

# Redfern Legal Centre Annual Report 2000/2001

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**First Section:** [Our Vision](#)

# Our Vision

Redfern Legal Centre aims to:

- provide an accessible, appropriate legal information, advice and referral service
- provide ongoing casework services to people who live or work in the RLC catchment area and who cannot afford the services of a private solicitor nor obtain adequate assistance from Legal Aid
- 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
- promote community legal education
- provide services in a way that promote empowerment of individuals and communities
- investigate and where appropriate develop new ways of providing legal services to our clients in the interests of improving access to our services and to ensure that the quality of those services is maintained and improved.

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## Management structure

- [Directors as at 30 June 2001](#)
- [Management Committee as at 30 June 2001](#)

Redfern Legal Centre is a company limited by guarantee. It has six elected directors who have delegated responsibility to the Centre Management Committee. The Management Committee meets monthly and members are involved in a range of activities including recruitment of new staff, policy development, Centre planning, and of course, decision making

This Committee is made up of:

- 4 staff members (2 elected, 2 appointed)
- 6 volunteers (at least 2 practitioners and 2 legal assistants)
- 4 others at least one of whom is from a community organisation and one who is not a lawyer
- 1 Director

### Directors as at 30 June 2001

Member Name	Occupation	Basis of Appointment	How Appointed
Stamatia Stamatellis	Solicitor	Member	Elected at AGM
Mary Perkins	Community Service Agency Assist Director	Member	Elected at AGM
Nigel Vertigan	Solicitor	Member	Elected at AGM
Paul Farrugia	Solicitor	Member	Elected at AGM
Peter Stapleton	Solicitor	Member	Elected at AGM
Gerard Craddock	Barrister	Member	Elected at AGM

### Management Committee as at 30 June 2001

Management Committee Members served for the full year unless otherwise specified.

Name	Occupation	Basis of Appt	How Appointed
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Jenny Lovric	Solicitor	Volunteer	Elected
Mehera San Roque	Academic	Volunteer	Elected
Katherine Biber	Author/Academic	Volunteer	Elected
Erik Young	Solicitor	Volunteer	Elected
Sue Thomas	Tenants' Worker	Volunteer	Elected
Rob Davidson	Solicitor	Volunteer	Elected
Joanna Quilty	Social Worker	Community	Appointed, resigned 10/00
Troy Edwards	Solicitor	Community	Appointed
Ben Slade	Solicitor	Community	Appointed
Paul Farrugia	Solicitor	Community	Appointed
Caitlin Perry	Co-ordinator	RLC Staff	Appointed
Denele Crozier	Administrator	RLC Staff	Appointed
Polly Porteous	Tenants' Worker	RLC staff rep - elected	Elected, resigned 10/00
Matt Hazard	Solicitor	RLC staff rep - elected	Elected 10/00
Lyndal Gowland	WDVCAS Co-ordinator	RLC staff rep - elected	Elected

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# Funding

In 2000/1 RLC received 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 a joint program of the Commonwealth (through the Family Law, Legal Aid Division of the Commonwealth Attorney Generals Department) and NSW Governments. The funds are administered by the NSW Legal Aid Commission
- The Credit & Debt Service is funded by the NSW Department of Community Services, the NSW Department of Fair Trading and the Commonwealth Department of Family and Community Services through its Financial Counselling Program
- The Students Legal Service (Branch Office) is funded by the Students' Representative Council at Sydney University.
- The Inner Sydney Tenants Advice & Advocacy Service is funded by the NSW Department of Fair Trading.

South Sydney Council provides the Centre with a community worker, concessional rent, and occasional small grants for specific purposes.

From time to time the centre is successful in gaining funds for non recurrent projects or joint projects. In 2000/1 project funding was provided by

- Consumer Education Trust Fund
- NSW Department of Corrective Services.

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## Staff and volunteers

- [Permanent Staff in 2000/1](#)
- [Locums & Casual Workers](#)
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  - [Firms](#)
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  - [Barristers](#)
- [Volunteers](#)

### Permanent Staff in 2000/1

- Denele Crozier - Administrator
- Mathew Deighton - Solicitor Credit & Debt
- David Dobell - Tenants' Worker
- Lyndal Gowland - Womens' Domestic Violence Court Assistance Scheme
- Matthew Hazard - SRC Solicitor
- Robyn Holden - Volunteer Co ordinator/ Admin Officer
- Beth Jewell - Policy and Tenancy Co ordinator
- Angela Jones - General Legal Service Solicitor
- Patricia McDonough - Principal Solicitor
- Timothy Moore - Drug Law Policy
- Rebecca Neil - Senior Solicitor
- Caitlin Perry - Co ordinator
- Polly Porteous - Tenants' Worker
- Penny Quarry - Solicitor Credit & Debt
- Ildi Kasa Ritzema - Tenants' Worker
- Sue Thomas - Tenants' Worker /Day Information Service

### Locums & Casual Workers

- Fiona Allison - Solicitor
- Katherine Biber - Night Advice Service
- Hazel Blunden - Tenancy
- Janet Bremner - Administration
- Kath Brooks - Womens' Domestic Violence Court Assistance Scheme
- Elizabeth Ciesiolka - Day Information Service
- Katrina Dawson - Night Advice Service
- Ben Fawcett - Day Information Service

- Emma Gollegde - Tenancy
- Michael Halloway - Solicitor
- Sadie Hamer - Solicitor
- Katherine Jeffreys - Night Advice Service
- Jane King - Administration
- Bridget McDermott - Administration
- Sarah Nielsen - Solicitor/Day Information Service
- Vanessa O'Sullivan - Day Information Service
- Kate Owens - Womens Domestic Violence Court Assistance Scheme

## **Consultants**

- Tilda Communications - Computer Support
- Therese Ritchie - Graphic Design
- Immigrant Womens' Speak Out - Project Development
- 

## **Pro Bono Support**

A number of legal professionals and law firms provide 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.

In 2000/1 we received support form the following:

## **Firms**

- Blake Dawson Waldron
- Gilbert & Tobin
- Henry Davis York
- Clayton Utz
- Keddies
- Graham Jones

## **Solicitors**

- Julie Walsh
- Suzanne Christie
- Irene Baghoomians
- John Eager
- Roxanne Dunkel

## Barristers

- Janet Manuel
- Bill McManus

We also refer clients to the Law Society's Pro Bono Scheme and the Bar Association's Legal Assistance Scheme.

## Volunteers

Volunteers contribute to all aspects of the Centre's work. Our volunteers are of all different ages and from all walks of life. We had approximately 200 volunteers during 2000/01 - there are usually at least 70 active volunteers on our books at any one time.

Daytime volunteers - "legal assistants"- are generally law students and interested members of the community. They do weekly half day shifts, working on reception, casework (under the instruction of the caseworker), research and administration.

Night time volunteers - mostly solicitors - take instructions and provide legal advice and do either weekly or fortnightly shifts.

