

# REDFERN LEGAL CENTRE ANNUAL REPORT 2007-8

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

## **VISION**

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

## **PURPOSE**

Redfern Legal Centre promotes social justice through:

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

## **VALUES**

Redfern Legal Centre:

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

## **GOALS**

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

## OUTCOMES

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

## ACKNOWLEDGEMENT

*Redfern Legal Centre acknowledges that we work on Aboriginal land, traditionally the home of the Gadigal people of the Eora Nation.*



## MESSAGE FROM THE CHAIR OF THE REDFERN LEGAL CENTRE BOARD

We recently held the inaugural Redfern Legal Centre dinner at NSW Parliament House, to raise funds for the Centre. The idea of a fundraiser was conceived prior to the 2007 federal election, at a time when the Howard Government was still in power. During Mr Howard's 11 year reign, funding for community legal centres decreased 18 percent in real terms. The former Attorney General, Phillip Ruddock, publicly attacked community legal centres and there was a very real fear that CLC's might be de-funded if we continued our long tradition of engaging in law reform and policy work to address systemic problems affecting our client groups.

The election of Mr Rudd's Labor Government at the end of 2007 saw a positive change for the community legal sector. Within 6 months of taking office the new Government announced an additional \$10 million in funding for community legal centres, \$7 million for Legal Aid, and \$4.9 million for the Aboriginal legal services. In addition to this, the Commonwealth has introduced new incentives for law firms to provide pro bono services in the community, by introducing a legal services procurement package which preferences law firms which have demonstrated a commitment to pro bono.

These measures have all been particularly important for our clients. Demand for community legal services will always outstrip supply, but rights and protections are worthless if they cannot be enforced. Improving the availability of legal services and the rates of representation are key objectives for the Centre in improving access to justice.

Also included in the first budget of the new government was an allocation of \$2.099 million for a public consultation on the protection of human rights. As governments have increasingly used the threat of terror to introduce draconian laws which gradually remove or erode basic rights and freedoms, the possibility of a national charter of rights may offer the hope of balance and protection for those in the community that have been most impacted by recent 'security' measures. Among those affected were a group of our clients who were excluded from various areas of the city during the APEC summit last year. Many had no criminal history, some had no idea why their names were on the exclusion list, all of them had their personal liberties removed without any reason being proffered or any recourse being available.

Redfern Legal Centre also assisted a large number of clients who were arrested during the APEC protests. Despite the fact that the APEC protests were overwhelmingly peaceful, a number of arrests were made. As far as the Centre is aware, none of those who were arrested and charged were ultimately convicted of an offence. All of the charges were dismissed, with the exception of one which was proved, but overturned on appeal. This raises a serious issue about the use or misuse of police powers during APEC, and demonstrates the way in which the limited resources of community legal centres can be expended on exercises which could be avoided by proper deployment of policy and practice by government instrumentalities upstream.

During the year, Redfern Legal Centre was successful in securing new funding for the Pro Bono Animal Law Service (PALS) which was first established in early 2007 using a small grant of seed funding from Voiceless, The Fund for Animals. The project is now funded through a separate grant for a period of 2 years and will operate in both New South Wales and in Victoria through the Public Interest Law

Clearing Houses. The project was established by Redfern Legal Centre about 12 months before the Australian Law Reform Commission devoted an entire issue of its journal, *Reform*, to the topic of animal law and predicted that the protection of animals would be the next great social justice movement.

Our work with those impacted by the APEC summit, and the successful establishment of PALS, demonstrates that Redfern Legal Centre is still a progressive Centre which is in tune with new and emerging legal needs in the community, while continuing to service the ongoing needs of our traditional client base. I thank the staff, volunteers and the board for their work and commitment over the past year and looking forward to working with you as the new year brings new challenges and opportunities.

*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
Nicholas 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
Faye Williams	Community Worker	Member	Elected at AGM

**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
- 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
- Kirillie Moore         Sue Thomas
- Megan Cameron

**FUNDING**

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

- ◆ The General Legal Service is funded principally through Community Legal Centres Funding Program which is administered by Legal Aid NSW and the Commonwealth Attorney General's Department.
- ◆ 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 Housing, Community Services and Indigenous Affairs through its Financial Counselling Program.
- ◆ The Women's Domestic Violence Court Advocacy Service is funded by Legal Aid NSW.
- ◆ Support for our work with victims of domestic and family violence is also provided by The NSW Department for Women, the NSW Department of Corrective Services Crime victims Grants Program, and the NSW Combined Community Legal Centres Group Aboriginal Legal Access Program, as well as by generous donations from the law firm Gilbert + Tobin.
- ◆ The Inner Sydney Tenants Advice & Advocacy Service is funded by the NSW Office of Fair Trading.
- ◆ The Students Legal Service (Branch Office) for undergraduates is funded by the Students' Representative Council at Sydney University.
- ◆ The Sydney University Postgraduate Students Services is funded by Sydney University Postgraduate Representative Association (SUPRA)
- ◆ The Sydney Institute of TAFE funds a service for its students
- ◆ The City of Sydney provides the Centre with concessional rent.

## GRANTS AND DONATIONS

From time to time the Centre is successful in gaining grants or donations for specific projects. We thank

- ◆ The Sherman Foundation (Voiceless the Fund for Animals) for the Pro Bono Animal Law Project
- ◆ The NSW Law and Justice Foundation funding for fact sheets for tenants
- ◆ Freehills for supporting our Prisoners' Post-Release Project
- ◆ Clayton Utz for funding the translation of fact sheets for tenants
- ◆ Thomson Legal & Regulatory (Thomson Reuters Australia) support the Lawyers' Practice Manual
- ◆ Microsoft for software

## 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:

Corrs Chambers Westgarth , particularly Dixon Header, Olivia Lanchaster, Sarah Korbel, Zoe Spratt, Erin Brown, Jessica Au, for their pro bono partnership with us to assist Aboriginal people who were abused while in institutional care in Queensland (and are now local residents) to apply to the redress scheme for compensation;



Gilbert + Tobin 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                      Pat Griffin
- Deborah Banwell                Mark Hay
- Craig Biscoe                     Darren Jenkins
- Charles Cassimatis             Chamindri Kahagelle
- Andrew Combe                 Bruce Levet
- Tony di Francesco              Colleen McCullum
- Nick Eastman                    Gillian Mahony
- Lucan Gorham                  Adrian Williams
- Michael Windsor

***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
- DLA Phillips Fox
- Ebsworths
- Gilbert + Tobin
- Harrod & Associates
- Turner Freeman
- Wells & Co
- G & D Lawyers

***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.

## VOLUNTEERS

This year, over 340 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 thank all of our volunteers for their commitment and contribution – we would not be able to assist as many people as we do without them.

Volunteer 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 generally come for one, half day shift a week and work on reception, casework (under the supervision of the legal staff), research and general administration.

Volunteers have the opportunity to develop particular skills and may work with the Women's Domestic Violence Court Assistance Scheme, in the tenancy service as advisors and advocates or in one of our branch offices.

Each year we try to accommodate as many as possible of our student volunteers who wish to complete their practical legal training with us. These placements allow for the supervised conduct of ongoing casework over a period of several months.

Volunteer solicitors and barristers provide legal advice and assistance during our evening advice sessions, on either a weekly or fortnightly basis. We also have a regular commitment from law firms who make their staff available during the day, to see clients who are unable to attend in the evening.

We provide a regular program of continuing legal education to ensure that our volunteers' skills are kept up to date to meet our clients' needs.

## REDFERN LEGAL CENTRE VOLUNTEERS IN 2007/8

Maria Abertos	Andrea Christie-David	Andrew Howell	Michele McMahon	Peter Scalia
Adam Achterstraat	Sophia Christou	Lauren Hrouda	Larisa Michalko	Marcus Schmidt
Ursula Adamiec	Antonia Clarke	Joanna Hughes	Elizabeth Michell	Stefan Schonell
Paul Ahearn	Lucy Clynes	Andy Hui	Carly Middleton	Michelle Schonstein
Naveen Ahluwalia	James Cokayne	Lici Inge	Iain Miller	Helen Seares
Melanie Alderson	Nicholas Comino	Freyana Irani	Felicity Millner	Elisabeth Sercombe
Jan Alewood	Andrew Cong	Agnes Jaszczyszyn	George Minas	Penny Shalders
Sonia Aliprandi	Naomi Cook	Supun Jayawardana	Claudia Mitchell	Shanda Sibley
Roberta Allen	Siew Cooper	Supun Jayawardana	Vincent Mok	Lauren Sics
Joseph Anderson	Erica Coulston	Tina Jelenic	Lisa Molloy	Janice Sim
Ayishah Ansari	Ben Crompton	Darren Jenkins	Rachel Moore	Cheryl Singh
Dafne Ardiles-Martinez	Patrick Cunningham	Kiri Jervis	Simon Moran	Maja Skvorc
Ranjan Arianayagam	Janine Curll	Nisha Jholl	Nina Morgan	Carlo Soliman
Dominique Armstrong	Catherine Curry	Julie Johannsen	Lesya Moroz	Harshanie
Fiona Aroney	Claire Darby	Cymbeline Johnson	Viviane Mouait	Sooriyabandara
Carol Arrowsmith	Matthew Darvill	Margaret Jones	Jacqueline Mowbray	Aristea Spiropoulos
Wagma Aziza	Christopher Davies	Tamasin Jonker	Peter Murphy	Zoe Spratt
Michael Babic	Sine Dellit	Briana Jurgeit	Jacque Murray	Gabrielle Starr
Desiree Baldacchino	Tom Dive	Christina Kafalias	Yega Muthu	Jason Stevens
Anna Barbouttis	Milica Djurdjevic	Aaranie Karthikeyan	Dhruv Nagrath	Mark Straton
Martin Barker	Jagath Don	Mehmet Kasif	Marie Nagy	Russell Su
Patrick Bateman	Jonathon Dooley	Andrew Kemp	Mauricio Navarrete	Deepti Sutrave
Bianca Bates	Rebekah Doran	Amjad Khan	Dian Neligan	Michelle Swift
Thomas Beamish	Aileen Dorgan	Zaid Khan	Ross Nicholas	Ingrid Switzer
Harold Bear	James Douglas	Michael Kim	Catherine Nowland	Elizabeth Szabo
Matthew Beashel	Maeve Doyle	Hilary Kincaid	Christine	Juliana Tang
Shayne Beckham	Cameron Duncan	Gizel Kisrwani	O'Donoghue	Raeshell Tang
Julia Beehag	Sophie Edin	Andrew Knibb	Brendan O'Hanlon	Juliana Tang
Alana Begg	Alex Edwards	Charlene Ko	Lila Oldmeadow	Raeshell Tang
Anthony Bekker	Sheridan Emerson	Jenny Kojevnikov	Michael Orban	Frank Tao
Emily Bell	Talia Epstein	Jennifer Kok	Divya Pahwa	Samuel Thampapillai
Ziv Ben-Arie	Kristina Erzikov	Sarah Korbel	Julie Pak	Jeanette Thomson
Alina Bentley	Joshua Faddy	Amrita Kumar	Jillian Parkin	Bianca Tighe
Robert Binder	Jessica Falvey	Rachel Kwok	Elisabeth Passmore	Melinda Todd
Cathy Binnington	Jill Forrester	Nicole Kyriacou	Isabelle Paton	Nelson Trieu
Dylan Birchall	Keith Fosters	Sophie Lambert	Denise Penson	Graeme Ulbrich
Craig Biscoe	Susan Fraser	Olivia Lanchester	Dominic Perrottet	Nicole Urban
Jessica Borg	Carl Freer	Paul Lau	Nilhara Perumal	Ingrid Van Tongeren
Adrian Boscolo	Ya'el Frisch	Allison Lawrence	Ching Phang	Kristin van Bameveld
Kamal Boutros	Michael Fung	Jia Yi Lee	Josephine Polak	Kate Vanderfield
Robin Bowley	Kelly Fung	Richard L'Estrange	Katherine Pranic	Katherine Vassie
Izabela Bozym	Paulina Fusitu'a	Rosana Leung	Carmen Pratap	Tanya Vavilova
Natalie Bradshaw	David Gaffney	Sarah Levingston	Risha Premarajah	Roslyn Vickers
Adam Bratt	Seranie Gamble	Emily Liu	Lorraine Pun	Achinthi Vithanage
Ljiljana Brdanic	Laura Garland	Dorothy Lo	Rachel Puntel	Suzanne Vo
Thomas Brett	Catherine Geenty	Laura Lombardo	Jin Qian	Anastasia Walker
Victoria Brigden	Buffy Gilbert	David Loonam	Lara Rabiee	Anna Wallington
Erin Brown	David Goodenough	Paloma Mackay-Sim	Sumit Ram	Suzanne Waplington
Brianna Butt	Felicity Graham	Lousie MacPhillamy	Shanti Rama	Janice Waring
Louise Butt	Anne Greenaway	Marianne Maguire	Pathmanathan Rama	Lucy Watchirs-Smith
Jason Byrne	Sophie Grieve	Cate Mahony	Hema Ramakrishnan	Rebecca Webb
Sheelagh Callaghan	Richard Guemy	Lynda Matland	Trisha Randhawa	Christine Weekes
Tim Capelin	Jacqueline Guirguis	Klara Major	Rachel Ranjan	Gabrielle Werksman
Alistair Carmichael	Ratula Gupta	Sarah Malik	Aaron Rathmell	James Wheeldon
Justin Carroll	Vicki Hadley	Tamir Maltz	Nicholas Read	Mark Whelan
Stephen Cartwright	Stacey Hahn	Savi Manii	Philip Rees	Michael Whitbread
Marko Casule	Annalise Haigh	Chloe Mason	Ilona Renner	John Williams
Marko Casule	Marc Halpern	Jane Matthews	Amy Richardson	Shelley Williams
Francesca Cavadini	Claire Hammerton	Danielle Mawer	Michael Rivera	Emma Wilson
Scott Chambers	Olga Hancock	Caroline McCaffrey	Charmaine Roberts	Michael Windsor
Kim Chan	Rommel Harding-Farrenberg	Merilyn McClung	Sharon Robson	Michael Wong
Kath Chegwidan	Callista Harris	Tom McDonald	Jennifer Rochford	Georgina Wright
Tommy Chen	Naomi Hart	Janine McFarlane	Nadia Rosenman	Timothy Wu
Shan Chen	Clare Heffernan	Hugh McGonagle	Nathaniel Rowe	Rosaline Yusman
Doreen Chen	Philippa (Pip) Hill	Ian McGuinness	June Rozen	Denis Zhou
Robert Chiarella	Felicity Hines	Monica McKenzie	Nicole Sammel	
Annie Chiv	Jemma Hollonds	Stephen McKenzie	Sarah Sandstrom	
Umiyat Choudhury		Lydia McKenzie	Rachel Saravanamuthu	
Evan Chow		Sheila McMahon	Aman Saxena	

