

REDFERN LEGAL CENTRE ANNUAL REPORT 2006-7

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

PURPOSE

Redfern Legal Centre promotes social justice through:

- u Providing free legal advice, legal services and education to disadvantaged people in New South Wales, and to groups who advocate for them
- u 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:

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

MESSAGE FROM THE CHAIR OF THE REDFERN LEGAL CENTRE BOARD

Welcome to the 2006-7 Annual Report.

Redfern Legal Centre has for many years operated from the old Redfern Town Hall, which is built on the traditional land of the Gadigal People of the Eora Nation. I would like to recognise the traditional owners of the land and recognise their historical connection to the land.

This year, our ongoing commitment to access for Aboriginal and Torres Strait Islander clients is reflected in our work with the Aboriginal Community Justice Group, and our targeted services for women and children dealing with domestic violence. In response to issues raised by Aboriginal representatives on our Advisory Council, we recognised that we could do more to meet the needs of people, especially Aboriginal women, on release from prison. Anecdotally, it would seem that there is a substantial population of people who are recently released from prison in our catchment area, and we are pleased to be able to assist those recently released in their re-integration into the community. We continue to have productive service delivery relationships with many community organisations, including Mudgin-Gal Aboriginal Women's Centre in Redfern, and we appreciate the opportunity to work with this wonderful organisation that has so much respect in the community.

We also worked with the City of Sydney on 'Creating a Safer Community' – a strategy that aims to identify causes of fear of crime and take steps to overcome social isolation that results from this fear. Through this project we have continued to address the needs of older non-English speaking residents of high rise public housing in Waterloo. We have followed up from this project by translating information about our tenancy advice and advocacy services into relevant community languages.

The Redfern area is going through a transitional period and RLC has represented non-government organizations on the Redfern-Waterloo Authority Human Services Ministerial Advisory Committee.

The year ahead will provide a number of new challenges for the Centre. Some of our strategic priorities for 2008 include ensuring:

- u The rights of vulnerable people to access services and public places are protected
- u Women victims of domestic violence are able to overcome barriers to access to justice and support services
- u Police powers are used consistently with civil liberties and human rights
- u Local youth services are supported to respond to the needs of young people
- u People coming out of prison are able to access support services to deal with housing and debt issues
- u Consumer protection legislation meets the needs of vulnerable consumers
- u Litigation is undertaken which achieves strategic impact
- u Vulnerable consumers have continuing access to essential utilities
- u Family Relationships Centres operate in a way that recognises the impact of domestic violence on family breakdown

- u DoCS has policies that are supportive of women dealing with domestic violence remaining in contact with their children
- u Police respond appropriately when attending domestic violence incidents
- u Tenants in public housing are treated fairly by the Department
- u Representation is available for tenants in the Tribunal
- u Recently arrived overseas students are aware of their accommodation rights.

These priorities largely reflect existing and emerging legal issues in the community. Finally I would like to thank those who have contributed to the Centre over the past 12 months.

I would particularly like to recognise the substantial efforts of the Centre's Executive Officer, Helen Campbell who gives tirelessly to the Centre and is a great leader and mentor to the staff and volunteers. Her commitment to social justice, to human rights, to the ideals of Redfern Legal Centre, and to the communities that we service is unparalleled and Helen is an inspiration to me, and to others that are fortunate to work with her.

I started working at Redfern Legal Centre as a student volunteer in about 1998. Over the past 10 years there have been many changes, but one thing has always remained the same -demand for the Centre's services always out-strips supply. The Centre's Principal Solicitor, Elizabeth Morley deserves special mention for her substantial efforts in managing the legal practice in this difficult, and at times stressful environment. Elizabeth has made a substantial contribution to the community legal sector over many, many years, but remains energised and constantly adapts to changing pressures and demands. She is a great asset to the Centre's clients.

I would also like to thank the staff at the Centre. This year the National Association of Community Legal Centres procured a review of salaries in CLCs. The report found that salaries in CLCs were at about 70% of comparative salary levels, and were not competitive. The staff at RLC are committed generous individuals who, through their salaries, subsidise the cost of providing community legal services. This has been the case for many years now, as CLC funding has failed to keep pace with rising costs. The staff at RLC are to be congratulated for the results they achieve in these difficult circumstances and I thank them on behalf of the Board.

RLC could not function without the contribution of a large number of volunteers who contribute to the Centre in a variety of ways. I thank all of our volunteers, including the Centre's Board, for their contribution over the past 12 months.

We will continue to work with our staff, volunteers and communities to promote human rights and social justice.

Nicolas Patrick,
Chair, Board of Redfern Legal Centre.

MANAGEMENT STRUCTURE

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

DIRECTORS

Member Name	Occupation	Basis of Appointment	How Appointed
Nicolas Patrick (Chair)	Solicitor	Member	Elected at AGM
Paul Farrugia	Solicitor	Member	Elected at AGM
Tamara Sims	Solicitor	Member	Elected at AGM
Peter Stapleton	Retired Solicitor	Member	Elected at AGM
Kristin van Barneveld	Solicitor	Member	Elected at AGM
Rebekah Donaldson	Solicitor	Member	Resigned 16.10.06
Faye Williams	Community Worker	Member	Appointed to casual vacancy 19.4.07

ADVISORY COUNCIL

The Board is advised on strategic planning issues by the Advisory Council, consisting of representatives of the local community, local service providers, Redfern Legal Centre staff, and volunteers. We thank all our Advisory Council members:

Local communities and organisations

- Bronwyn Penrith Mudgin-Gal Aboriginal Women’s Centre
- Alastair McEwin People with Disability Australia
- Rosa Loria Sydney Multicultural Services
- Vivienne Freeman Barnardos Australia
- Colin Stokes Glebe Youth Service
- Geoff Turnbull Redwatch
- Jhan Leach South Sydney Community Aid

Public interest representatives:

- Kate Eastman Barrister
- Lillian Raiss Financial Counsellor
- Anne Cregan Pro Bono Co-ordinator Blake Dawson Waldron

Volunteers & staff

- Darren Jenkins Paulina Fusitu’a
- Harold Bear Amy Richardson
- Kirrillie Moore Sue Thomas

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.

- u The General Legal Service is funded principally through Community Legal Centres Funding Program which is administered by the NSW Legal Aid Commission and the Commonwealth Attorney General's Department.
- u The Credit & Debt Service is funded by the NSW Department of Community Services, the NSW Office of Fair Trading and the Commonwealth Department of Family and Community Services and Indigenous Affairs through its Financial Counselling Program
- u The Women's Domestic Violence Court Assistance Scheme is funded by the NSW Legal Aid Commission
- u The Students Legal Service (Branch Office) is funded by the Students' Representative Council at Sydney University.
- u The Inner Sydney Tenants Advice & Advocacy Service is funded by the NSW Office of Fair Trading.
- u The City of Sydney provides the Centre with concessional rent.

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

- u Provision of funds for the project – 'Creating a Safer Community'
- u Donation to the Centre's 30th anniversary celebration
- u Grant for translation for the Chinese community of a kit to assist people at the Consumer Trader and Tenancy Tribunal

VOLUNTEERS

This year, as usual, volunteers contributed to all aspects of the Centre's work. Our volunteers are of all different ages and come from all walks of life. Most of our volunteers have some post-secondary education, are highly skilled and bring many years of life experience with them. We had approximately 255 volunteers during 2006 - 2007 where there were at least 230 active volunteers on our books at any one time. Redfern Legal Centre is able to attract approximately 33,000 volunteer hours per year, and we estimate that through our volunteers we contribute the equivalent of \$1.5 million worth of services to the community each year. We thank all of our volunteers for their commitment and contribution to the Centre this past year – we would not be able to assist as many people as we do without them.

Day volunteers – “legal assistants”– are generally law students and interested members of the community. They are the first point of contact for people who access the Centre whether it be over the telephone or face-to-face. Legal assistants commit to one, half day shift a week and work on reception, casework (under the instruction of the caseworker), research and general administration. Night volunteers – mostly solicitors and barristers – take instructions and provide legal advice during our evening advice sessions, and commit to either one weekly or fortnightly shift. All volunteers receive training and 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:

Peter Murphy of Peter Murphy & Associates for assisting with cases and for supporting the CLE for the older Aboriginal community on wills and estate issues - presenting a session and also sponsoring morning tea.

Gilbert & Tobin for in-kind assistance for the Redfern ‘Yarning Circle’ to support Aboriginal women addressing issues to do with family violence and sexual assault.

Gilbert & Tobin also provide a roster of solicitors to represent women seeking Apprehended Domestic Violence Orders at Downing Centre Local Court in conjunction with our Women’s Domestic Violence Court Assistance Scheme.

BARRISTERS; INCLUDING:

- Jan Alewood
- Warren Andrews
- Deborah Banwell
- Craig Biscoe
- Sean Brennan
- Andrew Combe
- Nick Eastman
- Mark Hay
- Darren Jenkins
- Colleen McCullum
- Adrian Williams

OUR ROSTER OF SOLICITORS who give advice on Tuesday afternoons:

- Foster and Associates
- Landers & Rogers
- Keddies
- Henry Davis York

FOR PROVIDING ADVICE SESSIONS ON MONDAYS AND FRIDAYS:

- Corrs Chambers Westgarth

FOR CASEWORK AND CORPORATE AND PROPERTY SEARCHES:

- Baker & McKenzie
- Blake Dawson Waldron
- Clayton Utz
- Deacons
- DLA Phillips Fox
- Ebsworths
- Gilbert & Tobin
- Heenan & Co
- Turner Freeman
- Harrod & Associates

Big thanks: to Heather Sare and colleagues at the Bar Association and to Judy Teasedale and colleagues at the Law Society for their kind support in seeking pro bono referrals.

DONATIONS

The Clayton Utz Foundation has donated funds to enable our tenancy information materials to be translated into five community languages: Chinese, Indonesian, Arabic, Vietnamese, and Russian.

The Freehills Foundation has donated funds to support our prisoners' project "Outside Upside". This project focuses on meeting the needs of people exiting prison for tenancy, debt and family matters.

Thomson Legal & Regulatory Ltd support the Lawyers' Practice Manual.

The Sherman Foundation through Voiceless: the fund for animals, gave us a grant to establish a pro bono animal law service.

We especially thank these firms for their generous support for our work.

We would also like to thank Microsoft for software, and other supporters who have made donations to the ongoing work of Redfern Legal Centre.

PROJECTS

ABORIGINAL COMMUNITY JUSTICE GROUP

Redfern Legal Centre received funding from the NSW Attorney-General's Department Crime Prevention Division to host a co-ordinator to establish an Aboriginal Community Justice Group. We were pleased to have Jenny Munro selected by the community panel to be the co-ordinator. Unfortunately the program was discontinued state-wide by the Department after the first of its proposed three year term. We understand that Aboriginal Community Justice Groups are now being co-ordinated by staff from the Department.

During her time with us Jenny was active in lobbying for access to the old Redfern Court House to be a justice centre, housing a sentencing circle and other services such as drug rehabilitation and youth cautioning.