All volunteers receive training and all volunteers are supervised by a member of staff. We thank the following people who have been volunteers for the Centre during 2000/1.

Paul Ahearn	Christina Alexopoulos	Alyx
Chris Alkins	Irene Baghoomians	Michelle Bain
Anthi Balafas	Mimi Barbaro	Anne Barnes
Melissa Bellanta	Carolyn Berry	Katherine Biber
David Bolton	Brenda Bourke	Janet Bremner
Kate Brown	Suzie Brown	Louise Buchanan
Karen Bulluss	Kirsty Campbell	Sinead Campbell
Gavin Carney	Kristy Cassoff	Patrick Chan
Ding Chen	Ian Cheney	Rebekah Cheney
Selena Choo	Suzanne Christie	Michelle Chung

Sharyn Croke	Paul Curnow	Beatrice D'Heucqueville
My-Linh Dang	Steven David	Alison Davidian
Rob Davidson	Katrina Dawson	Janine de Saxe
Daniel Delaney	Kirsti Dickson	Helen Donovan
Philippa Donovan	Rebekah Edwards	Troy Edwards
Fitnat Elarif	Katie Ellinson	Libby Elvy
Simon Etherington	Maureen Fanning	Ben Fawcett
Nick Finlayson	Tiffany Fozzard	Katie Fraser
Jordan French	Justin Fung	Shiranica George
Eric Ghosh	Ben Golder	Olivia Gossip
Mayank Gupta	Brooke Hall	Dianne Hamilton
Ben Harris	Phineas Hartson	Ben Hemsworth
Robert Hodda	Jonathan Hunt	Marie Irwin
Carmen Iskander	David Jay	Brian Jebb
Katharine Jeffreys	Soheila Jones	Chamindri Kahagalle
Hasti Kalarostaghi	Muhunthan Kanagaratnam	Steve Kassem
Stacey Kelly	Erica Ketchen	Jeevani Korathota
Vicki Kuek	Maria Kwiatkowska	Fiona Laidlaw
Carol Lam	Veronica Lavulo	Helen Lawrence
Andrew Lee	Terry Leibman	Craig Lenahan
Jeremy Levitt	Jenny Lovric	Blaise Lyons
Kirsti Makinen	Jame Mang	Julie Marcus
Veronique Maury	Michael Mavromatis	Barbie McDermot
Rebecca McIlveen	Michael McKee	Sheila McMahan

Alison McRobert	Emma McWilliams	Cherrine Melamed
Angela Melouney	Carla Michler	Lena Mirzabegian
Tanya Mitchell	Alicia Moffatt	Amelia Montague
Daniel Moran	Jane Muir	Bobak (Bob) Nanva
Charmaine Nayager	Kelly Ngo	My Nguyen
Ross Nicholas	Rosemary Norgate	Sarah Norgate
Ju-Lin O'Connor	Vanessa O'Sullivan	Sri Ogden
Catherine Oldenburg	Kate Owens	Nameeta (Nam) Pai
Neena Pai	Paul Pang	Elizabeth Passmore
Elizabeth Payne	Ben Peacock	Nerida Peart
John Peisley	Cindy Penrose	Cherie Pittman
Phoebe Poon	Marnie Prater	Karen Preston
Susan Price	Kate Prior	Le Hong Quach
Julia Quilter	Elizabeth Raper	Simone Rees
Kylie Reid	Naomi Reiner	Tom Roche
Cameron Roles	Jae Rourke	Kirsty Ruddock
Helen Sarlas	Kaye Sato	Tara Scheinberg
Nermeem Sedra	Angela Seward	Vicky Shah
Petrina Sheil	Gail Sherlock	Mohamed Shindy
Alison Silink	Jessica Simpson	Tamara Sims
Belinda Smith	Brendan Smith	Miriam Sonnabend
Lauren Stalley	Jane Stratton	David Sulan
Malcolm Swain	Keith Swan	Angela Tao
Jim Taylor	Alison Telfer	Sue Thomas

Molly Tregoning	Ming Lun Tsui	Amanda Underwood
Nicole Urban	Janette Van Kernebeek	Lana Ventsov
Tharani Vithanage	Amanda Vogt	Damien Walsh
Kelly Weston	Mark Willis	Elizabeth Windsor
Michael Windsor	Susan Yoo	Erik Young
Albert Yuen (Alby)	Carli Yung	

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## Client statistics

Total number of clients	12069
Files opened	1057
Files closed	972
Information and referral	4001
Face to face advice	1574
Telephone advice	191

### Major areas of assistance

Domestic Violence	2978
Tenancy	2544
Family Law	1933
Credit and Debt	1006
Crime	702
Legal System/Process	208
Wills	177
Motor Vehicle/traffic	121
Victims Compensation	100

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## Aboriginal and Torres Strait Islander Subcommittee

- [Internal policy/staff development](#)
- [Community development - our relationship with Aboriginal organisations and Aboriginal communities](#)
- [Aboriginal presence in RLC](#)

In April 2001, staff from four inner city legal centres attended a workshop/meeting at RLC to discuss ways that CLCs could be more involved with the Aboriginal community. It was a very successful meeting, with Aboriginal people working within the legal and justice systems attending and leading the workshop.

As a result of this, RLC formed an ATSI Subcommittee in April. The group continued to meet on a monthly basis. In 2000/1 it was convened by Fiona Allison and attended by Beth Jewell, Caitlin Perry, Rebecca Neil, Lyndal Gowland and a Management Committee Member - Jenny Lovric.

The work focus was on achieving outcomes put forward at the April workshop but also focusing on how RLC could achieve these outcomes themselves and on a local level. We have divided the work into three different areas.

- Internal policy/staff development
- Community development - our relationship with Aboriginal organisations/community
- Aboriginal presence in RLC

### Internal policy/staff development

RLC staff agreed that we should have a specific policy to assist in making the Centre accessible for ATSI community members. That policy is now in place. It recognises the need to assist ATSI clients immediately upon their making contact with the Centre. ATSI clients will be provided with legal advice when they walk in during opening hours or will be referred to a designated ATSI appointment time slot on the evening of that same day. All RLC staff agreed that ATSI clients should be prioritised in this way.

We have been also trying to organise relevant training for staff and volunteers to ensure that our contact with clients is at all times appropriate.

RLC previously had an Aboriginal worker for a period of 12 months who was out and about in the community, forging relationships with Aboriginal organisations and the community generally. He produced a list of his contacts. Robyn Holden and the committee have been putting

the list together to create a Resource Manual of relevant referrals and contacts for ATSI clients.

## **Community development - our relationship with Aboriginal organisations and Aboriginal communities**

We have felt that it is important that Aboriginal people know that RLC exists and is ready to assist them with their civil law issues. We are keen to increase our ATSI client numbers. We have recognised that we need to increase our profile and create better links with those already working with Aboriginal people and with members of the Aboriginal community.