*Staff & Volunteers*





## STAFF 2007-08

### PERMANENT AND FIXED TERM STAFF:

Natalie Bradshaw	Tenancy Adviser	Rabea Khan	WDVCAS assistant
Judy Burgess	Solicitor, TAFE NSW branch	Marianne Maguire	Project Officer, Pro Bono Animal Law Service
Megan Cameron	Solicitor	Kirillie Moore	Senior Solicitor
Helen Campbell	Executive Officer	Elizabeth Morley	Principal Solicitor
Hilary Chesworth	Administrator	Nicki Petrou	Solicitor
Nicholas Comino	Volunteer Coordinator	Penny Quarry	Senior Solicitor
Carl Freer	Tenants' Advocate	Jeremie Quiohilag	Volunteer Coordinator
Teresa French	WDVCAS Assistant coordinator	Susan Smith	WDVCAS Coordinator
Maggie Hayes	Solicitor, SRC branch	Jacqui Swinburne	Tenancy Coordinator
Corinne Hodson	WDVCAS Assistant coordinator	Sue Thomas	Tenants' Advocate
Andrew Howell	Tenancy Adviser	Phoenix van Dyke	Tenancy Coordinator
Jacki Jarrett	WDVCAS Aboriginal Outreach worker	Ingrid van Tongeren	Solicitor, SUPRA branch
		Wendy Wang	Admin/IT Officer

### CASUAL STAFF:

Ursula Adamiec	Day Information Service	Cymbeline Johnson	Day Information Service
Eleanor Barker	Solicitor	Jennifer Kok	Tenancy Adviser
Michela Carattini	WDVCAS assistant coordinator	Klara Major	Day Information Service
Fang Li Dai	Cleaner	Rafael Mazzoldi	Tenancy Adviser
Talia Epstein	Day Information Service	Viviane Mouait	Legal Assistant
Janet Fox	WDVCAS assistant	Yu Ling Ong	Legal Assistant
Susie Fraser	WDVCAS assistant	Bronwyn Penrith	Aboriginal consultant
Richard Guemy	Data entry	Elizabeth Sercombe	Day Information Service
Naomi Hart	Day Information Service	Katherine Vassie	Day Information Service
Jemma Hollonds	Day Information Service	Cass Wong	Tenancy Adviser

### CONSULTANTS

Meerkat Computer Services	IT support
Berg Consulting	Employee Assistance Program

**SELECTED CLIENT AND SERVICE STATISTICS**

Information activities	2288
Number of advices undertaken	1777

**CASEWORK:**

Number of files open	1208
Number of files closed	854
Community legal education projects	26
Law reform projects undertaken	25

Aboriginal and Torres Strait Islander clients	9%
Culturally and Linguistically diverse clients (89 different countries of origin)	33%

Most of our CALD clients came from: China, Fiji, Germany, Hong Kong, India, Indonesia, Iran, Korea, Philippines, , Poland, Russia, Taiwan and Vietnam.

**GENERAL ADVICE AND CASEWORK**

(top 10 issue areas)

- Domestic Violence
- Credit/debt/consumer
- Tenancy
- Employment conditions/entitlements
- Unfair dismissal
- Motor vehicle property damage
- Fines
- Other civil/legal system and process
- Child residency/contact
- Police complaints
- Discrimination

**WOMEN’S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME**

Total client contacts	1411
clients assisted:	472
First contact at court	53%
Referred by police	50%
Female defendant	13%
Client identified as Aboriginal	13%
CALD clients	18%
Clients with a disability	11%

### **INNER SYDNEY TENANTS' ADVICE AND ADVOCACY SERVICE**

Total contacts	2506
Assistance/representation in Tribunal	312
Born outside Australia	40%
Public housing tenants	39%

### **CREDIT AND DEBT SERVICE**

Total client contacts	1751
Debts	198
Consumer complaints	66
Motor vehicle	61
Credit	37
Fines	56

### **SYDNEY UNIVERSITY SRC BRANCH**

Total advice/cases	202
Fines/traffic offences	27
Credit and debt	26
Administration complaints	20
Criminal offences	16
Tenancy	17

### **SYDNEY UNIVERSITY SUPRA (POSTGRADUATE) BRANCH**

(from February 2008)

Total advice/cases	113
Credit and debt	25
Traffic offences/fines	17
Intellectual property/contracts	12
Tenancy	10
Employment	10

### **SYDNEY INSTITUTE OF TAFE BRANCH**

Total advice/cases	222
Family law and child support	20%
Tenancy and housing	14%
Centrelink	13%
Train and traffic fines	12%
Motor Vehicle accidents	11%

## 2007 HUMAN RIGHTS AWARD

The Redfern Legal Centre won the Law category at the 2007 Human Rights Awards presented by the Human Rights and Equal Opportunities Commission, now the Australian Human Rights Commission, This award is sponsored by the Law Council of Australia.

Helen Campbell, Redfern Legal Centre Executive Officer, accepted the award at a ceremony on International Human Rights Day, 10 December.

The Human Rights Award recognises Redfern Legal Centre's ongoing contribution to promoting human rights and civil liberties through the practise of the law. The Chairman of the Law Council of Australia presented the award. He said "Redfern Legal Centre has excelled at promoting social justice and human rights in the local community on a very limited budget. It relies heavily on a great number of volunteers and pro bono support. The Centre provides free legal advice, legal services and legal education to disadvantaged people and groups who advocate for them. It also campaigns to reduce inequalities and defects in the legal system and administrative and social practice that impact on the disadvantaged. The Centre carries substantial caseloads and has contact with thousands of clients, a very high proportion of whom are Aboriginal and Torres Strait Islander people and those from culturally and linguistically diverse backgrounds. Much of the Centre's activities are concerned with disability discrimination, racial discrimination and indigenous issues. The Centre also coordinates the innovative Redfern Women's Domestic Violence Court Assistance Scheme at the Downing Centre Local Court. The scheme is widely recognised as a successful model for providing women who experience domestic violence with very much needed support. The judges said that the Centre had "achieved a great deal on a very limited budget by having a large number of dedicated volunteers who are fully deserving of this year's Law Award."

Redfern Legal Centre celebrated International Human Rights Day in the community, co-hosting with South Sydney Community Aid Multicultural Neighbourhood Centre a "Welcome" morning tea for African refugees and recent arrivals.



*Andrew Sankoh, PhD Student; Integration of African Refugees; Tanya Plibersek MP, Federal Member for Sydney; Helen Campbell, Redfern Legal Centre Executive Officer; Paul Power, CEO Refugee Council of Australia; Simon Rice, Australian Lawyers For Human Rights; Jhan Leach, Co-ordinator, South Sydney Community Aid Multicultural Neighbourhood Centre; Pape Mbaye and Ngueweel Percussion Group*



## 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 9 am to 8.30 pm, and on Friday we are open from 9 am to 5 pm. We are closed each day for lunch between 1 pm 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 feel 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.

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 outside of their paid employment. 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 as soon as possible, preferably the same evening.

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

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

We see up to 8-10 clients per session, and can provide advice by telephone. Priority is given to clients who have a pre-arranged appointment.

In the past year we have reduced the number of appointments slightly. Many of our clients are not able to easily act on advice without some more detailed and practical assistance, due to, for instance mental health/intellectual disability or

language issues. We have therefore reviewed our appointment system to allow more time for each client. The aim is to resource the client, as far as possible, to take the next step by the time they leave the office.

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. This may include:

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

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 if 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.

- ◆ *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. In 2008 this service has been focussed on assisting claimants to the Queensland Redress Scheme for children abused or neglected while in institutional care. All of the clients we have assisted are Aboriginal or Torres Strait Islanders. This service has been available because of the pro bono assistance of Corrs Chambers Westgarth.

- ◆ *Tuesday afternoon*

We provided afternoon general legal advice service each Tuesday with the pro bono assistance by the firms of Henry Davis York, Keddie, Fosters 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 many matters as we resource the client to deal with the matter themselves.

Redfern Legal Centre 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.

