform activities and campaigns. We are able to identify obstacles to justice from the advice and casework we do as well as information gathered during the provision of community legal education as well as general networking.

Our priority areas of law reform and policy work during 2003/2004 were:

- Residents' rights in the Redfern/Waterloo redevelopment
- Rights for boarding house residents

- Homeless persons rights, including contribution to the establishment of the Homeless Persons Legal Service
- Unfair dismissal
- Domestic violence and associated debt and credit matters
- Compensation for victims of family violence
- Removal of children from families by DOCS
- Police complaints
- Discrimination law

Redfern Legal Centre participated with a group of stakeholder organisations in responding to proposed amendments to the Disability Discrimination Act which we believed was not necessary to achieve the stated aims, was drafted in a way that would create confusion and set a dangerous precedent in identifying a group who could be discriminated against including in the provision of food, housing and medical services. The Centre was an early participant, being part of a group who met with various politicians to good effect. The proposed amendments have been withdrawn.

As part of looking for resolution of issues arising from police matters in the Local Area, the Centre met with the Local Area Commander and with the Aboriginal Community Liaison Officer on separate occasions. It is planned to hold such meetings from time to time.

The Centre has obviously been concerned with the issues raised or highlighted by the “Redfern Riot” and the responses by a range of politicians, government agencies and other public voices.

The Centre has also identified the continuing removal of children from their parents as something that needs considerable scrutiny. The Centre will continue to monitor cases and work with local community groups to identify failures in the systems and the high cost to the families involved.

Access and Equity and Community Development

We aim to ensure our service is accessible and appropriate to people/communities in our area. As well as general centre-wide access and equity policies, some staff work with specific communities to ensure access and assist communities’ ability to be able to assert their rights.

Many of our information resources are available in a range of community languages. We use interpreters when required. We continue to seek recurrent funding for an Aboriginal Access worker.

Redfern Legal centre has taken an active role in working with the community in response to the challenges facing the Redfern Waterloo and surrounding areas. In 2003-4 the State Government, Sydney Council and a variety of other government agencies have been engaged in the Redfern Waterloo Partnership Project. The implementation of the

Project's aims may result in significant changes for the local community. We have seen the amalgamation of South Sydney into Sydney Council and consequent loss of services and local support for Redfern Legal Centre. The views of local residents and agencies have been extensively sought for the Project but the community remains uncertain about what the outcomes of the redevelopment process might be. Redfern Legal Centre continues to engage closely with the community groups, services, local residents and planning authorities to represent the views of those whose lives and neighbourhoods may be affected by the proposed redevelopment of this area.

In February 2004 a young Aboriginal man was tragically killed while being followed by police. This death and the unrest in the Aboriginal community that it caused has focussed attention on the need to protect and support the human rights and community resources of the Redfern and Waterloo Aboriginal communities. Redfern Legal Centre has responded to requests for assistance in relation to the coroners inquest, the ombudsman's inquiry into the policing issues, the media reporting of the 'riots' and has made a submission to the NSW Upper House Parliamentary inquiry into Issues relating to Redfern Waterloo. The outcome of this Inquiry is expected later in 2004.

RLC is also active in a range of local, statewide and national networks and campaigns including:

- Combined Community Legal Centres Group NSW (including participation in a number of networks and working groups)
- Rentwatchers
- Boarders and Lodgers Action Group
- South Sydney Interagency
- Financial Counsellors of Australia Network
- Consumers Telecommunications Network
- Youth Justice Coalition
- NSW Council of Social Services
- National Association of Tenants' Organisations
- South Sydney Domestic Violence Committee

Credit and Debt Service

Our Credit and Debt Legal Service provides legal advice and casework assistance to people who live and/or work in our local government areas, and State-wide in some instances.

We provide telephone and face to face advice to clients, and to financial counsellors and their clients. We also conduct community legal education and undertake law reform and policy activities.

The Credit and Debt Service is staffed by Penny Quarry, solicitor and Nicki Petrou, solicitor. In addition, Blake Dawson Waldron provides a pro bono solicitor to the Service one day a week.

Policy/Law Reform

Unfair Terms in Contracts

In 2003, one of our solicitors gave a presentation to the second annual Consumer Representatives' Conference about the goal of consumer advocates nationally to obtain legislative protection in relation to unfair terms in contracts. (Sue Mahalingham, the Director of the W.A. Community Legal Centre, was a primary advocate of this proposal).

