



# Marrickville Legal Centre

**ANNUAL  
REPORT  
2011 – 2012**

# Contents

<b>Chair Report</b>	<b>1</b>
<b>Marrickville Legal Centre Board Directors 2011 – 2012</b>	<b>2</b>
<b>MLC's revamped web site</b>	<b>2</b>
<b>Executive Officer's Report</b>	<b>3</b>
<b>Marrickville Legal Centre Staff 2011 – 2012</b>	<b>7</b>
<b>Marrickville Legal Centre General Legal Service</b>	<b>8</b>
General Legal Service – Case Studies	13
General Legal Service – Employment Law	16
General Legal Service – Employment Law Case Studies	18
General Legal Service – Volunteers and Pro Bono Solicitors	19
General Legal Service – Evening Advice Volunteers	20
General Legal Service – Volunteer Voices	21
<b>Marrickville Legal Centre Youth Legal Service</b>	<b>22</b>
Youth Legal Service – Volunteer Voices	28
Youth Legal Service – Case Studies	29
<b>Inner West Tenants' Advice and Advocacy Service</b>	<b>30</b>
Inner West Tenants' Advice and Advocacy Service – Case Studies	33
<b>Inner West Domestic Violence Pro-Active Support Service</b>	<b>34</b>
<b>Marrickville Legal Centre Financial Report 2011 – 2012</b>	<b>39</b>
<b>Media</b>	<b>55</b>

## Chair Report

This annual report shows that, despite inadequate funding, the outputs of each team strengthened. Once again, this is due to the commitment of all the staff, the volunteers, and, the secondees from law firms.



In 2011 we reported on completing MLC's new constitution. In 2011-2012 MLC focused on updating the Enterprise Agreement, which sets the salaries and other employment conditions of its employees. This was a major governance project, made possible with the comprehensive assistance and support from the staff and their industrial representatives. All that is left are the formal procedures to register the EA with Fair Work Australia.

This annual report shows that, despite inadequate funding, the outputs of each team strengthened. Once again, this is due to the commitment of all the staff, the volunteers, and, the secondees from law firms.

The presence of volunteers and secondees highlighted once again our desperate need for proper accommodation. MLC is struggling to provide working space to people who make an invaluable contribution to our community's capacity to exercise its fundamental right of access to justice. Without larger premises MLC risks having to turn away good contributors. Applying for funding to provide new or enhanced services may also be in jeopardy, as we will have limited space for new employees. We are currently looking at the option of renting a separate small space at market value. But this will be a significant burden on our finances that we can hardly afford.

A huge thanks belongs to Principal Solicitor Nassim Arrage and Executive Officer Frederica Mantel who left us for other employment. They gave fabulous volumes of support.

Incoming Principal Solicitor Michael Walton, Executive Officer Catherine Dornan and Financial Administrator Julie Robson provide top shelf leadership, governance, and financial and programme reporting to enable the Board of Directors to do our little part efficiently.

Thanks to the whole of the Marrickville Legal Centre working community for another huge contribution to the welfare of those who, if it were not for you, might not have had anyone to advocate for their rights.

*Nick Yetzotis  
Chair, Marrickville Legal Centre Board*

## MLC's revamped web site



This year Marrickville Legal Centre's Strategic Plan 2010-2013 continued to guide Board and staff. As a standing agenda item at staff & Board meetings, all Plan goals have been progressed, and many realised. As part of the Plan's infrastructure goals, in 2011 the Centre determined to start work totally revamping the outdated website. Our wonderful new website provides clear and accessible information for clients and community organisations seeking services or trying to find out more about MLC. Importantly the Centre is now able to update and add information to the site as it comes to hand. Thanks to Rafael Mazzoldi and the staff of the website subcommittee for all their hard work on this project. The new site can be found at [www.mlc.org.au](http://www.mlc.org.au)

## Marrickville Legal Centre – Board Directors 2011 – 2012



▲ Nick Yetzotis, Chair



▲ Diane Anagnos



▲ Janet Loughman, Secretary



▲ Jessica Dolan



▲ Kieran Egan, Treasurer

# Executive Officer's Report

2011-2012 marked another successful year of excellence in service provision for Marrickville Legal Centre (MLC). In 2011-2012 MLC's programs directly assisted over 2000 people from our communities with a variety of problems including general legal, tenancy, family relationship, domestic violence, debt, and employment matters. An additional 4000 people were given information or referred to external services. At MLC we work with the aim of ensuring the often complex needs of our clients are taken into holistic consideration, with quality service provision, internal program cross-referral and appropriate external referrals. The principles of equitable access to justice and early intervention to prevent entrenched disadvantage, remain at the core of all our operations.