The Committee has been keen to look at establishing an outreach at an ATSI organisation or an organisation which works with ATSI people. We have thought the best way to do this would be to attend the Aboriginal Interagency meetings in Redfern with a view to consulting with them about where an outreach should be established, rather than RLC simply deciding what the community needs. A representative from the committee has been attending the meetings.

We have been working towards doing a mail-out to ATSI organisations who are contained within the Resource Manual currently being formulated with brochures and information about RLC, inviting them to contact us in relation to CLE or a face-to-face visit by staff at RLC.

The Committee have already been specifically focusing on improving channels of communication between ALS in Redfern and RLC. We hope that ALS will refer all civil matters which they cannot assist with to RLC down the road. A member of the committee (Rebecca) also attended an Indigenous Law Forum at the Family Court as part of this area of our work. We also have started to look at RLC providing some CLE on Koori Radio.

## **Aboriginal presence in RLC**

The Committee has been researching possibilities of increasing the Aboriginal presence amongst staff at the Centre. There are a number of options. New Positions could be funded and designated for Aboriginal staff or current positions could be designated for ATSI staff as and when the positions become vacant.

In relation to new positions, task of researching funding is a difficult and time consuming one. We have been looking at government and non government funding, at perhaps subsidising wages through traineeships, or employing ATSI law students through cadetships or College of Law placements. The Committee has been looking at where ATSI law students are generally studying law and at collaborations between RLC and those campuses. However, the inner city legal centre

working group has also been looking at cadetships for the CLCs on a broader level so this is something RLC may not want to pursue on its own.

If we create new positions, the Committee has suggested both a solicitor and a community development worker would be ideal in RLC. An existing solicitor position could be designated for an ATSI worker.

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## General Legal Service

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- [Discrimination](#)
- [Employment](#)
- [Same sex domestic violence](#)
- [Complaints against police](#)
- [Young people](#)
- [Social Security](#)
- [Mandatory sentencing](#)
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- [Community Legal Education](#)
- [Outreach](#)

The generalist legal service provides face to face and telephone advice to people who live and or work in the Botany, Leichhardt, South Sydney and Sydney local government areas, and beyond this region in some instances. It also undertakes casework in priority areas of law and relies on a small paid staff and up to 70 volunteers. As well as advice and casework, the general legal services conducts community legal education and participates in law reform and policy activities. Some highlights of our work in 2000/2001 are described below.

### Victims Compensation

RLC continues to conduct casework in the area of victims compensation, giving priority to sexual assault matters and applications for young people who are victims of violent crime.

In one matter RLC acted for a young woman who had been sexually assaulted while in the care of the State. Due to her young age and difficult personal circumstances at the time, our client had not pursued criminal charges. The Victims Compensation Tribunal found that our client did not have the support necessary to enable her to pursue criminal charges against the offenders and could not have been expected to do so at the time. Our client received an award of compensation.

RLC has been active in lobbying for a fairer system of compensation for victims of crime. The victims compensation scheme in NSW has undergone considerable change and has become progressively more restrictive since 1996. In July 2000 various amendments to the victims compensation regime came into effect, including the following:

- To be eligible for compensation a victim's injuries must total at least \$7 500 in accordance with the schedule of injuries. Whereas previously the minimum threshold had been \$2,400.

- Compensation for category 1 psychological or psychiatric disorder is only available for victims of armed robbery, abduction or kidnapping. (Category 1 refers to chronic psychological or psychiatric disorder which is moderately disabling). The effect of this amendment is that victims of sexual assault, domestic violence or other offences can only obtain compensation for psychological or psychiatric disorder if the injury is severely disabling. This is a high standard which can be extremely difficult to prove.
- Compensation can be reduced or refused where victim failed to take reasonable steps to mitigate the extent of their injury. This is a particularly concerning aspect of the legislation. Conceivably, if a victim had not obtained counselling or appropriate medical care this fact could be used to deny her/him compensation. In our experience however, the nature of the offence or the psychological injury received could make it more difficult for a victim to obtain appropriate counselling or other assistance.
- "Victims Compensation Act" changed to "Victim Support and Rehabilitation Act". The intention of this amendment is clear - to move the emphasis of the scheme away from appropriate financial compensation to counselling. It would appear that the overriding issue of concern for the NSW Parliament is the cost of the scheme, rather than the provision of fair compensation to victims of crime.
- RLC has also noted with concern the low level of compensation payable for the offence of domestic violence (\$7,500 - \$10,000) in comparison with other injuries.

RLC co-authored amendments to the victims compensation section for the 8<sup>th</sup> edition of *The Law Handbook* incorporating the changes which were made to the law in 2000.

## **Discrimination**

RLC has assisted clients who have experienced discrimination, including sexual harassment, racial or homosexual vilification, disability discrimination and other forms of discrimination. RLC has become increasingly frustrated with the time delays of one year or more experienced by clients who have lodged complaints with the NSW Anti-Discrimination Board.

In one matter RLC acted for a visually impaired young woman who had been denied the chance to apply for a student placement at a local service, when the service had invited all students to apply for a placement. When she inquired about a position the young woman was told "oh you're the handicapped one". A conciliation conference was held at the Anti-Discrimination Board with no resolution being reached. The matter proceeded to the Administrative Decisions Tribunal at which point another conciliation was held, with a settlement being reached at that stage.

RLC was pleased to see the amendments regarding carers come into effect in March 2001. These amendments extended the operation of the discrimination provisions to carers.

## **Employment**

RLC has assisted numerous people who have been unfairly dismissed, experienced discrimination at work or have not been paid their proper entitlements by their employers.

RLC has also been an active member of the NSW Industrial Relations Commission's users group, which has revised the application form for unfair dismissals.

## **Same sex domestic violence**

Throughout 2000/1 RLC saw an increasing number of gay, lesbian and transgender clients who have been experiencing domestic violence within their relationships. In some instances the clients have experienced homophobia and heterosexism from service providers which has been an added barrier to escaping the violence.

RLC has provided assistance with apprehended violence orders and has made complaints against police for inaction where appropriate.

## **Complaints against police**

An increasing number of people have approached RLC for advice about police misconduct. The complaints have ranged from inappropriate comments made to victims of sexual assault, unreasonable force used during arrest, unlawful strip searches and improper use of capsicum sprays. RLC has assisted numerous people in making complaints to the office of the NSW Ombudsman. RLC has assisted people in pursuing other options against the Police Service such as discrimination complaints and civil claims.

RLC staff have also worked at a policy level to improve knowledge of police procedures and improve transparency of the complaints investigation process. RLC staff have developed a close working relationship with the Office of the NSW Ombudsman.

In one matter a young person was stopped and questioned by police on many occasions for no reason. The young person felt he was being harrassed. On one occasion the young person was arrested and held in custody for several hours, with no charges resulting. The matter was investigated and although the police investigation found no wrong-doing by the police officers involved, the Ombudsman's office found that there had been no legitimate reason to arrest the young person and the issue was raised with the Local Area Commander.