In January 2004, the Standing Committee of Officials of Consumer Affairs (SCOCA) issued an excellent Discussion Paper that addressed the problems, issues and possible solutions. We contributed to a submission to SCOCA prepared by the Consumer's Federation of Australia, and wrote our own (Redfern Legal Centre) submission. Work on this project continues.

Payday Lenders and Fringe Lenders

For some years now we have been involved with a campaign by consumer advocates to address problems created for low-income consumers by payday lenders, who were providing credit at exorbitant interest rates. The Code was amended in December 2001 by the Consumer Credit (NSW) Amendment (Pay Day Lenders) Act to cap interest rates charged by payday lenders, at 48%.

Unfortunately other fringe lenders are not necessarily covered by the amendment. Furthermore, it appears that payday lenders are now framing their loans for periods of longer than 62 days to avoid the interest rate cap.

Based on a draft letter prepared by the Consumer Credit Legal Centre (thanks Katherine), and together with other credit and debt advocates, we wrote to the Minister for Fair Trading (NSW) during the current reporting period, seeking to have the interest rate cap extended to all lenders. The Minister has asked the Office of Fair Trading to investigate

this suggestion. (We note that, to our knowledge, mainstream lenders never charge more than 20% interest including fees, on either home loans or personal loans).

It might take a long time....

In 1994/95, our Credit and Debt Service first became involved with a campaign by local residents, community groups and businesses, who were concerned about the withdrawal by two banks of their branches in the area. (The campaign group was called “CAROBS”- the Coalition Against the Removal of Banking Services). In 95/96, we consulted with the banks, which refused to reconsider their withdrawal of services. We began to explore other options, such as a community bank or credit union. In 96/97, we conducted a survey within the local community to ascertain the level of support for an alternative banking service. During these years, an extensive number of demonstrations and community meetings were held.

In 98/99, we prepared a feasibility study into setting up an alternative and ethical banking service in our local area. In 2000/2001, a second push came from the community to progress the issue, and another series of community meetings were held. A Working Party (which included one of our Credit and Debt solicitors) was elected at one of the meetings. We commenced negotiations with the Sydney Credit Union with a view to encouraging it to either establish a new branch in our area, or “adopt” us and allow us to use its facilities while we established ourselves (the so-called “incubator model”).

South Sydney Council gave the community and the Working Party a great deal of assistance by undertaking excellent research, and providing premises and food when we held our meetings.

In 2004, Sydney Credit Union set up a new branch in the South Sydney Council offices, which had themselves moved to the well-known old TNT Towers on Lawson Street, next to Redfern Railway Station.

Case work

A Guarantor Of A Loan For The Benefit Of A Relative

For three years we represented a (now) 86 year old NESB widow who was sued in the Supreme Court for possession of her house, by two large companies. Our client had signed a guarantee and a mortgage over her home, as security for a loan for her son-in-law, who stopped paying and then could not be found.

The case settled out of Court to our client’s benefit. The lenders agreed to allow our client to stay in her house until she passed away or sold the property, at which time she or her heirs will have to pay the lenders \$40,000. The lenders agreed not to charge interest on this debt. Because the lawyers for the lenders had been adding their legal expenses to the loan, as they were entitled to do under the original loan, the costs had ballooned out to approximately \$300,000.00.

The stolen pram that wasn't stolen

Our credit and debt solicitors make a contribution to the general law team by running two of the four evening advice shifts, and by taking on general law cases when requested.

During this reporting period one of our solicitors finalised a discrimination case on behalf of two aboriginal clients and their children who had been harassed, insulted and intimidated by a Department store's employees and security guards.

Our clients wheeled their pram out of the store (with their brand new baby in it) and it was assumed by staff of the store that our clients had stolen the pram because it looked the same as a display pram on sale in the shop. (At no time had any of the staff or security guards bothered to check whether the display pram was still on display in the store).

A complaint was made to the NSW Anti-Discrimination Board. After a year of negotiations between our solicitor (in consultation with our clients) and the Department store, the store gave our clients a letter of apology to them and their son, and gift vouchers to the value of \$3,000.

Contracts Over The Phone

X had a mobile phone account with a telephone company. X's flatmate fraudulently opened a second mobile phone account in X's name, but used an incorrect birth date. The phone company ("telco") opened the second account despite this discrepancy.