In 2011-2012 MLC's General Legal Service (GLS) gave advice and casework services to 952 people, many of whom often have difficulty accessing mainstream legal services. The GLS provides legal services to the residents of 12 local government areas, covering the inner west, south and parts of south west Sydney, representing a combined population of over 1.1 million people. This means that approximately 1 in 20 people living in Australia live in Marrickville Legal Centre's catchment area. They include Aboriginal and Torres Strait Islander people, people

from many different cultural and linguistic backgrounds, people living with mental illness, people with disabilities, and people who experience other forms of socio-economic disadvantage. More than 41% of GLS clients are born outside of Australia and 35% of GLS clients speak a language other than English at home.

The newly renamed Youth Legal Service (formally Children's Legal Service) headed by Youth Solicitor Emily Muir, continued to provide advice and casework to young people across NSW, in a range of areas of civil and criminal law. Law

reform work focused on bail, the Young Offenders Act and fines, whilst noting the importance of early intervention measures through community legal education sessions in schools and outreach locations.

The Family Relationships Centre partnership continued, with a 42% increase in representation and minor assistance from last year. Solicitor Margie Martin formed solid relationships and worked collaboratively with other services offering family assistance. Importantly, Margie's work through mediation allows clients an opportunity to resolve disputes



▲ In June 2012, MLC had to be evacuated when fire broke out in the old RSL building site across the road.

without recourse to the court system.

Amelia Pace and Sarah Stellino, Coordinators of the Inner West Domestic Violence Pro-Active Support Service (IWDVPASS), continued to consolidate a strong partnership with NSW Police, through regular network meetings and co-location at various Local Area Commands. In 2011-2012 IWDVPASS received over

800 Police referrals to contact victims of domestic violence; an astonishing service provision particularly for a sole worker.

In 2011-2012 the Inner West Tenants' Advice and Advocacy Service provided over 1400 advices to tenants in inner western Sydney. Tenancy services across NSW continue to meet the rising demand for services despite not having received a funding increase in real terms for over a decade. With the alarming defunding of all Queensland tenancy services, it is important to note that half of the \$9 million in funding for combined NSW tenancy services is drawn from the approximately \$55 million interest earned annually by tenants' bond money. It is appropriate that tenants' money is used to fund services that provide quality advice and representation when disputes arise.

These services, far from increasing the burden on an already overstretched Tribunal, provide timely information and emphasise negotiated outcomes that lead to



▲ Information and Referral Officer, Maria Elena Ang; Principal Solicitor Nassim Arrage; and Board Director Janet Loughman at Nassim's farewell.

This year, Marrickville Legal Centre was fortunate to be the recipient of a generous one-off grant from the Commonwealth Government Attorney General's Department toward ongoing provision of core legal services. This funding will allow us to continue services that were at risk of diminishment due to ever-increasing operating costs. We thank all our funders for their mutual recognition of need we see in the community, and their support of our work in meeting

with an extensive internal audit and documentation of policies and procedures augmented through the on-site visit by NALC Regional Coordinator Meg Houston. The next step will be the setting of the subsequent workplan to ensure MLC maintains and progresses through this quality assurance process.

Marrickville Legal Centre built on our partnership with Sparke Helmore, who generously assisted in formatting our Policy and Procedure Manual for consistency, and updated our existing Occupational Health and Safety policy and procedures in line with the new Work Health and Safety regulations.

### Staffing

2011-2012 saw a complete change in leadership at Marrickville Legal Centre, with the Principal Solicitor and Coordinator roles changing hands. Over the past 4 years MLC has been extremely fortunate to have been the beneficiary of the skills and dedication of Nassim Arrage & Frederica Mantel.

Appointed as Principal Solicitor in 2008, Nassim oversaw significant developments in the Centre's operations and legal service provision. His dedication and passion for his work was apparent to all. Nassim combined a personable and cheeky



▲ Tenancy advocates Eloise, Martin and Diana at Nassim's farewell in May 2012

better results for both tenants and landlords. Further, in line with the NSW Government Homelessness Action Plan 2009 - 2014, tenancy services provide crucial assistance in preventing homelessness for some of the most vulnerable members of our community.

that need. I also warmly thank NSW Legal Aid's CLC Program Manager, Bronwyn McCutcheon, for her ongoing support.

2011-2012 saw the initial stages of the National Association of Community Legal Centres (NALC) Accreditation process completed,

manner with hard work and strong leadership which saw him liked and respected across the organisation and sector. Nassim now works as Principal Solicitor at Mid-North Coast Community Legal Centre.

