



Redfern Legal Centre

Annual Report 2009-2010

REDFERN LEGAL CENTRE ANNUAL REPORT 2009-10

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Our Vision	3
Message From the Chair	5
Structure, Support & Funding	7
Staff and Volunteers	9
Client Statistics	14
General Legal Service	16
Credit and Debt	23
Tenants' Service	27
Women's Domestic Violence Court Assistance Scheme	30
The SRC Legal Service	37
SUPRA Legal Service	39
TAFE Legal Service	43
Directors' Declaration	47
Auditor's Report	48
Financial Position Statement	50
Comprehensive Income Statement	51
Cashflow statement	52

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

The past 12 months have seen some significant changes for Redfern Legal Centre. During this year our CEO, Helen Campbell, resigned after eight years at the helm. Helen's contribution to RLC was widely acknowledged and greatly appreciated by the Board. She leaves the Centre in good shape, and we were pleased that Helen has remained in the sector. We were exceptionally pleased to welcome our new CEO, Joanna Shulman, who joined us from the Disability Discrimination Legal Centre. Jo has also previously worked at Inner City Legal Centre and the Public Interest Advocacy Centre.

During the course of the year RLC submitted to an external review that was undertaken by Judith Stubbs and Associates. As a result of the review we have made some changes to the internal management structure of the Centre, including the creation of a new team leader position for the legal team.

As a result of a competitive tender process, from 1 July 2009 RLC was appointed to operate the Sydney Women's Domestic Violence Court Assistance Scheme at Balmain, Newtown, Waverley and the Downing Centre Local Courts. This was a significant expansion of our service that previously operated only at the Downing Centre. This consolidation of existing and new services operated by RLC was across the catchments of various established CLCs. The consolidation process reflects the ability of CLCs to work together to respond to changing needs and priorities of the community and its institutions.

Much of RLC's work is advice and casework for individuals to improve access to justice. During the past year RLC received additional funding from the Office of Fair Trading to run a series of outreach programs for people from culturally and linguistically diverse backgrounds. The project was a huge success with a 200% increase in requests for assistance from the target client group. There is a clear need for advice and assistance in CALD communities which is currently neither identified nor met.

RLC through its tenancy service, the Inner Sydney Tenancy Advice and Advocacy Service has been active in seeking systemic outcomes for its clients in relation to ongoing failures within Housing NSW management of tenancies and properties. A number of complaints have been upheld by the NSW Ombudsman.

RLC student services continued to identify significant problems, particularly for international students vulnerable to exploitation from landlords, employers, scams and even from other students. We have been successful in achieving outcomes for a number of students and will be further investigating some opportunities for addressing issues through systemic measures.

Many of our clients have mental and/or physical disabilities and RLC has contributed to a major shadow report that will be submitted to the United Nations Committee on the Rights of Persons with Disabilities as part of the Committee's review of Australia which is scheduled to occur in 2011.

As always the contribution of volunteers has been substantial and invaluable. During the next 12 months we will be re-thinking our volunteer engagement strategy with a view to better utilising the volunteer resources that we have available to us, and providing more rewarding and engaging volunteer experience.

On behalf of the Board, I would like to sincerely thank our staff, and our volunteers for their contributions over the past 12 months.

Nicolas Patrick

Chair, Board of Redfern Legal Centre

MANAGEMENT STRUCTURE

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

DIRECTORS

Member Name	Occupation	Basis of Appointment	How Appointed
Nicolas Patrick (Chair)	Solicitor	Member	Elected at AGM
Paul Farrugia	Solicitor	Member	Elected at AGM
Tamara Sims	Solicitor	Member	Elected at AGM
Peter Stapleton	Solicitor	Member	Elected at AGM
Kristin van Barneveld	Solicitor	Member	Elected at AGM
Amy Munro	Solicitor	Member	Appointed to a casual vacancy 17-2-2010

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/ Megan Cameron	Sue Thomas

FUNDING

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

- ◆ 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.
- ◆ The NSW Premiers' Department, Office for Women's Policy provides funding for a Domestic Violence Support Service.
- ◆ 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 Service 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 NSW Department of Corrective Services Victims of Violent Crime Grants Program, for funding to produce a DVD about domestic violence
- ◆ The NSW Law and Justice Foundation for funding the Activist Rights' Manual and for printing of factsheets to assist tenants at the Tribunal
- ◆ The NSW Office of Fair Trading for a grant to produce Share Housing postcards
- ◆ Thomson Reuters Australia support the Lawyers' Practice Manual
- ◆ Lord Mayor Clover Moore's Salary Trust for assistance to produce a kit for Boarders and Lodgers
- ◆ Macquarie Group Foundation for donation
- ◆ Freehills for donation to the Prisoners Project
- ◆ 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 PILCH, 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, who provide us with solicitors two half days a week thereby enabling flexible and accessible appointments, and opportunities for longer discussions at times when courts and businesses can be called during the interview.

Gilbert + Tobin who have provided 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 Advocacy Service for the past 10 years.

BARRISTERS; INCLUDING:

Craig Biscoe	Daniel O'Sullivan
Nick Eastman	Daniel Petrushnko
Pat Griffin	John Sharpe
Richard Jefferis	Jonathon Taylor
Darren Jenkins	Brenda Tronson
Colleen McCullum	Adrian Williams
Miranda Nagy	Michael Windsor

OUR ROSTER OF SOLICITORS WHO GIVE ADVICE ON TUESDAY AFTERNOONS:

Foster and Associates
Landers & Rogers
Keddies
Henry Davis York

FOR ASSISTANCE WITH PREPARING A SUBMISSION TO THE NATIONAL HUMAN RIGHTS CONSULTATION:

Charles Gregory, DLA Phillips Fox

FOR CASEWORK, CORPORATE AND PROPERTY SEARCHES, MCLE SESSIONS AND VENUES FOR TRAINING AND MEETINGS:

Blake Dawson Waldron	Graeme Ulbrick of G & D Lawyers
Clayton Utz	Gilbert + Tobin
Costs Plus	Landers & Rogers
DLA Phillips Fox	Peter Murphy and Associates
HWL Ebsworth	Turner Freeman

VOLUNTEERS

Volunteers continue their significant contribution to all aspects of the Centre's work. Our volunteers are of all different ages and come from all walks of life. Most of our volunteers have some post-secondary education, are highly skilled and bring many years of life experience with them. We had approximately 286 volunteers during the 2009 / 2010 financial year. Over any fortnight there were up to 150 volunteers providing legal advice and information services.

Redfern Legal Centre volunteers provided approximately 19,650 volunteer hours during this year, and we estimate that through our volunteers we contributed the equivalent of \$2.2 million worth of services to the community. We thank all of our volunteers for their commitment and contribution to the Centre this past year – we would not be able to provide the same quantity or quality of service without them.

Day volunteers – “legal assistants” – are generally law students and interested members of the community. They are the first point of contact for people who access the Centre whether it be over the telephone or face-to-face. Legal assistants interview clients, carry out casework (under the instruction of the caseworker), research and general administration.

Evening volunteers, mostly solicitors and barristers, take instructions and provide legal advice during our evening advice sessions, and commit to either one weekly or fortnightly shift. All volunteers receive training and are supervised by a member of staff.

Volunteers also contributed to the running and administration of our branch offices including SWDVCAS, SI-TAFE Legal Service, SRC Legal Service, and SUPRA Legal Service. In addition, volunteers made significant contributions to the ISTAAS, Yellow Card Project, the General Legal and Credit & Debt Services, as well as numerous other projects completed during the year.