**CASEWORK INCLUDED:**

- ◆ Housing issues
  - ◆ Supporting our tenancy team on an appeal to the Supreme Court from a decision of the CTTT regarding the eviction for alleged rent arrears while an appeal as to the cancellation of a subsidy was still before the Housing Appeals Committee.
  - ◆ Assisting clients to address issues with Housing NSW (previously 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 becomes concerned about children at risk and/or compensation should be considered.
  - ◆ Assistance to boarders and lodgers in relation to recovery of goods and terms and conditions of accommodation.
- ◆ Consumer
  - ◆ 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. In one matter, a tradesman did not use specified floor coating required by the client because of her health condition. In another a woman was refused insurance when her vehicle was stolen.
  - ◆ Redfern Legal Centre provided representation for a young Aboriginal woman sold a \$6,000 computer tutoring program for her young child, on credit. We had two other maths tutoring program cases one of which was referred to DLA Phillips Fox on a pro bono basis and in the other the client successfully represented herself in the CTTT.
  - ◆ Assistance to a number of people with issues to deal with utility contracts, direct marketing and incorrect supply and billing.
- ◆ Administrative Fairness
  - ◆ Advice and minor assistance to clients who have matters to do with guardianship and financial management orders.
  - ◆ Assisted a woman whose car was impounded while she was hospitalized during an episode of mental illness. Our night volunteers assisted her with a letter she could send and advice on negotiation. The car, her one remaining asset, was recovered.
  - ◆ Prisoners seeking information and referral as to law applicable to their situation as prisoners.
  - ◆ Assistance with "Stolen wages" cases including the second round of the Queensland wages reparations scheme.
- ◆ Assistance to and/or referral for a number of women about the removal of their children by the Department of Community Services with a view to ensuring that in all cases, all steps are taken properly including:
  - ◆ In the care and protection proceedings themselves;
  - ◆ In the way DOCS treat individuals and families in the investigation and preliminary stages
  - ◆ In the way DOCS treats the parents and families subsequently in contact arrangements and maintenance of continuing monitoring of the wellbeing of the children.

- ◆ Victims of violence
  - ◆ In working with local Aboriginal women to address family violence and sexual assault, a major issue identified was the lack of confidence in the justice system. The general legal service responded by:
    - ◇ Participating in the community meetings and other continuing activities.
    - ◇ 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.
  - ◆ Advice and referral in relation to victim's compensation. Many of these cases are women referred from the Women's Domestic Violence Court Assistance Scheme.
  - ◆ Representation for a victim of sexual assault in asking the Court that her subpoenaed counselling notes not be available to the perpetrator or his legal representatives at the trial of the perpetrator. Neither the prosecutors or Legal Aid saw their role as providing assistance in this situation.
  - ◆ 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.
  - ◆ Representation and/or assisted referral to people assaulted by security guards and "bouncers". We remain concerned at the amount of injury caused by "bouncers". Redfern Legal Centre is also concerned at the privatization of the market place and the restrictions on access to what used to be a public market place but is now enclosed malls, policed by private security guards.
- ◆ Complaints about Police conduct – the need for checks and balances to ensure that the Police maintain the confidence of the community and act appropriately:
  - ◆ Assistance in the writing and lodging of complaints against Police in relation to conduct often perceived as arising from racial or disability issues of the complainant. One complaint involved an older Aboriginal woman who was confronted by Police blocking her driveway. She became frustrated and angry at the rudeness of a police officer who denied her entry and made references relating her attendance there to the "Redfern Riot". She threw a cup on the ground splashing the officer. She was charged with assault and resist arrest. She received a blow to the face sufficiently hard to cause her to lose several teeth.
  - ◆ We commenced a claim for damages where a vulnerable client was taken into custody on a warrant in the name of someone else in circumstances where it was well known to local Police that she was not that person.
  - ◆ One client of non-English speaking background was charged with turning left at a red light without stopping as required. He says he did stop and the two police officers were not in a position to have observed in any case. Photographs support his version.
- ◆ Criminal Law
  - ◆ 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 are 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.

- ◆ Redfern Legal Centre provided community legal education on protest related law pre-APEC and organized referral to DLA Phillips Fox on a pro bono basis for a number of people arrested in APEC protests. In a security conscious world where police have been given increased powers it is important that the use of those powers are checked and balanced so that they do not become the terror from which we need protection.
- ◆ 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.

#### ◆ Employment

(it should be noted that people recently fired 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. The emerging economic situation indicates that employment is likely to remain an important area of casework into the next year).

- ◆ Advice, assistance and referral on numerous unfair and unlawful dismissal cases. Many of our clients are employed long term as casuals, are fired for reasons such as “taking too many (genuinely) sick days”, are not given the required notice, are not provided with equivalent work when returning from maternity leave or are fired shortly after complaining about some safety or other aspect of their work.
  - ◆ Advice, assistance and referral on a number of cases involving discrimination in employment. Sexual harassment remains a problem in the workplace.
  - ◆ Advice, assistance and referral on a number of cases involving questions of entitlements and pursuing unpaid superannuation.
  - ◆ Advice on contracts of employment. Ordinary waged employees do not have the funds to get private solicitors to advise on contracts of employment. We encourage workers to join unions as a form of advice and advocacy insurance.
- #### ◆ Other
- ◆ Redfern Legal Centre has had a number of Aboriginal and Torres Strait Islander clients who are seeking compensation arising from their removal as children and the abuse and neglect they experienced while in institutional care. At best these clients received little in the way of affection and consequently have experienced alienation from family and relationship to land. At worst they have been sexually assaulted, and have lived with substance abuse, post traumatic stress and other disadvantages all their lives. The Queensland Redress Scheme has allowed for some of our clients to have their stories heard and written down. Our thanks to Corrs Chambers Westgarth who have lent solicitors to help with the patient work of gathering information and setting out our clients' stories.
  - ◆ Privacy and identity theft have remained issues in relation to fines but also in relation to some consumer credit, debt and banking matters.

## COMMUNITY LEGAL EDUCATION

The Centre is asked to provide a number of community legal education sessions for a wide range of community organisations. During 2007-8 we presented community legal sessions or provided information on a range of topics including

- ◆ human rights and discrimination
- ◆ credit and debt
- ◆ employment law
- ◆ criminal law
- ◆ mental illness
- ◆ information about access to legal services
- ◆ family law and care and protection matters
- ◆ aged care, enduring powers of attorney and enduring guardianship arrangements
- ◆ information for students, volunteers and youth workers
- ◆ civil protest which is non-violent and seeks to build community consensus, and
- ◆ domestic violence

In particular, the Centre, together with South Sydney Community Aid Multicultural Neighbourhood Centre, conducted a series of workshops for the local Russian speaking community covering many of the above topics.

The Centre also, together with Mudgin-gal Aboriginal Women's Centre, organised a public meeting in relation to the Queensland Redress Scheme and published media releases bringing the closing dates to the attention of the community. Redfern-Waterloo is an area that is home from time to time for Aboriginal and Torres Strait Islander people from all across Australia. It is for that reason that such schemes for other jurisdictions need to be considered locally.

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 the 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 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.

## ***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 Aboriginal Women's Centre 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 to engage with police and the courts in getting perpetrators identified and removed. We will continue to work with other stakeholders to address issues including:

- ◆ Confidence in police as allies in getting victims protected rather than further victimised
- ◆ Strategies for getting “everyone knows...” to be effective knowledge by those able to take action, that is, people come forward and report matters in a timely manner;
- ◆ The provision of appropriate support services such as Aboriginal sexual assault counsellors;
- ◆ Awareness of the necessary steps to take to preserve and record evidence.

### **YOUTH ISSUES**

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, has enhanced our knowledge of the issues and improved our ability to usefully advocate on systemic issues affecting youth in this area. Issues to do with schools and with the Law Enforcement (Powers and Responsibilities) Act are two issues so identified. Centre staff have also continued to participate in the Youth Justice Coalition.

### **LAW REFORM**

Like other community legal centres, 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 2007/2008 arise from our casework and focus on three main streams:

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

We made submissions to the Child Protection Services Review, the Inquiry into Homelessness,, and responded to discussion papers on jury selection and a human Rights charter. We also addressed paid maternity leave and sex discrimination in the workplace, and raised concerns about the impact of establishing alcohol-free zones in the Redfern area.

### **REMOVAL OF CHILDREN**

Redfern Legal Centre has continued to provide a monitoring role on issues to do with the removal of children by the Department of Community Services. The Sydney Morning Herald reported on 15 March 2008

*Since 2002, the number of all children in foster, kinship or residential care has risen by 37 per cent to 12,712 last year, giving the state the highest proportion of children in out-of-home care in Australia - 8.1 per 1000 children, almost double the rate of Victoria, and higher than in New Zealand or Britain.*

*Aboriginal children comprise 30 per cent of those in care - almost 4000 - though they represent only 4 per cent of the state's 0-17 year population, the DOCS data shows.*



This is clearly a continuing issue of concern for the Centre's local community. The Centre continues to look at ways in which its services can enhance the ability of families to stay together safely. Another generation being "Stolen" is not acceptable.

### **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. We would like to thank Commander Walton and his successor Superintendent Luke Freudenstein for their willingness to do so. An effective, fair and mature police force is an important service to the community. Our assault victims need to be respected and to have their matters treated seriously. Our 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 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. Redfern Legal Centre worked with other interested parties to ensure that processes and resources are in place to deal with matters and complaints as they arise.

### **PRIVACY/IDENTITY THEFT**

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

- ◆ 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;
- ◆ 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
- ◆ Mobile telephones with cameras and the internet create a whole field of opportunities for individuals to distribute information about others.

We are continuing to monitor the cases we are seeing with a view to developing publications with problem solving strategies for dealing with situations when they arise.

### **NSW OMBUDSMAN ONGOING REVIEW OF THE LAW ENFORCEMENT (POWERS 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 and to 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 Redfern-Waterloo Authority. 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 redevelopment of this area.

Redfern Legal Centre is also active in a range of local, state-wide and national networks and campaigns including:

- ◆ Combined Community Legal Centres Group NSW (including participation in a number of networks and working groups)
- ◆ Consumer's Federation of Australia
- ◆ South Sydney Interagency
- ◆ Financial Counsellors Association of New South Wales
- ◆ Youth Justice Coalition
- ◆ NSW Council of Social Service
- ◆ National Association of Tenants' Organisations
- ◆ Inner City Domestic Violence Action Group
- ◆ South Sydney Community Aid Multicultural Neighbourhood Centre
- ◆ Inner Sydney Regional Council for Social Development
- ◆ Glebe Youth Service

### **2008-2009**

Redfern Legal Centre anticipates that many of its ongoing issues will remain current but has identified removal of children from families, stresses on families caused by imprisonment, violence against women and children, discrimination, exercise of police powers and access to public space 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 is staffed by one full-time and one part-time solicitor. We provide telephone and face-to-face legal advice and casework assistance to people who live or work in our local government areas, and State-wide to financial counsellors and their clients.

We also represent clients in Court, conduct community legal education, and undertake law reform and policy activities.

Over the last financial year, there has been an increase in the number of credit and debt issues being dealt with by our Service. With a change in Commonwealth Government in the second half of this reporting period, there has also been increased opportunity to participate in law reform and policy activities in the Credit and Debt arena.

## POLICY/LAW REFORM

One solicitor's law reform and policy activities included the following:

### *PRODUCTIVITY COMMISSION INQUIRY INTO AUSTRALIA'S CONSUMER POLICY FRAMEWORK*

Our solicitor's second of two submissions to the Productivity Commission Inquiry into Australia's Consumer Policy Framework, dated August 2007, was a response to the Commission's Discussion Paper of January 2007.