As Centre Coordinator at MLC, Frederica worked tirelessly to improve the systems and smooth running of the Centre. During her time here, Frederica oversaw the updating and adoption of a new

In 2012 we also bid farewell to Amelia Pace, our DV PASS Coordinator on maternity leave, and our locum DV PASS Coordinator Sarah Stellino. Both these women have given their all to ensuring the best possible support and information is given to victims of domestic violence who come in contact with the service.

Marrickville Legal Centre staff and Board thank each of these



▲ Staff farewell for Coordinator Frederica Mantel

Constitution, the development and expansion of the Policy and Procedures Manual, the strategic plan development process and subsequent enacting of the resultant 3 Year Strategic Plan. After many busy years of service, Frederica is enjoying her new part-time role as Coordinator of the Association of Blind Citizens NSW.

In 2011 Financial Administrator Linda Shepherd headed to warmer climes after 4 years of loyal service. MLC's marvellous new Financial Administrator Julie Robson has put her own stamp on the position, reorganising MLC's financial and budget systems.

dedicated former staff for their hard work over many years and wish them well in their future endeavours.

MLC is subsequently pleased to announce the appointment of our new Principal Solicitor, Mr Michael Walton. Michael joined us from Legal Aid in June 2012 and we warmly welcome him.

### Volunteers

Marrickville Legal Centre is indebted to our invaluable volunteers – community members, law students, Practical Legal Training (PLT) students, solicitors and board directors. Without this

army of volunteers, we would simply not be able to achieve the work that we do.

In 2011-2012 the PLT program was expanded to assist streamlining the client intake process in order to better serve the needs of those approaching the Centre for assistance. PLT students undergo rigorous training to enable them to appropriately decide when clients required information, referral or an appointment with our solicitors. The standard of professionalism and commitment from these students has been impressive and we thank them for all their hard work.

Our thanks to Catherine Thompson, who, following her employment as locum Financial Administrator in the interim between the permanent appointments, continued to offer her expertise in an occasional voluntary capacity.

Our work would be impossible without the essential contribution made through our pro-bono relationships. We sincerely thank Corrs Chambers Westgarth, Gilbert + Tobin, Sparke Helmore, HWL Ebsworth, Clayton Utz, Ashurst, Maurice Blackburn, Santone Lawyers, Steiner Legal and O'Neill Partners.

The MLC 'post-xmas party' held to thank our many volunteers was attended by over 60 people this year.

### Training

Six staff attended the 2011 National Association of Community Legal Centres (NACLC) Conference "Rights, Representation and Reform". Held in Hobart, this engaging conference highlighted the importance of a national approach to a system of rights and the law reform agenda. In August 2011 Conflict Resolution/Communication Assertiveness training was undertaken by all MLC

staff, and has become mandatory for all new staff.

### Community Development

MLC's ongoing partnership with Bankstown Multicultural Youth Service has seen the continuation of a fortnightly drop-in service at Homebase youth legal outreach service in Bankstown. In March 2012, the Youth Legal Service also partnered with Barnardos Belmore to provide a new youth legal outreach at Belmore Youth Resource Centre. Legal drop-in services are a great way for young people to ask questions in an informal setting, or to get more specific advice if they need it.

The General Legal Service's outreach at St George Migrant Resource Centre in Rockdale entered its eighth year of providing a service to the local ethnic communities of the St George area. In particular this service allows access to legal services for people experiencing disadvantage, those from culturally and linguistically diverse (CALD) backgrounds, people with disabilities, the aged and single mothers who have difficulty travelling to the Centre in Marrickville to attend an evening advice session.

Marrickville Legal Centre maintains its support of tenancy advocates providing outreach in the form of unfunded duty advocacy at the Consumer Trader and Tenancy Tribunal's Sydney Registry. Advocates work with tribunal officers to assist residential tenants attending the Tribunal to understand their rights and obligations in an effort to achieve conciliated outcomes.

Regular meetings of the Inner Sydney Group continue. These meetings of the four inner-Sydney community legal centre (CLC) Coordinators allow for networking, idea sharing and the adoption of smoother intake and referral procedures across our CLCs. My thanks go to Anna Cody (Kingsford Legal Centre,) Dan Stubbs (Inner City Legal Centre) and Jacqui

expand into a premises twice the size of our current location. We continue to look to local, state and commonwealth government for assistance in solving this dilemma. In the short term we will need to consider renting a second premises to act as overflow from our public shopfront on Illawarra Road. With our existing funding already stretched, paying



▲ Staff attending Conflict Resolution training in August 2011

Swinburne (Redfern Legal Centre) for their support and work in this forum.