REDFERN LEGAL CENTRE VOLUNTEERS IN 2009/10

Adam Achterstraat	Andrew Cong	Amanda Harvey	Angela McClung	Kirk Simmons
Paul Ahearn	Naomi Cook	Amy Hill	Tim McGinley	Anna Simmons
Roberta Allen	Penny Cookson	Lynda Holden	Rebecca McGrath	Tim Sinclair
Lincoln Amos	Siew Cooper	Gavin Hollamby	Rory McLeod	Carlo Soliman
Nicholas Anderson	Danielle Cooper	Jonathan Hon	Gabriella Mesiti	Anoushka
Mayuri Anupindi	Chantel Cotterell	Joanna Hughes	Dale Mills	Somasunderam
Dafne Ardiles-Martinez	Marianne Coulson	Jamie Hutchinson	Felicity Millner	Jessica Sparksman
Ranjan Arianayagam	Lewis D'Avigdor	Lisa-Claire	Charlotte Minogue	Jessie-Grace
Ginan Ashcroft	Martha Dale	Hutchinson	Hannah Moffat	Stephenson
Lucinda Baldwin	Chris Davies	Lici Inge	Vincent Mok	Kate Stowell
Lachlan Ball	Anna Dawson	Susan James	Lisa More	Mark Stratton
Graham Bannerman	Nimali (Ranga) De	Mary Jang	Nina Morgan	Louie Supan
Anna Barbouttis	Silva	Darren Jenkins	Brigit Morris	Ingrid Switzer
Cadence	Justin DeLa Pena	Oshini Jinasena	Mary Morrisroe	Chelsea Tabart
Barkelew-Catt	Sine Dellit	Sarah Johnson	Natalie Mourant	Ahmed Taleb
Martin Barker	Laura Donnelly	Cymbeline Johnson	Jacqueline Mowbray	King Tan
Rebecca Barry	Jonathon Dooley	Benjamin Johnson	Peter Murphy	Jessica Tat
Patrick Bateman	Rebekah Doran	Margaret Jones	Karthiga Nageswaran	Andrew Thomas
Clare Baxter	James Douglas	Tamasin Jonker	Persia Navidi	Jack Tipple
(Hefferman)	Maeve Doyle	Laura Joseph	Ross Nicholas	Jessica Trappel
Eugenia Baydikova	Alex Edwards	Lauren Judge	Brendan O'Hanlon	Patrick Trieu
Thomas Beamish	Talia Epstein	Briana Jurgeit	Barbara Paradis	Charlotte Trinh
Harold Bear	Kristina Erzikov	Aaranie Karthikeyan	Jennifer Parbery	Naomi Ugarenko
Joanne Beckett	Oshie Fagir	Hannah Keane	Matthew Payne	Nicole Urban
Elizabeth Bedford	James Feng	Rabea Khan	Cindy Penrose	Kristin van Barneveld
Amanda Berry	Alyssa Fitzgerald	Una Kilioni	Denise Penson	Katherine Vassie
Marthese Bezzina	Nadine Fitzpatrick	Hilary Kincaid	Ching Phang	Tanya Vavilova
Ruchi Bhatt	Laura Ford	Nicola Knackstredt	Jeremy Pinto	Michelle Veney
Craig Biscoe	Jill Forrester	Aditi Kogekar	Josephine Polak	Carla Vinciullo
Alec Bombell	Keith Foster	Jenny Kojevnikov	Costantine Poplizio	Sam Wade
Natalie Bradshaw	Kate Fraser	Elaine Kot	Carmen Pratap	Gemma
Nathan Buck	Alana Fraser	Germaine Kuiters	Risha Premarajah	Walters-Neil
Vanja Bulut	Susannah Fricke	Amrita Kumar	Lisa Qiu	Janice Waring
Alison Butler	Elise Funnell	Lou Kyle	Hannah Quadrio	Phoebe Webb
Christopher Butler	Paulina Fusitu'a	Nicole Kyriacou	Melissa Quinn	Christine Weekes
Matthew Byrnes	Jennifer Garrick	Victoria La Fontaine	Jeremie Quiohilag	Dominik White
Sarah Cameron	Julia Gendelman	Wesley Lalich	Tamim Rahman	John Williams
Tim Capelin	Laura Gerber	Sophie Lambert	Prishika Raj	Shelley Williams
Alistair Carmichael	Charlene Gerrard	Olivia Lanchester	Trisha Randhawa	Sophie Williams
Melissa Carter	Gia Ghazi	Dean Latham	Kimberly Randle	Jay Williams
Michael Chan	Kane Glanville	Jia Yi Lee	Aaron Rathmell	Piccolo Willoughby
Kath Chegwidan	Julia Gormly	Samantha Lewis	Eric Raymond	Emma Wilson
Tommy Chen	Les Gray	Fiona Ley	Philip Rees	Michael Windsor
Shan Chen	Wendy Green	Laura Lombardo	Amy Richardson	Radhika Withana
Lisa Cheng	Julia Green	David Loonam	Michael Rivera	Rachael Wong
Cissie Cheng	Carole Grey	Lily Luo	Nathalie Romain	Tammy Wong
Bandini Chhichhia	Annalise Haigh	Kirsty MacDonald	Nadia Rosenman	Rebekah Wong
Robert Chiarella	Rana Halabi	Erin Mackay	Madeleine Rowley	Sophy Woodward
Jasmin Chin	Leonie Hale	Lise Maddocks	Bree Ryan	Kasturi Wren
Jessica Chiu	Marc Halpern	Marianne Maguire	Rosa Saladino	Jenny Wyndham-
Emily Christie	David Halpern	Kieran Mahony	Nicole Sammel	Wheeler
Ed Chuah	Misa Han	Klara Major	Nicholas (Nick)	Sera Yilmaz
Maximilliam Chung	Olga Hancock	Vadym Malakhov	Sandrejko	Carmen Yip
Monika Ciolek	Rommel Harding-	Sarah Malik	Rachel Saravanamuthu	Rosaline Yusman
Antonia Clarke	Farrenberg	Tamir Maltz	Cassandra Scott	Flora Zaydenberg
Jodhi Coady	Robert Harris	Savi Manii	Nicole Seale	Merry Zhao
Nicholas Coffill	Callista Harris	Nadya Marokakis	Gerald Seeto	Mona Zheng
James Cokayne	Jemima Harris	Annie McCall	Elisabeth Sercombe	
Rosemary Collins	Sarah Harrod	Shannon McCauley	Sadia Sheikh	
Simon Colyer	Naomi Hart	Merilyn McClung	Lauren Sics	

Staff, Volunteers & Guests



STAFF 2009-10

PERMANENT AND FIXED TERM STAFF:

Natalie Bradshaw	<i>Tenancy Adviser</i>	Donna Polletti	<i>WDVCAS Court Advocate</i>
Megan Cameron	<i>Solicitor</i>	David Porter	<i>Solicitor</i>
Helen Campbell	<i>Executive Officer</i>	Penny Quarry	<i>Senior Solicitor</i>
Hilary Chesworth	<i>Administrator</i>	Michelle Schonstein	<i>Solicitor</i>
Nicholas Comino	<i>Volunteer Coordinator</i>	Susan Smith	<i>WDVCAS Coordinator</i>
Tatiya Hastie	<i>WDVCAS Specialist Worker</i>	Brenda Staggs	<i>Solicitor, TAFE NSW branch</i>
Maggie Hayes	<i>Solicitor, SRC branch</i>	Jacqui Swinburne	<i>Tenancy Coordinator</i>
Jodie Lee	<i>WDVCAS Assistant Coordinator</i>	Lee Taylor	<i>WDVCAS Assistant Coordinator</i>
Rebecca Louttit	<i>WDVCAS Admin Assistant</i>	Sue Thomas	<i>Tenants' Advocate</i>
Kirillie Moore	<i>Senior Solicitor</i>	Phoenix van Dyke	<i>Tenants' Advocate</i>
Elizabeth Morley	<i>Principal Solicitor</i>	Ingrid van Tongeren	<i>Solicitor, SUPRA branch</i>
Dianne Nyoni	<i>WDVCAS Administrator</i>	Wendy Wang	<i>Admin/IT Officer</i>
Nicki Petrou	<i>Solicitor</i>	Charmaine Weldon	<i>WDVCAS Specialist Worker</i>

CASUAL STAFF:

Lachlan Ball	<i>Archives Assistant</i>	Cymbeline Johnson	<i>Legal Assistant</i>
Kathleen Chegwidden	<i>WDVCAS Assistant</i>	Hongwei Kang	<i>Cleaner</i>
Robert Chiarella	<i>Tenancy Adviser</i>	Amrita Kumar	<i>Supervisor, Day Information Service</i>
Siew Cooper	<i>Supervisor, Day Information Service</i>	Marianne Maguire	<i>Project Officer</i>
Chantel Cotterell	<i>WDVCAS Assistant</i>	Klara Major	<i>Legal Assistant</i>
Ned Cutcher	<i>Tenancy Adviser</i>	Merilyn McClung	<i>WDVCAS Assistant</i>
Alex Edwards	<i>Supervisor, Day Information Service</i>	Barbara Paradis	<i>Tenancy Adviser</i>
Kristina Erzikov	<i>Supervisor, Day Information Service</i>	Madeleine Rowley	<i>Supervisor, Day Information Service</i>
Jack Fu	<i>Cleaner</i>	Rosaline Yusman	<i>Supervisor, Day Information Service</i>
Lynda Holden	<i>Court Advocacy Assistant</i>		

SELECTED CLIENT AND SERVICE STATISTICS

Information activities	2310
Number of advices undertaken	1841

CASEWORK:

Number of files opened	2031
Number of files closed	1493
Community legal education projects	116
Law reform projects undertaken	46
Community development projects	22
Aboriginal and Torres Strait Islander clients	7.4%
Culturally and Linguistically diverse (CALD) clients	35.6% *

(103 different countries of origin)

Most of our CALD clients came from: China, Philippines, Indonesia, Russia, Thailand, Bangladesh, India, Lebanon, Ukraine, and Turkey.

* This figure does not include all casework generated by the CALD community education project.

GENERAL ADVICE AND CASEWORK

(top 10 issue areas)

Domestic Violence
 Credit and debt
 Tenancy
 Road traffic offences
 Employment
 Motor Vehicle property damage
 Fines
 Consumer complaints
 Complaints against police

WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME

Total client contacts	6387
Clients assisted:	1212
Client identified as Aboriginal	111
CALD clients	505
Clients identifying as having a disability	125

INNER SYDNEY TENANTS' ADVICE AND ADVOCACY SERVICE

Total contacts	2024
Assistance/representation in Tribunal	134
Born outside Australia	36%
Social housing tenants	77%

CREDIT AND DEBT SERVICE

Total advice/cases	850
Debts	29%
Fines and traffic matters	19%
Motor vehicle	11%
Consumer complaints	8%

SYDNEY UNIVERSITY SRC BRANCH

Total advice/case	189
Fines/traffic offences	19%
Tenancy	15%
Credit and debt	9%
Motor Vehicle	8%
University issues	6%

SYDNEY UNIVERSITY SUPRA (POSTGRADUATE) BRANCH

Total advice/cases	201
Civil (process, contracts)	24%
Govt/admin complaints	15%
Motor vehicle/fines	11%
Consumer complaints	7%
Tenancy	5%

SYDNEY INSTITUTE OF TAFE BRANCH

Total advice/cases	244
Family law and child support	18%
Credit & debt/consumer complaints	12%
Motor Vehicle/fines	11%
Tenancy and housing	8%
Employment	5%

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 legal advice and assistance across areas of law such as consumer matters, credit and debt, employment, discrimination, unfair administrative decisions, family, care and protection, fines, criminal law, domestic violence, and victim's compensation. 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 from 9 am to 5 pm. We are closed each day for lunch between 1 pm and 2 pm, and for shift change-over between 6pm and 6.30pm Monday to Thursday. The door is open and the telephones are answered during these hours. This openness has been an important strength in the building of a relationship of trust with our local clients. Some information and referral can be provided on the spot. However to manage the workload and ensure quality of advice we generally provide advice by appointment.