The flatmate opened the fraudulent account over the phone. (In a 6 monthly report to one of our funding authorities dated May-September 2000, we foresaw problems with contracts made over the telephone and not recorded in writing. This case was an example of such a problem).

We wrote to the phone company and explained what had happened, and asked that the debt be waived. The telco replied, seeking documentation such as X's driver's licence. We wrote back saying that we couldn't see why this was necessary, as the telco already had X's identification details obtained when she opened her first account.

Our concern related to how Telcos substantiate customers' identities. We prepared submissions to the Telecommunications Industry Ombudsman. Ultimately, the Telco agreed to waive our client's alleged debt.

Dodgy tax advice

Our client went to a taxation business to have his tax return done. The so-called Managing Director of the business said that he could get the client most of his tax back, but that in order to do this, the client had to buy some investments. The Managing Director asked the client to sign some forms so that he could "get [your] tax back". No explanation was given to the client about what the forms were.

The client became worried when he received a Tax Office Assessment saying he earned less than half what he actually did. Then he got a letter from a company saying that it had received \$17,490.00 from him. A second company tried to deduct money from the

client's bank account, without his knowledge, but was unable to do so due to lack of funds.

On behalf of our client, we drafted a submission to a big firm of solicitors in the city, and they agreed to take the matter on, without charging the client a fee.

Satisfied Longstanding Client

The Credit and Debt service has been assisting a female Aboriginal client for many years now, with a large number of debts. We have been dealing with the debts one at a time. One of her more recent debts occurred when she was fined for a motor vehicle offence, and the State Debt Recovery Office cancelled her driver's licence. We assisted her with drafting submissions and she has recently had her licence re-instated.

The client advised that she thinks we run an excellent service, and that she has learnt a lot from us.

Family Debt

A disabled client of non-English speaking background was approached by a family member to assist with a loan in our client's name for the benefit of the family members business. The family member defaulted on the loan and our client is now being pursued for the debt.

We are currently in negotiations with various parties involved, including in litigation against the family member.

Motor Vehicle Accident

Our client is a pensioner of a non-English speaking background involved in a motor vehicle accident and sued for damages to the other vehicle. We appeared with the client in Court and negotiated a satisfactory outcome.

Telecommunications Industry Ombudsman Complaint

Our client is a pensioner with very little understanding of the English language who was in dispute with her telephone company over billing. We assisted our client with investigating and lodging a complaint to Telecommunications Industry Ombudsman, following which, our client was offered and accepted a significant reduction in the amount she owed under her account,.

Incorrect Loan Records

We satisfactorily challenged outstanding amount due on one of our client's debts. Creditor was claiming approximately \$10,000.00 but following our investigation and insistence it reviewed our client's transaction history and amended the outstanding loan amount to \$2,400.00.

Consumer Credit Code Loan

We successfully assisted our client of non-English speaking background to take his case to the Consumer Trader & Tenancy Tribunal to negotiate repayments on his loan under the Consumer Credit Code.

Shonky Car Loan

We assisted an Aboriginal woman client challenge her car loan pursuant to the Consumer Credit Code. We successfully identified and argued there were irregularities in her contract, which resulted in the credit provider writing off the debt.

Community Legal Education

- We delivered training on unfair contract law to volunteers and solicitors from Redfern Legal Centre and other community legal centres.
- At the request of Money Care (Salvation Army), we gave training to financial counsellors on “Door to Door Sales”, “Pawn Brokers and the Law” and “Buying a car and repossession”.
- We were invited to present a talk at the annual Corroboree hosted by Wirringa Baiya Aboriginal Women’s Legal Centre in relation to domestic violence and debt and debt recovery to the Aboriginal Community and various community organisations. This was essentially a precursor to the Credit & Debt workshops, which were eventually presented at Mudgin-Gal Aboriginal Corporation Women’s Centre in 2004.
- Discussion at Mudgin-Gal (Redfern), with local Aboriginal Community workers in relation to credit and debt issues, particularly the relationship between domestic violence and debt. The aim of the discussion was to structure a number of credit and debt workshops to be held in 2004, which were relevant to Aboriginal women and women community workers. Further, the purpose of the discussions was to also address the possibility of one of the credit & debt solicitors and a financial counsellor offering her services to our Centre providing an outreach from Mudgin-Gal one day per week.
- Together with a Redfern Legal Centre general law solicitor, one of our Credit and Debt solicitors gave an address on the history of Redfern Legal Centre to the Young Lawyer’s Mid-Year Assembly.