### Future

Demand for Marrickville Legal Centre's services only increases over time, and we would ideally expand our staff and volunteer capacity to meet that demand. We certainly have the dedication and expertise to ably step up to that challenge. The biggest impediment facing us at this juncture continues to be our premises limitations, and the necessary funding to change those circumstances.

For some time we have needed to

commercial rent will be extremely difficult without additional programs and funding becoming available.

The exemplary service MLC provides to the community needs funding support. With the combined pressures of charities competing for diminishing funding dollars, rising rents, and the increasing complex needs from the community, MLC is looking ahead to ensure we remain an innovative and responsive provider of accessible justice in our communities.

**Catherine Dornan**  
**Executive Officer**

# Marrickville Legal Centre Staff

## **Legal Team**

### **Permanent and Fixed Term Staff**

Nassim Arrage  
Principal Solicitor (to May 2012)

Michael Walton  
Principal Solicitor (from June 2012)

Margaret Martin  
Generalist Solicitor (p/t)

Lisa Woodgate  
Generalist Solicitor

Peter Longfield  
Generalist Solicitor (p/t)

## **Youth Legal Service**

### **Permanent and Fixed Term Staff**

Emily Muir  
Youth Solicitor

## **Tenancy Team**

### **Permanent and Fixed Term Staff**

Martin Barker Tenant Advocate  
Julia Murray Tenant Advocate (p/t)  
Diana McMahon Tenant Advocate (p/t)  
Eloise Parrab Tenant Advocate (p/t)  
Rafael Mazzoldi Tenant Advocate (p/t)  
Jamie Martin Tenant Advocate (p/t)

## **Inner West DV PASS**

### **Permanent and Fixed Term Staff**

Amelia Pace  
Coordinator (on maternity leave from October 2011)

Sarah Stellino  
Locum Coordinator (from October 2011)

Catherine Jenkins  
Assistant Coordinator (p/t)

## **Administration**

### **Permanent and Fixed Term Staff**

Frederica Mantel  
Centre Coordinator (to December 2011)

Catherine Dornan  
Executive Officer (from January 2012)

Linda Shepherd  
Financial Administrator (p/t) (to October 2011)

Julie Robson  
Financial Administrator (p/t) (from November 2011)

Catherine Thompson  
locum Financial Administrator (p/t)

Maria Elena Ang  
Information & Referral Officer

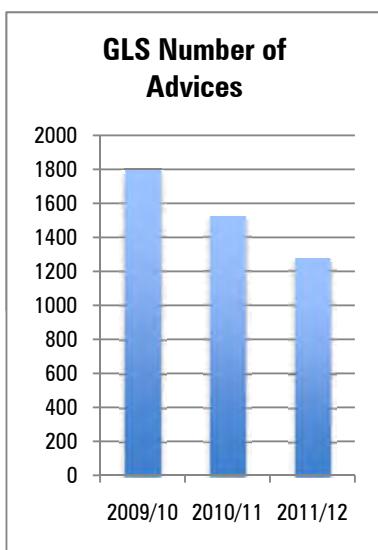
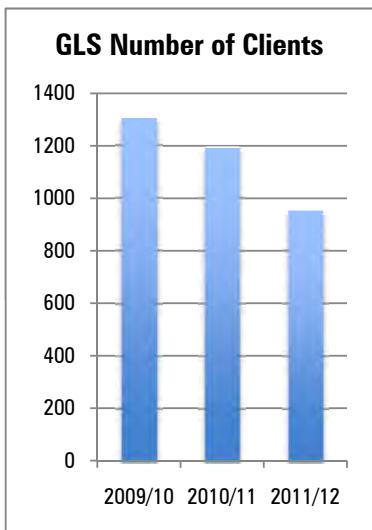
### **Casual**

Robert Hartig-PrymLocum Information & Referral Officer

Melanie Lim  
Locum Information & Referral Officer

Monica Deng  
Administrative Assistant (p/t)

Nicole Clark  
Administrative Assistant (p/t)



## General Legal Service

Marrickville Legal Centre was founded in 1979 and has provided a General Legal Service (GLS) in the local government area of Marrickville for over 30 years. The GLS has expanded its services since it was first established and now provides legal services to the residents of 12 local government areas. These areas cover the inner west, south and parts of south west Sydney and have a combined population of over 1.1 million people. This means that approximately 1 in 20 people living in Australia live in Marrickville Legal Centre's catchment area.

The GLS provides free legal advice, undertakes casework, provides community legal education, and participates in law reform and policy development.