We have implemented a policy that Aboriginal and Torres Strait Islander 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/or give the client an appointment as soon as possible, preferably the same evening.

ADVICE AND CASEWORK

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

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

Legal advice and some minor assistance are 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.

Advice

Many of our clients are not able to easily act on advice without detailed and practical assistance, due to, for instance poor mental health, intellectual disability or language issues. We have therefore reviewed our appointment system to allow more time for each client. Our aim is to have resourced the client to take the next step by the time they leave the office.

All advice sessions provide advice on a range of general legal matters that 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 more manifest depression or traumatic stress arising from the complex disadvantaging aspects and events of their lives. These disabilities may be part of the presenting problem, or may complicate communication and 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. Such support could avoid the escalation of minor problems to problems needing legal remedies. Clients in these circumstances need substantial time from us, time that could have been avoided.

Corrs Chambers Westgarth kindly provide a day a week of solicitor time pro bono to assist with our legal advice and assistance services. This is particularly helpful for clients who require longer appointments to prepare statements or decipher complex circumstances.

The firms Henry Davis York, Keddies, Fosters and Landers & Rogers also provide solicitors on a roster to enable us to provide a weekly daytime advice session. We try to make these appointments available to clients who have difficulty accessing the evening service, for example if they care for young children, or are frail or elderly.

Casework

In deciding whether to take on a case, the Centre considers whether there are other forms of assistance available to the client, whether it is an area of work the Centre does, the chances of success, 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.

It is often difficult to report on the outcome of many of our cases due to settlement conditions 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**
 - ◆ We assist our tenancy team on legal issues and possible District Court appeals in strategic cases;
 - ◆ We provide advice and assistance to boarders and lodgers in relation to recovery of goods and terms and conditions of accommodation;

- ◆ We provide assistance to clients on enforcement of judgments against landlords through Local Court debt recovery processes; and
- ◆ We advise and act for clients who experience unlawful discrimination in their accommodation.
- ◆ **Consumer**
 - ◆ We are currently representing a client whose ex-wife fraudulently obtained a loan secured on the matrimonial property without our client's knowledge or consent. There was a second loan in similar circumstances with another credit provider and that case was settled.
 - ◆ Redfern Legal Centre is assisting an elderly woman where it appears her trusted professional adviser took out credit cards in her name and used them for his own benefit, running up many thousands of dollars in debts.
- ◆ **Administrative Fairness**
 - ◆ We provide advice and assistance to clients with guardianship and financial management orders. In some instances this is simply making a fixed line telephone available for them to call the NSW Trustee and Guardian.
 - ◆ We are currently assisting a number of clients who were convicted of crimes many years ago, served their sentences, and who have recently been pursued for restitution of the Victims Compensation paid to their victims. Redfern Legal Centre is a strong supporter of the Victims Compensation Scheme and supports the principle of restitution. We say that these debts are very old and would be beyond limitation dates in any other civil proceedings. Furthermore it would be counterproductive for the State to recover funds as the debt recovery process is quite likely to undermine the rehabilitation of the offender.
 - ◆ A client concerned about media presence in court was assisted with a complaint to the Judicial Commission that resulted in systemic changes to the media presence in court in the future.
- ◆ **Assistance and referral for a number of parents about the removal of their children by the Department of Human Services (previously known as Department of Community Services or "DOCS" 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 the Department treats individuals and families in the investigation and preliminary stages
 - ◆ In the way the Department treats the parents and families in contact arrangements and in continuing monitoring of the wellbeing of the children.
- ◆ **Victims of violence**
 - ◆ A client, who had been vulnerable at school, had been involved sexually with a teacher and had suffered from the experience. The client was assisted in reporting the matter to the Department of Education and Training and in pursuing the complaint. Complaints were upheld and the teacher is no longer teaching.
 - ◆ Redfern Legal Centre is looking into a number of matters where victims of domestic violence have been arrested on bench warrants for failing to attend at Court in response to subpoenas. One spent a number of days in prison. In another the subpoena for the victim to attend court was served on the defendant in the matter, that is the alleged perpetrator.

- ◆ A young woman was harassed by a customer at the business where she worked. The employer excluded the customer, who then sued the young woman for alleged “debts” and the loss of enjoyment of being able to attend the business. The Centre obtained pro bono counsel and represented her in the proceedings and negotiations to settle the matter.
- ◆ We provide advice and assistance to people assaulted by security guards and “bouncers”. One case involved court action to obtain preliminary discovery.

◆ **Complaints about Police conduct**

We have continued to provide advice and assistance to people wanting to make complaints about the way they have been treated by police officers. Matters range from complaints about the disrespectful way in which people were treated, through to people being unlawfully detained and use of excessive force by police officers.

◆ **Criminal Law**

- ◆ We provided assistance to a number of clients seeking withdrawal or waiver of fines in circumstances where there were extenuating circumstances, reasons why the person should not have been given an infringement notice, or very real financial hardship issues.
- ◆ A client’s vehicle was searched and some thousands of dollars in cash were removed from it. This left him no money for accommodation or food. We assisted by directing him to Centrelink for an emergency payment. The Centre also advised and supported him in negotiating with Police for return of his money. It was returned after he was interrogated for 4 hours. He was not charged with any offence.
- ◆ One client was charged with four offences relating to failure to file his personal tax returns. During the period in question he had frequently been homeless and suffered episodes of mental illness that left him without the ability to deal with legal obligations. Collaborative work by Clayton Utz, the Bar Association, Brenda Tronson of counsel and Redfern Legal Centre led to the charges being withdrawn.

◆ **Employment**

- ◆ Redfern Legal Centre provided advice, assistance and referral on numerous unfair and unlawful dismissal cases. Frequent issues include clients who are employed long term as casuals, employers not giving the required notice before termination, employees not being provided with equivalent work when returning from maternity leave or being dismissed shortly after complaining about some safety or other aspect of their work.
- ◆ A number of cases involved discrimination in employment. Sexual harassment and disability discrimination continue to be problems for our clients.

COMMUNITY LEGAL EDUCATION

The Centre provides a number of community legal education activities in a wide range of community settings and organisations. During 2009-2010 we participated in community legal education activities on

- ◆ 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 in particular continues to support the website www.activistrightsmanual.com
- ◆ domestic violence

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

FAMILY AND DOMESTIC VIOLENCE

The Centre was able to continue the Yellow Card project thanks to ongoing funding from the Office of Women's Policy. Redfern Legal Centre commenced this project when the Redfern Local Court closed and there was concern that many local women (in particular, Aboriginal women) would lose confidence in pursuing domestic violence orders because of the unfamiliarity of the Downing Centre Local Court. Our project worker contacts victims of domestic violence who have signed the yellow cards police officers carry. By signing, the victims agree to be called by a project worker who can provide continuity, support and further referral for those victims. With the confirmation of the ongoing funding, Redfern Legal Centre has started a range of activities to build the profile of this service. These activities include meeting with community workers and services and media coverage. The approach is to try to reach those victims who may be less confident about seeking support.

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. Centre staff have also continued to participate in the Youth Justice Coalition.

LAW REFORM

Redfern Legal Centre participates in a range of law reform activities and campaigns. We identify obstacles to justice from the advice and casework we do, as well as information gathered during the provision of community legal education, and from our general networking.

Our priority areas of law reform and policy work during 2009/2010 arose from our casework and focused on three main streams:

- ◆ The needs of victims of crime and injury;
- ◆ Access of disadvantaged people in the community to services and participation in society; and
- ◆ Administrative fairness and checks and balances on use and abuse of power by agencies including the police: “keeping the system honest”.

OTHER AREAS

REMOVAL OF CHILDREN

Redfern Legal Centre continued to provide a monitoring role on issues to do with the removal of children by the then Department of Human Services. Redfern Legal Centre notes that New South Wales has the highest proportion of children in out-of-home care in Australia and Aboriginal children are vastly over-represented.

Redfern Legal Centre undertook a project to assess gaps in legal services to families at risk of child removal or trying to maintain contact with children after removal. The results of this work were reported in a Discussion Paper delivered at the State Conference of NSW community Legal Centres in May 2010.

POLICE ISSUES

An effective, fair, and mature police force is an important service to the community. Redfern Legal Centre continues to give priority to being part of the checks and balances that maintain that fairness and effectiveness. For that reason it actively assists in police complaints matters.

As police powers increase the capacity for errors to occur, or for accidental or deliberate abuse of those powers, needs to be monitored. Those likely to come into contact with police 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.

Redfern Legal Centre continues to attend the Precinct Safety Committee, which is a meeting of various agencies such as the NSW Police Force, City of Sydney Council, Redfern Waterloo Authority, Housing NSW, Redfern Legal Centre, REDWatch, Tribal Warrior, Centrelink, Aboriginal Housing Committee, University of NSW, Redfern/Waterloo Chamber of Commerce, Taylors College, and Channel 7 as well as local residents. Police and community concerns are raised in Committee meetings, and strategies and suggestions are discussed to deal with them.

The Centre also maintains a good working relationship with the local Police Domestic Violence Liaison Officers.

However, Redfern Legal Centre remains concerned that the policy of pro-actively policing people targeted as likely to re-offend, mean that not all action is based on proper grounds.