We supported or proposed the following:

- ◆ the adoption of national common consumer policy objectives to prevent practices that are unfair; meet the needs of those who, as consumers, are most vulnerable, or at greatest disadvantage; and provide accessible and timely redress where consumer detriment has occurred;
- ◆ responsibility for the regulation of finance brokers and other credit providers should be transferred to the Australian Government and the Australian Securities and Investments Commission (ASIC);
- ◆ the Uniform Consumer Credit Code (which is national legislation governing consumer credit) should be retained; and
- ◆ small claims court and tribunal processes should be more consistent; should include higher ceilings for claims; and there should be equal availability of fee waivers for disadvantaged consumers; and
- ◆ there should be a new generic consumer law to apply to all consumer transactions, including financial services.

The Ministerial Council on Consumer Affairs had either adopted these proposals, or had them under consideration, by the end of the reporting period.

### *UNFAIR TERMS IN CONTRACTS*

People familiar with our work over the years will know that this is an issue which we have been working on since 2003.

In our submission mentioned above, we proposed that in any generic consumer credit law, there should be a provision addressing unjust contracts. The Commission's Final Report recommended that there should be a new law to void unfair contracts. The Commonwealth Government has this under review, and has proposed that legislation be drafted.

## **CLIMATE CHANGE**

In our August 2007 submission to the Productivity Commission Inquiry, we said that climate change was an important issue for our clients because it affected people on low incomes disproportionately and regressively. In July 2008, Professor Ross Garnaut released his Draft Report on Climate Change, and also took this view. He said that disadvantaged consumers should continue [sic] to have sufficient access to utility services at affordable prices. There was a lot of public discussion about whether or not carbon permits should be granted free to certain industries, auctioned, or sold.

At about this time, the NSW Government was engaged in an attempt to privatise the NSW electricity retailers. Our solicitor wrote to the then NSW Minister for Climate Change and suggested that if the privatisation went ahead, then discussions should first be held with the Commonwealth Government so that free or low-cost carbon permits should ONLY be granted to retailers (as distinct from generators) on the condition that they provide energy to low-income households at reduced prices. We suggested that such a condition be made a fundamental term of the sale contract. Of course, this would mean that any breach of the term would render the electricity retailers liable for damages.

Our solicitor also wrote a submission to the *Commonwealth Government's Green Paper on the Carbon Pollution Reduction Scheme, July 2008* (for details, see [emissionstrading@climatechange.gov.au](mailto:emissionstrading@climatechange.gov.au)) and, on invitation, provided comments on the proposed *NSW Consumer Claims Regulation 2007*, to the NSW Office of Fair Trading.

Our full-time solicitor undertook the following policy and law reform projects:

### **PRISONERS (POST-RELEASE) & THEIR FAMILIES - CREDIT & DEBT AND TENANCY PROGRAM**

This Project began in 2006 as an initiative of Redfern Legal Centre's Tenancy Service and one of our Credit & Debt Service solicitors. We noticed a high level of contact from people involved with the criminal justice system, particularly around issues of credit & debt, and tenancy. The Redfern Legal Centre Advisory Council directed us to address the significant number of Aboriginal women entering and exiting the criminal justice system. It was also noted that Redfern Legal Centre had been frequently approached by families of prisoners seeking assistance in matters in connection to an imprisoned family member, but where they were not always legally liable, for example, a debt, although their interests would still be affected where the tenancy or various amenities are held in the name of the imprisoned family member.

Therefore, the key focus of this program is in relation to housing and credit and debt issues, such as fines. The program is ultimately to be provided to both men and women, however it has initially been aimed at women, particularly Aboriginal women who remain the highest- growing prison population. The Program also has a specific focus on working with families of prisoners to address housing and credit & debt concerns, especially when they are already facing the struggles of everyday life in order to keep the family unit intact.

The program has been piloted to a group of women in a post-release supported accommodation rehabilitation program. This was highly beneficial in providing useful feedback when formulating our materials and structuring our program.

The program continually strives to work in partnership with various community and government and non- government agencies in its delivery. The program is delivered in workshop style format and the participants are provided with plain English workbook materials aimed at the different learning abilities of the participants.

The objective of the program is to inform people of their rights and obligations in relation to a wide range of matters affecting housing and credit and debt, and to assist them in advocating for themselves. Ultimately, the aim is to address recidivism, especially as a result of increasingly burdening debt, unstable or unsuitable housing accommodation, and consequently to build stronger communities.

### **WOMEN IN PRISON ADVISORY NETWORK (WIPAN)**

In August 2007, following the Sisters Inside Conference in Darwin in June-July 2007, our full-time solicitor, with a collective of notable women advocates, formed the Women in Prison Advocacy Network (WIPAN).

WIPAN became a not for profit incorporated association in May 2008. WIPAN seeks to advocate and support women within the NSW criminal justice system, both within prison and post-release. Membership of WIPAN is open to anyone interested in social change for women embroiled within the criminal justice system. Some of its current members include, former women inmates, social and community workers, lawyers, academics and a journalist.

WIPAN has recently been successful in commencing a mentoring program for women at Dillwynia Correctional Centre, from which it aims to build upon over time.

The target group for this project is NSW female prisoners and women upon their release. Particular sub-groups within this target group who will be of particular concern in light of their experience of multiple and complex forms of disadvantage, are Aboriginal women, pregnant women, women who have had children put into foster care when that woman is imprisoned, women with disability, women with severe medical and/health issues, women with mental illness's and women from culturally and linguistically diverse backgrounds.

WIPAN's longer-term objectives (which includes working together with relevant agencies and government and non government departments), are to address holistically the rights and individual needs of women caught up in the NSW system, including advocating for and through:

- ◆ Alternatives to imprisonment for women in NSW (reducing the increasing recidivism rates).
- ◆ Medium to long-term accommodation post release.
- ◆ Drug & Alcohol education and support.
- ◆ Parenting & living skills.
- ◆ Domestic Violence.
- ◆ Education, (Literacy, Numeracy & Vocational).
- ◆ Health and Dental Care.
- ◆ Culturally appropriate programs.
- ◆ Mentoring programs.

Women with disabilities and women with mental health issues are over represented in NSW prisons and fail to have their special needs addressed whilst in Prison. NSW has an over representation of Aboriginal women in prison, being

the highest in Australia. WIPAN's aim is to apply for continuing funding to enable it to fill the void in existing services and programs and to therefore address some of the key factors for re-offending by providing much needed support and mentoring both within the prison system and upon release.

### **CASE WORK**

A selection of the case work conducted by our Credit and Debt Service during the year, is set out below:

#### ***NATURE AT A PRICE***

In relation to the rainwater tank case which we mentioned in our Annual Report last year, our client passed away, and his relatives did not wish to pursue the rainwater tank business which had sued him. (We had already convinced the Court to strike out the plaintiff's case, so the relatives and our deceased client's estate no longer owed the debt). We considered whether a class action might be available in relation to other people in the area whose groundwater had been polluted by a multinational; but we were constrained in that we had come across information which was third - party privileged (i.e. could not be used by us).

#### ***FROM HOMEOWNER TO HOMELESS***

We continued to look into the case of the Aboriginal mortgagor who had been represented by the Office of the Protective Commissioner when his house was repossessed. It took us many months to obtain the client's documentation. After detailed assessment, it appeared that our client did not have strong grounds to have the case re-opened. For example, he had not been suffering a brain injury at the time he had entered various mortgages over his home. There is another possible ground for legal redress which we have not pursued as yet.

#### ***GLOBAL FINANCIAL CRISIS (1)***

A low-income NESB man sought our assistance, having been conned into buying shares in a finance company which later went broke. After much investigation and research, we contacted a major firm of private solicitors which has run many legal actions for classes of people, and arranged for our client to be included in a proposed class action if he so wished.

At the time of writing, a class action is imminent.

#### ***FINANCE BROKERS***

Once again we have received complaints about a particular pair of linked credit providers and finance brokers. Due to the small amount of the loans, there is not much point in instituting legal proceedings.

We have been negotiating with the providers and brokers, but will not be surprised if they go into administration forthwith.

#### ***THE DIGGER'S BURDEN***

Upon separation some years ago, an elderly war veteran's wife had taken her ex-husband's war medals. She passed away, and left the medals to their adult daughter, even though they were not hers to give. Our client asked his daughter to give the medals back, but she refused to do so. This was a delicate situation, because our client did not want to report his daughter to the police. We spent a great deal of time helping our client to get new copies of his six old medals, from the Department of Defence.

**STILL MY HOUSE**

We were successful in negotiating to have a default judgment set aside by consent with our client's mortgagee.

**PANDORA'S BOX**

We have been managing a number of predatory lending and overcommitted lending cases, which demonstrate the depth and complexity of the issues facing our clients. These cases also highlight the significance that severe and ongoing financial stress plays on our clients' lives, and capacity to cope with everyday events.

We note that we are occasionally assisted by pro-bono legal providers in this regard.

**MORTGAGE FRAUD**

We assisted clients in a number of mortgage fraud cases committed by their spouses.

**DISABILITY DISCRIMINATION**

We achieved a successful result for a client in the Human Rights & Equal Opportunity Commission (HREOC), in relation to her disability discrimination complaint against a private education institution. This also included allowing our client the opportunity to voice her grievances and to finally feel heard by the school involved about her experiences and difficulties whilst a student with special needs.

**SUCCESSFUL NEGOTIATIONS**

Through the effectiveness of our evening advice services and the dedication of our volunteer lawyers and legal assistants, we have achieved other positive outcomes for our clients. These have included negotiation of instalment payments of debts, the payment of insurance policies, the setting aside of default judgments and assisting with drafting court documents, such as court defences where our clients were not able to do so effectively themselves.

**THE USUAL STUFF**

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**

In late October 2007 and March 2008, one of our solicitors provided community legal education in workshop-type sessions as part of the formal training to new financial counsellors on the NSW Debt Recovery Process and on Motor Vehicle Repossessions.

In addition, committed to the notion that community legal education is a powerful and invaluable tool in reaching and better informing a cross section of the community in a wide range of legal issues, one of our solicitors continued in the role as the NSW CLEW (Community Legal Education Working Group) Co-convenor. This network provides training and network opportunities to all community legal centre workers, the development of partnerships and sharing of resources, especially those interested in and engaged in community education.

The other solicitor provided training sessions for volunteer night-time solicitors and legal volunteers, and answered a survey by a national financial literacy group in relation to whether or not it would be useful for bank staff to go into Aboriginal communities to run training on bank access. .

## **LIAISONS**

Our solicitors continue to maintain a close association with the Financial Counsellors Association of NSW (FCAN). This includes providing legal advice with case work, and the delivery of training on credit and debt issues as required. In recent years one of our solicitors has been an active member on the executive committee of the FCAN. The other maintains close contact with the Consumers Federation of Australia in relation to national credit and debt policy development and law reform. She also attended the Australian Financial Counsellors' Credit Reform Association (AFCCRA) Conference in Sydney during the year. Our solicitors have also attended Consumer Law Group meetings with credit and debt solicitors from Legal Aid NSW and other community legal centres, and meetings of the Supreme Court Possessions List Users Group.

One of our solicitors attended the National Consumer Conference in March 2008 and the "External Dispute Resolution Schemes" Forum in Sydney in July 2007.

## **CONTINUING AND EMERGING ISSUES**

### ***POVERTY***

The level of poverty being experienced by our clients is horrific. Some of our clients are literally starving when they come to see us.

Many of our clients with debts are ill or have physical disabilities. Some have intellectual disabilities, or mental illnesses. Most of our clients are unemployed and are on unemployment benefits or disability pensions.

The level of homelessness in our community is also causing great distress to many of our clients.

### ***SUPERANNUATION***

Many workers approaching retirement have insufficient superannuation to support themselves in retirement.