### Our Clients

The GLS provided advice and casework services to 952 people in

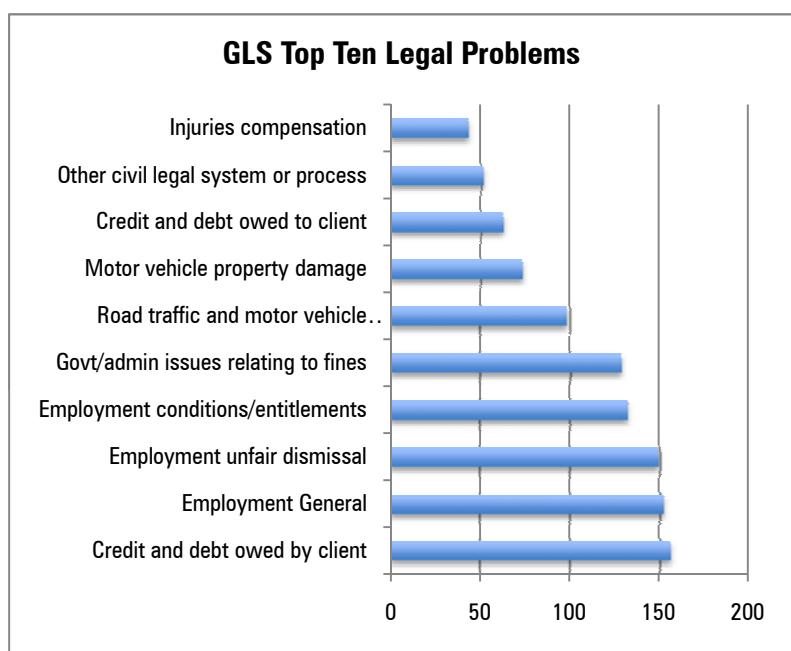
2011 – 2012.

These clients are a diverse range of people who often have difficulty accessing mainstream legal services. They include Aboriginal and Torres Strait Islander people, people from many different cultural and linguistic backgrounds, people living with mental illness, people with disabilities, and people who experience other forms of socio-economic disadvantage.

More than 41% of GLS clients are born outside of Australia and 35% of GLS clients speak a language other than English at home.

In summary, the GLS provided the following services in 2011 – 2012:

- Continued to provide advice through our evening advice programs and day time appointments
- Continued to provide our legal outreach service at St George Migrant Resource Centre
- Established a new secondment arrangement with Sparke



Helmore to assist with the growing need for employment law advice and assistance

- Continued to deliver community legal education to community workers and client groups
- Continued to undertake casework arising out of our advice services

The statistical decrease in 2011-2012 GLS client and advice numbers can be attributed to the alteration of our client intake system. Previously, most callers were automatically given appointments. The current intake system attempts to hone in on the specifics of the legal problem before an initial appointment is made, by assisting the caller to identify the problem, the desired outcome, any documents relevant to the problem, or if a referral is appropriate. This has resulted in fewer callers becoming 'clients', and clients requiring fewer appointments to resolve their queries. Aiming to provide meaningful legal service to as many clients as possible, this intake system will continue to be refined, and will be evaluated in 2012-2013.

## **Our Staff**

This year the GLS has been staffed by:

**Nassim Arrage**, Principal Solicitor (until May 2012);

**Michael Walton**, Principal Solicitor (from June 2012);

**Lisa Woodgate**, Generalist Solicitor (Full-time);

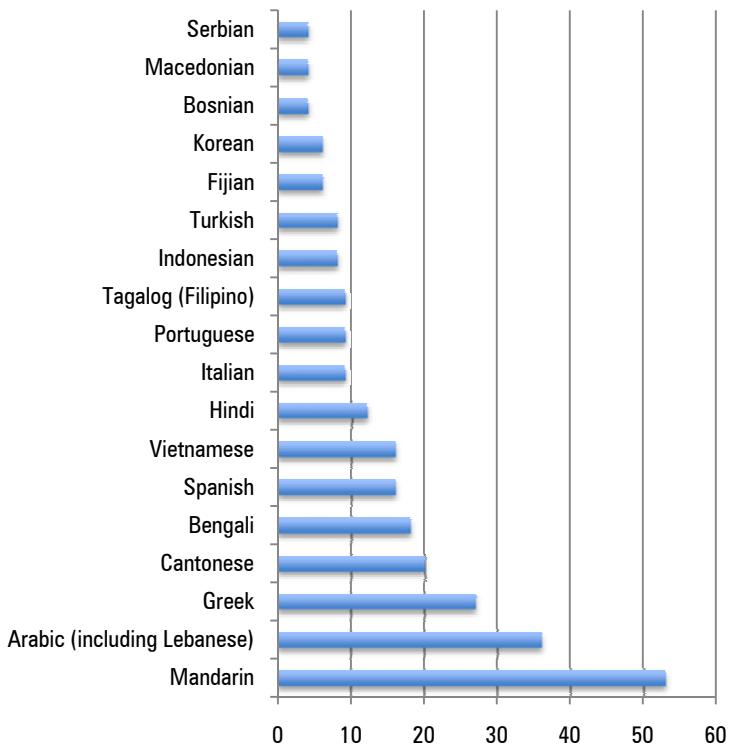
**Peter Longfield**, Generalist Solicitor (Part-time);