CREATING A SAFER COMMUNITY

The Creating a Safer Community project was a City of Sydney initiative, committed to investigating and implementing strategies in response to the community safety needs of residents living in Redfern, Eveleigh, Darlington and Waterloo. The following activities were undertaken:

- u Distribution of a bi-monthly newsletter, that coordinates and publicises community safety initiatives, dispels community safety myths and informs residents of steps that can be taken to strengthen their own community safety;
- u Distribution of personal panic alarms that act as a deterrent to would-be attackers;
- u A free 'Understanding Mental Illness' seminar to dispel stereotypes and equip residents with the skills and knowledge to respond better to mental illness in their community;
- u Distribution of a 'useful numbers card' to all residents and service providers.
- u Falls prevention workshops to improve the confidence of older residents in going about the neighbourhood.

PRO BONO ANIMAL LAW SERVICE (PALS)

Redfern Legal Centre applied for and won a grant of funding from Voiceless this year for the purpose of establishing a pro bono animal rights service, primarily to build a register of legal practitioners willing to undertake cases to protect animals from suffering.

PALS provides a referral service which links up people who want to help animals through the legal system and willing pro bono lawyers and law firms. PALS maintains a register of lawyers who will provide legal services in their area of expertise for free or at a substantially reduced cost. PALS provides lawyers who have an interest in animal welfare and protection with the opportunity to help animals and develop their own skills and knowledge in an area that they care about.

All animals, whether they are pets, wildlife, farmed animals, animals used in research, animals exhibited in zoos or circuses, or animals used in sport or recreation, are classified by the law as property, and usually as private property. The law provides animals with little or no protection.

Animal lawyers seek to provide protection to animals by using the legal system, either directly or indirectly, to advance animal interests. For instance, an animal protection organization may want to obtain an injunction against a farm that mistreats its animals.

Animal lawyers also pursue improvements in animal welfare and protection through law reform initiatives and public awareness campaigns.

There is a strong and growing interest in the community in animal welfare and protection. This has led to an increase in the demand for legal services to advance animal interests. Lawyers are part of the community too and many lawyers want to use their skills to help animals. This is demonstrated by the establishment of a number of animal law organisations throughout Australia.

The establishment of PALS is an important step in the development of a response by the legal profession to animal protection issues.

REDFERN LEGAL CENTRE VOLUNTEERS IN 2006/7

Maria Abertos	Claire Darby	Charlene Ko	Shanti Rama
Ursula Adamiec	Matthew Darvill	Jennifer Kok	Trisha Randhawa
Paul Ahearn	Joseph Diaz	Jennifer Kuang	Rachel Ranjan
Naveen Ahluwalia	Tom Dive	Angel Kwo	Aaron Rathmell
Jan Alewood	Milica Djurdjevic	Angela Law	Nicholas Read
Roberta Allen	Rebekah Doran	Allison Lawrence	Ilona Renner
Ayishah Ansari	Aileen Dorgan	Angela Lee	Amy Richardson
Alyssa Antcliffe	Kelly Douglas	Meagan Lee	Michael Rivera
Ranjan Arianayagam	Maeve Doyle	Simon Levett	Charmaine Roberts
Paul Arnold	Tennille Duffy	Matthew Lewinsohn	Jackson Rogers
Fiona Aroney	Cameron Duncan	Sylvia Liang	Lenny Roth
Gabriel Ash	Sophie Edin	Rebecca Lisle	Nathaniel Rowe
Ainslie Baird	Lisa Emanuel	Emily Liu	Robert Rush
Desiree Baldacchino	Sheridan Emerson	Dorothy Lo	Nicole Sammel
Anna Baltins	Talia Epstein	David Loonam	Sarah Sandstrom
Luis Barbara	Kaylene Errington	Rhonda Luo	Elizabeth Sarofim
Lynnette Barnes	Charis Estoesta	Fiona Lymant	Aman Saxena
Thomas Beamish	Joshua Faddy	Klara Major	Pauline Sazdanoff
Harold Bear	Jessica Falvey	Tamir Maltz	Peter Scalia
Matthew Beashell	Yvonne Fang	Savi Manii	Kirstin Scheffler
Shayne Beckham	Paul Farrugia	Meagan McDonnell	Michelle Schonstein
Lile Bedelovski	Jill Forrester	Elizabeth McGill	Helen Seares
Elizabeth Bedford	Keith Fosters	Ian McGuinness	Maya Sen
Julia Beehag	Janet Fox	Gregory McKay	Daniel Shaw
Anthony Bekker	Susie Fraser	Monica McKenzie	Steven Shneider
Alina Bentley	Carl Freer	Stephen McKenzie	Shanda Sibley
Cathy Binnington	Ya'el Frisch	Lydia McKenzie	Shery Sidrak
Craig Biscoe	Paulina Fusitu'a	Sheila McMahon	Bhavini Sindarjee
Linda Black	David Gaffney	Michele McMahon	Cheryl Singh
Kristian Bolwell	Laura Garland	Verity McWilliam	Jindalae Skerman
Adrian Boscolo	Elizabeth Gaunt	Sophie McWilliam	Carlo Soliman
Maxine Bourke	Felicity Graham	Felicity Millner	Aristea Spiropoulos
Kamal Boutros	Matthew Graham	Reiko Miyata	Gabrielle Starr
Simon Bowden	Michael Green	Vincent Mok	Jason Stevens
Robin Bowley	Anne Greenaway	Michael Moldrich	Fyfe Strachan
Jennifer Boyce	Sarah Gregerson	Lisa Molloy	Fyfe Strachan
Natalie Bradshaw	Jacqueline Guirguis	Simon Moran	Michelle Swift
Stephanie Bragg	Liam Harding	Lesya Moroz	Juliana Tang
Adam Bratt	Jemma Harper	Sina Mostafavi	Jeanette Thomson
Victoria Brigden	Sarah Harrod	Jacqueline Mowbray	Cara Thomton
Bianca Brown	Samantha Harvey	Lisa Munro	Melinda Todd
Louise Buchanan	Maggie Hayes	Peter Murphy	Shannon Torrens
Bronwen Burfitt	Janna Hayes	Marie Nagy	Nicole Urban
Brianna Butt	Philippa (Pip) Hill	Shalini Nandan-Singh	Kristin van Barneveld
Louise Butt	Deborah Hook	Dian Neligan	Ingrid van Tongeren
Sheelagh Callaghan	Julie Hourigan Ruse	Carly Neylan	Anthony Vassallo
Mai Campbell	Andrew Howell	Kelvin Ng	Katherine Vassie
Alistair Carmichael	Feng Huang	Clara Nguyen	Suzanne Vo
Stephen Cartwright	Andy Hui	Ross Nicholas	Sam Wade
Patricia Casbarra	Cassandra Hurford	Paula Novotna	Suzanne Waplington
Tommy Chen	Lici Inge	Catherine Nowland	Sharlene Wellard
Lisa Cheng	Sohrab Irannejad	Lila Oldmeadow	James Wheeldon
Annie Chiv	Agnes Jaszczyszyn	Yu-Ling Ong	Mark Whelan
Evan Chow	Tina Jelenic	Lucinda Opper	John Williams
Sophia Christou	Darren Jenkins	Michael Orban	Michael Windsor
James Cokayne	Laura Johnston	Julie Pak	Susan Winfield
Trevor Collier	Margaret Jones	Jillian Parkin	Georgina Wright
Andrew Combe	Tamasin Jonker	Elisabeth Passmore	Penny Wright
Nicholas Comino	Anthony Jucha	Nilhara Perumal	Xiang Zhou
Alexandra Craig	Briana Jurgeit	Katherine Pranic	
Virginia Crawter	Mehmet Kasif	Risha Premarajah	
Ben Crompton	Andrew Kemp	Jinyang Qian	
Patrick Cunningham	Jillian Kiely	Lara Rabiee	
Janine Curll	William Kim	Mike Race	
Lyllian Dam	Gizel Kistrwani	Conrad Rainer	



Staff & Volunteers

STAFF 2006/07

PERMANENT AND FIXED TERM STAFF IN 2006/07:

Ambrith Abayasekara	Tenancy Worker	Helen Campbell	Executive Officer
Hilary Chesworth	Administrator	Carl Freer	Tenancy Adviser
Dixie Gordon	WDVCAS Assistant	Maggie Hayes	SRC Solicitor
Corinne Hodson	WDVCAS Assistant	Andrew Howell	Tenancy Adviser
Anthony Jucha	SRC Solicitor	Angel Kwo	Admin/IT Officer
Marianne Maguire	Project Officer, Pro Bono Animal Law Project	Kirillie Moore	Senior Solicitor
Elizabeth Morley	Principal Solicitor	Jenny Munro	Aboriginal Community Justice Group Coordinator
Nicki Petrou	Solicitor Credit & Debt	Suzanne Phoo	Tenancy Adviser
Penny Quarry	Senior Solicitor Credit & Debt	Jeremie Quiohilag	Volunteer Coordinator
Pauline Sazdanoff	Tenancy Adviser	Susan Smith	WDVCAS Coordinator
Jacqui Swinburne	Tenancy Coordinator	Sue Thomas	Tenancy Adviser
Nicole Urban	Tenancy Adviser	Wendy Wang	WDVCAS assistant
Susie Williamson	WDVCAS assistant		

LOCUMS AND CASUAL WORKERS:

Gabriel Ash	Day Information Service	Jason Stevens	Tenancy Adviser
Nicholas Comino	Day Information Service, locum solicitor	Bhavini Sundarjee	Day Information Service
Kelly Douglas	Admin. Assistant	Cass Wong	Tenancy Adviser
Mary Flaskas	Tenancy Adviser	Max Chang	Cleaner
Paulina Fusitu'a	Night Advice Service	Fang Li Dai	Cleaner
Cymbeline Johnson	Community Safety Project Coordinator, Tenancy Adviser	Talia Epstein	Day Information Service
Simon Levett	Day Information Service	Janet Fox	DV locum coordinator
Ian McGuinness	Researcher	Elizabeth Gaunt	Tenancy Adviser
Marie Nagy	Day Information Service	Kun Tai Kao	Cleaner
Qian, Jin Yang	Archives assistant	David Loonam	Community Safety Project coordinator
		Vincent Mok	Translator
		Yu Ling Ong	SRC legal assistant
		Wei Shi	Cleaner
		Ying Sun	Cleaner
		Ingrid van Tongeren	Locum solicitor

CONSULTANTS

Meerkat Computer Services	IT support
Berg Consulting	Employee Assistance Program

SELECTED CLIENT AND SERVICE STATISTICS

Information activities	2307
Number of advices undertaken	2392

CASEWORK:

Number of files open	1133
Number of files closed	791
Community legal education projects	23
Law reform projects undertaken	18

ATSI clients	9.6%
CALD clients	29%(77 different countries of origin)
Clients with a disability	20%

Most of our CALD clients came from: China, Russia, Greece, Iran, Singapore, Italy, Japan, Turkey, Ukraine, Philippines, Lebanon, Vietnam.