Fined Out

In early 2004 Redfern Legal Centre and Inner City Legal Centre completed a joint community legal education project – ‘Fined Out’ - which provides resources to assist people to deal with fines and penalty notices. Seth Richardson was employed as Project Officer to research current legislation and procedures, and produce a website which provides an overview of fine enforcement in NSW and options for people dealing with fines.

The website is targeted at people who have been given fines or penalty notices, and at the people in legal centres or social services who assist their clients to understand their options when faced with a fine. It aims to help people understand the system, provide referral to free legal and financial services, and assist in advocating for better outcomes.

The project also included production of a leaflet which gives a brief overview of options and procedures, and directs people to the website for more information. Copies of the leaflet (which is also available for download from the website) were sent to legal centres, community organizations, Legal Aid offices and Members of Parliament in NSW.

We were delighted to have the website launched, on 9 June at Inner City Legal Centre, by the newly elected Lord Mayor of Sydney, Clover Moore, who spoke to a crowd of people from many different organizations in the area.

We thank the NSW Department of Community Services and the Consumer Education Trust for financial assistance towards this project.

‘Fined Out’ can be accessed via RLC’s website www.rlc.org.au, or direct at www.iclc.org.au/fined_out

Inner Sydney Tenants' Advice and Advocacy Service (ISTAAS)

In February 2004 ISTAAS moved to a larger office, allowing an extra desk space for the team. This has assisted in utilising volunteer resources and provided a far better work environment for the team.

During the last 12 months ISTAAS recorded 1,927 contacts by clients. 167 files were opened by the team.

Advice

Telephone advice is available 22 hours per week during advertised advice line hours, and an estimated 4 hours of telephone advice per week is provided for urgent calls outside of these hours. During this period ISTAAS recorded 1,588 initial contacts as phone advice in the TAAP database. 146 of initial contacts were also given follow-up phone advice.

ISTAAS provides face to face advice by appointment, immediate face to face advice to persons who drop into the Centre, if the matter is urgent and they are unable to use a telephone due to disability or a legally complicated matter; and face to face advice at other times as part of ongoing casework.

During this period ISTAAS saw 248 clients for face-to-face advice as the initial type of contact. In addition, 137 clients were seen face-to-face as a follow up to the initial contact (of phone or face-to-face advice). Clients were also given face to face advice as part of ongoing casework which is not recorded in the TAAP Database.

73 initial contacts were from Aboriginal or Torres Strait Islander tenants. 30 of these were given extensive assistance, which represents 18% of open files. 30% of contacts were from people born outside of Australia.

Written information

ISTAAS places high importance on the sending out of tenancy information material to all callers. This is to empower tenants to be informed and take action on their own behalf wherever possible.

During this period 924 clients were sent or given forms and photocopied information. This represents 48% of all callers. 20% of clients had been previously assisted and so may have already been sent information. In addition 5% of callers were referred to 'other' indicating the TU website. (In some cases people may be referred to the website for factsheets and also sent information which cannot be gained from the website, such as the Tribunal Kit).

Where the caller speaks another language more fluently than English and there are TAAP pamphlets in that language, a whole set of factsheets in that language will be sent.

Advocacy

Involving Real Estate Agents

ISTAAS advocated for tenants in matters involving Real Estate Agents. Of initial contacts, 58% of clients dealt with Real Estate Agents. Of opened files, 19% of clients dealt with Real Estate Agents. In some matters the telephone advice worker may call a Real Estate Agent to clarify a situation or discuss a solution. Often this initial step results in a positive outcome for the tenant. In more complex matters the advice worker would refer the tenant for face-to-face advice with the view to providing advocacy. Matters requiring advocacy were initially fielded by telephone advice workers.

Casework may be undertaken in accordance with guidelines including; language barriers, age or disability, legal complexity of the case, and the level of hardship the tenant may face if not advocated for.

Examples of cases in which ISTAAS was successful in advocating to Real Estate Agents include negotiating against illegal lockouts and negotiating for Agents to withdraw their applications from the Consumer, Trader & Tenancy Tribunal (CTTT).

Involving Private Landlords

While fewer tenants deal directly with private landlords, they can require advocacy more often. This is due to Agents generally having a better working knowledge of the Residential Tenancy Act.