NATIONAL LEGAL PROFESSION REFORM PACKAGE – CONSUMER CONSULTATION

Redfern Legal Centre was pleased to be invited to participate as a consumer representative in the consultation process. The Centre put forward a number of matters including barriers to access to legal services and the lack of viable external dispute resolution scheme for consumer disputes between lawyers and their clients.

ACCESS AND EQUITY AND COMMUNITY DEVELOPMENT

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

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

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

- ◆ Community Legal Centres NSW (including participation in a number of networks and working groups)
- ◆ Consumers' 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

CREDIT AND DEBT LEGAL SERVICE

Our Credit and Debt Legal Service has one full-time and one part-time solicitor. We provide legal advice and casework assistance to people who live in our local government areas, and State-wide to financial counsellors and their clients.

LAW REFORM/POLICY

◆ **The new National Consumer Credit Protection Act 2009 - Phase One**

For many years, RLC has advocated for improvements to consumer credit law. This year one of RLC's credit and debt solicitors was asked by the Senate Economics Legislation Committee of the Commonwealth Parliament to contribute a written response to its assessment of the proposed National Consumer Credit Protection law.

The new Act achieves many of the goals which credit advocates have been seeking for a long time. Among other things, the Act requires lenders, finance brokers, and some debt collectors, to be licensed. Licences, which come into force in January 2011, will be regulated by ASIC.

Our solicitor was invited to attend a meeting at ASIC, with other consumer representatives, about implementation of the new legislation. She raised concerns about "Phase Two" of the new Consumer Protection law, which is called the "Responsible Lending" part of the package. For example, there are significant privacy issues involved in requiring lenders to find out about borrowers' financial situations, and why they want loans.

◆ **Prohibition of Unjust Contract Terms - at last!**

RLC has also long advocated for a national law to prohibit unjust terms in contracts. During 2009/10, a Bill along these lines was finally put before the Federal Parliament. The Bill was then passed to a Senate Standing Committee and our solicitor wrote a submission to the Committee. Most of the Trade Practices Amendment (Australian Consumer Law) Act No 1 was assented to on 14 April 2010.

This is completely new law. It voids unfair contract terms in standard form consumer contracts, where they have been entered into after 1 July 2010. It remains to be tested.

◆ **Bankruptcy Amendment Act**

We wrote to the Commonwealth Attorney General, expressing our support for proposed amendments to the Bankruptcy Act.

◆ **Penalty Notices**

RLC contributed to a Community Legal Centres NSW preliminary submission to the NSW Law Reform Commission inquiry into Penalty Notice offences.

STRATEGIC CASEWORK

◆ **Big Bank forced to buy back own debt**

A financial counsellor from Queensland asked us to assist a client who had taken out a loan in Queensland. The lender was one of the "Big Four" Banks. Hurricane Larry blew down our client's house. The Bank sold the debt to a debt collector. The debt collector sued our client in a NSW court for the outstanding debt of \$30,000.00.

This case was of strategic interest for a number of reasons.

One was that the debt collector was unlicensed at the time it sued our client. This is an offence under NSW law. Secondly, although the alleged debt had been entered into in Queensland, the client had been sued in NSW. Our client also alleged that she had been misled about the amount she borrowed.

We filed a defence and a cross claim for our client. At the end of the reporting period, the Bank had agreed to purchase the debt back from the debt collector. The Bank and the debt collector both agreed to take no further legal action against our client. The Big Bank also agreed to pay our client \$4,000.00.

SUPPORT FOR FINANCIAL COUNSELLORS

Part of the funding for our Credit and Debt solicitors is to provide legal assistance to financial counsellors and their clients.

- ◆ During the year, our solicitors attended meetings of the Financial Counsellors Association of NSW ("FCAN"), and delivered legal advice as requested, either to individual financial counsellors, or to the meetings at large.
- ◆ One of our solicitors was asked to run training for financial counsellors on "Debt Recovery by the Courts"; and to sit on the Selection Committee to choose the new FCAN Training Manager for NSW. She also filled out a survey for the Indigenous Consumer Assistance Network website development.
- ◆ Together with other credit and debt advocates and financial counsellors (especially indigenous financial counsellors from around Australia) we determined a position regarding the Commonwealth Government proposal to extend compulsory income management to long-term unemployed Australians. It was our view that there are significant problems with the programme. We argued that at the very least, the existing programme should be voluntary – that is, opt-in only.

COMMUNITY LEGAL EDUCATION

In 2008 Redfern Legal Centre applied to NSW Fair Trading for an increased grant to allow it to target debt and credit legal services to Culturally and Linguistically Diverse background (CALD) consumers in its catchment area and extending into the Marrickville Local Government Area (Marrickville LGA). The extra funding was granted in mid 2009.

The focus of the first stage of the project was the Marrickville LGA. The RLC solicitors who established the community relationships and delivered the community education undertook some advice and casework. Project funds were also provided to Marrickville Legal Centre (MLC) to provide additional credit and debt advice and casework services to assist in meeting the expected increase in demand as a result of the project.

The main outcomes of the first stage of the project were the development of strong links with CALD communities in the Marrickville LGA, community legal education on credit and debt for members of CALD communities and community workers, and a significant increase in demand for credit and debt legal advice.

The findings from the first stage of the project can be briefly summarised as follows: -

- I. Members of the CALD community and those who work with them do not necessarily identify credit and debt problems as legal problems.

2. Most members of the CALD community who sought legal advice did not have a single, neat credit and debt legal issue.
3. There is a need for credit and debt legal information and advice services that is far greater than the ability of any service provider to meet.
4. The best way to contact CALD communities, particularly the most disadvantaged members of those communities, is to provide community legal education to local agency workers who work with these communities in non legal contexts, and to engage with CALD community members through targeted contact events within networks and events that exist for more general purposes.
5. Community legal education and contact events that focus on early intervention, prevention and education must be backed up by the provision of advice and casework services.
6. Referrals between agency workers, and legal centre staff who have had previous contact and so “know” each other works particularly well as it facilitates referrals for service delivery in a way that meets the needs of the CALD community.
7. Developing familiarity and trust with community members and community workers are vital to ensure that the legal needs of the most disadvantaged members of the community are met.

The project will continue in the City of Sydney, Leichhardt and Botany Bay Local Government areas.

NETWORKING

One of our Credit and Debt solicitors went to a four-day joint annual conference of Indigenous financial counselling and money management workers, the Australian Financial Counsellors’ Credit Reform Association (AFCCRA) and external dispute resolution (EDR) schemes. The EDRs include the Financial Ombudsman Service, the Credit Ombudsman Service, the Telecommunications Industry Ombudsman, and the Energy Industry Ombudsman.

Our two Credit and Debt solicitors attended the Annual Conference of National Community Legal Centres in Perth, Western Australia. Among other things, one of the solicitors ran a session at the Conference.

We are contacted on a regular basis by financial counsellors, ASIC employees, Community Legal Centre lawyers, and Legal Aid lawyers, for advice or assistance with legal issues.

MEDIA

RLC credit and debt solicitors:

- ◆ wrote a media release urging the NSW Government to maintain existing interest rate caps in NSW (which it did);
- ◆ contributed to a number of media statements by financial counsellors from around the country, regarding the Income Management programme being implemented by the Australian Government;

- ◆ had a 20-minute telephone interview with the ABC television programme “Lateline”, regarding poverty and tenants; and
- ◆ wrote to the Australian Financial Review regarding the amendments to the Bankruptcy Act.

EMERGING ISSUES

Our Credit and Debt Service is concerned that the proposed “responsible lending” amendments to National Consumer Credit laws could mean that low-income people will be unable to obtain loans. In desperation, poor people often resort to unscrupulous “pay-day lenders”.

Accordingly, we welcome the announcement by the FaHCSIA Minister in January this year about the Australian Government pilot program to develop the community financial institution sector in Australia (which currently includes about 10 institutions). Indeed, our Credit and Debt service recommended the establishment of such institutions many years ago.

On the other hand, compulsory Income Management alarms us, as does the plan to extend it to those selected low-income people who are “at risk”. We have had a number of discussions with indigenous groups and individuals throughout Australia about this issue. The general consensus is that although there are some positives, the compulsory nature of the present scheme is not supported.

INNER SYDNEY TENANTS' ADVICE & ADVOCACY SERVICE (ISTAAS)

During the last financial year ISTAAS recorded 2024 client contacts. The tenancy team opened 164 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.

ISTAAS provides face to face advice by appointment, as well as immediate face to face advice to people 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 243 clients for face-to-face advice as the initial type of contact. In addition, 115 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 that is not recorded in the TAAP Database.

Of the 164 files, 77% involved social housing landlords. This indicates the high level of assistance required by many public housing tenants.

73 initial contacts were by Aboriginal or Torres Strait Islander tenants which equates to 19% of open files. 36% of contacts were born outside Australia.

ISTAAS caseworkers also assisted 134 clients with their preparations for a hearing at the Consumer, Trader & Tenancy Tribunal (CTTT). This includes applications for rehearings at the Tribunal which involve considerable preparation, even in cases where ISTAAS does not represent at the final hearing. ISTAAS represented tenants in 125 hearings at the Tribunal.

ISSUES OF NOTE

HOUSING NSW AND DEBT COLLECTING

In late 2009 Housing NSW sent many of their tenants letters requesting payments of old debts. Under the Residential Tenancies Act 1987 (NSW) a debt from a former social housing tenancy can be a breach of the current tenancy.

However, many of these debts were older than 6 years, were from a few tenancies back and no detail was given as to what the debt related to.

The tenants who did not just pay straight away eventually received more threatening letters and then notices of termination of their tenancies. At no point did Housing NSW give those tenants details of when that debt was incurred and what the debt related to.