GENERAL ADVICE AND CASEWORK:

(top 10 issue areas)

Domestic Violence	46 %
Credit/debt/consumer	18 %
Tenancy	13 %
Government/legal system complaints	5 %
Victims' Compensation	5 %
Crime	5 %
Family and child protection	4 %
Police complaints	2 %
Discrimination	2 %
Employment	2 %

SRC OUTREACH

There were 83 active cases in total during the year

The most common matters were:

Credit and debt
Criminal offences
Fines/traffic offences
Administration complaints
Tenancy

WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME

Total client contacts:	1335
ATSI clients	11 %
CALD clients	25 %
Clients with a disability	10 %
Police applications	83 %

INNER SYDNEY TENANTS' ADVICE AND ADVOCACY SERVICE

Total client contacts	2007
ATSI clients	20%
CALD clients	31%
Involving public housing	80%
Representation in tribunal	22%

CREDIT AND DEBT SERVICE

Total client contacts	716
ATSI clients	6%
CALD clients	31%
Debts	10%
Contract disputes	4%
Credit legislation	13%
Centrelink	9%
Other	62%

30TH ANNIVERSARY OF REDFERN LEGAL CENTRE

9 MARCH 2007

MEREDITH BURGMANN's speech celebrates 30 years of access to justice in Redfern.

"I begin by acknowledging that we are gathered here today on the land of the Gadigal people of the great Eora Nation, and I pay tribute to their Elders.

Here today, surrounded by a wonderful exhibition of photos of the 30 years of Redfern Legal Centre, I have to wonder why I have been invited to speak at this occasion, as I'm not a lawyer. I assume that I have been asked as a former criminal, and a client of Redfern Legal Centre – indeed a client in the first year of the Centre's operation.

When I tried to get information about the early days, I rang a number of those involved, and no-one had any memories at all. They kept saying things like 'Oh there were a lot of parties', and that they couldn't remember. One did remember that Sally Anne Huckstepp was at the parties, and then she said that 'I have a photo of her and Nanette Rogers at one of the parties.' This should obviously go in the archives.

When I asked Greg Murray for his memories, he said one of his proudest moments was when he helped a pensioner, a widow, whose husband had run up a Bankcard debt. The bank was suing her for his debt after his death. Greg saved her from that, to her huge gratitude, and 25 years later, when he was telling me the story, he still sounded terribly proud of it.

Another volunteer practitioner from those early days had a more jaundiced view; he said to me that what Redfern Legal Centre taught him was that the practice of law was boring, and the only thing that held any interest was crime. I might say that that was the problem for most of the clients too. Everyone I spoke to agreed that the Centre was where it was happening in the seventies.

However there is a serious point to be made of how Redfern came into being. It was the first community legal centre in NSW, and only the second in Australia. The website records that:

It was set up by lawyers, law students and academics, social workers and community activists outraged at the injustice created by the lack of affordable legal services for disadvantaged and marginalised people. The Centre opened with one paid staff member, barely any money and lots of volunteers with expertise, enthusiasm, passion, commitment and a vision.

And I might say that that's pretty much still how it's continuing, although it's slightly better resourced.

We actually forget how bad Australia, and Sydney, was at that time in the mid-seventies. For instance, I'm often asked why I marched in the first Mardi Gras in 1978, which was exactly one year after Redfern Legal Centre was set up. I'm asked because I'm not gay, and people are intrigued as to why I was there; the answer is in a recent memoir by the activist Peter Murphy, where he noted that the chant that we were shouting as we marched up the street was 'Stop Police Attacks on Gays, Women and Blacks'.

This was the time when Aboriginal drinkers in Redfern were consistently harassed by the police. Just drinking in a hotel was somehow a crime. There was enormous

police harassment of gay men, and the civil liberties community was united around a number of issues which made it quite natural for Redfern Legal Centre to be the centre of most progressive activity at that time.

My own experience of the Centre happened in 1977 when I was knocked unconscious by a White Rhodesian racist at a demonstration against the then Rhodesian (now Zimbabwean) Government's refusal to allow their black citizens legal rights. We normally didn't take legal action, but we had been so physically attacked that it was decided that one of us should take a court case, and mine was very obvious – I was knocked out in full view of people, including the police.

So, someone took me down to Redfern Legal Centre to meet the wonderful John Terry. And there started a friendship that lasted until his death some twenty years later. John was someone who opened my eyes very clearly to the class and race nature of justice in NSW. JT insisted on doing all my cases because he reckoned they were fun, and we had a 100 per cent success rate. I won that case, and although the attacks on protestors by the racists didn't stop, they were certainly held back a bit by that decision.

Through John and his connection with the Aboriginal citizens of NSW, I made friends with many of the great families of the West. That was a roller coaster journey which I am still on and still enjoy enormously. Redfern Legal Centre was a hothouse for training the radicals of future generations, and I don't think that it should ever feel it has to apologise for the progressive nature of its activities. The law itself is such a conservative and status quo organisation that a push for law reform has to come from somewhere, and its only by the actions of places like Redfern that this will ever happen.

I first met Virginia Bell through Redfern Legal Centre and of course ended up becoming involved in those wonderful organisations, Women Behind Bars and the Prisoners Action Group. I met activist lawyers, like John Basten, who were important in having me recognise the way in which law can be used in a creative way to extend and protect our liberties. The legal profession is very different now from what it was when Redfern Legal Centre started. It was, and is, a great place for idealistic young students and lawyers to cut their teeth and meet students from other universities. But never lose sight of what the Centre does, and does every day very successfully.

I congratulate all of you for your involvement in Redfern Legal Centre, and for your work which really has brought justice and the rule of law to people who would not have been able to afford it otherwise. Good on you all, and enjoy your anniversary celebration."

MEREDITH BURGMANN is former President of the NSW Legislative Council.



30th Anniversary

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

It is an overall aim of the Centre's general casework that clients should be provided with as much information and as many skills, as we can, to take control of their own situations. Our clients face many barriers to achieving fair treatment within our society. It is both effective delivery of service and consistent with practising in a human rights context, to enhance our clients' ability to act for fair outcomes themselves.

A fair and inclusive society, where individuals feels that their grievances are listened to, are taken into consideration, are fairly balanced against competing interests, and redress is available, is one in which people will want to participate rather than act against. The economic and social costs of allowing people to be alienated, or for an underclass to develop, are unsustainable.

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. File intake meetings also determine – and monitor - how much work is done on each file.

The Centre cannot take on all cases. 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. Also we only have depth of 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.

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

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

We see up to 10 clients per session, and provide advice face to face and 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. The aim is, as far as possible, to resource our clients to take the next step by themselves. This may include:

- u Providing them with the information they require to advocate for themselves;
- u Assisting them with drafting a letter, statement or other document they can use to progress their matter;
- u Identifying the issues and appropriate referrals and how to access those referrals; or
- u Where appropriate, assisting the client to come to terms with the limitations of the justice system to provide remedies in their circumstances.

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.

Many of our clients have diagnosed psychiatric disorders but many manifest depression or traumatic stress arising from the complex disadvantaging aspects and events of their life. These disabilities will be part of the substance of the presenting problem or complicate communication or the identification of effective strategies to resolve the problem. Many of these problems would not arise if government agencies were more pro-active in training and resourcing their staff to deliver services or there were more on the ground support and advocacy services for people with psychiatric illnesses to avoid escalation of problems to ones needing legal remedies. Clients in these circumstances need substantial time from us, time that could have been avoided.

u *Monday afternoon and Friday morning*

These appointments are usually set aside for clients who may require a longer interview and usually preparation of a statement or affidavit. This service has been available because of the pro bono assistance of Corrs Chambers Westgarth.

u *Tuesday afternoon*

We provided afternoon general legal advice service each Tuesday with the pro bono assistance of Paul Farrugia, Henry Davis York, Keddie Solicitors, Fosters Lawyers and Landers & Rogers. 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.

CASEWORK

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.

RLC works closely with its volunteer staff, pro bono counsel, legal firms providing pro bono services, private solicitors and other professional and support workers assisting our clients to achieve workable outcomes for our clients.

Casework included:

u **Housing issues**

- u Assisting a non-English speaking background family facing aggressive debt collection measures on behalf of an owners corporation, where the costs of the debt collection itself made the arrears difficult to calculate and pay.
- u Assisting clients to address issues with the Department of Housing where the quality of the premises has or is likely to cause injuries and hence either The Department of Community Services (DOCS) becomes concerned about children at risk and/or compensation should be considered.
- u During the year the Centre provided advice and assistance to a number of boarders and lodgers on everything from bedbugs to stolen goods.
- u The General Team has continued to provide support to the Tenancy team where issues such as inheritance or foreclosure impact on tenancy matters.

u **Consumer**

- u A number of matters were referred to the Office of Fair Trading, Consumer Trader and Tenancy Tribunal and to industry ombudsman schemes for follow up by the client with varying levels of support.
- u Assistance and representation for a woman who was pursued by her late husband's creditors who alleged there was a will or that she was acting as an executor de son tort.
- u Assistance to a number of people with issues to deal with utility contracts, direct marketing and incorrect supply and billing.
- u Complaints about service providers such as nursing homes. In one case a woman complained about inadequacies in the medical care for her mother in the nursing home at which point the nursing home restricted her visiting to hours. RLC assisted the client to formulate her complaints to the relevant government agencies. In another instance RLC obtained pro bono representation for a man who could not get his then accommodation provider to allow disability equipment to be installed.
- u RLC provided representation when the health service the client needed to access attempted to take out an Apprehended Violence Order against her when she complained about failures in their services.

u **Administrative Fairness**

- u Advice and minor assistance to clients who have complaints against the Office of the Protective Commissioner and/or the Public Guardian.
- u Assisted a non-English speaking woman to capture the story of where various agencies both governmental and non-governmental recorded incorrect particulars which in turn facilitated the loss of contact with her only son.
- u Assisted a client whose son died while still under the parental responsibility of the Minister, to make contact with investigative journalists when aspects of his particular issues were not likely to achieve a remedy through the law.

- u Prisoners seeking information and referral as to the law applicable to their situation as prisoners.
- u ***Assistance to and/or referral for a number of women about the removal of their children by DOCS with a view to ensuring that in all cases, all steps are taken properly including:***
 - u In the care and protection proceedings themselves;
 - u In the way DOCS treat individuals and families in the investigation and preliminary stages
 - u In the way DOCS treats the parents and families subsequently in contact arrangements and maintenance of continuing monitoring of the wellbeing of the children eg complaint to the Ombudsman.
- u ***Victims of violence –***
 - u In working with the local Aboriginal women to address family violence and sexual assault, the major issue identified was the lack of confidence in the justice system. The general legal service responded by:
- u ***Participating in the community meetings and other continuing activities.***
- u ***Representing, or obtaining representation for, local women on criminal charges where they have been accused of assault in responding to sexual assaults on either themselves or their children.***
 - u Advice and referral in relation to victims' compensation. Many of these cases are women referred from the WDVCAS service. However of particular note in this year were two cases where the victims were men, in their thirties, tertiary educated, Caucasian, assaulted by strangers – it was the trauma of the assault which subsequently made it difficult for these men to pursue their cases and where RLC's assistance was of benefit in their being able to move forward.
 - u Assistance to women on domestic violence associated issues, particularly women who are charged with offences or have application for domestic violence orders against them where the abusive partner is better at using systems and appearing persuasive to attending police. The police may also miss the instigating violence and only arrive in time to see the defensive behaviour thus charging the real victim. One such case has demonstrated the strengths of having a number of specialist teams under the one service also working co-operatively with private legal representatives. The work done has already achieved the return of the client's child to her care.
 - u Representation and/or assisted referral to people assaulted by security guards and "bouncers" some of whom are experiencing significant continuing disability and reduced access to premises and venues and hence services.
 - u Victim of domestic violence where there has been serious physical and psychological injury and where she continued to be harassed by the perpetrator from prison – client was assisted with submissions to the parole hearing, with pursuing victim's compensation for herself and her children and pursuing transfer with the Department of Housing.