The process in place for complaints about police has been cause for frustration amongst RLC staff and clients alike. The Ombudsman has an oversight process only in the majority of cases and has powers of recommendation only. Although the Ombudsman's office can monitor investigations in some cases, which involves taking a more active part in the investigation, this is done in only very rare instances due to the resources required.

The investigation process is not transparent and it is often difficult to obtain information about what

actions have been taken by the investigator. To complainants it often seems that the process acts only to exonerate police from allegations of misconduct. Complaints are investigated by senior officers from the same police station and it is likely that the requirements of confidentiality would be difficult to maintain in these circumstances. Witnesses to the complaint and the officers involved are interviewed by the investigating officer without the complainant or their legal representative present. In addition, the complainant or their legal representative are not usually given access to any statements made by witnesses or the officers involved. This means that the opportunity for any criticising any conclusions made by the investigating officer is not available.

## **Young people**

RLC has sought to increase young people's access to RLC services. To this end RLC has sought to maintain closer links with local youth services and has found that an increasing number of young people have contacted the Centre with a range of legal problems. RLC has provided advice and assistance to young people in care who are experiencing difficulties. In addition, RLC has provided advice about criminal matters and has acted for young people in victims compensation applications and complaints about police. RLC has also provided advice and assistance with regard to diversionary processes under the Young Offenders Act.

RLC continues to be an active member of the NSW Youth Justice Coalition. The YJC is a voluntary network of lawyers, youth workers and others involved in the area of juvenile justice. RLC has been actively involved in a project of the YJC focusing on young people's experiences of youth justice conferences and cautions under the Young Offenders Act.

## **Social Security**

RLC has provided advice and assistance to several clients who have experienced problems with Centrelink.

RLC represented a woman in the Administrative Appeals Tribunal. The woman had debts to Centrelink of approximately \$20,000. The debt was largely due to the actions of our client's husband who subjected our client to severe domestic violence throughout the period when the debt was incurred. Our client's husband had received an income from employment during a period where our client received wife pension. Our client had no knowledge of his employment. We sought to argue that our client should not be seen as a member of a couple for the relevant period and should not be responsible for the wrongdoing of the husband. The AAT found against our client. The Social Security Act does not give adequate recognition to domestic violence.

RLC successfully negotiated settlements for other clients in Centrelink matters. In one such matter RLC acted for a woman who had signed an assurance of support for her husband, who had then claimed social security benefits without her knowledge. In another matter a client who was applying for Disability Support Pension was consistently rejected due to the difficulty in documenting her psychiatric condition.

RLC made submissions on her behalf which were accepted by Centrelink.

## **Mandatory sentencing**

Redfern Legal Centre was involved in the campaign to repeal the mandatory sentencing laws in Northern Territory and Western Australia. We lobbied the Senate Legal and Constitutional Committee, encouraging the Committee to visit both rural and regional areas of the Northern Territory and Western Australia during its rounds of public hearings.

## **Committee membership**

In 2000/1 RLC staff were active members of the following committees:

- Youth Justice Coalition
- NSW IRC users group
- Human Rights and Discrimination Subcommittee
- Law Reform and Policy Subcommittee
- Domestic Violence Subcommittee
- Victims Compensation Subcommittee of the Combined Community Legal Centres Group.

## **Community Legal Education**

RLC provides community legal education to community organisations and the general public. In 2000/1 RLC

- provided training on duty of care issues to managers and staff of the Community Visitors Scheme.
- spoke at a panel on Access to the Courts for Law Week.
- spoke at the ACON Same Sex Domestic Violence Roundtable.
- took part in an ABC television program for young people about legal issues.

## **Outreach**

During the year RLC looked at ways to provide greater accessibility to RLC services. An outreach advice clinic was provided at Forster House, a service for homeless people. The outreach clinic provided advice about a broad range of legal issues.

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## Credit and Debt

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- [Fair Trading Tribunal matters](#)
- [Vocational training centre matters](#)
- [The "Blue Hills" case; relationship debt](#)
- [Insurance debt](#)
- [Incorrect hospital records](#)
- [Payday lender](#)
- [Mobile phone cases](#)
- [Policy/Law Reform](#)
- [CLE/Media](#)

Our Credit and Debt Legal Service provides legal advice and some casework to people who live and or work in the Botany, Leichhardt, South Sydney and Sydney local government areas, and beyond this region in some instances. We provide telephone and face-to-face legal advice to financial counsellors and their clients across NSW on a day-to-day basis, and our telephone advice is available to people statewide. The Credit and Debt Legal Service also conducts community legal education and participates in law reform and policy activities.

The service is provided by two staff solicitors with assistance of other RLC staff, RLC volunteers and a pro bono solicitor from Blake Dawson Waldron, a firm of private solicitors who help us to provide credit and debt advice and assistance to our clients one day a week.

Below are some highlights of the Credit and Debt Legal Service in 2000/1.

### **Death Benefits and Total and permanent disability case**

Our client's son was diagnosed with a rare form of cancer and went on leave without pay. A couple of months later he passed away. Under the son's superannuation policy he or his estate was entitled to claim for either total and permanent disability or death benefits. The central issues were whether the son stopped working as a result of his illness or went on leave without pay. The insurer rejected both of these assertions and rejected our client's claim. We then referred the matter to the Superannuation Complaints Tribunal. Some 4 years after we lodged the application the Tribunal found in our client's favour. It held that our client's son's estate was able to claim death benefits even though the son had never put his request for leave without pay in writing and despite the fact that the employer refused to support our client's claim.

This case emphasised the fact that most superannuation policies carry with them total and permanent

disability and/or death benefits coverage. Anyone injured in a workplace accident should check their superannuation policy carefully.

## **Fair Trading Tribunal matters**

Redfern Legal Centre in 2000/1 increasingly helped clients make applications to the then Fair Trading Tribunal (FTT), which has since been merged into the Consumer Trader and Tenancy Tribunal (CTTT). Our experience indicated that the FTT was a user friendly and low - cost forum for resolving consumer disputes.

## **Vocational training centre matters**

A number of people have approached RLC in regard to disputes with private education and training institutions. The disputes have involved misleading or deceptive statements about the content of courses, the qualifications to be gained, inadequate course materials, and excessive and non-refundable tuition fees.

In most of these cases we have assisted our clients make applications to the FTT for the refund of tuition fees. The outcomes have been mixed with some clients getting a full refund and some none at all. However, the FTT acknowledged that the terms and conditions of some enrolment contracts are unjust and on this basis it has been prepared to waive clients' obligations under the contract.

## **The "Blue Hills" case; relationship debt**

The many solicitors involved in this case gave it this nickname because it seemed to go on forever.

Our client and her five sisters all went guarantor for their parents' company, for a loan from the Commonwealth Bank of Australia. Our client had very little business experience, did not get proper independent advice about the documents she signed, and did not understand what they meant.