ISTAAS distributed information about this issue to tenants through local networks and pamphlet drops. We acted for each client that approached us, sought an advice from Counsel and have lodged a complaint with the NSW Ombudsman's Office. The matter is ongoing.

NEW RESIDENTIAL TENANCIES ACT 2010

The last financial year has involved much lobbying around the new Residential Tenancies Act 2010 which is due to commence later this year. ISTAAS supported the submissions of the Tenants' Union of NSW and focused specifically on the share housing provisions. While the new provisions enabling co-tenants to end their tenancies are positive, especially for the co-tenant moving out, sub-tenants have now been excluded.

While sub-tenants were generally covered under the existing Act, under the new Act, unless they have a written agreement with their head-tenant, they will be excluded. As share housing is an inherently causal set-up it is rare for sub-tenants to have written agreement. This leaves sub-tenants in the same category as boarders and lodgers who have to rely on common law remedies. There are no statutory provisions to protect them from immediate rent increases or evictions and they will now need to go to the Local Court for bond disputes.

ISTAAS continues to work on this policy issue as well as issues concerning boarders and lodgers generally. We are at the final stages of developing a Boarders Legal Kit that will be useful in highlighting the absurdity of common law remedies for these types of occupants. We will also be working on a new version of the Share Housing Survival Guide later this year.

INTERNATIONAL STUDENTS

ISTAAS continues to assist students and other tenants who are being routinely exploited by head tenants and landlords. In many cases a pattern can be seen where a group of people are evicted after 6 – 8 weeks and their bonds not refunded. Many people are accepting sub-standard accommodation of 4 or more to a room, with more in the lounge room and enclosed balconies.

Where workload permits, ISTAAS will give more assistance to young people being deliberately targeted and exploited by other tenants and landlords. We have assisted many people to get their bonds back through negotiation or Tribunal representation. We will continue to assist these types of clients and lobby government to take more responsibility for the housing issues of international students.

OTHER POLICY, RESOURCE DEVELOPMENT AND COMMUNITY EDUCATION

Community Legal Education

- ◆ Sydney University International Students
- ◆ TAFE International Students
- ◆ Eastlakes Public Housing Tenants
- ◆ Ex prisoners on pre-release program at Guthrie House (with RLC credit & debt team)
- ◆ Legal Aid CLE workshops
- ◆ Aboriginal Corroboree Day

Resource Development:

- ◆ Factsheet on Rent Reduction and Compensation Claims by Tenants
- ◆ Factsheet on Rehearings at the Consumer, Trader & Tenancy Tribunal
- ◆ Factsheet on Terminations by Tenants in Fixed Terms
- ◆ Kit on Housing NSW Appeals
- ◆ Boarders Legal Information Kit
- ◆ Before You Rent Booklet
- ◆ Factsheet on Neighbour Disputes

Participation in policy and networking forums:

- ◆ Tenancy Legal Working Party
- ◆ Boarders and Lodgers Group
- ◆ NSW Tenants' Advice and Advocacy Network and Coordinator Meetings
- ◆ National Association of Community Legal Centres Conference
- ◆ Consumer, Trader & Tenancy Tribunal Consultative Committee
- ◆ TAAP Database Development Committee
- ◆ TAAP Resources Development Committee
- ◆ TAAP Network Meeting Committee
- ◆ Board of Inner Sydney Regional Council for Social Development
- ◆ Meeting with Housing NSW on Redfern & Waterloo redevelopment
- ◆ Policy work on HNSW locational zone policy
- ◆ Meeting with HNSW local area director on various issues
- ◆ Shelter Roundtable on Living in Density
- ◆ Redfern Waterloo Authority Forums

STAFFING

Jacqui Swinburne *Coordinator & Tenants' Advocate*
 Phoenix Van Dyke *Tenants' Advocate*
 Sue Thomas *Community Education Officer & Tenants' Advocate*
 Natalie Bradshaw *Tenants' Advocate*

Casual Workers:

Barbara Paradis *Siew Cooper*
 Ned Cutcher *Robert Chiarella*
 Rafael Mazzoldi

Tenancy Volunteers:

Siew Cooper *Tammy Wong*
 Alex Edwards *Mark Straton*
 Penny Cookson *Flora Zaydenberg*
 Gerald Seeto *Nick Anderson*
 Robert Chiarella

Special thanks must go to Gabriella Mesiti for her outstanding contribution to our team as a PLT student. We would also like to thank Counsel Nick Eastman for his continuing support and assistance to our service.

SYDNEY WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY SERVICE

The Sydney Women's Domestic Violence Court Advocacy Service has had a busy and productive year. We have continued to actively maintain the profile of domestic violence as a criminal matter, and we have provided advocacy, advice and referrals to over 1,200 women attending Downing Centre, Balmain, Newtown and Waverley local courts for domestic violence related matters. We have also 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.

AN EXPANDED SERVICE

On 1 July 2009, the Redfern WDVCS, which operated at the Downing Centre local court, became Sydney WDVCS (SWDVCS) with the expansion of the service to three other local courts: Balmain, Newtown and Waverley. The expansion followed Legal Aid NSW's decision to increase the number of NSW local courts covered by WDVCSs to 108, and to amalgamate a number of WDVCSs, bringing the total number of individual services to 28.

An Expression of Interest by Redfern Legal Centre was successful, and the SWDVCS commenced operating on 1 July 2009. The new service attends Balmain, Newtown and Waverley courts on AVO list days and is based at the Downing Centre five days per week.

The SWDVCS employs a Coordinator, two Assistant Coordinators, an Aboriginal Specialist Worker and CALD Specialist Worker, a Court Advocate/Administrative Assistant and a casual Administrative Assistant (see staff below).

The SWDVCS has enjoyed a very successful first twelve months of operation. SWDVCS assisted 1,212 individual clients in 1,796 separate matters during the past twelve months. SWDVCS reported 6,387 contacts with clients, with 3,220 of these contacts occurring at court, where SWDVCS staff assisted clients at 2,013 AVO mentions, 338 AVO hearings, 709 criminal charge mentions, and 160 criminal charge hearings.

STAFF

Susan Smith	<i>SWDVCS Coordinator</i>
Lee Taylor	<i>Assistant Coordinator - Newtown and Balmain courts</i>
Jodie Lee	<i>Assistant Coordinator - Downing Centre and Waverley courts</i>
Rebecca Louttit	<i>Court Advocate/Administrative Assistant at the Downing Centre</i>
Charmaine Weldon	<i>Aboriginal Specialist Worker</i>
Tatiya Hastie	<i>CALD Specialist Worker</i>
Kath Chegwidden	<i>Data entry</i>
Cadence Barkelew-Catt	<i>Social Work student placement.</i>

VOLUNTEERS

Although we were not able to make use of volunteer legal students in the way we have in the past, we have used volunteer students to record results at court and assist with some administrative jobs. RLC law students who have assisted SWDVCS in the past 12 months included: Kath Chegwidden, Lily Luo, Jennifer

Garrick, Tanya Vavilova, Chantel Cotterell, Nicole Seale, Madeleine Rowley, Sadia Sheikh, Naomi Hart, Jessica Sparksman, Brigit Morris, Emily Christie, Julia Gendelman and Rachel Saravanamuthu.

SECONDED WORKERS

SWDVCAS is very grateful for the support of a number of local, community-based organisations that provide seconded workers to SWDVCAS. These organisations include:

- ◆ Wirringa-Baiya Aboriginal Women's Legal Centre
- ◆ Mudgin-Gal Aboriginal Women's Corporation
- ◆ The Shop Women and Girl's Centre
- ◆ Leichhardt Women's Community Health Centre
- ◆ Jean's Place Refuge
- ◆ Elsie's Refuge
- ◆ Dolores Refuge
- ◆ The Marian Centre Refuge
- ◆ Rozelle Neighbourhood Health Centre
- ◆ Inner-West DV Pass (Marrickville Legal Centre)
- ◆ Eastern Sydney Staying Home Leaving Violence
- ◆ Domestic Violence Yellow Card Project (Redfern Legal Centre)
- ◆ St Vincent's Community Health
- ◆ Bondi Beach Cottage (family support)
- ◆ Jewish Care
- ◆ The Junction Neighbourhood Centre
- ◆ The Deli Women and Children's Centre

Seconded workers attend court on a rostered basis to provide court advocacy, support, referrals and information to SWDVCAS clients. Legal Aid NSW provides training for seconded workers.

PRO BONO PARTNERSHIP WITH GILBERT + TOBIN

For the past ten years a very successful pro bono partnership has existed between Gilbert + Tobin and our WDVCS. Gilbert + Tobin solicitors have provided pro bono advice and representation to WDVCS clients in domestic violence related matters at the Downing Centre Local Court. Gilbert + Tobin solicitors have represented WDVCS clients in private ADVO applications, cross applications and female defendants who report a history of abuse against them, or female defendants who report they have acted in self-defence. In the past twelve months, Gilbert + Tobin solicitors represented women in 97 mentions at the Downing Centre.

In addition, G + T solicitor and RLC board member, Tamara Sims, has generously given her time to WDVCS, and has been involved in selection panels for new WDVCS staff as well as providing practical advice, support and encouragement.

With the expansion of the Legal Aid NSW funded Domestic Violence Practitioner Scheme (DVPS) to Downing Centre, Newtown and Balmain courts (the scheme was already in operation at Waverley Court) this partnership between Gilbert + Tobin and SWDVCAS has regrettably drawn to a close. The DVPS began operation on 1 July 2010 at Downing Centre, Newtown and Balmain courts.