The Commonwealth Treasury's Review of Pensions and Taxes which is expected to be finalised in early 2009, will have important implications for our clients.

### ***FINES***

There has been a 300-500 per cent increase in the number of people approaching our Service for assistance with fines. These arise from diverse offences such as littering, driving unregistered vehicles, and travelling without a valid train ticket. Fines issues have risen from two or three clients a week to 10-12 a week. One of our solicitors checked three of the night legal advice services per week for about 7 months, noticed the increase, and monitored it. In her work on these matters, it has become apparent that there are serious systemic deficiencies in the current State Debt Recovery Office practices. This issue may require further attention.

### ***GLOBAL FINANCIAL CRISIS (2)***

For some years now, we have been mentioning in our reports that fringe credit providers create problems for our clients. The collapse of the sub-prime lending market in the USA in mid-2007 was an example of these kinds of problems. As everyone now knows, this became the "global financial crisis".

***MORTGAGE AND FINANCE BROKERS***

For years, in our Annual Reports, and together with other credit and debt advocates Australia-wide in submissions to Government and regulators, we have pleaded that mortgage and finance brokers need to be properly regulated. At the time of writing, the Commonwealth Government was considering legislative proposals developed by the States.

***FRINGE CREDIT PROVIDERS***

It has been commonplace that smaller, unregulated, fly-by-night lenders sign up our clients to loans with extremely high interest rates and subject to mortgages over their cars bought on finance, for example. Then, after it becomes apparent to us that there are legal problems with the loans, the lenders simply vanish. Various proposals had been developed, but they always seemed to get jammed in potholes. Again, the Commonwealth Government currently has legislative proposals under consideration.

***OVERCOMMITMENT***

We think that many Australian households are overcommitted, particularly regarding their home mortgages. If unemployment increases in this class, we can expect further demand on our legal services.



## **INNER SYDNEY TENANTS' ADVICE & ADVOCACY SERVICE (ISTAAS)**

During the last financial year ISTAAS recorded 2,109 client contacts. The tenancy team also opened 213 files.

### **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 1,854 initial contacts as phone advice in the TAAP database. 222 of initial contacts were also given follow-up phone advice.

ISTAAS provides face to face advice by appointment, as well as 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. ISTAAS also provides face to face advice at other times as part of ongoing casework.

During this period ISTAAS saw 254 clients for face-to-face advice as the initial type of contact. In addition, 141 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.

45 initial contacts were Aboriginal or Torres Strait Islander tenants which includes 9% of open files. 37% of contacts were born outside Australia.

ISTAAS caseworkers also assisted 218 clients with their preparations for a hearing at the Consumer, Trader & Tenancy Tribunal (CTTT), and represented tenants in 102 hearings at the Tribunal.

ISTAAS trained and supervised a number of volunteers to answer the Tenants' Union Hotline one advice session per week and who assisted 129 tenants from all over New South Wales.

### **TRENDS & CASE STUDIES**

#### ***INCREASE IN NOTICES OF TERMINATION FOR PUBLIC TENANTS.***

As usual, ISTAAS is spending a large amount of time on Housing NSW (formerly Department of Housing) tenants who received notices of termination. As Housing NSW is a 'last-stop' housing provider, and tenants who are evicted from public housing usually have no chance to find tenancies in the current private rental market, these cases are our first priority. Unfortunately, they are time-consuming and we are not always able to save a person from becoming homeless, as the next case study will show.

#### ***TENANT A., NOTICE OF TERMINATION FOR BREACH***

Before being housed by Housing NSW, A. had been homeless for 10 years. He was a quiet tenant, who never had any problems with his neighbours, and always paid his rent on time. In 2006 Housing NSW visited his unit and found that A's unit was full to the ceiling with goods he had collected and hoarded. Housing NSW told A. that this posed a fire hazard, and that he had to get rid of his collected goods and issued him with a notice of termination.

In August 2007, A. contacted ISTAAS after he had received an order for vacant possession from the CTTT. A. had not been aware that there had been a CTTT

hearing. ISTAAS helped him to have the matter reheard and in September 2007, ISTAAS represented him at the CTTT hearing. A specific performance order was made, allowing Housing NSW fortnightly inspections of the premises to monitor the progress of cleaning up the unit.

ISTAAS subsequently spent a large amount of time advocating on A.'s behalf and trying to find services that could assist him with the removal of his goods. As most hoarders, A. felt extremely upset and threatened at the thought of having to let go of his prized possessions. Eventually, church volunteers helped A. to remove some of his goods. A. felt traumatised by this, and refused further assistance.

In early December 2007, ISTAAS attended an inspection with Housing NSW of A's unit. It was found that A. had not made any progress in clearing out his apartment. Housing NSW offered that if A. would voluntarily relinquish his tenancy they would rehouse him in a single-storey bedsit, under the condition that A. would undergo a mental health and independent living skills assessment. Housing NSW also requested a case management plan.

In early January, the CTTT adjourned the matter to give A. time to undergo the requested assessments. ISTAAS subsequently attended a number of meetings with a community organisation and A., who felt very upset about Housing NSW wanting him to undergo these assessments.

Late January, at the next CTTT hearing, A. agreed to relinquish his tenancy and comply with Housing NSW requirements in order to be transferred to a bedsit. A consent order was made for him to give vacant possession by the end of March.

After the CTTT hearing, A.'s mental health deteriorated. In March, a case management plan was submitted to Housing NSW. However, Housing NSW informed ISTAAS that as A. had refused to undergo the Independent Living Skills assessment in his home, they were not going to transfer him. Housing NSW applied for a warrant and had it executed. A. left the premises just taking a backpack and doona, and is now homeless again.

### ***GREATER DISTRESS AND DESPAIR IN THE PRIVATE RENTAL MARKET***

ISTAAS tenancy workers find that tenants in the private rental market are often in great distress when calling for information and advice. This results in tenancy workers having to repeat information already given, as tenants who are in a state of great stress often have difficulties taking in complex information. Tenancy workers also have to deal with an increased number of angry and aggressive tenants, and find themselves more often in need of debriefing after difficult calls.

### ***TENANT B., NOTICE OF TERMINATION FOR RENT ARREARS***

B. is a single parent of two children, one of them with an intellectual disability. She has been living in her current premises for four years. Her rental payments were always on time. She received two rent increase notices in 2007, each time for an increase of \$25 per week, which she paid. In late May 2008, she received a notice of termination for rent arrears.

When she contacted the Real Estate agent to question her arrears, she was told that in January 2008, she had been issued with a rent increase notice of \$50 per week, which she hadn't paid. B. had never received the notice.

B's agent was unable to provide her with a copy of the alleged rent increase notice.

ISTAAS studied the rental ledger and found that although it had a note that the landlord had instructed the agent to increase the rent, there was no mention of having sent a rent increase notice (previous notices had been noted). B. applied to the CTTT that the landlord stop breaching her quiet enjoyment of the premises.

When the agent received a notice of hearing from the CTTT, he contacted B. and told her that if she withdrew her application, the agent would cancel her alleged arrears, and instead issue her with a new 60-day rent increase notice. B. withdrew her application. The next day she received her new rent increase notice. The rent now had been increased by \$100 per week.

As there are no provisions for retaliatory rent increases in the Residential Tenancies Act 1987, B. had no choice but to either accept the new rent increase or find cheaper premises. B. contacted ISTAAS in great distress. She was crying and admonished the ISTAAS worker for having given her the information and advice she had received, and which had led to a rent increase twice the amount of the alleged original one. She was in despair as she could not afford an increase of \$100 per week, but would find it very hard in the current rental market to find cheaper premises. Moreover, her intellectually disabled son had just been taught to use public transport to go from his home to a sheltered workshop every day. B. having to move premises would undo that work.

### ***OVERCROWDING, AND EXPLOITATION OF STUDENTS***

ISTAAS has a large student population in our catchment area. As rental prices have increased, we are seeing a pattern of individuals exploiting this situation. These are people who rent a number of units in the Inner City and then sub-let them to students. The 'normal' situation is that 6-9 students live in a 2-bedroom unit, two to three people to one room, including the lounge room. The head-tenants, who don't live at the premises, sign a 'share housing agreement' with these students and have them pay the rent into the head-tenants account, making on average a profit of \$1,000 per week per unit. Eventually, the owner of the unit, or strata management, realise that these units have been sub-let without the landlord's permission, issue a notice of termination for breach and get vacant possession at the CTTT. When a warrant is enforced, six to nine people, who most often are not even aware that there was a Tribunal hearing, are suddenly homeless. As these students are usually deemed to be lodgers, they have no recourse against the head-tenant through the CTTT, and usually don't have their bond returned nor have the money to take the matter to the local court.

### ***DUTY ADVOCACY AT CONSUMER, TRADER AND TENANCY TRIBUNAL (CTTT)***

ISTAAS continues to provide a duty advocacy service at the CTTT for one half-day per fortnight.

During 2007-8 ISTAAS duty advocates assisted 54 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.

This additional service remains unfunded and due to the high demand for the service and the complexity of the casework ISTAAS (and the other advocacy services that participate in the program) is unable to meet all the demand.

### **COMMUNITY LEGAL EDUCATION (CLE)**

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

- ◆ Guthrie House (Post Prison Release Accommodation for Women) on Credit & Debt and Tenancy;
- ◆ Fact Tree Youth Centre for Youth Workers;
- ◆ Session for young mums living on their own in Department of Housing;
- ◆ 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);
- ◆ Ongoing work with the Credit & Debt Team to prepare a kit for prisoners prior to entering, prior to release and post release;
- ◆ Ongoing sessions with Sydney University Student Representative Council;
- ◆ Tenancy information contributed to Sydney University Pre-Departure Publication "Your Road to Success";
- ◆ Sessions for student advisors and university housing officers;
- ◆ Distribution of the translated Kit for attending the Consumer, Trader & Tenancy Tribunal into 4 local community languages (Chinese; Arabic; Russian and Vietnamese) to all TAAP services and relevant community organisations;
- ◆ Interviews with ABC radio, The Village Voice and The Sun Herald on housing affordability and it's impact on tenants ;
- ◆ Service promotion at International Human Rights Day with African refugees. Guest speaker Tanya Plibersek, MP.
- ◆ Four sessions at Sydney University for newly arrived International Students;
- ◆ Sydney Multicultural Community Service;
- ◆ Newtown Neighbourhood Centre;
- ◆ Session for Domestic Violence Workers on domestic violence and tenancy issues; Tenancy information distributed to libraries in Sydney City and Leichhardt LGAs;
- ◆ information to Housing NSW tenants on the new Tenant Fraud legislation;

### **COMMUNITY LEGAL EDUCATION FOR WOMEN EXITING PRISON**

In November 2007 ISTAAS conducted community legal education in conjunction with Redfern Legal Centre's Credit and Debt Solicitor at Guthrie House, a transitional accommodation and rehabilitation service for women prisoners prior to their release. The session was over two hours with all of 14 residents attending. A considerable number of questions related to Department of Housing tenancies, rent arrears, rehousing applications, and uncollected goods issues.

The sessions will be repeated on a regular basis as new residents move into Guthrie House every 3 to 6 months.

Tenancy and Credit and Debt also attended Information sessions at the John Maroney Women's Prison where a number of the prisoners were advised of their rights and services available to them upon release.

Redfern Legal Centre secured funding to establish a combined Tenancy and Credit and Debt research project to identify and address the issues, which consistently present to the Centre. This project is currently evaluating its research to develop regular education sessions and education material to be made available to prisoners via the Department of Corrective Services.