When the parents' company had trouble paying off the loan, the Bank sued the company and each of the sisters in the Supreme Court. The amount allegedly owing was approximately \$1 million.

We assisted our client to put on a defence, and to file a cross-claim against the Bank. Our client's sisters eventually went bankrupt, but we battled on.

In a separate hearing between the Bank and the parents' company, judgment for possession of the parents' properties was given in favour of the Bank, as was judgment against the parents' company.

We agreed to settle the matter on the basis that we reserved our cross-claim rights until all the payments had been made to the Bank.

Eventually the parents sold off various properties and paid the Bank all except \$20,000. The Bank waived the final \$20,000.00 purportedly owed by our client.

## **Insurance debt**

Swann Insurance decided not to pursue an alleged debt against an intellectually disabled client of ours who knocked over and damaged the stationary motor bike of a DOCS worker who was "supervising" him.

## **Incorrect hospital records**

The hospital records of a client who lives in a rural area refer to him as a "well-known schizophrenic", even though there is no record on the Hospital file that he has ever actually been diagnosed as such. We wrote to the Hospital on behalf of the client, and to Privacy NSW. The hospital eventually agreed to amend our client's record by placing in his file a note saying that the earlier references to schizophrenia were wrong.

## **Payday lender**

A financial counsellor referred a client to us, who had signed a direct debit authorisation to a payday lender, then defaulted on his repayments. The client had a gambling problem. We renegotiated his repayment scheme to a level which he felt he could more readily achieve.

## **Mobile phone cases**

Mobile phones continue to cause many problems for our clients, including inability to pay bills (and subsequent harassment by debt collectors) and disputes regarding the accuracy of bills. Many clients enter phone contracts despite not being able to afford it, because they are not aware of the true cost.

In addition, the billing systems of some telecommunications companies (telcos) are not adequate and occasionally people are charged for calls they have not made. For example in one case a now defunct telco charged our client for internet usage when it was clear that she had not in fact used the internet. The charges ran into thousands of dollars. Our client eventually proved her case and the Tribunal ordered the telco to refund her all payments she had made. The telco refused to do so, and in the end we were forced to commence recovery action in the local court.

Since then we have had other similar cases, but the telcos have usually settled on the day prior to the tribunal hearing.

## **Policy/Law Reform**

The Credit and Debt team was actively involved in the most the nation-wide "pay day lending" regulation campaign. Pay day lenders had been exploiting a loophole in the Uniform Consumer Credit Code and charging borrowers exorbitant fees on short - term loans, and taking security over personal property. The fees equated to interest rates of between 150 and 1300%! In some cases borrowers have seen \$50 loans turn into \$1,000 debts.

Consumer groups actively lobbied the various State governments to amend the Credit Code to ensure that pay day lenders are regulated in the same fashion as other commercial lenders. Despite strong opposition from the industry (using the "regulation means job losses" mantra), at the end of the reporting period the NSW and Queensland governments had agreed to amend the Code to force pay day lenders to abide by prescribed caps on interest rates and to fully disclose the full cost of loans.

In July 2000, we were one of seven consumer groups which prepared a joint submission to the (Federal) Senate Inquiry into Fees on Electronic and Telephone Banking.

We responded to a survey from Federal Treasury on consumer information needs (from the point of view of both consumers and ourselves).

We were also actively involved in the Department of Fair Trading's reviews of finance broking regulation in NSW, and the Entertainment Industry Code of Practice.

## **CLE/Media**

We initiated, produced and distributed two editions E-Bulletin designed to keep financial counsellors abreast of current credit and debt legal issue. Intended for statewide distribution, it went far further in the end: one edition was reprinted as part of the WA Financial Counsellors' Newsletter "The Umbrella".

Among our many media and community education activities, we:

- wrote articles or provided back ground information for a disparate collection of journals and newsletters
- wrote an article on pay day loans for the NSW financial counsellor's journal "Sharkwatch", and an article on how the withdrawal of banking services is affecting people in rural, regional and remote areas: Consumer Rights Journal, Nov./Dec. 2000 "Short sighted; Why banks have to start seeing little people again".
- were quoted extensively by journalist Ian Gerard in the national Weekend Australian (newspaper) "Money Guide" special segment on mobile phones in May 2001 and appeared in a Choice magazine article (June 2001) on pay-day loans;
- provided brochures from our "Hit the Dirt" rural community legal education programme for a display to NSW Parliamentarians on the work funded by the Law Foundation;
- addressed the November 2000 monthly meeting of the Financial Counsellor's Association of

NSW (FCAN) on current issues, including payday loans, problems with direct debiting (for example in relation to clients who are on Centrelink benefits, and can't afford large lump sum payments); and potential problems with so-called "voice data recognition systems" (in which people enter contracts over the phone or on the Internet - the problems including issues such as what did the client agree to/ what are the terms and conditions of the contract / is there a contract at all?);

- spoke to the March 2001 Financial Counsellors Association of NSW ("FCAN") meeting about time-share cases, and young people and mobile phones; and
- were instrumental in organising a meeting between consumer representatives and the (Federal) Minister for Financial Services.

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**Next:** [Tenants' Service](#)

## Tenants' Service

- [A big victory for RLC and precedent for NSW boarders](#)
- [Department of housing eviction](#)
- [Two new initiatives](#)
  - [Outreach at Botany Migrant Resource Centre](#)
  - [Boarding House Project - Inner City](#)
- [Community Legal Education](#)

Redfern Legal Centre received funding in 2000/1 from the Department of Fair Trading to run the Inner Sydney Tenants Advice and Advocacy Service.

The service undertook a substantial amount of advice work:

- 2819 clients received tenancy advice and information.
- 220 clients received face-to-face advice.
- 183 cases were opened.

The biggest impacts on the tenancy team during this time was the Olympic Games, its aftermath and the Tenants Advice and Advocacy Program Review.

The Olympic Games in September 2000 brought increased evictions, rent increases and homelessness. Our service was inundated in the months leading up to the Games with clients facing eviction and unaffordable rent increases. The most heart-breaking cases were the residents of boarding houses, usually the most vulnerable people, are not covered by legislation and faced eviction to the streets. The aftermath of the Games has seen an increase in unaffordable apartments, artificially inflated rents and no extra housing provision for the homeless.

The review conducted by a consultant for the Department of Fair Trading recommended that the 3 inner city tenants' services - RLC, Eastern Area and Marrickville - be amalgamated and lose 4 full-time workers. Our service was only guaranteed funding to June 2001. This has had an enormous effect on the service, the workers and RLC as a whole. The Minister for Fair Trading is yet to make a decision about the recommendation but this only worsens the situation - making planning and co-ordination very difficult.

### **A big victory for RLC and precedent for NSW boarders**

In our last annual report we spoke about two elderly women living in a boarding house in Glebe: one has been re-housed, and one still lives there. The case began in September 1999 when the two women, together with other residents of the boarding house were told to leave to make way for a building

upgrade. The landlord made it clear that they wanted to get backpackers in for the Olympics.