- u ***Complaints about Police conduct – the need for checks and balances to ensure that the Police maintain the confidence of the community and act appropriately:***
 - u Assistance in the writing and lodging of complaints against Police often perceived as arising from racial or disability issues of the complainant.
 - u Representation for a woman who drove the wrong way in a street to avoid what she genuinely feared was a serious risk from three men in an unmarked car who turned out to be undercover police. Those police officers were part of a particular task force working undercover and not part of the Local Command. RLC are still investigating another matter where it is alleged other officers from the same taskforce reacted excessively, with prejudice and to the injury of a family who were trying to enter their own premises and did not realise those obstructing them were the police.
 - u Assisted an Aboriginal woman to deal with agencies and services and obtain relevant legal representation on behalf of herself and her teenage son, who was sexually assaulted while held on remand.
- u ***Criminal Law***
 - u Assistance for a number of clients seeking withdrawal or waiving of fines usually in circumstances where there are extenuating circumstances, there are reasons why the person should not have been given an infringement notice or there is very real financial hardship issues. The Centre has identified that people with a disability and/or Aboriginal or non-English speaking background are likely to be viewed with suspicion and not given any real chance to explain or be given the benefit of the doubt. RLC represented a woman charged with traveling without a rail ticket when the automatic ticket machine on the unattended station at which she boarded was not working. When she approached the rail officer at her destination as to buying her ticket, in accordance with the instructions on the machine, she was given an infringement notice.
 - u Representation of students charged with offences arising from protests over changes to the laws around voluntary student unionism and other matters. This in turn led to the identification of pre- APEC concerns as to the use of police powers; harassment by persons, allegedly from the Australian Federal Police, of individuals; and the need to ensure relevant services were in place and educations as to rights and obligations was set in train.
 - u Advice on many small traffic and fine matters where advice as to court process and how to present information to the court is provided to support the client in representing themselves, there being no referral affordable/available.

- u **Employment** – *it should be noted that people recently dismissed or yet to start a job rarely have the funds to employ a private solicitor regardless of the salary that they might earn while employed.*
 - u Advice, assistance and referral on numerous unfair and unlawful dismissal cases – many of our clients are employed long term as casuals, are dismissed for reasons such as “taking too many (genuine) sick days”, are not given the required notice, are not provided with equivalent work when returning from maternity leave or are dismissed shortly after complaining about some safety or other aspect of their work.
 - u Advice, assistance and referral on a number of cases involving discrimination in employment. In one instance an Aboriginal man was assisted to obtain pro bono legal representation when it appeared he had been hired for reasons of his Aboriginality to fulfill a tender requirement and sacked shortly thereafter.
 - u Advice, assistance and referral on a number of cases involving questions of entitlements and pursuing unpaid superannuation.
 - u Advice on contracts of employment. This appears to be increasing. Recently RLC has seen an appreciable number of contracts, particularly in labour hire contexts which contain significant restraint of trade provisions. In the past, one would not have expected to see these types of issues arise for clients on low to moderate and intermittent incomes.
- u **Other**
 - u Pro bono representation in the Guardianship Tribunal was organized for a woman who wanted to take back guardianship and management of her husband’s affairs from the Office of the Public Guardian and the Office of the Protective Commissioner. Advice and support were also provided to some other families on guardianship matters including in one instance a family where the person in need of guardianship was overseas.
 - u Privacy and identity theft increased in profile during the year. There were a number of matters where clients presented with fines or debts were incurred by people using our client’s identities. Privacy and release of information remains also an issue for domestic violence clients and RLC assisted in two matters where information was released to the families of the perpetrators of violence by government agencies.

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 community legal sessions or provided information on a range of topics including

- u Human rights and discrimination
- u Credit and debt
- u Employment law
- u Criminal law

- u Mental illness
- u Information about access to legal services
- u Family law and care and protection matters
- u Aged care, enduring powers of attorney and enduring guardianship arrangements
- u Information for students, volunteers and youth workers
- u Local planning and environment issues, and
- u Civil protest which is non-violent and seeks to build community consensus
- u Domestic violence

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.

WEBSITE AND OTHER MATERIALS

Redfern Legal Centre, along with other legal centres, remains constrained in information it can provide to the public as a result of regulations prohibiting advertising of legal services to do with personal injuries. The definitions are very broad and catch many areas of the law. While community legal centres have been specifically exempted in a couple of specific areas, there are many others that still hamper us communicating with the public about seeking help or practical access to justice in many areas.

COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE

The Centre drafted resource materials for use by advocates to assist the accessibility of the victims compensation scheme to Aboriginal victims of domestic violence. The aim is to achieve a more sympathetic response from the Victims Compensation Scheme to applications that address their needs. This information has been provided to the Thomson Lawbook Co. with a view to including it in the Lawyers Practice Manual.

SEXUAL VIOLENCE AND VIOLENCE AGAINST CHILDREN IN THE LOCAL ABORIGINAL COMMUNITY

The Centre continued to work with local Aboriginal community and in particular Mudgin-gal Women's Corporation to look at ways of strengthening the relationship of women and children in the local Aboriginal community with the justice system so that victims of sexual assault and child victims of violence could see it as worthwhile engaging with Police and the Courts in getting perpetrators identified and removed. We will continue to work with other stakeholders to address issues including:

- u Confidence in police as allies in getting victims protected rather than further victimised
- u Strategies for getting "everyone knows..." to be effective knowledge by those able to take action;
- u The provision of appropriate support services such as Aboriginal sexual assault counsellors;
- u Awareness of the necessary steps to take to preserve and record evidence.

YOUTH ISSUES

The strategic plan, for this period identified youth issues as a focus for work. It has been identified that continued support for youth workers by back-up information in particular cases as well as ongoing community legal education, remains an effective way to deliver services to youth at venues where they are comfortable. As a result, relevant casework has been received which has led to outcomes for the individuals, our knowledge of the issues and ability to usefully advocate on systemic issues affecting youth in this area. Issues to do with schools and with Law Enforcement Powers and Responsibilities Act are two issues so identified.

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 2006/2007 arise from our casework and focus on three main streams:

- u The needs of victims of crime and injury;
- u Continuing access of disadvantaged people in the community to services and participation in society; and, consistent with this,
- u Administrative fairness and checks and balances on use and abuse of power by agencies including the police, that is, "keeping the system honest".

REMOVAL OF CHILDREN

Redfern Legal Centre has continued to provide a monitoring role on issues to do with the removal of children by DOCS,

POLICE ISSUES

As part of looking for resolution of issues arising from police matters in the Local Area, the Centre continued to meet with the Local Area Commander and with senior officers. RLC would like to thank Commander Burns and her successor Commander Walton for their willingness to do so. An effective, fair and mature Police service is an important service to the community. Our assault victims need to be respected and to have their matters treated seriously. RLC clients on the other hand do not need to be charged with resist arrest/assault officer/offensive language because the manifestation of their disability makes them stand out from the crowd and attracts Police attention or because they are trying to get home after a long and tiring journey.

Also worrisome was the level of intervention in the lives of individuals leading up to APEC in this year including the harassment of people engaged in lawful activities. As police powers increase, the capacity for errors to occur which have harsh outcomes or for accidental or deliberate abuse of those powers needs to be monitored. Those likely to come into contact with exercise of those powers also need to be advised of their rights and obligations under the law. RLC worked with other interested parties to ensure that processes and resources were in place to deal with matters and complaints as they arise.

Use of Occupational Health and Safety/apprehended violence orders

RLC notes a trend by service providers to use occupational health and safety arguments and apprehended violence legislation to limit inclusive provision of service and meet legitimate complaints against those services. Some of these services are safety net services for people with no alternatives. In the cases we see, there are clear elements of using these tools, designed to protect people from real risk, to exclude those people who are dare to question poor service and who become frustrated by, rather than grateful for, it. This is a worrying trend. We are continuing to respond to these on a case by case basis at this stage. Opportunities are taken as they arise to highlight the undesirability of this and to drive inclusive practices and procedures.

Privacy / identity theft

This is a continuing issue of concern, particularly in the light of the increasing power of data-bases. RLC's casework demonstrates:

- u How often something mis-heard, mis-communicated, interpreted through a frame of prejudice or lack of cultural understanding or just plain mis-typed, can have significant adverse outcomes for individuals - once on record, the error can be virtually impossible to be realistically addressed;
- u Cards and numerical identifiers and data bases have the counter-Intuitive outcome of making it easier for certain offences to occur - armed with the right identifier, a person can easily pass themselves off as another; and
- u Mobile telephones with cameras and the internet create a whole field of opportunities for individuals to distribute information about others.

RLC has at the time of writing this report recently made a submission to the NSW Law Reform Commission on the creation of a statutory action for breach of privacy. In addition RLCE is continuing to develop problem solving strategies for dealing with situations when they arise with a view to publishing them and is also pursuing cases and complaints.

NSW Ombudsman Ongoing Review of the Law Enforcement Power and Responsibility Act.

Work on youth issues and other cases has indicated the importance of participating in this review and work has been done to make other agencies aware of this review and develop greater understanding of the practical application of the legislation.

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 WATERLOO AUTHORITY

We have continued to monitor the RWA. 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. This is discussed elsewhere in the report.

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

- u Combined Community Legal Centres Group NSW (including participation in a number of networks and working groups)
- u Consumer's Federation of Australia
- u Boarders and Lodgers Action Group
- u South Sydney Consortium
- u Financial Counsellors Association of New South Wales
- u Youth Justice Coalition
- u NSW Council of Social Services
- u National Association of Tenants' Organisations
- u Inner Sydney Domestic Violence Action Group

2007-2008

Redfern Legal Centre anticipates that many of its ongoing issues will remain current but has identified youth issues, stresses on families caused by imprisonment, violence against women and children, discrimination, exercise of police powers and privacy for its general law service in the coming year. The Centre identifies the importance of an inclusive society where members are valued and treated with respect as important in building social cohesion.

CREDIT AND DEBT LEGAL 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 to financial counsellors and their clients throughout New South Wales. We also conduct community legal education and undertake law reform and policy activities.

POLICY/LAW REFORM

UNFAIR TERMS IN CONTRACTS

This continues to be a major project for our service (see also our last few annual reports). During the reporting period, we assisted the Consumer Credit Legal Centre with a submission to the [NSW] Legislative Council Standing Committee on Law and Justice, which in August 2006 had been asked to inquire into the incidence and impact of unfair contract terms in consumer contracts. Among other things, our submission suggested that there should be legislation prohibiting unfair terms in contracts, because, for example, consumers cannot in reality negotiate with the providers of goods and services, to make changes to standard or pro forma contracts.

In November 2006, the Standing Committee recommended to the NSW Parliament that legislation is enacted to protect consumers in relation to unfair contracts, and that it is similar to the scheme adopted in Victoria and the U.K.

In the meantime, the report of the [Federal] Standing Committee of Officials of Consumer Affairs Working Party on Unfair Contract Terms, which had recommended national legislation in this area, had languished in the little-known Commonwealth Office of Regulation Review.