## **POLICY AND RESOURCE DEVELOPMENT**

ISTAAS made submissions on proposed amendments to the Housing Amendment (Tenant Fraud) Act, Residential Tenancies Act, the Consumer, Trader & Tenancies Tribunal Act, as well as the government Green Paper on Homelessness.

The proposed law reforms of the Residential Tenancies Act see an overall improvement to tenants' rights, such as the CTTT getting jurisdiction to hear co-tenancy disputes, an extension for no-grounds notices issued by landlords to 90 days instead of the current 60 day notice period, and greater protection for tenants when the property they are renting are on sale.

However, of great concern to tenants services are proposals that after receiving a notice of termination for rent arrears, the onus is on the tenant to apply to the Tribunal before the notice expires. If a contested hearing is not requested, the Tribunal would have the power to issue a termination order administratively, without the need for a hearing.

This would cause great hardship to already disadvantaged tenants, such as people from CALD background, tenants with low literacy and Housing NSW tenants, who might not able to put in a Tribunal application within the required short time period and may not understand that the onus is on them to contest the termination notice. Of concern is also that a termination, which can have such a detrimental impact on a tenant's life, is to become an administrative process.

The Housing Amendment (Tenant Fraud) Act came into force on 1 July. It gives Housing NSW the unprecedented power to prosecute tenants who allegedly defrauded Housing NSW, with a possible outcome of three months jail for the tenant.

ISTAAS continues to participate in CTTT Consultative Forums and to raise issues on behalf of the TAAP network.

Contributions are also made to:

- ◆ Public Housing Issues Working Party (PHIWP)
- ◆ Tenancy Legal Working Party (TLWP)

ISTAAS has identified areas where written resources are needed. As a result we translated the CTTT Kit into Arabic, Mandarin, Russian and Vietnamese. ISTAAS made the translated kits available to the TAAP Network to use as a resource.

In March 2008, ISTAAS printed and distributed 30,000 post cards state wide, promoting the "Share Housing Survival Guide" Website.

## **STAFFING**

Over most of this period the tenancy team has been staffed by:

### *Permanent Staff:*

Jacqui Swinburne, Coordinator & Tenants' Advocate (on maternity leave)

Carl Freer, Tenants' Advocate

Sue Thomas, Community Education Officer

### *Tenancy Locums:*

Phoenix Van Dyke (Co-ordinator – maternity leave replacement)

Natalie Bradshaw

Cass Wong

### *Hotline Volunteers:*

Tom Beamish

Roberta Allen

Paul Ahearn

Anna Wallington

## **WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME**

The Redfern Women's Domestic Violence Court Assistance Scheme (WDVCAS) has had another busy and productive year. We have been active in a wide range of initiatives, from domestic violence law and policy reform work to community legal education aimed at promoting the prevention of domestic and family violence. In particular, we have continued to actively maintain the profile of domestic violence as a criminal matter.

### **STAFF, VOLUNTEERS AND STUDENTS**

During 2007-2008, Susan Smith has been the Solicitor/Coordinator of the Redfern WDVCAS, Corrie Hodson, then Teresa French and Michela Carratini filled the position of Assistant Coordinator. Rabea Khan has been the Administrative Assistant and Court Advocate. Klara Major has been locum Administrative Assistant.

Jacki Jarrett has been the Aboriginal Outreach Specialist Worker, a position funded by Gilbert + Tobin and a grant from the Community Legal Centres' Aboriginal Legal Access Program.

Susie Fraser completed her Practical Legal Training with the Redfern WDVCAS during 2007-2008 and Jenny Rochford, a Sydney University Social Work student, completed a fourth year work placement.

Law students Francesca Cavadini, Danielle Mawer, Klara Major, Rachel Ranjan, Rebekah Doran, Ayishah Ansari and Milica Djurdjevic have volunteered to the Redfern WDVCAS on list day at the Downing Centre Local Court. Margaret Jones, a front desk volunteer, has filled the special role of political advocate for domestic violence and the Redfern WDVCAS.

### **CASEWORK:**

During the 2007-2008 period, the Redfern WDVCAS has given assistance to more than 400 individual clients. We recorded 1411 total client contacts: 13 per cent of these contacts were with women who identified as Aboriginal or Torres Strait Islander, 18 per cent with women who identified as culturally or linguistically diverse, and 11 per cent with women with a disability.

- ◆ In one case, a client who identifies as Aboriginal and has a learning disability, was charged with eight counts of assault on her daughters. The daughters were living with their father and there was a long history of domestic violence against our client by the father (the court had previously made two five-year orders protecting our client) and a long and acrimonious Family Law history between them. Our client's son and daughter were taken into the care of the Department of Community Services on the day the charges were laid. Barrister Andrew Combe represented the client in a seven-day hearing with Susan Smith as instructing solicitor. The Magistrate dismissed all of the charges against our client, and awarded costs against NSW Police to the full extent of the client's legal fees. This case is now the subject of a complaint to the NSW Ombudsman and a subsequent investigation by NSW Police.
- ◆ In another protracted case, a client left her five-year-old daughter with her then husband when she returned to her birth country for the funeral of her father. Her husband took the opportunity to make a private application for an Apprehended Violence Order against our client (who had been a previous client, the subject of orders protecting her from her husband) claiming she had been violent to him and

her five-year-old daughter. When our client returned to Australia, she found an order had been made against her in her absence, excluding her from her residence. She also found her husband had illegally obtained her banking details and emptied her savings account of \$60,000. Proceedings had also been commenced in the Family Court for residence orders for the child. This case was finally resolved after almost eighteen months in the courts, with our client now sharing custody of the child, and the order against her withdrawn. The bank acknowledged that our client's money had been illegally transferred and moved the funds back into her account.

#### ***DOWNING CENTRE COURT:***

Every Wednesday (list day) solicitors from Gilbert + Tobin assist Redfern WDVCS by providing pro-bono representation to women in domestic violence matters at the Downing Centre Local Court. In recent years, there have been far fewer private applications for Apprehended Domestic Violence Orders through the Chamber Registrar, with 85 per cent of matters being prosecuted by police. However, the private matters handled by the Gilbert + Tobin solicitors are often the more complicated matters, or are matters involving female defendants.

A number of barristers have also assisted Redfern WDVCS clients at hearings during 2007-2008, including Chamindri Kahagelle, Andrew Combe and Craig Biscoe.

Seconded workers from Mudgin-Gal Aboriginal Women's Centre, Darlinghurst Community Health, Elsie's Refuge, The Shop Women and Girls' Centre and volunteer law students have provided assistance and referrals to women on list days. On many occasions over the past year, these seconded workers and volunteers have also provided assistance to women at hearings.

#### ***LAW REFORM AND POLICY:***

##### ***Domestic Violence legislation:***

In 2007-2008, Redfern WDVCS, through membership of the Attorney General's Apprehended Violence Legal Issues Coordinating Committee, made recommendations for changes to the Crimes Act. In March 2008, major changes to the form and substance of NSW domestic violence laws came into effect with a stand-alone act, the Crimes (Domestic and Personal Violence) Act 2007. These reforms are aimed at improving the response of the criminal law to instances of domestic and personal violence, and at ensuring a clear statement is made about the aggravated nature of an offence of violence that is committed in the context of a domestic relationship.

##### ***NSW Police:***

In 2007, Redfern WDVCS made a comprehensive submission to the NSW Police and to the NSW Ombudsman, requesting that police consider adopting a 'primary aggressor' policy when policing domestic violence, similar to policies adopted in a number of overseas jurisdictions. The submission was made in response to an alarming increase in the number of female clients arrested and charged with domestic violence assaults. When interviewed, many of these female defendants reported that they had acted in self-defence and had often been the victims of ongoing or prior abuse in their domestic relationships.

The submission was given considerable publicity, and after further lobbying, NSW Police conducted a file audit of the 21,000 incidents of domestic violence recorded



on the COPS system in 2007. Although NSW Police found that their records did not reflect the problems raised in the submission by Redfern WDVCAS, they have responded by making a number of changes to improve the investigation of domestic violence incidents. Many of the new changes reflect the elements of a primary aggressor policy. For example, the new Standard Operating Procedures (SOPS) for police investigating a domestic violence incident will require police to identify the 'primary victim' by ascertaining the history of domestic violence between the parties; the relative degree of injury inflicted on the parties; the history of callouts (000 calls) from the parties, including who made the calls; and whether either party acted in self defence.

In addition, NSW Police have made a number of changes to improve the reporting and investigating domestic violence incidents with the introduction of the Domestic Violence Evidence Kits and more comprehensive domestic violence training.

**Federal Government:**

Redfern WDVCAS statistics show that as many as 40 per cent of women attending the Downing Centre Court for apprehended violence orders and associated criminal proceedings against the defendant are also likely to be involved in protracted Family Law proceedings. In June 2008, Redfern WDVCAS made a submission to the Federal Government's National Plan to Reduce Violence against Women and Children, recommending that the Commonwealth consider an integrated approach with the States and Territories to address violence against women and children. In particular, it recommended that consideration be given to supporting the establishment of integrated, multi-jurisdictional domestic violence courts – designed to respond to the unique nature of domestic violence – where a single presiding Judge is appointed to handle all matters relating to the one family, including criminal domestic violence cases and related family law issues. Similar multi-jurisdictional courts are operating successfully in other jurisdictions (for example, New York State currently has more than thirty integrated domestic violence courts with a single presiding judge with the authority to handle criminal, domestic violence and family law matters).

**COMMUNITY LEGAL EDUCATION AND TRAINING:**

***The Inner-City Domestic Violence Action Group:***

The Redfern WDVCAS has played an active role in the community, in conjunction with the Inner-City Domestic Violence Action Group (ICDVAG). The group meets monthly either at Redfern Legal Centre or at 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. Redfern WDVCAS and the ICDVAG have been involved in a number of Community events, including 'We're All In This Together' Day, organised by Jacki Jarrett at the Redfern Community Centre. On this day, community members and local domestic violence agencies came together to discuss the problem of domestic and family violence. Local agencies provided information about their services, and police and community members participated in role-plays. Participants were provided with lunch, and there was a quiz with questions about the local agencies, and prizes for those with the correct answers.



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

***Conferences, panels and forums:***

Susan Smith was a panel participant at the Legal Aid WDVCS conference; at a forum organised by NSW Health; and a forum organised by Attorney General's Department and the Violence Against Women Unit on 'Integrated Responses to Domestic Violence in NSW'. Redfern WDVCS is also a member of the NSW Police Domestic and Family Violence Stakeholders Task Force, which is forging new and important links between NSW Police and peak domestic violence agencies, in keeping with the Premier's State Plan for an integrated approach to reduce domestic violence.

***Education and training days:***

The Redfern WDVCS has organised or participated in a number of education and training days during 2007-2008, including a day for Domestic Violence Liaison Officers from Redfern, Kings Cross, City Central, The Rocks and Surry Hills; training for solicitors; and information days at refuges and local agencies.

***COMMITTEES:***

The Redfern WDVCS is actively involved in the following committees:

- ◆ NSW Police Domestic and Family Violence Stakeholders Task Force
- ◆ The Attorney General's Apprehended Violence and Legal Issues Coordinating Committee
- ◆ Redfern/Waterloo Family Violence Taskforce
- ◆ WDVCS - Police Issues Working Party
- ◆ Inner-City Domestic Violence Action Group
- ◆ Downing Centre Court Users Forum
- ◆ Premier's Peak Women's Forum
- ◆ Black Out Violence Campaign

## SYDNEY UNIVERSITY – STUDENT REPRESENTATIVE COUNCIL BRANCH OFFICE

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 2008. 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 refers clients to solicitors and barristers or Legal Aid when they qualify. 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.