We discovered that the older woman was a protected tenant, and the landlord has not taken action to evict her. Instead they took her friend, who is covered by the *Residential Tenancies Act*, to the Residential Tribunal for termination orders. In December 1999 Redfern Legal Centre represented this tenant in the Residential Tribunal and the Tribunal found that the landlord's application to evict was invalid due to a technicality. The landlord appealed the decision to the Supreme Court. This case is still pending.

In the meantime, the landlord applied to Leichhardt Council for permission to convert the elderly Womens' rooms into a caretaker or owner's flat. The Council refused this request but the landlord appealed this decision to the Land and Environment Court. RLC provided Council with advice about the relevant tenancy laws which applied to the 2 tenants, and explained how their cases would be affected by the LEC's decision.

In October 2000, the LEC upheld the Council's decision on the grounds that the owner failed to satisfy the provisions of the State Environmental Planning Policy (SEPP 10) on the Retention of Low-Cost Rental Accommodation. It took into account the impact of the planning proposal on the two women. This victory provides a very important precedent for all boarders and lodgers in NSW.

## **Department of housing eviction**

The tenant came to RLC a day before the warrant for possession was to be issued. A section 63 (rehearing) submission was made and was successful. The matter went to a full formal hearing. Originally the DOH had been alleging rent arrears plus an array of other matters such as drug dealing, assaults, illegal occupant etc. The matter proceeded only on rent arrears. The tribunal heard how the arrears had arisen and the medical circumstances of the tenant and decided against eviction. Because the illegal occupant issue remained, the rental rebate had not been processed and rent and hence rent arrears could not be determined at that time. This occurred later, favourable to the tenant, and resulted in a relisting for specific performance orders. If the client does not pay his rent in the next 6 months the matter can be relisted by DOH for termination.

The tenant was an ex-heroin user on methadone. He suffered from brain damage and suspected organ damage. The tenant often did not respond to letters sent. Fortunately, he had had (limited) contact with a community health service in his area so a report could be prepared to assist his case.

As a DOH tenant and a person with special needs facing eviction, it was important that he was given a fair hearing before the tribunal. On the face of it, this was an unusual case because the DOH was evicting purely on limited rent arrears. [However, by the date of hearing, rent had not been paid for a number of months.] There were other untested allegations which resulted in the harsh first order of termination before RLC was involved, but these were excluded from the later hearing. The case also highlighted the failure of the Residential Tribunal to take into account the tenant's circumstances when

he was unrepresented.

## **Two new initiatives**

### **Outreach at Botany Migrant Resource Centre**

During this period the BMRC kindly agreed to house a tenants advice session once a fortnight to assist people from culturally diverse backgrounds living in our target area.

### **Boarding House Project - Inner City**

The Boarding House project began in the first part of 2000/1 as a funding proposal for a full-time worker to examine the loss of boarding houses in Sydney.

A steering committee, made up of tenancy workers who dealt with boarders and lodgers, was formed. RLC were responsible for a number of funding applications being lodged in this time.

After successfully obtaining some funding in the first half of the year, a worker was employed in October, auspiced by Inner City Legal Centre. The worker has been looking for additional funding, lobbying, networking as well as preparing materials and running an informative workshop in December 2000. A major symposium/hypothetical was held in February 2001.

RLC submitted a funding application to South Sydney City Council for more funding for the project and successfully obtained \$10,000 - thanks SSCC.

## **Community Legal Education**

The following CLE sessions were conducted:

- St Vincent de Paul - Budget Counsellors - 2 Tenants Rights Sessions - 50 participants
- Portuguese Public Tenants information session - 21 participants.
- 2 Basic tenancy law talks for International Students - 200 and 250 participants plus one smaller workshop with 11 people.
- Centrelink - Inner City/Inner West Area Social Workers - Rights of People Living In Boarding Houses (conducted in conjunction with Marrickville Legal Centre) 13 participants.
- Joint Guarantee of Service for Tenants with a mental illness, we ran a workshop to examine how this joint guarantee worked in practice for Department of Housing tenants and to identify failings of the current policy document.

Attendees: Department of Health - Centre for Mental Health, the Department of Housing, and a RLC tenancy worker addressed the session, mental health workers, community workers, tenancy workers and

others. About 40 people attended.

- Central Sydney Area Health Services - a 3 hour community education session for early childhood health staff 30 participants
- The Service presented some training workshops for the TAAP Network:
  - Legal concepts for tenancy workers
  - Boarding House tenancy rights
  - Domestic Violence and Tenancy Law

Thanks to all the staff and hotline volunteers in 2000/1, especially Vanessa, Steve and Carol. Special thanks to Emma Golledge and Sue Thomas - the locums whose flexibility literally saved the tenancy service, and to Polly who provided inspiration and consistency. Polly left us in September 2001 to work with refugees in India - thanks and good luck.

**Previous:** [Credit and debt](#)

**Next:** [SRC Legal Services](#)

# The SRC Legal Service

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The legal service at the Students' Representative Council (SRC) is provided by Redfern Legal Centre and operates as a branch office of the legal centre. Redfern Legal Centre provides a solicitor and legal support and supervision. The SRC funds the service.

The solicitor is a full time employee of the legal centre but spends the major part of his time at the SRC offices, working there four days a week - on Mondays, Tuesdays, Thursdays and Fridays. On Wednesdays the solicitor works at the legal centre's main office in the Redfern Town Hall. This allows the solicitor to make good use of the Legal centre's resources to assist students and to engage in more policy work.

The service is available to undergraduate students at the University and students at the affiliated campuses of Sydney College of the Arts, The Conservatorium of Music, Orange Agricultural College and Camden Farms.

The solicitor provides a very busy advice service four days per week. Appointments are available two days a week with a third afternoon dedicated to a drop in service. Interviews are available at other times by appointment. Students at distant campuses can also make telephone appointments.

The solicitor also provides legal assistance and back up to the student advisors at the main office and the offices of affiliated campuses.

The solicitor provides ongoing casework services representing clients in legal action or providing assistance for clients to represent themselves. Wherever possible, the decision to take on more extensive work for a client is made with consideration of the other legal services available to the client as well as

the client's resources, and the ability of the client to manage the matter themselves with assistance from the solicitor. The aim is to provide the most efficient and useful service to the student community and also to allow the solicitor to spend greater time on client's with a high degree of need who are unable to access any other services.

The solicitor also undertakes policy work and community legal education. Policy or law reform work is work that may not be related to any one particular client but aims to achieve some systemic change in the legal system or the University in order to benefit a group or students or all students.

Community education aims to increase the ability of clients to avert legal problems or to solve them themselves by providing legal information, for example in the form of fact sheets or information brochures.