The issue then reared up again in the January 2007 Issues Paper of the Productivity Commission (see below).

PRODUCTIVITY COMMISSION INQUIRY INTO AUSTRALIA'S CONSUMER POLICY FRAMEWORK.

We wrote a submission to the Commission. In relation to unjust contracts, the Commission's Issues Paper said that it had been argued by some that "improved generic regulation could [reduce] ... the need for industry-specific regulatory arrangements" (p.19). We agreed that uniform legislation was better than industry-specific proscription, although we do not want to see "best practice" sacrificed for uniformity.

On another topic, the Commission's Issues Paper asked what new developments were likely to have implications for the [consumer] policy framework over the next decade. We said that climate change is a major issue for our clients and will affect people on low incomes disproportionately and regressively. (See also below, under "Emerging Issues").

It is expected that the Productivity Commission will issue a Discussion Paper in the 2007/08 year. Our submission to the Commission will soon be available on our website.

PRISONERS, THEIR FAMILIES, CREDIT & DEBT AND TENANCY.

The Credit & Debt team together with our Inner Sydney Tenancy Advice & Advocacy Service continues to work on the development of this project. This includes meeting with various stakeholders such as the Department of Corrective Services.

CASE WORK

A selection of the case work conducted by our service during the year, is set out below:

NO SECOND PRIZE

A number of associated photographic studios presented dodgy prizes (namely second prize) as a means of luring naive young girls and pressuring them to enter into onerous contracts to purchase photo portfolios at exorbitant prices. We were successful in negotiating release of our clients from their contracts and a full refund of all monies paid. Further, there were a number of other client complaints lodged to the Office of Fair Trading and Australian Securities and Investments Commission about the unethical business practices of these studios. Such practices included breaches of the Trade Practices Act.

MORTGAGEE IN POSSESSION

Our client was facing the loss of her home due to a bank action for repossession. A financial broker was involved and there are questions about the impact of this role. Negotiations were successful in that our client was able to retain her home.

MOTOR VEHICLE PROPERTY DAMAGE AND DEBT COLLECTORS.

Our client does not speak English and has a disability. After a minor motor vehicle accident she was pursued by a debt collector who ignored all her denials of liability and queries as to the extent of the damage claimed. With the support of a pro bono partner, we assisted her to defeat a claim in the local court for the alleged debt.

COMPENSATION FOR THE OVER-INSURED?

Our client had an old insurance contract that appeared to involve over-insurance. We found that ASIC had investigated the insurance provider and recommended that it cease the practice and offer compensation to affected consumers.

UNAUTHORISED INCREASE OF CREDIT LIMIT

Our client is from a non-English speaking background. She became ill and was unable to continue working. The bank increased her credit limit without her knowledge which lead to her becoming indebted beyond her capacity.

NATURE AT A PRICE

Some cases concerned complaints about inadequate rainwater tanks. The circumstances are too lengthy to go into here, but they were partly a result of climate change and partly a result of industrial pollution. The provider of the rainwater tank sued one elderly client for payment. Unfortunately, our client spoke no English at all, and was seriously ill. We put on a defence for him. It took four court appearances for us to have this case struck out.

FROM HOME-OWNER TO HOMELESS

An Aboriginal mortgagor, who had a mental illness as a result of a bike accident, was referred to us by a homeless persons' organisation. He had originally owned his home outright. He then obtained 3 home mortgages within approximately 4 years. Each mortgage was rolled over, and increased the amount borrowed under the previous one. Unfortunately, he lost his job, and could not make the repayments on his mortgage. He was sued in the Supreme Court, for repossession of his home. He retained a private solicitor. Not long after this, the Office of the Protective Commissioner (OPC) took over his affairs. When he first came to our offices, a writ of possession had already been issued against our client and in favour of the lender. The OPC did not put on a defence for him. It took us many months to obtain the client's documentation. At the end of the reporting period, we were still considering whether there were sufficient grounds to seek to have the decision overturned.

PAY-DAY LENDERS, FINANCE BROKERS AND MORE

With the Consumer Credit Legal Centre, one of our solicitors worked on a pay-day lender/finance broker case (Australian Capital Financial Services P/L and Cash Stop Financial Services P/L). We were each running separate cases, but with the same lenders. We settled our respective cases on slightly different legal bases to one another, but broadly speaking, on the grounds that the lenders had not complied with the law.

RULE FOR ONE

One of our solicitors made a "not without prejudice" offer of compromise to the plaintiff, QBE, on behalf of our client, the defendant. (QBE did not respond to the offer). It was the solicitor's view that the NSW Uniform Civil Procedure Rules (UCPR) were unfair in that they favoured offers from plaintiffs to defendants, when compared to the other way round. Later, one of our volunteers, who works for a District Court judge, said the judge mentioned in a case before him that he also thought that this aspect of the UCPR was unfair.

A couple of months later, the UCPR were amended by the Rules Committee to "clarify the costs implications where an offer of compromise made by the defendant, is not accepted by the plaintiff".

MULTIPLE IDENTITIES

Our client was the victim of an identity fraud, which meant that over seventy fines were charged to her for alleged traffic offences. Our client suffers from a mental illness and does not drive or own a car. We assisted to negotiate with the State Debt Recovery Office to remit the penalties.

IS THIS REALLY MINE?

We spent a lot of time getting a pensioner client's gas bill reduced by half. For various reasons, it was questionable whether she owed it.

BITS AND PIECES

We obtained hardship variations for clients with debts to various finance companies, and had debts waived in relation to clients with mental illnesses. We settled many motor vehicle property debt matters, at reduced amounts.

COMMUNITY LEGAL EDUCATION

During the year, our solicitors gave presentations to volunteer students and solicitors at Redfern Legal Centre; gave legal advice to presenters on Koori Radio; and provided information to the Financial Literacy Foundation.

We also conducted a training workshop for the legal profession, on Mortgagee Repossessions; and on Wills and estates, to Aboriginal elders at the request of a local Aboriginal community organisation.

CONTINUING AND EMERGING ISSUES

CLIMATE CHANGE

In early 2006, we identified climate change as an emerging issue for our clients. Drought, water salinity, storms and floods, and other issues relating to environmental and economic sustainability, have major impacts on supply, and hence price, of goods and services. Increased costs of food, water, energy, and housing, impact disproportionately on our clients because a greater proportion of their income must be spent on these essentials, than is the case with those who are better off. In addition, unscrupulous business operators may take advantage of those who are unable to protect themselves. The rainwater tank cases mentioned at the "Casework" heading above are an example.

FRINGE LENDERS

In early reports to funding authorities during the year, we mentioned that fringe credit providers created long-term problems for our clients. During the year, we continued to see home mortgage defaults, and hence repossessions, in our practice.

MORTGAGE AND FINANCE BROKERS

Mortgage and finance brokers still need to be properly regulated. We note that proposals are in train throughout Australia, but at the end of the reporting period seemed to have become stuck in various jurisdictional pipelines.

POVERTY AND DEBT

What appears to be emerging as a normal pattern is the number of people on Centrelink benefits with huge debt, particularly credit that realistically they could never afford to pay from the outset.

In the next few years, we also expect to see increases in disputes relating to insurance claims, particularly for medical procedures; and a higher number of applications for early release of superannuation, due to financial hardship.

In addition, we note the continuation of motor vehicle accidents where at least one or both parties are uninsured, particularly where the uninsured party cannot afford to pay for the damage caused to the other parties vehicle.

As has been reported by the Insolvency & Trustee Service of Australia (ITSA) and in the media, bankruptcies continue to rise. It appears to us that bankruptcy has become in some instances the preferred debt enforcement option for some creditors, namely owner's corporations.

KEEPING UP-TO-DATE

One of our solicitors attended the Cape York Institute for Policy and Leadership Conference in Cairns. The Conference was held in the same week the Federal Government's Indigenous Task Force team members moved into the Northern Territory, purportedly to stop child abuse. The Task Force intervention received huge public and media attention, and an almost equally large range of responses. The writer is unaware, at the time of writing, of outcomes in relation to the Federal Government program.

In addition, one of our solicitors attended The Sisters Inside Conference in June in Darwin, as part of our Prisoners (Post Release) & Their Families Project. The Conference provided much commentary and consideration in relation to the effects and questionable advantage of imprisoning women and the different systems (and support services) comparable to other countries.

The Credit & Debt team continues to work with the Legal Aid Commission of NSW in developing a continuing legal education program to Prisoners in a broad range of legal areas identified by the Prisoners Legal Services review last year.

Both of our Credit and Debt solicitors attended the National Consumer Conference in Melbourne in March 2007. This conference was organised by the Federal Treasury.

One of our solicitors also was appointed to the executive committee of the Financial Counsellors Association of NSW (FCAN) and continues to support and develop our relationship with financial counsellors. We work together on issues of concern, such as debt collection procedures and over-commitment due to lax lending practices.

INNER SYDNEY TENANTS' ADVICE & ADVOCACY SERVICE (ISTAAS)

During the last 12 months ISTAAS recorded 2,004 contacts by clients. 154 files were opened by the team.

ADVICE & CASEWORK

Telephone advice is available 20 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 1,549 initial contacts as phone advice in the TAAP database. 183 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 255 clients for face-to-face advice as the initial type of contact. In addition, 90 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.

54 initial contacts were Aboriginal or Torres Strait Islander tenants which includes 13% of open files. 36% of contacts were born outside Australia.

EXAMPLES OF ADVOCACY AND CASEWORK

REAL ESTATE AGENTS

- u With the assistance of a barrister, ISTAAS represented in a class action involving 42 residents in a block of units. The residents had been given a rent increase which involved a sharp increase in their rent. Many of the residents were of non English speaking background and had also been served with retaliatory eviction notices during their attempts to negotiate before our service became involved. ISTAAS was successful in assisting the tenants to conciliate an outcome which involved a lesser rent increase for all involved.
- u ISTAAS continues to identify elderly tenants who may be protected tenants under the Landlord and Tenant Act 1948. In two recent cases we have researched the necessary details and paperwork in order to determine which Act the tenant lies under. In one case we were able to gain the lengthy advice of a barrister who is an expert in the area on a pro bono basis. In both of these matters the tenants rented through Real Estate Agents who we assume were not aware that the tenants had strong rights on security of tenure and in regulating rent increases. In both of these matters the clients have instructed us not to take action at this point in time. However they are very happy to have the knowledge that they are most likely protected tenants and they know to contact our service if they require advocacy against a rent increase or termination in the future.
- u Generally tenants in our geographical area who rent through Agents are able to advocate for themselves once armed with the knowledge of their rights and given written information to back them up. Agents do often have a better understanding and adherence to the Residential Tenancy Act than private landlords.

- u The matters in which we are more likely to be needed to advocate are in resolving bond disputes before the matter gets to hearing. This is especially so where the Agent has made a claim but withdraws it after ISTAAS demands evidence of the cost of the alleged damage, the age of the items, that the tenant caused the damage intentionally or negligently, that it was beyond fair wear and tear and that they have mitigated their losses.
- u Other matters which often require advocacy are rental arrears where the landlord changes Agent and the dispute relates to the time prior to the current Agent. Often tenants believe they are up to date with their rent and a claim is made against them years later. It is often difficult and time consuming for the tenant to gather many years worth of rent payment evidence. ISTAAS has written to Agent advising that the onus of proof is on them and that they need to provide evidence of the rental ledger back to the time of the dispute even if they weren't the Agent at the time. We have been successful in resolving these matters for our clients after advocating on their behalf to Agents.