Of initial contacts, 16% of clients dealt with private landlords. Of open files, 5% dealt with private landlords including head-tenants, caretakers and boarding house owners.

An example of a case in which ISTAAS was successful in advocating to a private landlord was convincing a boarding house owner that our client could be viewed as a tenant under the Residential Tenancy Act (1987) and preventing him being locked out.

Department of Housing and Community Housing

Of initial contacts, 25% of clients dealt with other landlords such as the Department of Housing or Community Housing Providers. Of the 167 open files, 78% dealt with other landlords. This indicates the higher level of assistance required with many public housing tenants. 55 open files involved Termination by the Department of Housing or a Community Housing Provider, being 33% of all open files. This means that 80% of open files regarding termination by landlord involved a public housing landlord.

Examples of high intensive advocacy include preparing appeals to the Housing Appeals Committee for matters such as clients who have been deemed “unsatisfactory former tenants” and who are applying to be let back into public housing. Often this is due to debts or damage to a previous premises as a result of the client escaping domestic violence situations.

An example of systemic advocacy involved an ongoing complaint to the NSW Ombudsman's Office regarding the Department of Housing charging tenants for the cost of repairs. This became a formal investigation and resulted in the Department changing their policy on *Non Rent Charges* to a new policy *Tenant Damage* bringing it in line with the Residential Tenancy Act (1987).

Involving assistance in preparing for CTTT

During this period ISTAAS maintained a high level of assistance to tenants in preparing their application, evidence and arguments for the CTTT. This figure is in addition to clients who were sent information (such as the CTTT kit) and indicates higher intensive assistance such as ongoing casework, face to face advice and follow up.

During this period 5% of clients (103) were assisted in preparing their application, evidence and arguments for the CTTT. 81 of these clients were assisted during a face-to-face interview, being 33% of all face-to-face appointments (as the initial contact type). 75 of open files involved assistance preparing for a CTTT hearing, being 45% of all open files.

Examples of extensive assistance to tenants in preparing for the CTTT are compensation matters and applications for rehearings. An application for rehearing must contain all evidence and arguments, unlike a usual application. They require a high level of work to complete in often a very short timeframe.

Involving representation at the CTTT

During this period 41 tenants (2% of contacts) were represented at the CTTT. This figure also represents 23% of open files and 15% of face-to-face advices.

Two examples where ISTAAS represented in major Department of Housing eviction matters concerned tenants with mental health illness, who were being evicted for illegal use of the property.

In the first case the criminal matters, which directly related to these grounds of breach, were dismissed by the District Court under the Mental Health Act. Despite this, the Department proceeded with the application for termination. The Tribunal dismissed the application for termination. In her decision the Member stated that the Departments conduct had been "outrageous" under the circumstances.

The second matter concerned a 65 year old Aboriginal woman who had been living in a Department of Housing property for approximately 26 years. She was convicted of cultivation of marijuana and the Department made an application for termination due to illegal use of the property. ISTAAS led evidence from the Psychiatrist, from friends and neighbours and from our client. Our client told the Tribunal that if evicted she would be homeless, that her supports were in the Waterloo area, and that she suffered from serious medical conditions.

The Tribunal found that in circumstances the breach was too serious to allow the tenant to stay in the property, and they terminated the tenancy. The tenant applied for the matter to be reheard at the NSW Supreme Court with funding from Legal Aid and was recently successful in her appeal.

Targeting extensive assistance to disadvantaged tenants

An example of case studies – “hoarding”.

In under 12 months ISTAAS had 4 cases of evictions from public housing for hoarding. We believe that the number of evictions is much higher but that the tenants do not get in touch with our service. In 2 of the 4 matters Tribunal orders for termination had already been made when the clients contacted our service. One of these matters was resolved by application to HREOC under anti-discrimination law.

As these matters are usually the result of mental illness (in these cases Obsessive Compulsive Disorder, Diogenes Syndrome, and Paranoid Schizophrenia) is it usually the case that even when the immediate threat to the housing is resolved the behaviour reoccurs and the tenancy is threatened again. Often the threat of eviction from secure housing can exacerbate the mental illness. It is very difficult to treat these matters purely under Residential Tenancy Law as they involve the larger issue of the need for greater support to people with mental illness.

An example of case studies – Department of Housing evictions of women due to Domestic Violence / Elder Abuse.