CASE STUDY:

- ◆ Our client with an intellectual disability had bruises on her leg after being assaulted by her ex-boyfriend, but refused to go to police because of previous bad experiences. Over a number of interviews, SWDVCAS assisted our client to write a statement and make a private AVO application through the Chamber Registrar at the Downing Centre, then successfully applied for an urgent interim order on her behalf. Gilbert + Tobin then provided representation at court where the other party consented without admissions to a Final Order.

CASE STUDY:

- ◆ Our client attended the Downing Centre as a female defendant in a private application for an ADVO made by her former husband. The grounds of the application were almost identical to the grounds relied on in a previous application by the ex-husband, which went to hearing at another court, and had been dismissed by a magistrate only weeks before the ex-husband brought the fresh application to the Downing Centre. The fresh application named our client as the defendant, but used her Russian name (the earlier application used the name our client has been known as since she arrived in Australia). Over a number of mentions at the Downing Centre, our client was represented by Gilbert + Tobin solicitors, who made submissions to the ex-husband's barrister, pointing out the inappropriateness of a second ADVO application which relied on almost identical grounds as the first. SWDVCAS assisted the client to write an affidavit in reply to the husband's application, advocated for the client with Legal Aid to secure a grant of aid (legal aid would not always be available to a defendant in a private application) and obtained a private solicitor experienced in AVO matters willing to represent our client at the hearing. On the day of the hearing the ex-husband, represented by another barrister, withdrew his application and agreed to pay \$3,500 in court costs.

YELLOW CARD/DV PASS PROJECTS

SWDVCAS has worked closely with Donna Polletti from the Domestic Violence Yellow Card Project at Redfern Legal Centre and Amelia Pace from the Inner West DV Pass Project at Marrickville Legal Centre. These projects, funded by the Office for Women's Policy at the Department of Premier and Cabinet, work in partnership with local NSW Police Domestic Violence Liaison Officers to provide women with an early referral to SWDVCAS and information and referrals to other domestic violence services, including refuges, and counselling services. Both Donna and Amelia attend court as SWDVCAS seconded workers.

OUR CLIENTS

SWDVCAS clients during the period 1 July 2009 to 30 June 2010:

- ◆ 1212 individual clients in 1796 separate matters.
- ◆ 1353 final outcomes (404 AVO matters finalised at Downing Centre, 332 AVO matters finalised at Waverley, 169 AVO matters finalised at Newtown, 112 AVO matters finalised at Balmain, and 336 AVO related charge matters finalised over the four courts).
- ◆ 111 (9.2%) clients identified as Aboriginal (88 not stated).
- ◆ 505 (41.7%) clients identified as CALD (100 not stated).
- ◆ 125 clients identified as having a disability. A large number of these women identified as having psychiatric disabilities either brought on or exacerbated by the domestic violence.

- ◆ 14 clients identified as being in a same-sex relationship.
- ◆ 691 children under 16 were in the care of SWDVCAS clients (807 clients identified as having no children in their care and 405 clients identified as having between 1-6 children in their care).
- ◆ 145 clients were represented at mentions by the Domestic Violence Practitioner Scheme at Waverley Court (funded by Legal Aid NSW). The DVPS works in conjunction with SWDVCAS at Waverley Court, and has now been expanded to all four SWDVCAS courts.
- ◆ 95 clients were represented at mentions by Gilbert + Tobin at the Downing Centre.

CASE STUDY:

- ◆ *Our client, an Aboriginal woman, reported being assaulted by her ex-partner over a number of hours and in front of her two young children. Our client said she could not manage to escape the house with the two children, and her neighbours did not ring police, even though the fight would have been audible to them, particularly when the assault moved from the house into the back yard area of the residence. When police were finally called, our client ran from the house to the neighbour's house and called out to police that her ex-partner was still in the house with the children. Police then spoke to the ex-partner, who had been bitten on the finger (his own statement said he was bitten when he 'put his finger in her mouth') and scratched on the face by our client in self-defence.*

Our client was unable to provide a coherent statement to police on the night, and was subsequently arrested and charged with the assault of her ex-partner, notwithstanding the fact that the ex-partner had two previous AVOs against him protecting our client and her children and had served two custodial sentences (one very recently) for breaching these AVOs with violence. The latest assault occurred in the early hours of a Monday morning, and three days earlier our client had been persuaded by her ex-partner to go to court to revoke the most recent AVO protecting her. When a staff member from Mudgin-Gal Aboriginal Women's Corporation brought our client to SWDVCAS on the day after the assault, she had many visible injuries and reported she had been thrown to the ground several times during the assault, hit with an implement, and forced over the back of a chair, twisting her neck and back. SWDVCAS assisted our client to write a statement and made an urgent appointment with the Chamber Registrar, then successfully sought an interim AVO protecting our client. We then referred our client to DVPS solicitor Veronica Love, who represented her in both the charges and the AVO against her and her cross application. At the hearing, the magistrate found for our client, dismissed the charges and the AVO against her and made a costs order against NSW Police. The magistrate also made a twoyear AVO against the ex-partner, in favour of our client and her children.

It was also necessary for SWDVCAS to advocate with our client's community housing representative, who had written to her terminating her tenancy after being informed by police of the assault charge and AVO against her.

CASEWORK:

- ◆ SWDVCAS has seen an increasing number of older women seeking the protection of an AVO. Some of these clients are seeking an order against a long term partner, others have entered more recent relationships that have quickly become abusive. Some of these women have property matters in the Family Court, and some have unsupportive adult children.

There has been an increase in the number of clients with abusive adult children still living at home. Often, these adult children have problems with drugs or alcohol and they often abuse their parents for money. For example, two current SWDVCAS clients have violent adult sons with drug problems, both living at home in breach of an AVO exclusion order. Over the years, one of these sons has 'broken almost every bone in his mother's body' according to police. Both these sons have spent time in jail for the violence. Both clients say they feel unable to report the breach of the AVO to police, and one of the clients is under intense pressure from her daughter to continue to house her abusive son.

LAW REFORM AND POLICY

SWDVCAS continued to be actively involved in domestic violence law reform and policy work during the period 2009 – 2010 including:

ALRC FAMILY VIOLENCE INQUIRY:

SWDVCAS made a comprehensive submission to the Australian Law Reform Commission and NSW Law Reform Commission Family Violence Inquiry, which argued for a nation-wide, integrated and specialised response to domestic and family violence within already existing legal systems. SWDVCAS recommended the immediate establishment and further development of best-practice integrated responses to domestic and family violence, and the immediate development of a model of domestic and family violence specialisation within all existing local courts as a cost-effective model of specialisation that need not be confined to a selected few geographical sites.

The Final Report from the ALRC Family Violence Inquiry is due to be delivered to the Attorney General in early October.

POLICE PROPOSAL FOR 'ON THE SPOT' AVO:

The SWDVCAS Coordinator was invited to a consultation with NSW Police regarding their proposal to introduce police issued 'on-the-spot' AVOs. SWDVCAS did not agree with the original proposal by NSW Police to introduce legislation similar to those provisions of the *Family Violence Act 2004* (Tas) which provides that a police officer above the rank of sergeant may issue a Final Order (up to 12 months in duration) against a person if the officer is satisfied that the person has committed, or is likely to commit, a 'family violence offence'.

THE PREMIER'S COUNCIL ON PREVENTING VIOLENCE AGAINST WOMEN:

SWDVCAS Aboriginal Specialist Worker, Charmaine Weldon, is a member of the Premier's Council on Preventing Violence Against Women. The Council has 12 members, and reports directly to the Premier on issues that relate to the prevention of violence against women. As part of the NSW Government's stated commitment to an improved approach to domestic and family violence,

a state wide strategic framework has been developed to increase coordination across government services to ensure women experiencing violence receive the best possible service response, and the Council's first task was to provide advice on the development of this framework. As a Council member, Charmaine was instrumental in conducting a number of consultations across New South Wales to inform the development of the framework.

OTHER LAW REFORM AND POLICY:

SWDVCAS Coordinator continues to be an active member of the AVLICC (Apprehended Violence Legal Issues Coordinating Committee) chaired by the Criminal Law Review Division of Attorney General's Department. In the past twelve months, AVLICC have considered legislative amendment to the definition of a 'personal violence offence'; options for giving evidence in court for victims of domestic violence; revocation of AVOs and re-instatement of gun licences under the 'Shooters Party Provision' of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW); and variation applications where the person in need of protection is a child. AVLICC will be involved in a statutory review of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) which is due to begin in November.

SWDVCAS Coordinator has also attended meetings to discuss domestic/family violence policy and current issues at NSW Police, NSW Ombudsman and NSW Health as a WDVCS Network Committee member.