Redfern 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 who had been excluded from the University because of absences due to illness. The negotiations between the University and the branch solicitor resulted in the student being able to continue their studies with support from the University's Disability Office. Other representation of students included advising students on how to prepare their submissions to the Registrar to mitigate penalties imposed for proven misconduct and assisting students to reapply to the University when they have exceeded the ten years allowed to complete their course.

### ***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. The legal service has also successfully negotiated on behalf of students to have their debts reduced or written off or to pay them 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 fraud, drug offences, trespass offences, assaulting a police officer, resisting arrest and driving offences. During the past year the service also successfully represented a student who pleaded not guilty to a drink-driving offence.

### ***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. In one case the legal service successfully assisted a clients to obtain the refund of bonds and administrative charges levied by landlords. The service found that students who are in a boarder or lodger arrangement are increasingly vulnerable to landlords who misuse their power over them by forcing them to agree to unfair charges and conditions. Boarders and lodgers do not have redress to the CTTT however the branch achieved successful outcomes for clients by making applications to the Small Claims division of the local court.

### **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. Mobile phone contracts are an increasing cause of concern and the service has assisted students with negotiating more favourable outcomes.

### **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. The service is at present representing two students who have made unfair dismissal complaints in the Australian Industrial Relations Commission.

### **DISCRIMINATION**

In one case the legal service successfully assisted a student who made a complaint to the Anti-Discrimination Board to reach a confidential settlement with his employer.

### **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 matters relating to its publications for example issues relating to copyright and defamation. 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 continuing support and information for SRC student representatives and other activists in relation to the laws impacting on protest activities. It also organised a workshop in defamation law at the SRC. This training session was well attended and well received.

### **PRO BONO ASSISTANCE**

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

- ◆ Adrian Williams of 16th Floor Wardell Chambers
- ◆ Lucan Gorham of 16th Floor Wardell Chambers
- ◆ Tony Di Francesco of Queens Square Chambers
- ◆ Graeme Ulbrick of G&D Lawyers Parramatta

## **SYDNEY UNIVERSITY POSTGRADUATE REPRESENTATIVE ASSOCIATION BRANCH OFFICE**

In February 2008, Redfern Legal Centre opened a new branch office at the offices of the Sydney University Postgraduate Representative Association ("SUPRA").

This new service provides legal services to postgraduate students from any of the University's seven campuses including the affiliated campuses of the Sydney College of the Arts, the Conservatorium of Music, Orange Agricultural College and Camden Farms.

SUPRA funds Redfern Legal Centre to provide the legal service. In turn SUPRA itself receives funding from the University to provide its services to students. In 2007 SUPRA's funding application to the University included a proposal to obtain funding to enable Redfern Legal Centre to establish and operate a part time legal service for postgraduate students along the lines of the one already operating at the SRC which provides legal services to undergraduate students of the University. The University agreed to fund the legal service for 2008 and is presently considering whether to provide funding for it beyond this date.

Redfern Legal Centre employs one solicitor for 17.5 hours (2.5 days) per week to operate the SUPRA office. The SUPRA legal service is supervised by the Principal Solicitor of Redfern Legal Centre and is covered by the Centre's professional indemnity insurance.

Face to face appointments are available at most times throughout the day on Tuesdays and Thursdays with Thursday afternoons being dedicated to a drop in service. Students at distant campuses and students who are unable to attend on those days can also make telephone appointments or receive advice by email.

The solicitor primarily provides advice and casework services to students. Casework services are provided either through representation or through providing assistance and support to enable students to represent themselves in their matters. Deciding who to represent and who to assist is made after consideration has been given to the potential for the client to effectively and successfully manage the matter themselves with assistance from the solicitor, the other legal services available to the client, and their own resources. The aim is to allow the solicitor to spend greater time on clients who have a high degree of need and are unable to access other services for whatever reason whilst at the same time providing the most efficient and useful service to the entire postgraduate student community.

The solicitor undertakes community legal education and policy work. 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. 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 postgraduate students or all postgraduate students.

The solicitor provides regular legal and strategic advice to the four Student Advice and Advocacy Officers (SAAOs) employed by SUPRA who deal with a variety of issues concerning students such as academic or welfare matters.

The solicitor also maintains a close link with the other staff and office bearers of SUPRA. SUPRA also benefits both directly and indirectly from the support offered

by Redfern Legal Centre itself, especially from that given by the Executive Officer, Administrator, Principal Solicitor and the other solicitors and tenancy workers. In addition to performing the duties at SUPRA, the solicitor participates in the organisational life of the main office of the legal centre through attendance at staff and other meetings.

### **ADVICE AND CASEWORK**

Advice and casework has been provided on the full gamut of legal issues. There have been higher numbers of advice and casework provided in the areas of employment, tenancy, housing related debt issues (ie debt issues arising out of housing in situations where the clients are not tenants but residents, or the dispute is between co-tenants), consumer and credit matters, motor vehicle accidents, road traffic and motor vehicle regulatory offences, personal injury and criminal matters. There has also been advice and casework provided to postgraduate students in matters where the University itself is the other party.

### **EMPLOYMENT**

Many of the clients are working outside the University to supplement their other income (usually parental support, scholarships or part time University employment in their departments). They are often working in positions where their conditions and entitlements are questionable and often in positions where their employment status (ie whether they are in fact an employee or sub-contractor) or the requirements and legal obligations imposed on them by virtue of their status are unknown to the student until a dispute arises, the employment ends or they find themselves being investigated by government departments such as the Australian Tax Office. Over the year, the legal service has successfully negotiated on behalf of many students to recover wages and entitlements, assisted them to resolve concerns about working conditions, assisted them in their dealings with government departments and assisted them so that they can comply with their taxation or other legal obligations.

### **TENANCY**

Due to their poor economic situations, clients are ill placed to afford rent increases and so often fall into arrears. In addition, lack of funds or the need to make the financial resources they have last as long as possible often means that they are residing in accommodation that is of a poor standard which leads to tenancy issues such as the need for repairs, compensation for breaches of the tenancy agreement and the like. 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 (CTTT). It should be noted that the recent economic crisis has seen an increase in the number of tenancy queries in relation to notices to vacate the property due to repossession by the lender and that this trend can be expected to continue.

### **HOUSING RELATED DEBT ISSUES**

Many of the students are living in situations where they are not covered by the Residential Tenancies Act and/or are not able to access the CTTT at this point in time. This is because they are either residents or are in co-tenant disputes. The necessity to take these matters to the local court creates unnecessary legal

complexity and cost issues for the students. 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 housing related debt matters at the local court.

### **CONSUMER AND CREDIT MATTERS**

The legal service receives a large number of enquiries about consumer and credit matters largely in relation to aggressive sales techniques or onerous credit contracts. The service has been able to negotiate successful outcomes for students in a range of matters in these areas.

### **MOTOR VEHICLE ACCIDENTS**

A significant number of students attend the service to seek advice in relation to recovering damages and/or defending claims for damages following motor vehicle accidents. They are often young and/or inexperienced drivers or holders of international licences who are unfamiliar with the rules and regulations in New South Wales. The financial impact of these matters can be significant for students who rely on their vehicles and earn a small income or have limited financial resources. The service has successfully assisted a number of clients to obtain compensation for the damage done to their vehicles. In addition, the service has successfully represented a student to obtain orders in his favour in a situation where it was necessary to defend the matter against him and cross claim against the other party. It has also assisted another client to obtain a judgement in her favour and successfully enforce the judgement obtained against the other party. Where the clients have admitted liability but disputed the amount claimed, the legal service has also successfully negotiated to reduce the amount to be paid to an acceptable amount and to allow the clients to pay the sum off by instalments.

### **ROAD TRAFFIC AND MOTOR VEHICLE REGULATORY OFFENCES**

Inexperience or lack of familiarity with the road rules, coupled with having older or less well maintained vehicles due to economic constraints often means that the clients of the legal service present with penalty notices received for these offences. For the same reasons they are often less able to meet the financial burden imposed in paying a penalty notice. A significant number of clients have wanted to court elect and plead guilty. In these situations, the legal service has either represented or assisted them either in person or by way of drafting their written pleadings. Overwhelmingly, the involvement of the legal service has resulted in achieving very favourable outcomes for the students. In addition, the service has successfully represented one student who pleaded not guilty to a traffic offence.

### **CRIME**

The solicitor provided advice and representation in local courts to a number of students mostly in relation to matters concerning possession of drugs, driving offences (mostly alcohol related offences), assault, carrying prohibited weapons, larceny (by a servant), fraud and allegations of Centrelink fraud.

### **PERSONAL INJURY**

The legal service continues to refer clients to personal injury solicitors for employment and motor vehicle accident related personal injury.

**UNIVERSITY MATTERS**

As the legal service remains independent of the University it can advise students on University matters and can represent students in conflicts with the University. In cases where the clients were postgraduate research students, the overwhelming majority of matters have concerned intellectual property disputes with the University. There are also a number of trade practices matters presently being handled where the clients are coursework masters students, mostly full fee paying international students who have issues with the University over the original marketing, description, accreditation and other claims, and unadvised changes made in relation to their courses.

**SUPRA AS CLIENT**

The legal service frequently provides legal and strategic advice to the SUPRA Student Advocacy and Advice Officers (SAAOs) in relation to the students they are advising. The legal service also assists the other staff and office bearers of SUPRA in relation to any other legal matters that may arise, for example by providing advice in the area of intellectual property to those involved in preparing SUPRA publications.

**COMMUNITY LEGAL EDUCATION/ POLICY AND LAW REFORM**

The Service has written a facts sheet (in English, Mandarin and Cantonese) on identifying employment status, ie the differences between being an employee or a sub-contractor and meeting legal obligations as a sub-contractor for launch at an upcoming multilingual education session on this topic to be conducted in English, Mandarin and Cantonese. The solicitor has also been involved in the policy work being undertaken by SUPRA in relation to the proposed University Intellectual Property Policy Rule Changes.



## TAFE (SYDNEY INSTITUTE) BRANCH OFFICE

The legal service at the Sydney Institute of TAFE is provided by Redfern Legal Centre and operates as a branch office of the Centre. The service is funded by the Sydney Institute of TAFE Student Association.

The branch office is based at Ultimo College of TAFE in Railway Square. Legal services are available to students and other eligible Student Association members at all 8 colleges of Sydney Institute of TAFE: Eora, Enmore College of Design, Gymea, Loftus, Petersham, Randwick, St George, and Ultimo. There are over 74,000 students enrolled at Sydney Institute.

As far as we are aware, this is the only legal service based at a TAFE college anywhere in Australia. The student population has high levels of disadvantage in access to other legal services with many students with disabilities or from CALD backgrounds. Prior to the commencement of the service a legal needs survey conducted at Sydney Institute indicated a high level of unmet need for legal advice among TAFE students, with many students experiencing legal problems but few seeking legal advice for these problems.

Redfern Legal Centre entered a contract to provide this service at the commencement of 2008. The Service had previously been operated for over 4 years by the UTS Community Law Centre but this Centre ceased operation at the end of 2007 as a result of the reduced funding available following the commencement of Voluntary Student Unionism.

The TAFE legal service is staffed by one solicitor who works three days per week and is employed and supervised by the Centre. The legal service solicitor, Judy Burgess, has been working at the TAFE service since it commenced. The legal service is covered by the Centre's professional indemnity insurance.

The solicitor provides a very busy advice service three days per week. Appointments are available at the Ultimo branch office and also by telephone where clients cannot attend the branch office.