**Margie Martin**, Generalist Solicitor (Part-time).

## **The Evening Advice Service**

The GLS continues to provide evening advice on Tuesday and Thursday evenings. Volunteer solicitors, barristers and front desk assistants staff the advice sessions, supervised by solicitors from the Centre.

**GLS Clients Main Language Spoken at Home**



The evening advice sessions provide advice and information to clients in order to assist them to progress and solve their legal issues. This assistance includes explaining the legal process, helping clients to identify what stage their legal matter is at, explaining the meaning of legal documents, as well as drafting court documents and letters for clients to use.

The advice sessions aim to provide information, advice and basic assistance in a range of legal areas, including:

- Minor criminal
- Employment
- Discrimination
- Family
- Victims compensation
- Credit and debt
- Consumer complaints
- Motor vehicle property damage
- Complaints about

professionals, police and government organisations

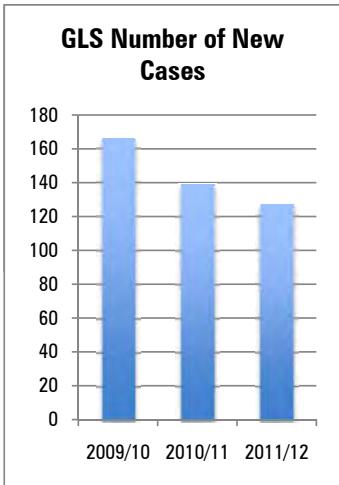
Gilbert + Tobin continue to assist the evening advice service by generously providing two solicitors every Tuesday night. We thank them for their continued support.

## **Evening advice volunteers**

Our volunteer solicitors, barristers and front desk assistants provide an invaluable service, giving their time to assist clients who attend our evening advice sessions. Without the commitment and dedication of evening advice volunteers the Centre would not have been able to meet the continuing and increasing demand for our services.

We would like to express our deepest appreciation to our wonderful team of volunteers.

A full list of volunteers who have provided their time on the evening advice roster during 2011 – 2012 can be seen in this report. A



special mention should go to our long-term volunteers who continue to demonstrate such a high level of commitment to the Centre.

### Daytime appointments

Daytime appointments are offered at the Centre on alternate Tuesday and Thursday mornings. These appointments are generally reserved for women who experience domestic violence and sexual assault; as well as other clients who cannot attend the evening advice clinics.

### Advice Work

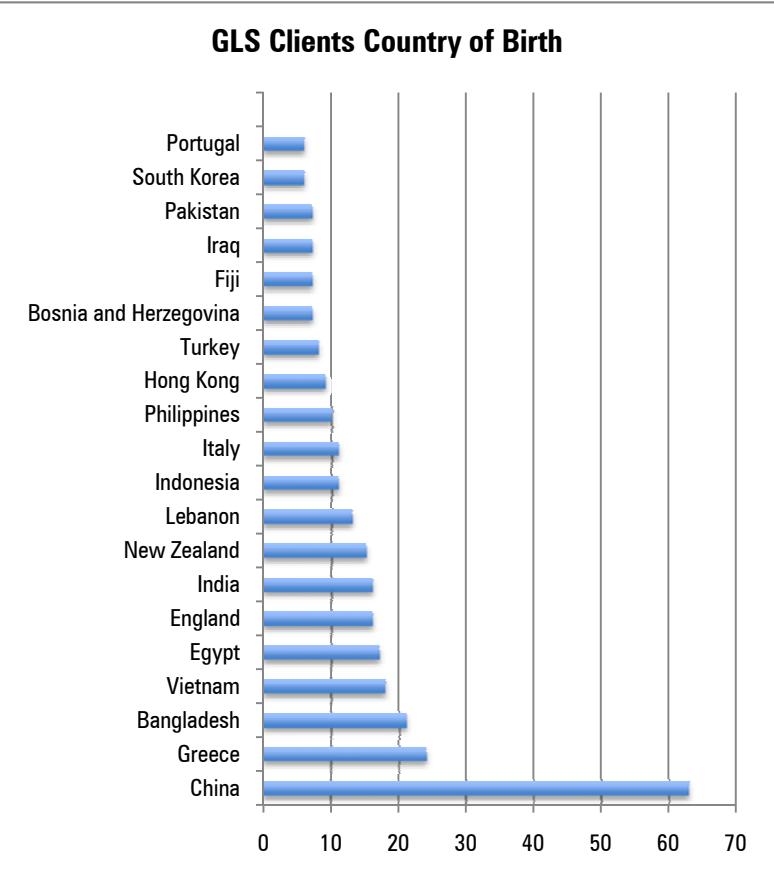
The GLS provided legal advice and assistance on approximately 1277 occasions to 952 clients in 2011 – 2012.