COMMUNITY LEGAL EDUCATION

SWDVCAS has played an active role in the community, particularly in conjunction with the Inner-City Domestic Violence Action Group, the Leichhardt/Marrickville Domestic Violence Liaison Committee and the Eastern Suburbs Domestic Violence Network. These group meet monthly and consist of representatives from most of the agencies in the local area dealing with victims of domestic violence, including NSW Police. SWDVCAS staff have helped organise/attended the following domestic violence awareness activities:

- ◆ Legal Aid WDVCAAP Annual Conference (Susan on organising committee)
- ◆ NSW Ombudsman's Domestic Violence Community Stakeholders Forum (Susan)
- ◆ DV Stall in the 16 Days of Activism (Lee)
- ◆ Presentation to Sydney City Family Relationships Centre (Susan)
- ◆ GSFIT Family Violence Forum (Lee)
- ◆ Premier & Cabinet, Office for Women's Policy, International Women's Day event (Susan)
- ◆ ALRC, NSWLRC and NLAF Family Violence Forum (Susan)
- ◆ DV Networking Forum and Launch of IWDVPASS (Lee – member of the working party)
- ◆ DV Networking Forum and Launch of IWDVPASS (Susan – SWDVCAS presentation)
- ◆ SWDVCAS stall at Wirringa Baiya Women's Corroboree (Susan, Jodie, Rebecca, Charmaine)
- ◆ International Women's Day, Premier's Reception, Parliament House (Susan)
- ◆ Launch of Dr Lesley Laing's domestic violence/Family Law research at Parliament House (Lee and Susan)

COMMITTEES

SWDVCAS staff are active members of the following committees and local domestic violence groups:

- ◆ Apprehended Violence Legal Issues Coordinating Committee (AVLIICC) (Attorney General, Criminal Law Review Division) (Susan)
- ◆ Premier's Advisory Council on Domestic Violence (Charmaigne)
- ◆ NSW Police Domestic Violence Task Force (Susan)
- ◆ Legal Aid WDVCAAP Advisory Committee (Tatiya – CALD representative)
- ◆ WDVCAAS Network Executive Committee (Susan)
- ◆ WDVCAAS Network CALD Specialist Workers Committee (Tatiya – Chairperson)
- ◆ Redfern/Waterloo Domestic Violence Task Force (Susan)
- ◆ Leichhardt/Marrickville Domestic Violence Liaison Committee (Lee)
- ◆ Inner City Domestic Violence Action Group (Charmaigne and Susan)
- ◆ IWDVPASS Reference Group (Lee)
- ◆ Eastern Suburbs Domestic Violence Network (Jodie)
- ◆ Kingsford Legal Centre Consultative Committee (Jodie)
- ◆ Eastern Suburbs Staying Home Leaving Violence (Jodie)
- ◆ Waverley Court Users Forum (Jodie)
- ◆ Downing Centre Court Users Forum (Susan)
- ◆ Inner City Legal Centre's Safe Relationship Program (Susan)

SYDNEY UNIVERSITY STUDENT REPRESENTATIVE COUNCIL BRANCH OFFICE

The SRC branch office has conducted matters on a range of legal problems that confront university students. Solicitors have carried matters through all stages to resolution, including appearing at court.

Students have continued to be a vulnerable group in our community. They continue to be exploited by disreputable employers who infringe their employment rights by making them work for no pay, ostensibly because they are undergoing training. The SRC branch office, with the assistance of the SRC case-workers, is investigating and instigating strategies to increase the awareness of students to their legal rights. The SRC branch office has also successfully had employers pay unpaid wages to workers in individual cases.

Students also continue to be vulnerable financially and with regard to legal proceedings taken against them for the recovery of debts. The behaviour of insurance companies has been of particular concern. The SRC branch has successfully contested one matter this year, and another is in progress, where insurance companies have attempted to get our clients to pay for damage claimed to be done in an accident in which our client was liable, where the alleged damage has obviously occurred in another accident.

In other insurance claims where the client is liable for the damage, the SRC branch office has successfully negotiated a much lower figure to settle damages claims against students. The SRC has also represented clients in claims for compensation for damage to their vehicles or bicycles where the other driver was liable.

The SRC branch office has successfully negotiated a number of agreements for the repayment of bank loans and credit card debts. In one case the SRC applied to the CTTT on behalf of a client to stay a bank's application to the local court for a judgment against the client, and went on to negotiate a repayment plan that was very acceptable to the client.

The branch has also had to advise victims of crime where police do not appear to be taking the complaints of victims of crime seriously. In particular, it appears that the police have been reluctant to investigate two cases of sexual assault and one of serious physical assault. The SRC branch has represented clients in interviews with police and has instigated discussions with the SRC case-workers to develop strategies to deal with this trend.

The SRC branch has also had to advise and represent a number of clients who have had problems with Centrelink, in one case representing the client in a charge against her at the local court and on appeal to the District Court. A decision in a similar case is being appealed by the Commonwealth to the High Court. Our matter has been adjourned until the High Court has decided that appeal.

Solicitors at the branch office have appeared at local courts for clients charged with a range of traffic offences, including PCA offences, to make a submissions on sentencing in the case of guilty pleas and in the majority of cases have obtained outcomes where the fine was minimal and the period of disqualification reduced. The SRC branch office has also been able to have the charges dismissed in a number of matters where clients have pleaded not guilty to traffic offences. We have also been successful in severity appeals at the District Court of NSW. The branch has also had to represent clients in quite serious criminal charges such as

malicious damage and Commonwealth airport security legislation.

The SRC branch office has continued to assist the SRC executive, the Publications Manager of SRC publications and SRC case-workers with any legal issues arising from their day-to-day work. In particular, the SRC solicitor has assisted students in their appeals against decisions of the University.

This year the SRC branch office has been very fortunate to have the assistance of Phoebe Webb, a very able PLT student and is pleased that it has had the opportunity to enable students who have demonstrated a commitment to social justice and human rights to become practising solicitors. It has also had the benefit of pro bono assistance from the following solicitors and barristers: Dale Mills, Graeme Ulbrick, Adrian Williams and Jonathan Taylor. The SRC branch office is very appreciative of this valuable assistance and continues to offer a quality service to students because of this contribution.

SYDNEY UNIVERSITY POSTGRADUATE REPRESENTATIVE ASSOCIATION (SUPRA) BRANCH OFFICE

The Redfern Legal Centre branch office at the Sydney University Postgraduate Representative Association ("SUPRA") 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. It is funded by SUPRA, which in turn receives funding from the University, to provide services to the postgraduate student population of the University. The service is funded on an annual basis for a calendar year with application for funding for the subsequent year open in the final quarter of the previous year. As such it is presently only funded till the end of 2010.

Redfern Legal Centre employs one part-time solicitor for 21 hours (equivalent to 3 days per week) to operate the SUPRA office. Face to face appointments are available at various times throughout the day Tuesday to Thursday with Thursday afternoons being dedicated to a drop in service. Students at distant campuses and students unable to attend on those days can also make telephone appointments or receive advice by email. The SUPRA legal service is supervised by the Principal Solicitor of Redfern Legal Centre and is covered by the Centre's professional indemnity insurance.

The solicitor primarily provides advice and casework services. Casework services are provided either through representation or through assistance and support to enable students to represent themselves in their matters. In deciding who to represent and who to assist, consideration is given to the potential for the client to 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 higher 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 also undertakes community legal education and policy work. Community legal education aims to increase the ability of clients to avoid 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.

Redfern Legal Centre maintains a close link with SUPRA. SUPRA also benefits both directly and indirectly from the support offered by Redfern Legal Centre itself, especially from that given by the Chief Executive Officer, Chief Administration Financial Officer, Principal Solicitor and the other solicitors and tenancy workers at Redfern Legal Centre. In addition to performing the duties at SUPRA, the solicitor participates in the organisational life of the main office of Redfern Legal Centre through attendance at staff meetings, in house training and other meetings.

ADVICE AND CASEWORK

Advice and casework has been provided on the full gamut of legal issues. In terms of matters directly related to University studies, the area of Intellectual Property makes up the bulk of matters for which advice is sought from the solicitor. In terms of matters external to the University, advice and casework has mainly been provided in the areas of consumer and credit/debt (including money owed to or by the student in relation to housing); road traffic and motor vehicle regulatory offences & fines; criminal matters; motor vehicle accidents; tenancy; and employment.

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. The overwhelming majority of university matters have concerned the area of Intellectual Property, either through the provision of independent advice on contracts prior to the assignment of rights or in handling disputes with the University.

CONSUMER AND CREDIT/DEBT MATTERS

The legal service receives a large number of enquiries about consumer contracts and credit/debt matters. Many of these enquiries relate to aggressive sales techniques or onerous credit contracts. Further, a significant number of the complaints received in this area are in relation to consumer contracts with telecommunications service providers, particularly in relation to mobile phones or Internet services. The legal service has been able to negotiate successful outcomes for students in a range of matters in these areas. In addition, a number of students seek advice from the solicitor regarding money owed to or by the student in relation to housing.

Many students' living arrangements are not covered by the Residential Tenancies Act and/or are not able to access the CTTT. This is because they are either residents or are in co-tenant disputes. The party seeking to recover the money must take these matters to the Local Court, which creates unnecessary legal complexity and cost issues for the students, irrespective of which side of the matter they are on. The legal service has provided advice to, 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 matters at the Local Court.

TRAFFIC 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 by a penalty notice. A significant number of clients have chosen to go to court 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 a number of students in defended hearings.

CRIME

The solicitor has provided advice and representation in the Local Court 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), and fraud. Again, overwhelmingly, the involvement of the legal service has resulted in achieving more favourable outcomes for the students.

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 number of students and obtained orders in their favour in situations where it was necessary to both defend the matters against them and cross claim against the other parties. It has also assisted a number of students to obtain judgements in their favour and, where necessary, to successfully enforce the judgements obtained against the other party. Where the students 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/or to allow the clients to pay the sum by instalments.

TENANCY

Due to their poor economic situations, students are often ill-placed to afford rent increases and so often fall into arrears. In addition, lack of funds often means that they are residing in accommodation that is of a poor standard, which leads to tenancy issues such as 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).

EMPLOYMENT

Many students work outside the University to supplement their other income (usually parental support, scholarships or part time University employment in their departments). They often work 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 Tax Office. The legal service has successfully negotiated on behalf of many students to recover wages and entitlements, assisted them to resolve concerns about working conditions, and assisted them in their dealings with government departments and in complying with their taxation or other legal obligations.

PERSONAL INJURY

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

SUPRA AS CLIENT

The solicitor also 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 and provides assistance to 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 areas of Intellectual Property or Defamation Law to office bearers or those involved in preparing SUPRA publications.