PRIVATE LANDLORDS

- u ISTAAS continues to see many mortgagee foreclosures. Often tenants are evicted with very little notice (a matter of days). ISTAAS advises tenants on their legal rights (in some circumstances they have the right to stay longer than they have been told), negotiate for time to move and assist in arrangements to have uncollected goods returned. Unfortunately, often the tenants do have to vacate with very little notice, even where they are in fixed term tenancies and have paid their rent in advance.

Statistics over the last 9 years show an interesting rise in mortgagee foreclosures for the Inner City Area in the last 2 years:

1999	1
2000	4
2001	15
2002	4
2003	4
2004	10
2005	9
2006	31
2007	23 (at 15/10/07)

- u There have been many cases where tenants have left the premises and their goods have either been left behind or have been taken by the landlords without the correct procedures under the Residential Tenancy Act. Unfortunately, the tenant cannot apply to the Tribunal under the tenancy division for compensation for this as the breach must be a breach of the Agreement, not the Act and this is something which has happened after the Agreement has ended. In some cases ISTAAS has successfully negotiated access to the premises for the tenant to get the remainder of their belongings. In other matters ISTAAS has worked closely with the Credit & Debt team for a positive outcome for our clients.
- u There have also been cases involving boarders & lodgers not being able to get their bond or overpaid rent back. This is often the case with young

international students who are targeted by some landlords. The landlords advertise student accommodation on international websites. The students do not have knowledge of the Residential Tenancy Act and are often in a vulnerable position being away from family and friends. To secure housing they often pay up to 6 months rent in advance but have no real security of tenure.

Where ISTAAS believes they may be seen as tenants we have advised our clients of the pros and cons of applying to the tenancy division of the Tribunal. In matters where the clients are clearly boarders ISTAAS has worked closely with the Credit & Debt team at Redfern Legal Centre to pursue their claims for bond and overpaid rent.

PUBLIC AND COMMUNITY HOUSING

- u ISTAAS has been attempting to address policy issues with targeted casework. These mainly involve the Department of Housing not correctly applying their policies on Domestic Violence. They also involve cases of "tenant charges". Over the past few years ISTAAS (and also Illawarra TAAS and the Tenants' Union) were successful in having the Department of Housing's policy on "rechargeable repairs" amended to be consistent with the Residential Tenancies Act. This involved complaints to the Department and lengthy and ongoing complaints to the NSW Ombudsman's Office. In March 2007 we were advised by the Department of their new policy called "Tenant Repair Costs".

Unfortunately we are still seeing many cases where this new policy is not being implemented. These often involve tenants leaving their premises due to Domestic Violence or neighbour harassment. If there is damage to the property, and the tenant does not accept liability, a landlord should pursue and prove their claim through the Consumer, Trader & Tenancy Tribunal or the Local Court. Often the Department do not chase the debt until the tenant applies for housing again. At this time they are told there is a debt on their record, that they are an "unsatisfactory former tenant" and not eligible for housing until it is paid off. In this way the Department are avoiding their obligations to prove the tenant is liable for the debt and are effectively reversing the onus of proof as set out in legislation.

- u In addition to the above type of casework, ISTAAS continues to see many cases of terminations for illegal use of the premises, noise & nuisance and cases of hoarding. Often the tenants may suffer from a mental illness, domestic violence or elder abuse and there is often more to the story than is first presented to the Tribunal. ISTAAS attempts to assist the tenants to address the issues in question, often with new support programs and services in place to assist them to remain in their properties.
- u An elderly Department of Housing tenant with an intellectual disability and medical condition had been homeless for several months. He had left his previous tenancy due to neighbour harassment. He notified the Department and asked for Transfer. The Department argued the tenant had abandoned the property and proceeded to dispose of his goods. They declared him a "less than satisfactory former tenant", stating he also had a rechargeable repair bill of \$300 from a previous tenancy (this had not arisen by the fault of the tenant and it had never been a proven debt nor application made to the Tribunal in relation to it). ISTAAS submitted an appeal on behalf of the tenant which was

successful. The Department agreed to rehouse the tenant on a priority basis and reverse the rechargeable repairs bill.

An Aboriginal tenant and her 4 children were given a notice of termination by the Department of Housing for rent arrears. ISTAAS assisted the tenant to come to an agreement with the Department for rent to be directly debited from her Centrelink payments and an arrangement was made for her to pay off the arrears at a manageable rate.

- u An elderly client was informed by the Department of Housing that her tenancy would be terminated based on information they had that she was given a property under a will. With assistance from solicitors at Redfern Legal Centre ISTAAS determined that the tenant was not in possession of any property or eligible to be. ISTAAS advocated for the tenant and the Department withdrew the threat of termination. This is an example of ISTAAS's close working relationship with the solicitors at Redfern Legal Centre assisting in a quick resolution of an issue to the benefit of the client.

ASSISTANCE TO PREPARE FOR TRIBUNAL HEARINGS

This category indicates higher intensive assistance than sending out written factsheets and Tribunal kits and involves ongoing casework, face to face advice and follow up. It also includes applications for rehearings at the Tribunal which involve a lot of preparation, even where we don't represent at the final hearing.

- u ISTAAS has prepared many applications for rehearing for the Tribunal where orders have been made in the tenants' absence. These are very time consuming as they involve outlining all the evidence and arguments in the application and are needed within a very short time frame. They can also be difficult for clients to complete on their own as they are complex and often unsuccessful (in 2005-2006 the tenancy division of the Tribunal received 1,186 applications for rehearing and 284 were granted: CTTT Annual Report). An applicant is only able to submit one application for rehearing.
- u In one matter an elderly client was in hospital at the time of the hearing. There were minimal rent arrears and the tenant had not received a notice of termination, however orders for termination and possession were made. Part of the issue with the rent arrears were not the tenant's fault but due to the methods of payment and administrative issues with the Real Estate Agents' office. ISTAAS prepared an application for rehearing which was successful and the matter was resolved during the conciliation process of the next hearing.
- u In another matter a public housing tenant had been evicted due to rent arrears. He had been in prison and his rent had not been adjusted according to Department of Housing policy as he had not made a request to do so. ISTAAS successfully got a rehearing for the client, his rent adjusted and his tenancy reinstated.
- u Another public housing tenant had been evicted due to rental arrears being created by his rental subsidy being cancelled and backdated, thereby causing rent arrears. He had been accused of working and not declaring his income. He had been working, which he admitted to the Department but had been a few days late in meeting a deadline to bring in documentation. He had only worked for a short period, had declared it to Centrelink but with limited English he had difficulty responding to all of the Department of Housings requests for information. ISTAAS assisted our client

to get a rehearing at the Tribunal successfully. The matter is currently ongoing. The fresh Tribunal matter has been successfully adjourned while an internal appeal to the Department is submitted.

CONSUMER, TRADER & TENANCY TRIBUNAL REPRESENTATION

- u An elderly client was in a rehabilitation facility after having a stroke. The Department of Housing had been notified of this. The Department of Housing, without seeking orders from the Tribunal, decided that she had abandoned the property. They took possession of the property and threw out her belongings. ISTAAS was successful in gaining some compensation for her at the Tribunal. While there was a difficulty in quantifying the loss the Tribunal stated that it was a clear breach of the Residential Tenancy Act when making orders. Our client was happy with the result and we hope that pursuing the matter (where we do not normally put resources into compensation claims) will help to prevent this type of action happening again.
- u An Aboriginal tenant of the Department of Housing who was a single mother of 5 had been locked out of her premises by the Department of Housing. She would often visit her ill mother but was still residing at her premises. The Department had formed a view that she had abandoned the property even though she and a relative repeatedly informed them that she had not. After applying for copy of her file under the Freedom of Information Act ISTAAS gained evidence which showed that a file note where they had been informed of the circumstances they noted "we clearly do not believe her". Based on no evidence they proceeded to lock her out of her premises. Not understanding her rights or being in a possession to enforce them she did not come to our service until about 5 months later. ISTAAS was successful in gaining compensation for her at the Tribunal. With a lot of strong advocacy we were also able to get her and her children rehoused.

DUTY ADVOCACY AT CONSUMER, TRADER AND TENANCY TRIBUNAL (CTTT) OUTREACH SERVICE

In January 2006 ISTAAS began a trial of providing an advocate at the CTTT one morning per fortnight. In April three other city tenancy services joined the duty advocacy service, thereby providing an advocate for one day per week at the Tribunal.

ISTAAS provided the coordination of the service delivery between the four services and liaised with the Tribunal. The four services developed an effective system in which clients could be referred to their local tenancy service for ongoing or follow up advice and assistance. The advocate also looks up the Tribunal list the day before attending to ensure that assistance is not given in matters where a conflict of interest may arise.

The service is provided on each Wednesday for the full day and is shared by the services who provide an advocate half a day each, each fortnight. Wednesdays were decided upon because new tenancy matters are listed on three days per week with Wednesday being the best day for each service to provide an advocate.

During this period ISTAAS assisted 80 tenants. This included immediate provision of advice, advocacy during conciliation, representation and assistance to have matters adjourned so that tenants were able to seek further advice or representation.

ISTAAS undertook an evaluation of the outreach service during this period which

included a survey of Tribunal Members and Tenancy Advocates. The results of this as well as a detailed report were provided to the Office of Fair Trading and the Consumer, Trader & Tenancy Tribunal.

The conciliators continue to be very appreciative of our services and ask us to attend on other days with group listings.

EXAMPLES OF COMMUNITY LEGAL EDUCATION (CLE), POLICY AND MEDIA WORK

- u Conducted CLE training for Public Housing Tenants for Central Sydney North Regional Tenants Resource Service (part of Inner Sydney Regional Council for Social Development). Training consisted of explanation of the Residential Tenancy Act and where Department of Housing Policies fit in. We had positive feedback with requests for further training.
- u Attended "Stamp out DV Day" on 26 October 2006 and assisted at RLC booth with tenancy advice and brochures. Liaised with other Organizations and Police.
- u Sent information on Tenants Rights to Sylvia Hale, MLC, for Forum she was conducting on Housing for NSW Parliament on 14 October 2006.
- u Sent Sharehousing guides and Postcards to SRC for Sydney University Poverty Week forum on 21 September 2006.
- u Developed Tenancy Package for distribution to local community organisations.
- u Visited Dallwinia Prison for Expo to supply Tenancy information to inmates.
- u CLE session for 200 students from Melbourne Institute of Technology (overseas students from South Asia Regions, residing in NSW) – an Introduction to Taking up a Tenancy;
- u CLE session for Department of Housing neighbourhood advisory representatives in the ISTAAS catchment area;
- u CLE session for Ultimo TAFE Welfare Students Training;
- u CLE session at the Fact Tree Youth Centre for young people;
- u CLE session at the Fact Tree Youth Centre for youth workers;
- u CLE session at Guthrie House (Post Prison Release Accommodation for Women) on Credit & Debt and Tenancy;
- u CLE session for elderly people at Pymont / Ultimo Community Centre;
- u CLE session at Wyanga Aboriginal Aged and Care Service;
- u Sessions delivered at TAAP Network Meetings and TAAP Coordinator Meetings on File Management Best Practice and Prevention of Staff Burnout;
- u Ongoing meetings maintaining links with Local Area Command / Police;
- u Visits to Women's Prisons on information days to distribute information to inmates with respect to tenancy issues and Department of Housing (eg, rent arrears; absence from dwelling; uncollected goods);
- u Attended Prisoners Project meetings with Prisoner Groups to develop a kit for prisoners on remand and prior to release. Ongoing project in collaboration with the RLC Credit & Debt team.