The breakdown of the legal problem types for advices largely remains the same as 2010 – 2011.

### Casework

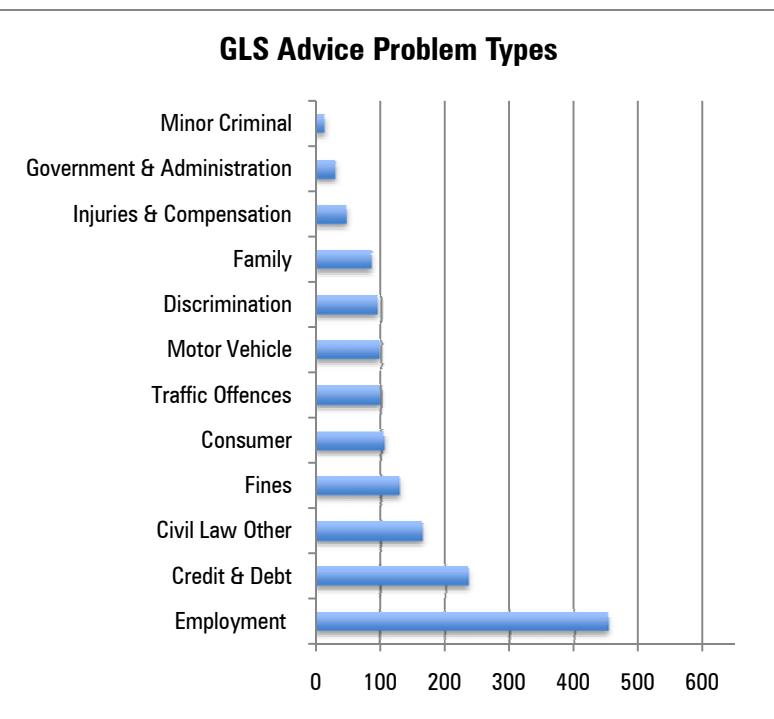
GLS casework is selected from all the clients we come into contact with through our various advice services. The decision to provide on-going assistance to a client is made if the GLS has the capacity to take on the matter and if the needs of the client and the nature of the legal problem meet our casework criteria.

The GLS continues to provide assistance and representation to

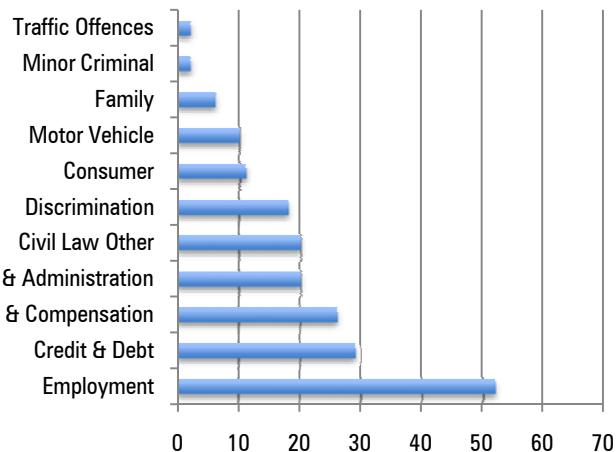


clients with various legal problems including debt, employment, consumer, discrimination, victims' compensation, fines, motor vehicle, road and traffic

offences, and family law issues. Our statistics show that there have been some changes in the number of new cases taken on by the Centre. Most significantly,



## GLS Casework Problem Types



there has been an increase in the number of employment matters, injuries and compensation matters and discrimination matters.

At times, we are able to secure representation for some clients through the pro-bono programs of some of the larger private law firms. We are grateful for the continued assistance of these law firms, including Sparke Helmore, Maurice Blackburn, Clayton Utz, Ashurst (formerly Blake Dawson), Gilbert + Tobin, Steiner Legal and Santone Lawyers, particularly in the areas of victims compensation, credit and debt, employment, fines and discrimination law.