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

Matt Hazard, the current Branch Office Solicitor has an unrestricted Practising Certificate. He is supervised by a solicitor at the main office of the legal centre. He also receives valuable assistance from the other workers at the legal centre and in particular the credit and debt solicitors, the tenancy workers and the past SRC solicitor and now Principal Solicitor, Pat McDonough.

The Branch Office is covered by the RLC Professional Indemnity Insurance.

In addition to the duties at the SRC the solicitor participates in the organisational life of the main office of the legal centre through attendance at staff meetings and file intake meetings.

The following report provides details of the work undertaken by the SRC office in 2000/1.

## **Casework**

Client statistics include both advice sessions (that may be 'face to face' or over the telephone) as well as 'cases opened'.

A file (or case) is opened once some work is done for a client or the solicitor undertakes to represent the client. Unfortunately these statistics cannot show the amount of work done on a particular matter, only that work was done. A file may be opened to write one letter only or it may be opened in order to undertake lengthy and complicated litigation.

## **Client Statistics**

Total number of clients

215

Files opened	84
Advice only	131
Major areas of assistance	
<i>Crime, including domestic violence, traffic</i>	44
<i>Tenancy</i>	23
<i>University complaint</i>	18
<i>Debt</i>	14
<i>Employment</i>	14
<i>Motor vehicle property damage</i>	13

A number of trends can be identified from the advice and casework.

## University matters

The legal service also advises on University matters. These may relate to the University's internal procedures such as chapter 13 misconduct proceedings, expulsions or disputes over results. The solicitor attended three hearings to assist students in relation to misconduct charges. One of these matters was appealed to the Proctorial Board (a quasi judicial body within the University) and has been appealed further to the University Senate. We are currently awaiting the outcome of that appeal.

The legal service advised many other students in relation to their complaints about the actions of the University.

International students had serious complaints about the conduct of a bridging course in the Services Building which was undergoing renovation at the time. The students had all paid in excess of \$8,000.00 for the course and the conditions were woefully inadequate. Proceedings were started in the Fair Trading Tribunal against the University and one of its holding companies which runs the course. The claim was heard in June and July 2001. The Tribunal has not yet handed down a decision. The claim is for breach of contract and misrepresentation in relation to the conduct of the course.

## Motor vehicle accidents

Motor vehicle accidents continue to be a major source of legal problems for students. The advice in this area is generally to young drivers who are liable for the damage to another and have no property damage insurance. We have also advised students in relation to their rights and obligations arising out of their own contracts of insurance in matters such as disclosure and legal fees.

Debts claimed can be significant and where possible we have assisted the client to negotiate a favourable settlement. This year we have been attempting to extend the advice students receive by referring them to financial counselling services to get financial advice as well as legal advice.

## **Crime**

A significant number of students sought advice on criminal matters. The service represented over 13 students in relation to criminal and traffic charges. Most of the matters required several appearances at court and often involved lodging written submissions with the police seeking the withdrawal of charges. In one matter in which a male student was charged with assault on a security guard on campus we were able to achieve the withdrawal of that charge and other charges of possession of cannabis and shoplifting were dismissed under section 10 of the Crimes Act. The solicitor had interviewed another security guard on campus and was able to present fresh evidence to the police in that case.

Another matter concerned a student who was charged with negligent driving and failure to stop and exchange driver details after a motor vehicle accident. The solicitor interviewed the driver of the other vehicle in Orange and took photos of the vehicle. Evidence and submissions were made to the police and the charges were withdrawn.

## **Tenancy**

Many students, particularly young and overseas students find themselves enmeshed in legal problems related to share housing, boarding and tenancy, and we help clients to negotiate these problems. The solicitor obtained leave to appear in a matter where an international student required an interpreter. The hearing was scheduled during the Olympic period and the Tribunal member failed to turn up on time! The matter was later successfully negotiated and the tenant received compensation for the period in which she had had to endure poor conditions in her flat.

The solicitor also attended a meeting between tenants and the University Property Manager over the issue of rental payments during the Olympics.

All students had been required to vacate their rooms during the Olympics and many had made alternative accommodation arrangements. When the University lost a contract to provide accommodation to Olympic visitors they sought to rely on an unfair clause in the rental agreements and demanded rent for the Olympic period. The University documentation was however not entirely in order. Eventually the University backed down and only charged rent to those students who wanted to stay in their rooms during the Olympics.

## **Consumer**

We continue to have a number of inquiries about consumer matters. These problems arise with students purchasing goods and services and then finding themselves vulnerable either to aggressive sales techniques or the victim of dodgy sales or credit contacts.

## **Discrimination**

There were a number of enquiries in this area but no claims made.

## **Employment**

Most students work part time and many experience difficulties with employers over pay and other conditions. A number of students were successfully assisted in the recovery of unpaid wages at the end of their employment. The solicitor attended one conciliation conference at the Australian Industrial Relations Commission.

## **SRC as client**

The SRC was subpoenaed by a defendant in a sexual assault case. The victim of the sexual assault had attended at the SRC for advice some years previously. The defendant hoped to examine records to check for any "inconsistencies" in the victim's story and to support his contention that the victim's memory had increased with the passage of time.

The SRC is not actually the owner of the client files and so the subpoena was incorrectly issued. The subpoena was re-issued by the defendant to Redfern Legal Centre. Client privilege was claimed. However it was argued by the defendant that since the victim had disclosed (or was under a duty to disclose) to the crown all the details of the assaults and the crown had a duty of complete disclosure to the defendant - then client privilege had been waived. In the end the victim, after discussions with the Crown Prosecutor, agreed to waive any claim for privilege.

## **Redfern community work**

The SRC solicitor acted for 13 clients in the Redfern and Waterloo areas in a Licensing case. Commercial interests have applied to open a hotel on a site next to the Redfern Returned Services Club close to Redfern Railway. A number of community organisations and individuals - Indigenous and non-Indigenous - appeared as witnesses in the case, and we were successful in getting 24 conditions attached to the grant of the licence.

## **Policy and law reform/ legal education**

The SRC solicitor undertook policy work related to the student community.

A number of students were active around the Aboriginal Tent Embassy which was established in Victoria Park prior to the Olympics. When proceedings for eviction were commenced by South Sydney Council the SRC solicitor in conjunction with an Aboriginal student drafted a development application for the Tent Embassy. The application was lodged and the fee was paid to council on the morning of the eviction case. Isabel Coe was then able to use the development application as a basis to negotiate conditions for the Tent Embassy to remain in place throughout the Olympics.

During the year the SRC legal service provided legal information to the following:

- The SRC solicitor prepared and presented a talk on copyright law to members of Honi Soit.
- Provided back up advice to the Welfare and Education workers at the SRC.
- The SRC solicitor attended at Orange Agricultural College to give advice and information during orientation week.

## **Pro bono assistance**

The SRC service received invaluable assistance in 2000/1 from a number of people including the following.