The major areas of advice in the period to June 2008 were:

- ◆ Family Law and child support
- ◆ Tenancy and Housing
- ◆ Centrelink
- ◆ Train and traffic fines
- ◆ Motor vehicle accidents
- ◆ Employment
- ◆ Criminal law
- ◆ Consumer complaints

As well as providing legal advice, the solicitor provides assistance where required in preparing legal correspondence for clients and negotiating with third parties on behalf of clients.

The solicitor provides ongoing casework services in a limited number of cases. In deciding whether to take on a case, the Service weighs up available resources and expertise and factors such as the availability of other assistance and the likely outcome if assistance is not provided. As many legal problems may affect a student's ability to continue studying, much of the casework is aimed at enabling

students to continue their study.

The main types of cases opened in 2008 relate to debts, Centrelink issues, tenancy/ housing issues and transport fines.

The solicitor does not provide legal representation at court as the time and resources required to do this would restrict the Service's ability to help other clients. However, clients are assisted to find free or reduced-fee legal representation. Self-representing clients are also assisted in the preparation of documents, statements and advice regarding court procedure.

The solicitor also undertakes community legal education with the intention of increasing the ability of students to avoid legal problems and to increase awareness of the availability of legal assistance when problems arise.

The solicitor supervises law graduates completing Practical Legal Training and student volunteers. Work carried out by volunteers includes, taking initial instructions and statements from clients, legal referrals, legal research and drafting legal forms and other court documents. The volunteers make a valuable contribution to the work of the service.

The Service is a student-focussed service. When acting for students the Service is able to liaise closely with TAFE counsellors and teachers (with the students' consent) so that students' legal needs are addressed within the context of their general welfare.

In addition to performing the duties at TAFE, the solicitor participates in the organisational life of the main office of the legal centre through attendance at staff meetings.

## **CASEWORK**

### ***CENTRELINK***

The service noticed a significantly increase in enquiries about Centrelink related issues this year with Centrelink matters increasing from 4% of enquiries in 2007 to 13% in the first half of 2008.

Our clients receive a wide range of Centrelink Benefits. These include not only study-related benefits such as Youth Allowance and Austudy but also Newstart allowance and Disability Support Pension.

Students, especially those with English language difficulties or mental health disabilities commonly have difficulties in coping with the complexity of reporting requirements for Centrelink and can find themselves facing overpayments or cancellation of benefits due to breaches of requirements.

In one case, our client had her Newstart allowance cancelled for 8 weeks after she failed to attend interviews with her job network. Centrelink had changed her job network provider many times over a 12 month period and she had become very frustrated with the process, getting into conflict with her current provider. As a single woman with no family support, the cancellation of her benefit meant she was unable to pay her rent and was facing homelessness. In interviewing the client it was clear that she was experiencing highly stressful personal circumstances at the time she failed to attend interviews. We sought review of the decision on the client's behalf. The review was successful and the client had her benefits restored and was referred for additional personal support by Centrelink.

We have also advised clients regarding Centrelink benefits and assisted them to apply for benefits to which they were entitled. In one case our client had been in Australia for less than a year after marrying an Australian citizen overseas. Once she had arrived in Australia she was the victim of domestic violence and was only allowed to leave the house to attend TAFE English classes. She left her husband and was living in temporary accommodation but had no income. As she was only a temporary resident who had been in Australia for a short period her Centrelink entitlements were limited. We assisted her to make a successful application for Special Benefit. We also provided her with advice about the process for obtaining an Apprehended Violence Order against her husband and referred her to another service to assist with immigration advice and to find housing.

### **DEBTS**

The service assists many clients to negotiate regarding debts. Sometimes these debts are relatively small but nevertheless can cause the student considerable stress if their only income is Youth Allowance or Austudy.

One client had a debt of \$300 to a bank after a direct debit was paid when there were insufficient funds in her account. The service assessed her financial circumstances and found she had only \$40 per week for food after rent and bills were paid. Following contact by us with a senior customer relations officer at the bank, the bank agreed to waive the debt in full.

Mobile phone debts are also common. In one case, our client was a recently arrived refugee who received an unsolicited offer of a free mobile phone and a new phone plan. He agreed to take up the offer but did not like the phone provided and returned it immediately without activating the SIM card. He nevertheless continued to receive monthly accounts for the phone plan which had amounted to almost \$1000 and had been referred to a debt collector. We referred the matter to the Telecommunications Industry Ombudsman. Following their intervention the mobile phone company agreed to cancel the plan and write-off the existing debt.

### **TRANSPORT FINES**

We receive a significant number of enquiries from students who have been fined for travelling on a concession ticket without being able to produce evidence of their entitlement. Many students believe that their TAFE card is sufficient to entitle them to a travel concession but City Rail requires students to have a Cityrail sticker on their card. If students travelling on a concession fare are unable to produce evidence of the Cityrail sticker they are issued with a \$200 fine. We have been successful in several cases when we provided proof of entitlement to a concession to the State Debt Recovery Office. In these cases, the fine has been waived.

### **TENANCY**

Many students, particularly 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, of students in relation to such matters and assisted students to prepare for matters at the Consumer, Trader and Tenancy Tribunal.

In one case, the landlord spent time living in a shed at the back of the premises. There were multiple problems including water leaking on to the electricity meter,

a mould problem in the bathroom, a dangerous front path which needed repair and faulty locks on the doors and windows. There was also a dispute over a rent increase. We assisted the client to prepare submissions for a hearing at the CTTT. The landlord was ordered to leave the shed, and conduct the repairs. He was also prevented from increasing the rent for a period of 12 months.

### **TAFE MATTERS**

At present the TAFE service does not advise students on matters in which they are in conflict with TAFE. The Student Association considers that such advice would create a conflict of interest with TAFE. The Centre is concerned that students who have TAFE related complaints may be vulnerable students with disadvantaging characteristics who are not able to adequately represent themselves against TAFE. It is difficult to find other legal services who are willing and able to assist students in TAFE matters. The Centre is currently exploring options with TAFE as to how best to provide assistance in these matters.

### **LEGAL EDUCATION**

The service has provided the following legal education workshops:

- ◆ Working in Australia: your rights and responsibilities (for International Students)
- ◆ Your tenancy rights (for International Students)
- ◆ Your tenancy rights (for Ultimo students).

The service also prepared two Legal Education leaflets for distribution at TAFE Student association Events:

- ◆ Cars and the Law: tips for staying out of trouble (for St George Car & Bike Expo)
- ◆ Your health, your rights (for Health Expo at Ultimo).

Information about useful legal facts (with web links) is provided on the Legal Service's home page on Sydney Institute Student Association's website.

### **VOLUNTEERS**

The service received invaluable assistance from the following volunteers:

Dominique Armstrong (Practical Legal Training placement)  
Sarah Levingston (Practical Legal Training placement)  
Janice Waring (Practical Legal Training placement)  
Achinthi Vithanage (Law student)

**DIRECTORS' DECLARATION**

The directors of the company declare that:

1. The financial statements and notes, as set out on pages 4 to 19 presents fairly the company's financial position as at 30 June 2008 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 16<sup>th</sup> day of October 2008

*Director's Declaration*



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**REDFERN LEGAL CENTRE**  
**ABN 31 001 442 039**

**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 2008, and the Income Statement, Statement of Changes in Equity and Statement of Cash Flows 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.



REDFERN LEGAL CENTRE  
ABN 31 001 442 039

INDEPENDENT AUDIT REPORT  
TO THE MEMBERS OF  
REDFERN LEGAL CENTRE

*Independence*

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

We confirm that the independence declaration required by the *Corporations Act 2001*, provided to the directors of Redfern Legal Centre on 16 October 2008, would be in the same terms if provided to the directors as at the date of this auditor's report.

*Auditor's Opinion*

In our opinion,


- (i) giving a true and fair view of the company's financial position as at 30 June 2008 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

other mandatory professional requirements in Australia.



Mark Godlewski  
Partner

21 October 2008



PITCHER PARTNERS  
SYDNEY



**REDFERN LEGAL CENTRE**  
**ABN 31 001 442 039**

**INCOME STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2008**

	Notes	2008 \$	2007 \$
Revenue	3	1,244,066	1,135,594
Employee benefits expense		(1,043,328)	(955,138)
Depreciation and amortisation expenses	4	(17,605)	(17,117)
Insurance		(10,656)	(11,353)
Program and related expenses		(56,783)	(58,643)
Subscriptions		(8,315)	(7,834)
Telephone, facsimiles and internet		(14,552)	(15,370)
Printing, stationary and postage		(23,627)	(22,201)
Other expenses		<u>(60,638)</u>	<u>(37,507)</u>
		(1,235,504)	(1,125,163)
Finance costs	4	<u>(1,263)</u>	<u>(1,860)</u>
<b>Profit before income tax expense (income tax benefit)</b>		7,299	8,571
Income tax benefit (income tax expense)	1(d)	<u>-</u>	<u>-</u>
<b>Profit from operations</b>		<u><u>7,299</u></u>	<u><u>8,571</u></u>

**REDFERN LEGAL CENTRE**  
**ABN 31 001 442 039**

**BALANCE SHEET**  
**AS AT 30 JUNE 2008**

	Notes	2008	2007
		\$	\$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	6	321,082	110,757
Trade and other receivables	7	360	1,855
Other financial assets	9	409,525	383,182
Other current assets	8	<u>8,386</u>	<u>7,516</u>
<b>TOTAL CURRENT ASSETS</b>		<u>739,353</u>	<u>503,310</u>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	10	<u>41,542</u>	<u>27,703</u>
<b>TOTAL NON-CURRENT ASSETS</b>		<u>41,542</u>	<u>27,703</u>
<b>TOTAL ASSETS</b>		<u>780,895</u>	<u>531,013</u>
<b>CURRENT LIABILITIES</b>			
Trade and other payables	11	336,450	96,212
Borrowings	12	4,319	2,918
Provisions	13	<u>143,065</u>	<u>89,678</u>
<b>TOTAL CURRENT LIABILITIES</b>		<u>483,834</u>	<u>188,808</u>
<b>NON-CURRENT LIABILITIES</b>			
Borrowings	12	1,715	7,251
Provisions	13	<u>67,125</u>	<u>114,032</u>
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>68,840</u>	<u>121,283</u>
<b>TOTAL LIABILITIES</b>		<u>552,674</u>	<u>310,091</u>
<b>NET ASSETS</b>		<u>228,221</u>	<u>220,922</u>
<b>EQUITY</b>			
Retained earnings	14	<u>228,221</u>	<u>220,922</u>
<b>TOTAL EQUITY</b>		<u>228,221</u>	<u>220,922</u>

Balance Sheet

REDFERN LEGAL CENTRE  
ABN 31 001 442 039

STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2008

	Notes	2008 \$	2007 \$
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>			
Receipts others		153,881	65,296
Grant receipts		1,170,683	1,036,163
Payments to suppliers and employees		(1,090,970)	(1,083,221)
Interest received		39,917	34,135
Borrowing costs		<u>(1,263)</u>	<u>(1,860)</u>
Net cash provided by operating activities	18 (b)	<u>272,248</u>	<u>50,513</u>
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>			
Payment for property, plant and equipment		(31,444)	(7,952)
Payment for investments		<u>(26,343)</u>	<u>(22,394)</u>
Net cash used in investing activities		<u>(57,787)</u>	<u>(30,346)</u>
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>			
Repayment of finance lease		<u>(4,136)</u>	<u>(3,579)</u>
Net cash used in financing activities		<u>(4,136)</u>	<u>(3,579)</u>
Net increase in cash held		210,325	16,588
Cash at beginning of financial year		<u>110,757</u>	<u>94,169</u>
Cash at end of financial year	18 (a)	<u>321,082</u>	<u>110,757</u>