ISTAAS recently saw two very similar cases in which the tenant received a notice of termination due to illegal use. In both cases the illegal use related to acts done by the tenants son. Both tenants were middle age women who had significant histories of domestic violence abuse and had significant level of fear in relation to their sons. Neither woman wanted to continue living with their son.

ISTAAS wrote to the Department of Housing and explained the women's circumstances, including an affidavit by the women explaining the violence. We asked that the Department reconsider their decision to evict. In one case the Department transferred the woman to a new one-bedroom house that she is very happy with, and in the other the son left and the Department dropped the termination proceedings. This was a very positive result for our clients.

Redfern Local Court Outreach Report

ISTAAS continues to make available a tenants advocate on an outreach basis at Redfern Local Court to assist tenants when taking out Domestic Violence Orders. The service attends Redfern Local Court on Friday mornings when Domestic Violence matters are listed.

In this period ISTAAS assisted 48 clients in Domestic Violence situations, being 3% of all contacts. Of these, 37 were during face-to-face advices (either at ISTAAS or at Redfern Local Court) representing 15% of the Services overall face-to-face advices.

Community Education

During this period examples of CLE sessions ISTAAS ran or attended were:

- Public tenants meeting regarding Elizabeth St, Redfern redevelopment
- Two sessions at Mudgin-Gal Aboriginal Women's Centre
- Contribution of tenancy advice to Sydney University Postgraduate Representative Association (SUPRA) Survival Manual.
- Contribution to the Law Handbook (RLCP).
- Session conducted for University of NSW students regarding alternative law careers.
- Training session provided to NSW-wide TAAP workers on Domestic Violence (Apprehended Violence Order) law and tenancy law.
- Attendance of the Homelessness Symposium in Melbourne for the launch of the edition of Parity contributed to (see below).
- Pamphlets and magnets given out at Sydney Uni and UTS O-Weeks

Newspaper articles and other media:

- Letter regarding Boarding House laws published in Sydney Morning Herald on 10/1/04.
- Article on getting your bond back published in Sydney Morning Herald Radar section, p6 on 18/2/04.
- Article on repairs published in Sydney Morning Herald Radar section, p6 on 3/3/04.
- Article on Housing Rights for Tenant News March 2004 edition, published by the Tenants' Union of NSW.
- Article on ending your tenancy early for Sydney Morning Herald Radar section (not published).
- Information provided to Daily Telegraph on mortgagee in possession and assisted Telegraph to find a tenant willing to tell his story. Published p15 on 5/4/04.
- Article on "bond wars" for p1 of Real Estate section in Saturday edition of Daily Telegraph on 1/5/04.
- Further information provided to Daily Telegraph on 28/5/04 regarding starting a tenancy and costs involved. Unknown if article published.
- Article on land tax and rising rents for tenants for Sydney Morning Herald, p1 on 15/6/04.
- Live radio discussion on tenancy advice for young people on Radio FBI 94.5 on 10/5/04.
- Article *The Erosion of Housing in Australia: From a Right to a Privilege* in February edition of Parity Vol 17, Issue 1. Parity is a nation-wide magazine published by the Council to Homeless Persons.

Policy and law reform

ISTAAS continued to participate and contribute to working groups such as Boarders & Lodgers Action Group; Public Housing Issues Working Party; and Tenancy Legal Working Party.

Women's Right to Adequate Housing

ISTAAS presented a group workshop at the Homelessness Symposium in Melbourne on 10/3/04. This was to assist in gathering data for the Research Associate for the UN Special Rapporteur on Adequate Housing and Women's Right to Adequate Housing. ISTAAS has also contributed a chapter on Domestic Violence and tenancy law to the Report for the UN on Women and Housing in 2005.

Pamphlet on the amendments to the Residential tenancies Act

In June 2004 a draft amendment was released which created significant changes in tenancy law for public tenants. These amendments removed discretion from the CTTT and gave the power to the Department of Housing to more easily evict public tenants in certain situations. The main thrust was that the Department could force a tenant to sign an acceptable behaviour agreement if they believed that the tenant, their guests, or other household members were acting in an anti-social fashion. If the tenant will not sign, the CTTT *must* order eviction. If the tenant does sign, and then the Department alleges they have breached the order, the onus of proof is reversed so that the tenant must prove that they have not breached the agreement. If they cannot satisfy the Tribunal of this, the Tribunal *must* order termination.