- u Articles in the Sydney Morning Herald on rent increases;
- u Community Workers Kit developed and distributed on advising tenants in Department of Housing;
- u ISTAAS arranged for TAAP services across NSW to pay for a print run of 25,000 of the Share Housing Survival Guide postcards. These were then distributed to services for use in their own Community Education and distribution;
- u ISTAAS translated the ISTAAS pamphlet into 5 local community languages (Indonesian, Russian, Vietnamese, Arabic and Chinese);
- u ISTAAS translated the Kit for attending the Consumer, Trader & Tenancy Tribunal into 4 local community languages (Chinese; Arabic; Russian and Vietnamese)

Contributed to submissions and attended meetings of:

- u Boarders & Lodgers Action Group (BLAG)
- u Public Housing Issues Working Party (PHIWP)
- u Tenancy Legal Working Party (TLWP)
- u Attended CTTT Consultative Forums and raised issues on behalf of the TAAP network.

STAFFING

In December 2006 Ambrith Abayasekara left our service to head up to Northern Territory Legal Aid. Replacing him is Carl Freer who has been a full time caseworker since January 2007. While Ambrith's departure was a huge loss to the service, Carl has stepped into his shoes, taking on the most difficult and legally technical cases with ease.

Recently Andrew Howell departed to travel overseas. Andrew was employed three days per week on phone advice and filled in for Carl when he went on leave to travel overseas. Andrew will also be sorely missed as he had become a tenancy expert in a very short amount of time.

We have been lucky to have Mary Flaskas and Cass Wong as tenancy locums over the last 12 months.

We continue to have an ongoing supply of great volunteers who "graduate" from front desk shifts to be trained in tenancy law and provide advice on the Tenants' Union Hotline shift. Our volunteers over the last year were Cymbeline Johnson, Jason Stevens, Sina Mostafai, Bhavini Sundarjee, Elizabeth Gaunt, Ilona Renner, Alicia Chrysochoides and Carl Freer.

Currently ISTAAS is staffed by Carl Freer (full time advocate), Jacqui Swinburne (full time advocate and coordinator), Natalie Bradshaw (1 day per week phone advisor) and Sue Thomas (2 days per week Community Legal Education worker).

At the end of October 2007 Jacqui Swinburne, Co-ordinator, will be taking maternity leave and replaced by Phoenix Van Dyke who has a long history of experience in the tenancy field and will be a great asset to the service.

SYDNEY UNIVERSITY – STUDENT REPRESENTATIVE COUNCIL BRANCH OFFICE

NATURE OF SERVICE

The legal service at the Sydney University's Student Representative Council ("SRC") is provided by Redfern Legal Centre and operates as a branch office of the Centre.

The legal 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 SRC funds the SRC legal service. In the past, the SRC has obtained funding for all its services from compulsory student union fees. As a result of Voluntary Student Unionism, the SRC has received funding from the University to maintain the SRC's current services, including the legal service, until the end of September 2007. The University is presently considering whether to provide funding for the SRC beyond this date.

The SRC legal service is staffed by one solicitor who works at the SRC four to five days per week and is employed and supervised by the Centre. The legal service is covered by the Centre's professional indemnity insurance. The legal service has been staffed by one solicitor employed on a contract over the past year.

The solicitor provides a very busy advice service four days per week. Appointments are available most days of the week with Tuesday and Thursday afternoons dedicated to a drop in service. Students at distant campuses can also make telephone appointments and receive advice by email.

The solicitor provides casework services to represent clients and also provides assistance to help 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, the client's resources and the potential for 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 clients who have a high degree of need and are unable to access other services.

The solicitor also provides regular legal and strategic advice to the student caseworkers employed by the SRC who deal with a variety of issues concerning students such as academic or welfare matters.

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 of 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.

The legal centre maintains a close link with the SRC branch office. The SRC office benefits from the support offered by the Executive Officer and Administrator of the legal centre, the Principal Solicitor and the other solicitors and tenancy workers at the centre. In addition to performing 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 advises students on University matters and can represent students in conflicts with the University as the service remains independent of the University. Matters often concern the University's internal procedures such as misconduct proceedings for allegations of plagiarism or other alleged misconduct.

The University sometimes fails to observe procedural fairness in administrative process and decision making and the legal service has an on-going strategy of identifying these issues and recommending changes to the University and, where appropriate, making complaints to the Ombudsman.

In the past year, the legal service successfully represented one student before the University's Student Disciplinary Appeals Committee to ensure that the penalty imposed by the Vice Chancellor for plagiarism would not result in his exclusion from the University. The legal service also successfully advised a student about strategies that could be taken by him in an investigation of him by the University so that he would not be prevented from graduating. Other representation of students included advising students on how to prepare their submissions to the Registrar to mitigate penalties imposed for proven misconduct and providing a number of students with advice in relation to allegations of misrepresentations by the University in relation to the nature and quality of courses.

MOTOR VEHICLE ACCIDENTS

Motor vehicle accidents continue to be a common source of legal problems for students. The advice in this area is often to young drivers who are seeking to recover damages and/or defend claims for damages following car accidents. The financial impact can be significant for students who may rely on their vehicles and earn a limited income. During the past year the legal service successfully represented one student who pleaded not guilty to a traffic offence. The service also obtained the payment of compensation for damage done to the vehicles of two clients who were having difficulty in getting the responsible party to pay. The legal service has also successfully negotiated on behalf of students to have their debts reduced and to be able to pay them off by instalments.

CRIME

A significant number of students sought advice on criminal matters. The solicitor provided advice and representation to students in relation to matters concerning allegations of Centrelink, carrying dangerous weapons, larceny, drugs, fraud and driving offences. In the past year the legal service also represented students charged with inclosed lands offences who were engaged in political activities and was successful in gaining sentences where their convictions were not recorded. The legal service has also represented students who were involved in protests against APEC. Many of the allegations have been spurious, but of great concern to the student involved. The legal service, and the Centre, spent a substantial amount of time advising these students and assisting them to obtain pro bono representation from criminal barristers. The legal service was also successful in obtaining a reduction in one client's sentence in an appeal to the District Court.

TENANCY

Many students, particularly young and overseas students, find themselves involved in legal problems related to share housing, boarding and tenancy. The legal service has provided advice, and conducted negotiations on behalf of, a large number of students in relation to such matters. The service has also provided representation to students in difficult tenancy matters at the Consumer, Trader and Tenancy Tribunal. It appears there may be an increasing pattern of landlords acting more aggressively towards tenants as those landlords suffer from financial pressure as a result of interest rate rises. In one case the legal service successfully assisted a client to obtain damages against a landlord who had entered the lease after they had defaulted on their mortgage.

CONSUMER

The legal service continues to receive a number of enquiries about consumer matters. These problems arise with students who find themselves vulnerable to aggressive sales techniques or onerous credit contacts. The service has been able to negotiate successful outcomes for students in a range of matters including one who could not obtain the return of his computer which he had left to have repaired and another who was provided with an inadequate work experience placement service.

PERSONAL INJURY

The legal service continues to refer clients to Personal Injury solicitors for employment related injury and motor vehicle accidents.

EMPLOYMENT

Students often perform casual or part time work to support their studies and many experience difficulties with employers in relation to termination or disputes relating to pay or working conditions. The legal service has successfully negotiated on behalf of many students to recover wages and assist to resolve concerns about working conditions. The service frequently provides advice to students about these matters and considers there has been an increase in concerns since the enactment of the Work Choices legislation.

DISCRIMINATION

In one case the legal service successfully negotiated the refund of fees paid by a student who had not received adequate assistance from the University's Disability Services unit. At present the legal service also has a case of discrimination by an employer before the Anti-Discrimination Board.

SRC AS CLIENT

The legal service frequently assists the SRC student representative and case workers by providing legal and strategic advice in relation to matters concerning the relationship between students and the University, Centrelink and other parties. The legal service has also increasingly assisted the SRC in commercial matters, for example by arranging pro bono assistance in the drafting of contracts and the winding up of a trust. In light of the University's present funding, the SRC has decided to continue with the existing arrangement with the Centre and current legal service.

POLICY AND LAW REFORM/ LEGAL EDUCATION

The service provided training for SRC student representatives and other activists in relation to the laws impacting on protest activities. It also organised a workshop in tenancy law at Redfern Legal Centre for case workers. Both of these training sessions were well attended and well received.

PRO BONO ASSISTANCE

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

- u Adrian Williams of 16th Floor Wardell Chambers
- u Craig Biscoe of Garfield Barwick Chambers
- u Darren Jenkins of Queens Square Chambers
- u Tamara Sims of Gilbert Tobin
- u Anne Flahvin of Baker & McKenzie
- u Anne Cregan of Blake Dawson Waldron
- u Scott Sloan of Dibbs Abbott Stillman
- u Grant Arbuthnot of the Tenants' Union of NSW
- u Peter Murphy and Yu-ling Ong of Peter Murphy & Associates

WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME

The Redfern Women's Domestic Violence Court Assistance Scheme has had another busy and productive year. We have been active in a range of initiatives from law reform to community projects aimed at promoting violence prevention, providing better support for women seeking legal protection from domestic violence and shaping policies and laws that better enable women to attain justice. In particular, we have been active in maintaining the profile of domestic violence as a crime and not a private matter.

STAFF:

During the 2006-2007 period, Susan Smith was the Coordinator of the Redfern WDVCAS, Dixie Link-Gordon and then Corinne Hodson the Assistant Coordinator, Susie Williamson and then Wendy Wang the Administrative Assistant.

DOWNING CENTRE LOCAL COURT:

COURT SUPPORT:

During the 2006-2007 period, the Redfern WDVCAS has given assistance to 435 individual clients, again an increase in the number of individual clients assisted in the previous years. During 2006-2007, we recorded 1335 total client contacts: 11 per cent of these contacts were with Aboriginal or Torres Strait Islander women, 25 per cent with women who identified as culturally and linguistically diverse, and 10 per cent of these contacts were with women with a disability.

A combination of volunteer law students and seconded workers have provided court support for the WDVCAS on AVO list days (Wednesdays and Fridays) at the Downing Centre Local Court, and on many occasions over the past year, these volunteers and seconded workers have also provided support for women at hearings.

PRO-BONO SOLICITORS AND BARRISTERS:

Eighty-three per cent of client contacts during 2006-2007 were with women in police initiated ADVO matters listed for mention at the Downing Centre. For women making private applications for ADVOs, or for women who were defendants in ADVO matters, pro-bono solicitors provided representation on list days.