LEGAL EDUCATION/ POLICY AND LAW REFORM

The Service has provided information and education to a number of students in the areas of intellectual property, traffic offences & fines, consumer contracts (specifically telecommunications service provider contracts), motor vehicle accidents (property damage), tenancy, and employment, particularly on identifying employment status, ie the differences between being an employee or a sub-contractor and meeting legal obligations as a sub-contractor. The solicitor has also been involved in an advisory capacity in the policy work being undertaken by SUPRA in relation to a variety of proposed changes to University Policy Rules.

TAFE (SYDNEY INSTITUTE) BRANCH OFFICE

BACKGROUND

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 in the Marcus Clarke TAFE building located at Railway Square.

Legal services are available to students who are members of the Student Association, and eligible TAFE staff at the eight 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 the Sydney Institute of TAFE.

The Legal Service at the Sydney Institute of TAFE is the only legal service based at a TAFE college in Australia. The student population has high levels of disadvantage in accessing legal services. Recent statistics confirm that many students possess disabilities or are from CALD backgrounds.

SERVICES

The TAFE Legal Service is staffed by one solicitor, Brenda Staggs, who works three days per week and is employed and supervised by Redfern Legal Centre. In addition to performing the duties at TAFE, the solicitor participates regular staff meetings at the main office of Redfern Legal Centre. The Legal Service is covered by the Redfern Legal Centre's professional indemnity insurance.

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.

1. Legal advice

The solicitor provides a very busy advice service three days per week. Face-to-face appointments are available at the solicitor's office in the Students Association. Telephone appointments are also available where clients are unable to attend in person. The major areas of advice were family law and credit and debt.

The statistics for this period indicate that it has been a busy year with an increase in the number of advices. Anecdotal data indicates that the current Global Financial Crisis has caused other resources to decrease dramatically, and resulted in students seeing the Legal Service as their first and/or only avenue for help.

The Legal Service is a student-focused service. When acting for students, the Legal Service is able to liaise closely with TAFE counsellors and teachers and provide an effective crisis management plan to ensure that students' legal needs are addressed within the context of their general welfare.

2. Casework

As well as providing legal advice, the solicitor drafts legal correspondence for clients and negotiates 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 solicitor weighs available resources, 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, a large amount of the casework is aimed at enabling students to continue their studies.

In 2010, cases opened focused primarily on Credit and Debt, Criminal Law (e.g. road traffic offences and property damage), Family Law (e.g. domestic violence) and motor vehicle accidents. These cases related to quite serious legal problems including family law, and more specifically domestic violence, AVOs, and issues of clients facing potential homelessness if not assisted.

In relation to open files, assistance was also provided for minor civil and criminal matters where the clients were full time TAFE students and members of the Student Association, but unable to afford a private solicitor to assist them. For example, one civil matter addressed a motor vehicle accident whereby a statement of claim was served on a student, even though the other party to the accident was clearly at fault. With the assistance of the service the student received a verdict in his favour.

Criminal matters dealt with included students who were charged with drink driving, property damage, and served with a CAN to attend Court. These students faced serious penalties, including: suspension of driver licences, fines for over \$500, and acquiring criminal records.

The solicitor does not provide legal representation at court as the time as resources required would restrict the Legal Service's ability to help other clients. Clients are assisted with finding free or reduced-fee legal representation. Self-representing clients are provided with advice regarding court procedure and assisted with the preparation of court documents and statements.

Of files recently opened, two clients identified themselves as being of Aboriginal or Torres Strait Islander background, and at least four clients had disabilities involving serious health problems including cancer, clinical depression and a psychiatric disability. One client from a CALD background, had a racial discrimination complaint.

CRIMINAL LAW

The legal service recently assisted a client with a mental illness charged with shoplifting. With our assistance he was able to gain representation for his Court hearing and was subsequently found not guilty of the alleged offence.

CREDIT AND DEBT

The legal service has also recently assisted a client in an online debt dispute with a business over a membership contract. The client did not understand the conditions attached to the membership. We negotiated with the business on our client's behalf and managed to reduce the claimed debt to a nominal amount. Consequently, the matter was settled without any litigation and the client was not subjected to any financial hardship.

FAMILY LAW

The legal service assisted a client obtain urgent interim orders on an ex parte basis for sole parenting, and placing the child on the AFP passport watch list. That day, the client's ex-partner had been released from jail and breached an apprehended violence order by approaching the child.

TAFE MATTERS

At present the TAFE service does not represent students on matters regarding conflicts with TAFE. However, it does provide minor advice and referrals. Minor assistance has been provided in regards to course related matters. One student was written a letter of reference for special consideration for her exams due to her family law court matter. Another student was assisted in withdrawing from a course due to family law matter and mental health issues.

3. Legal Education

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

The service has provided the following legal education workshops:

- Working in Australia: your rights and responsibilities (for International Students)

Attending various open days at the colleges and informing students about the facility.

VOLUNTEERS

The Legal Service received invaluable assistance from the following volunteers:

Jasmin Chin

Rebekah Wong

Carmen Yip


Dorris Qui

DIRECTORS' DECLARATION

The directors of the company declare that:

1. The financial statements and notes, as set out on pages 6 - 18, are in accordance with the *Corporations Act 2001*:
 - (a) comply with Accounting Standards in Australia and the *Corporations Regulations 2001*; and
 - (b) give a true and fair view of the financial position as at 30 June 2010 and performance for the year ended on that date of the company.
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 21st day of October 2010

Director's Declaration



PITCHER PARTNERS
ACCOUNTANTS AUDITORS & ADVISORS

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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 Statement of Financial Position as at 30 June 2010, and the Statement of Comprehensive Income, 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.

21

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 21 October 2010, would be in the same terms if provided to the directors as at the date of this auditor's report.

Auditor's Opinion

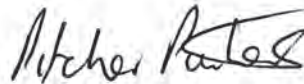
In our opinion, the financial report of Redfern Legal Centre is in accordance with the *Corporations Act 2001*, including:

- (i) giving a true and fair view of the company's financial position as at 30 June 2010 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*.



Mark Godlewski
Partner

22 October 2010



PITCHER PARTNERS
SYDNEY

REDFERN LEGAL CENTRE
ABN 31001442039

STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2010

	Note	2010 \$	2009 \$
Current assets			
Cash and cash equivalents	7	200,562	282,767
Receivables	8	1,166	1,792
Other financial assets	9	454,028	432,166
Other assets	10	11,054	10,227
Total current assets		<u>666,810</u>	<u>726,952</u>
Non-current assets			
Property, plant and equipment		<u>32,216</u>	<u>42,235</u>
Total non-current assets		<u>32,216</u>	<u>42,235</u>
Total assets		<u>699,026</u>	<u>769,187</u>
Current liabilities			
Payables	11	198,998	276,382
Borrowings	12	-	1,197
Provisions	13	<u>197,753</u>	<u>189,938</u>
Total current liabilities		<u>396,751</u>	<u>467,517</u>
Non-current liabilities			
Provisions	13	<u>85,836</u>	<u>71,192</u>
Total non-current liabilities		<u>85,836</u>	<u>71,192</u>
Total liabilities		<u>482,587</u>	<u>538,709</u>
Net assets		<u>216,439</u>	<u>230,478</u>
Equity			
Retained earnings	14	<u>216,439</u>	<u>230,478</u>
Total equity		<u>216,439</u>	<u>230,478</u>

REDFERN LEGAL CENTRE
 ABN 31001442039

STATEMENT OF COMPREHENSIVE INCOME
 FOR THE YEAR ENDED 30 JUNE 2010

	Note	2010 \$	2009 \$
Other income	5	1,797,726	1,438,013
Less: expenses			
Depreciation and amortisation expense		(24,605)	(21,817)
Employee benefits expense		(1,489,100)	(1,227,314)
Finance costs		(153)	(562)
Printing, stationery and postage		(32,573)	(23,546)
Telephone, facsimile, internet		(20,630)	(14,481)
Insurance		(10,649)	(10,904)
Subscriptions		(15,882)	(11,744)
Program related expenses		(107,206)	(51,495)
Other expenses		<u>(110,966)</u>	<u>(73,893)</u>
		<u>(1,811,764)</u>	<u>(1,435,756)</u>
Profit / (loss) before income tax expense		<u>(14,038)</u>	<u>2,257</u>
Profit / (loss) for the year		<u>(14,038)</u>	<u>2,257</u>

Comprehensive Income

REDFERN LEGAL CENTRE
ABN 31001442039

STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2010

	Note	2010 \$	2009 \$
Cash flow from operating activities			
Receipts from customers		96,321	96,399
Operating grant receipts		1,593,722	1,257,548
Payments to suppliers and employees		(1,774,189)	(1,381,225)
Interest received		41,029	40,989
Finance costs		(153)	(562)
Net cash provided by / (used in) operating activities	15(b)	<u>(43,270)</u>	<u>13,149</u>
Cash flow from investing activities			
Payment for property, plant and equipment		(15,877)	(23,986)
Payment for investments		(21,862)	(22,641)
Net cash provided by / (used in) investing activities		<u>(37,739)</u>	<u>(46,627)</u>
Cash flow from financing activities			
Repayment of borrowings		(1,196)	(4,837)
Net cash provided by / (used in) financing activities		<u>(1,196)</u>	<u>(4,837)</u>
Reconciliation of cash			
Cash at beginning of the financial year		282,767	321,082
Net increase / (decrease) in cash held		(82,205)	(38,315)
Cash at end of financial year	15(a)	<u>200,562</u>	<u>282,767</u>