We produced a brochure and a poster to alert public tenants of these changes. We also conducted a community education session on the topic.

Human Rights Conference

In June 2004 ISTAAS organised and delivered a workshop at the *Beijing plus 10* workshop in Sydney in conjunction with a number of organisations from across Australia. The workshop title was "women and housing" and it explored the current issues in housing and homeless affecting women, from a human rights perspective. The workshop was very successful as there was expert input from both the facilitators and the participants.

The primary purpose of doing this workshop from ISTAAS' perspective was to raise housing as a vital human rights issue. The workshop was also productive as it involved significant work shopping between various agencies, and increased the service's knowledge of human rights.

Volunteers

Inner Sydney Tenants' Advice & Advocacy Service would like to give special thanks to the volunteers who have provided an exceptional contribution to the team in either phone advice or policy and law reform work. These are Amy Richardson, Ambrith Abayasekara and Alicia Chrysochoides.

University of Sydney Students' Representative Council branch office

About the legal 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 solicitor is an employee of the legal centre but spends the major part of his time at the SRC offices, working there five days a week.

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 four days per week. Appointments are available one and a half days a week (or more often as required) with two afternoons dedicated to a drop in service. Students at distant campuses can also make telephone appointments and receive advice by email. The solicitor visits the Conservatorium of Music and the Sydney College of the Arts Campus each once per month.

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. Wherever possible, the decision to take on more extensive work for a client is made with consideration of the other legal services available to the client as well as the client's resources, and the ability of the client to manage the matter themselves with assistance from the solicitor. The aim is to provide the most efficient and useful service to the student community and also to allow the solicitor to spend greater time on client's with a high degree of need, who are unable to access any other services.

The solicitor also undertakes policy work and community legal education. Policy or law reform work is work that may not be related to any one 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.

A close link is maintained between the branch office of the legal centre and the main office. The SRC office benefits from the support offered by the co coordinator and administrator of the legal centre.

The current Branch Office Solicitor has an unrestricted Practising Certificate. He is supervised by a solicitor at the main office of the legal centre. He also receives valuable assistance from the other workers at the legal centre and in particular the credit and debt solicitors, the tenancy workers and the past SRC solicitor, Elizabeth Morley who is the Principal solicitor of Redfern Legal Centre. The Branch Office is covered by the RLC Professional Indemnity Insurance. 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

University matters

The legal service also advises on University matters and can act against the University, as it is independent of the University. Matters often relate to the Universities internal procedures such as chapter 13 misconduct proceedings, expulsions or disputes over results.

We have acted and continue to act for two students who have been banned from attending campus due to allegations of threatening violence. In one case criminal charges were also taken against our client and the client was found guilty but the matter was dealt with by way of a section 10 dismissal. In addition however the defendant was ordered to pay a sum of \$12,000.00 to the University for the cost of providing extra security. The sentence was appealed to the District Court and the court found that the magistrate did not have the power to impose a compensation fine in the context of section 10. Consequently the student has no fine to pay back and no criminal record.

In relation to the other student banned from attending on campus the university decision was appealed in relation to the sentence. The university reduced the period of the ban from 18 months to 12 months. There was however a condition that the student provide a psychiatric report as to the student's degree of risk. A report was provided and the student has returned to studies in 2004.

In both cases the students attended the premises of Redfern Legal Centre in Pitt Street for interviews, as they were not allowed to attend at the campus based office.

The University has the power to terminate the licence (i.e. permission) to be on campus of persons who are not currently enrolled students. There is no clear criteria or appeal mechanism for this process and persons, typically former students, have been banned by security guards from setting foot on campus for 18 to 24 months for minor infractions. We have taken one matter to the Human Rights and Equal Opportunity Commission and that is ongoing.

The University often fails to observe procedural fairness in a variety of administrative process making decisions and we have an on-going strategy of identifying these areas and recommending changes to the University as well as making complaints to the Ombudsman.

We advised many other students in relation to their complaints about the actions of the University as negligent misstatement about course requirements and HECS determinations.

Motor vehicle accidents

Motor vehicle accidents continue to be a major source of legal problems for students. The advice in this area is often to young drivers who are liable for the damage to another and have no property damage insurance. We have also advised students in relation to their rights and obligations arising out of their own contracts of insurance in matters such as disclosure and legal fees. We assisted one client by drafting pleadings and advising on procedure who received approx. \$4500.00 for damage to her motorbike.