- Clive Evatt, barrister provided advice in relation to defamation matters for Honi Soit and others.
- Barbara Maher provided advice in relation to Immigration law
- Michael Crowley, barrister provided advice in relation to criminal law
- Miiko Kumar provided advice and representation in relation to contract law.

**Previous:** [Tenants's Service](#)

**Next:** [Womens' Domestic Violence Court Assistance Scheme](#)

# Womens' Domestic Violence Court Assistance Scheme (WDVCAS)

- [Casework](#)
- [Community Legal Education & Community Development](#)
- [Policy and Law Reform](#)
  - [Apprehended Violence Legal Issues Coordinating Committee \(AVLIICC\)](#)
  - [WDVCAP Legal Aid Advisory Committee](#)
  - [Downing Centre Court Users Forum](#)

Redfern Legal Centre has been operating a Womens' domestic violence court assistance scheme at Redfern local Court since March 1990. The scheme is a joint initiative of community workers involved in the provision of support to victims of domestic violence, and solicitors employed by community legal centres and private law firms attempting to ensure that a woman's right to safety is protected through the legal process.

Redfern Legal Centre's Womens' Domestic Violence Court Assistance Scheme operates at both Redfern and the Downing Centre Local Courts. The scheme provides assistance and support to women seeking legal protection from domestic violence - a process which can be confusing and disempowering without support. The scheme co-ordinator arranges a roster system where local community workers and a solicitor are available to represent and support women seeking Apprehended (Domestic) Violence Orders on the courts' list day.

During 2000/1 the following local community organisations seconded staff to work on the Scheme:

- Aboriginal Children's Service
- Aboriginal Medical Service
- Elsie's Refuge
- SCARBA
- Womens' Information & Referral Service
- Department for Women
- Domestic Violence Line
- Women and Girls Emergency Centre
- The Factory
- Broadway Early Childhood Centre
- South Sydney Community Aid
- Mudgingal Aboriginal Corporation
- Wallamulla Community Support
- The Shop: Women and Children's Centre
- Kirkton Road Drug and Alcohol Centre

- Darlinghurst Community Health Centre

Legal representation is provided for clients at both courts. We would like to thank the following law firms, community legal centres and individual practitioners for their support for the scheme in 2000/1:

- Wirringa Baiya: Aboriginal Womens' Legal Centre
- Gilbert and Tobin
- Blake Dawson & Waldron
- Inner City Legal Centre
- Robyn Sexton
- Clayton Utz

## **Casework**

The scheme assisted clients from a diverse range of cultural and economic groups during the year - these statistics provide information about who we assisted, and in what way.

Total number of contacts	2166
Number of ATSI clients	115
Number of NESB clients	466
Number of clients with a disability	394
Number of clients as defendants	90
Time spent follow-up service of AVO	29.5%

In addition, Redfern Legal Centre solicitors have assisted WDVCAS clients by providing both legal advice and representation at hearings. Some clients are referred to the Centre's evening advice service for advice concerning their AVO application or to assist clients to prepare for self-representation at hearing. Where there is a need, pro bono legal advice is sought through our normal referral processes.

## **Community Legal Education & Community Development**

A Womens' Speakout Expo was held for International Womens' Day and was organised jointly with local community organisations. Indigenous Women and Friends Get-together was the theme, and it featured Indigenous Womens' Short Films and local Aboriginal Womens' entertainment.

"Stop Domestic Violence Day" was marked at Redfern Local Court.

## **Policy and Law Reform**

### **Apprehended Violence Legal Issues Coordinating Committee (AVLICC)**

The coordinator continues to represent WDVCAS Network, which is convened by the NSW Attorney-General's Department. Lyndal Gowland successfully lobbied so that Police Prosecutors are mandated to act in variations or revocations of police initiated AVOs.

The focus during the year was on:

- Prosecutor's Standard Operating Procedures
- Local Courts' policy
- police performance
- Telephone Interim Orders and
- the role of Community Justice Centre's in domestic violence.

### **WDVCAP Legal Aid Advisory Committee**

The coordinator continues to be a representative of the WDVCAS Network, which is convened by Legal Aid. This committee is responsible for the management of the Court Assistance Schemes. We were successful in lobbying to ensure that funding formulas more appropriately address the needs of ATSI & NESB communities.

### **Downing Centre Court Users Forum**

A regular forum convened by the Chief Magistrate for users of the court to raise issues and provide updates on current practice.

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**Next:** [Drugs Policy Project](#)

## Drugs Policy Project

At the national level 2000/1 was a difficult time for the development of drugs policy. The Centre has had considerable input into a number of areas. These included participation on the National Expert Advisory Committee on Illicit Drugs and on the Intentional Misuse of Pharmaceuticals subcommittee of the Pharmaceutical Benefits Advisory Committee. In these roles it has always been our effort to support harm reduction programs and policies and to modernise Australia's drug policy response.

At a more local level the Redfern Legal Centre Drug Policy Project has been active in the response to the use of sniffer dogs to search citizens without their knowledge, consent and without reasonable grounds of suspicion when they were in public space. The community targeting of gay and lesbian communities and the high media profile of some raids was further cause for concern in addition to the inappropriate allocation of police resources and the targeting of drug users, often small time cannabis users with disproportionate resources contrary to national and state drug strategies and the recommendation of the NSW Drug Summit.

In advocating on this issue the RLC drug policy project achieved a profile including the front page of the daily telegraph, significant reporting in community media, a community based website in conjunction with the AIDS Council of NSW and the NSW Council for Civil Liberties, support for legal practitioners including on successful test cases. The project saw us carrying out community education, legal education, complaints co-ordination, liaising with policy makers and the ombudsman's office. Partly as a result of our efforts there was law reform however, the law was changed to permit the use of sniffer dogs after the searches were found to be unlawful and evidence collected through them to be inadmissible.

We continue to participate in the sniffer dogs issue with support for case work, advice to clients, assistance to the ombudsman and complainants. We profile the issue through the 'human sized' sniffer dogs which participated in Mardi Gras and other community protest events. Development work has been carried out on a snifferdogs warning system through which text SMS messages would be sent to registered users at times when sniffer dogs were active in the person's area.

Test cases continue through the courts and the possibility of a high court challenge on the basis that the law contravenes Australia's obligations under sections 17 and 21 of the international convention on civil and political rights remains open.

After beginning Medical Cannabis advocacy in 1999 through the establishment of the Australian Committee for Medical Cannabis (ACMC), August 2000 saw the production of a report of the expert working party on the use of cannabis for medical purposes. This committee which was established after lobbying by the ACMC made positive recommendations for medical cannabis law reform. Although well received at the time the government has yet to implement policy reform to implement the recommendations of the expert committee.

Work was carried out over the period in conjunction with Dr Alex Wodak of St Vincent's Hospital on the text of "Modernising Australia's Drug Policy" which was published in March 2002. This text joins and encapsulates a growing body of work in the health, education, evaluation and economic spheres which seek to advance Australia's drug policy along scientifically valid, common sense lines through a process of ongoing reform.

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