During 2006-2007, pro-bono representation on list days was provided by solicitors from Gilbert + Tobin and by barristers Colleen McCullum and Narelle Butler, and a number of solicitors and barristers have generously provided pro-bono representation for women in AVO hearings.

POLICE PROSECUTORS:

Since the appointment of a permanent prosecutor, Sergeant Vallerie Short, to the domestic violence court at the Downing Centre, there has been a marked improvement in the number of orders finalized at the mention stage, and a drop in the average number of court attendances for women seeking the protection of orders.

LAW REFORM:**AMENDMENTS TO THE CRIMES ACT:**

Redfern WDVCAS, through membership of the Attorney General's Apprehended Violence Legal Issues Coordinating Committee, made recommendations for changes to the Crimes Act, and many of these recommendations were adopted by the Government in the Crimes Amendment (Apprehended Violence) Bill 2006. The amendments to the Act, which should provide further protection to victims of domestic violence, came into force in March 2007.

Further amendments are proposed, included applying a definition of domestic violence to any personal violence offence, giving additional search powers to police and making the inclusion of children on an AVO automatic unless the defendant can prove that he or she is not a risk to the children.

An amendment to the Crimes Act will also be made to note that where a person is found guilty of a domestic violence offence, the offence and the fact that it occurred in a domestic context will be recorded on their criminal history.

LOBBYING:

During 2006-2007, Redfern WDVCAS was active in lobbying politicians and government bodies regarding domestic violence issues. Meetings were held with Verity Firth, Minister for Women and Reg Mahoney, Deputy Commissioner of Police. Letters were written to Morris Iemma, NSW Premier; Kristina Keneally, Member for Heffron; Tanya Plibersek, Federal Member for Sydney, David Campbell, Police Minister; Clover Moore, Mayor, City of Sydney.

'PRIMARY AGGRESSOR' POLICY:

The Redfern WDVCAS made a comprehensive submission to the NSW Ombudsman and to NSW Police Service, requesting that the police consider adopting a 'primary aggressor' policy when policing domestic violence. The submission was made in response to an alarming increase in the number of female clients who were arrested and charged with domestic violence assaults. When interviewed, many of the female defendants reported being victims of ongoing or prior abuse in their domestic relationships, yet the police did not consider the history of abuse before laying charges for assault.

Redfern WDVCAS compiled case studies on seven female defendants, and incorporated the details of the case studies into the submission. The Ombudsman's office has supported the recommendation, and as a result of these submissions, the NSW Police are currently investigating the possibility of incorporating a primary aggressor policy into their Standard Operating Procedures for domestic violence.

This submission was given an amount of publicity, and was the subject of an article in The Sydney Morning Herald and the Sunday Telegraph, and an interview on ABC radio.

PREMIER'S STATE PLAN:

As an individual WDVCAS, and as part of the WDVCAS Network, we have made submissions on domestic violence issues to the Premier's State Plan, in particular drawing attention to the increase in the number of domestic violence deaths in

New South Wales this year, and to the training and status of police Domestic Violence Liaison Officers. We have also pointed out the need for more refuges for women and children escaping domestic violence.

AUSTRALIAN DOMESTIC & FAMILY VIOLENCE CLEARINGHOUSE

PAPER:

Susan Smith reviewed a paper titled 'Dual Arrest: issues for victims and perpetrators of domestic violence' for the Australian Domestic & Family Violence Clearinghouse.

COMMUNITY EDUCATION AND INITIATIVES:

'BLACKOUT VIOLENCE' CAMPAIGN:

In partnership with Mudgin-gal, Wirringa-Baiya and the Inner City Domestic Violence Action Group, we have continued to support the 'Blackout Violence' campaign. The 2006 campaign utilized the New South Wales Aboriginal Rugby League Carnival to promote an anti-violence message. Supporters of the campaign distributed promotional bags, water bottles and other materials to those attending the event.

'YARNING CIRCLE':

Redfern WDVCAS organized a 'Yarning Circle' which was held on The Block, to address the difficulties some members of the community have highlighted regarding reporting sexual assault and domestic violence offences to police. Representatives from Redfern police also attended, and explained some of the difficulties police face when investigating these offences. The day was judged a success by all who attended.

INNER CITY DOMESTIC VIOLENCE ACTION GROUP:

The Redfern WDVCAS has played an active role with the Inner City Domestic Violence Group. The Group meets monthly, either at Redfern Legal Centre or Redfern Police Station, and consists of representatives from most of the agencies in the area that deal with victims of domestic violence, including Barnardos, Department of Community Services, Mudgin-gal, Wirringa-Baiya, SCARBA, Amnesty International, Department of Housing, the Aboriginal Medical Service and Redfern Police. The ICDVAG has organized or participated in a number of major activities during 2006-2007, including:

- u 'Stop Domestic Violence' Day 2006, at Redfern Community Centre.
- u 'What's With Domestic Violence' Day at Redfern Legal Centre.
- u 'Blackout Violence' at the Aboriginal Rugby League Carnival.
- u 'Women's Corroboree' at Redfern Park.
- u A 'Yarning Circle' for Aboriginal women, at Redfern Community Centre.

This group plays an important role in forging links with domestic violence services within the area, and in particular has resulted in an improved police understanding and response to domestic violence in the area.

EDUCATION AND TRAINING DAYS:

The Redfern WDVCS has organized or participated in a number of education and training days during 2006-2007, including a day for Domestic Violence Liaison Officers from Redfern, Kings Cross, City Central, The Rocks and Surry Hills, AVO training for solicitors, and information days at refuges and local agencies.

COMMITTEES:

The Redfern WDVCS is actively involved in the following committees:

- u Inner City Domestic Violence Group
- u Redfern/Waterloo Authority's Family Violence Task Force
- u Attorney General's Apprehended Violence Legal Issues Coordinating Committee
- u Department of Housing's 'Staying Home – Leaving Violence' Committee
- u Combined Community Legal Centre's Group – Domestic Violence Committee
- u Downing Centre Court Users Committee

REDFERN LEGAL CENTRE
ABN 31 001 442 039

DIRECTORS' DECLARATION

The directors of the company declare that:

1. The financial statements and notes, as set out on pages 4 to 20 presents fairly the company's financial position as at 30 June 2007 and performance for the year ended on that date of the company in accordance with Accounting Standards in Australia and other mandatory professional reporting requirements in Australia;
2. In the directors' opinion there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board of Directors.

Director



Nicholas Patrick

Dated this

10

day of October 2007



PITCHER PARTNERS

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D S MCGILL
C R MILLINGTON
Y E PIETSCH
R M SHANLEY
D W STAPLES
D G YOUNG

CONSULTANTS:
J S YOUNG
D G BARNSDALL
P S ROWE

INDEPENDENT AUDIT REPORT TO THE MEMBERS OF REDFERN LEGAL CENTRE

We have audited the accompanying financial report of Redfern Legal Centre, which comprises the Balance Sheet as at 30 June 2007, and the Income Statement, Statement of Changes in Equity and Cash Flow Statement for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the directors' declaration.

Directors' Responsibility for the Financial Report

The directors' of the company are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Corporations Act 2001*. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement in the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*.

Auditor's Opinion

In our opinion, the financial report of Redfern Legal Centre is in accordance with:

- (a) the Corporations Act 2001, including:
 - (i) giving a true and fair view of the company's financial position as at 30 June 2007 and of its performance for the year ended on that date; and
 - (ii) complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Corporations Regulations 2001*; and
- (b) other mandatory professional requirements in Australia.

PITCHER PARTNERS

MARK GODLEWSKI

Sydney

10 October 2007

REDFERN LEGAL CENTRE
ABN 31 001 442 039

INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2007

	Notes	2007 \$	2006 \$
Revenue	3	<u>1,135,594</u>	<u>1,175,127</u>
Employee benefits expense		(955,138)	(988,336)
Depreciation and amortisation expenses	4	(17,117)	(20,346)
Insurance		(11,353)	(16,682)
Program and related expenses		(58,643)	(61,072)
Subscriptions		(7,834)	(7,153)
Telephone, facsimiles and internet		(15,370)	(13,757)
Printing, stationary and postage		(22,201)	(35,000)
Other expenses		<u>(37,507)</u>	<u>(35,203)</u>
		(1,125,163)	(1,177,549)
Finance costs	4	<u>(1,860)</u>	<u>(2,374)</u>
Profit/(Loss) before income tax expense (income tax benefit)		8,571	(4,796)
Income tax benefit (income tax expense)		-	-
Profit/(Loss) from operations		<u>8,571</u>	<u>(4,796)</u>

REDFERN LEGAL CENTRE
ABN 31 001 442 039

BALANCE SHEET
AS AT 30 JUNE 2007

	Notes	2007 \$	2006 \$
CURRENT ASSETS			
Cash and cash equivalents	6	110,757	94,169
Trade and other receivables	7	1,855	1,853
Other financial assets	9	383,182	360,788
Other current assets	8	<u>7,516</u>	<u>6,644</u>
TOTAL CURRENT ASSETS		<u>503,310</u>	<u>463,454</u>
NON-CURRENT ASSETS			
Property, plant and equipment	10	<u>27,703</u>	<u>36,869</u>
TOTAL NON-CURRENT ASSETS		<u>27,703</u>	<u>36,869</u>
TOTAL ASSETS		<u>531,013</u>	<u>500,323</u>
CURRENT LIABILITIES			
Trade and other payables	11	96,212	111,587
Short term borrowings	12	2,918	3,579
Provisions	13	<u>89,678</u>	<u>78,734</u>
TOTAL CURRENT LIABILITIES		<u>188,808</u>	<u>193,900</u>
NON-CURRENT LIABILITIES			
Long term borrowings	12	7,251	10,170
Provisions	13	<u>114,032</u>	<u>83,902</u>
TOTAL NON-CURRENT LIABILITIES		<u>121,283</u>	<u>94,072</u>
TOTAL LIABILITIES		<u>310,091</u>	<u>287,972</u>
NET ASSETS		<u>220,922</u>	<u>212,351</u>
EQUITY			
Retained earnings	14	<u>220,922</u>	<u>212,351</u>
TOTAL EQUITY		<u>220,922</u>	<u>212,351</u>

Balance Sheet

REDFERN LEGAL CENTRE
ABN 31 001 442 039

STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2007

	Notes	2007 \$	2006 \$
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts from customers		65,296	37,026
Grant receipts		1,036,163	975,878
Payments to suppliers and employees		(1,083,221)	(1,169,043)
Interest received		34,135	32,346
Borrowing costs		(1,860)	(2,374)
Net cash provided by/(used in) operating activities	18 (b)	<u>50,513</u>	<u>(126,167)</u>
CASH FLOW FROM INVESTING ACTIVITIES			
Payment for property, plant and equipment		(7,952)	(1,888)
Payment for investments		(22,394)	(18,532)
Net cash used in investing activities		<u>(30,346)</u>	<u>(20,420)</u>
CASH FLOW FROM FINANCING ACTIVITIES			
Repayment of finance lease		(3,579)	(3,066)
Net cash used in financing activities		<u>(3,579)</u>	<u>(3,066)</u>
Net increase/(decrease) in cash held		16,588	(149,653)
Cash at beginning of financial year		<u>94,169</u>	<u>243,792</u>
Cash at end of financial year	18 (a)	<u><u>110,757</u></u>	<u><u>94,139</u></u>