Debts claimed can be significant and where possible we have assisted the client to negotiate a favourable settlement or withdrawal of proceedings against them.

Crime

A significant number of students sought advice on criminal matters. The solicitor represented students in relation to charges which included offensive behaviour (2), negligent drive, 7 drink driving cases, graffiti-ing railway property, trespass in Sydney Water Sewer tunnels and a social security fraud hearing. At the hearing of the social security matter a university psychiatrist gave evidence for our client at no cost to the student. Unfortunately the case was lost in the Local court. An appeal was lodged with the District Court on the question of penalty and was successful in that the conviction was quashed and the client received a good behaviour bond. That same student was also charged with failure to leave licensed premises and assault. Those charges went to a hearing where they were dismissed even though our client failed to turn up at court himself. An RTA appeal against the suspension of a student's licence was successful.

Victim's Compensation

We acted for one student who had been assaulted in Kings Cross and obtained an award of \$8500.00. There had been a delay of several days in reporting the assault to the police and there was no conviction so it was necessary to submit reports dealing with not only the injuries but also the consequences of the injuries in so far that they contributed to the delay in reporting the matter to the police. The Victim Compensation Tribunal has the power to dismiss claims on the basis that there was an unreasonable delay in reporting matters to the police.

Tenancy

Many students, particularly young and overseas students find themselves enmeshed in legal problems related to share housing, boarding and tenancy, and we help clients to negotiate these problems. Tenants have no automatic right to be represented by lawyers before the Residential Tenancy Tribunal (now part of the Consumer, Trader and Tenancy Tribunal). The solicitor represented two students at the CTTT who had been wrongfully evicted by their landlord and as a result they received 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. One consumer claim was made against the university on behalf of a student who had returned to Central America. The student had arrived for a six-month course on relying on university information that the course would be completed within 6 months. On arrival the required subjects were not available until the following year. The student had to return home, as she did not have sufficient monies to stay for longer than six months. The university had already refunded the course fee but would not refund the airfares and other expenses. A claim was formulated including loss of income for six months as the student had given up a job in order to undertake the course. Surprisingly the university agreed to the full claim of airfares, living expenses in Australia and loss of income – all in all the student received \$11,000.00. without having to take the matter to court.

Discrimination

There were a number of enquiries in this area. One claim has been made against the University to HREOC in relation to the provision of services for a student with a disability. That claim is still being processed.

Employment

Most students work part time and many experience difficulties with employers over pay and other conditions. A number of students were successfully assisted in the recovery of unpaid wages at the end of their employment. Unfair dismissals are also common. The solicitor represented one client against an auction house for unfair dismissal and the matter was settled at a conciliation by payment to the employee. Another student was dismissed by a newsagency and after lodging an out of time claim for compensation the matter settled by payment to our client. The third student represented had been dismissed by caterers and that matter was conciliated at the Industrial Relations Commission where the employee agreed to make a payment to the student.

Attendance at Courts and/or tribunals-

The SRC solicitor attended at courts and tribunals at Blacktown, Parramatta, Newtown, Downing Centre, North Sydney and Manly on 57 occasions.

SRC AS CLIENT.

The solicitor assisted the SRC with a number of matters relating to University procedures and SRC internal procedures as well as external bodies.

Honi Soit the student newspaper was threatened with defamation proceedings by the CO-OP bookshop and advice was sought from Clive Evatt to effectively resolve the situation.

OUT REACH WORK

The SRC solicitor visited the Sydney College of the Arts campus and also the Conservatorium of Music to give legal advice once a month. Students off the main campus are able to phone in or send in enquiries by email.

POLICY AND LAW REFORM/ LEGAL EDUCATION

The SRC solicitor undertook policy work related to the student community. The SRC solicitor gave a talk to potential medical students about the rural bonded scholarships in October. The SRC solicitor attended the National Community Legal Centre Conference in Tasmania in September 2003.

Provided back up advice to the Welfare and Education workers at the SRC.

PRO BONO ASSISTANCE

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

- Barbara Maher of Sydney Migration Consultancy provided advice in relation to Immigration law.
- Michael Crowley, barrister provided advice in relation to criminal law
- Neale Dawson, barrister provided advice in relation to employment law
- Professor Susan Hayes of Sydney University provided a medical-legal report and attended at the local court to give evidence.
- Clive Evatt, barrister in relation to defamation.