### Legal Outreach Clinic at St George Migrant Resource Centre

In 2011 – 2012 the GLS outreach at St George Migrant Resource Centre (SGMRC) in Rockdale entered its eighth year of providing a service to the local ethnic communities of the St George area.

Demand for the service remains as strong as when it began in February 2005. The outreach advice service has increased access to legal assistance for residents of the St George area. In particular it has assisted those who experience disadvantage,

those from culturally and linguistically diverse (CALD) backgrounds, people with disabilities, the aged and single mothers who have difficulty travelling to the Centre in Marrickville to attend an evening advice session.

This outreach service operates on Monday afternoons on a fortnightly basis.

The GLS would like to thank the staff at SGMRC for their continued support and assistance in facilitating the legal outreach clinic.

### Family Relationship Centre Partnership

The partnership with Family Relationship Centre at Sutherland began in late 2009 with funding from the Commonwealth Attorney General. This funding will continue to 30 June 2013. The partnership remains strong and the demand for advice and assistance continues to grow.

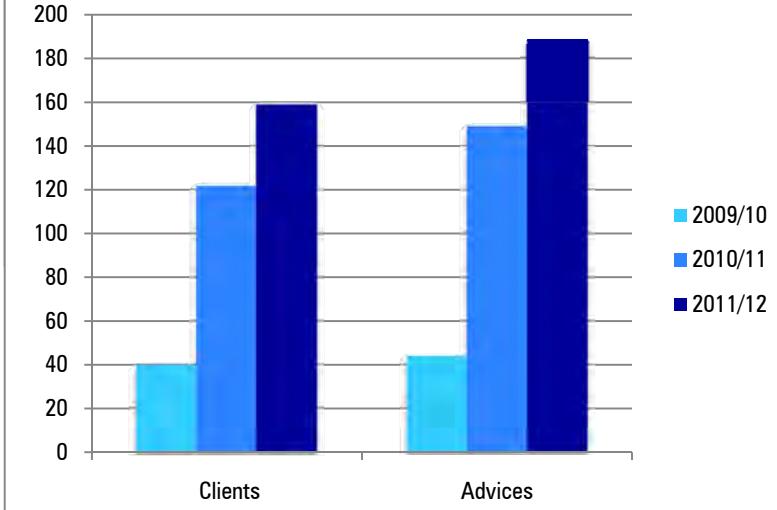
In 2011 – 2012 we provided advice to 159 people on 189 occasions as a result of this partnership. This is an increase of 16% from the previous year. We also have been able to provide representation and minor assistance on 20 occasions. This is an increase of 42% from the previous year.

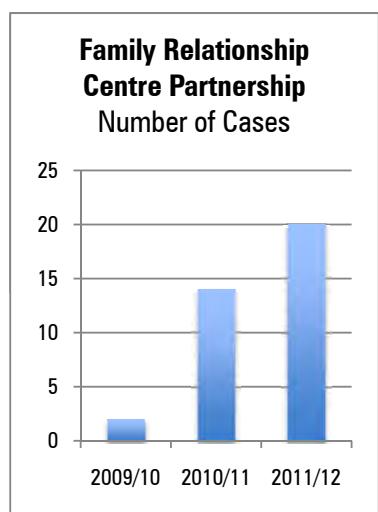
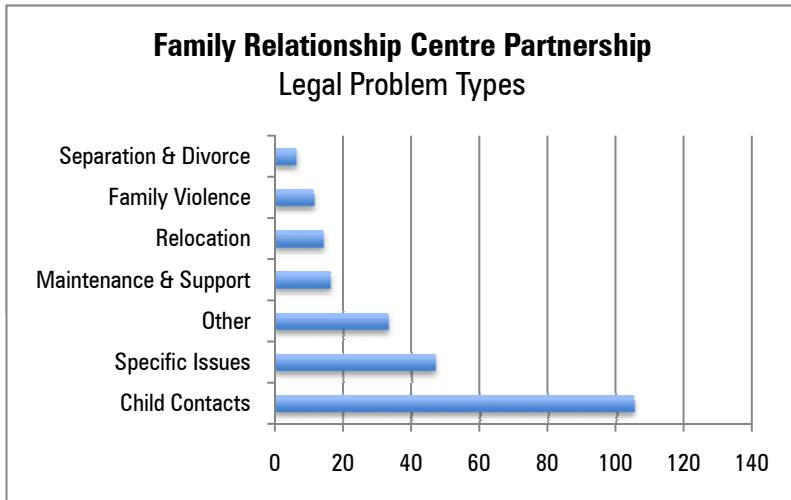
As expected, the statistics show that the main legal issue is with respect to parenting and contact with children.

The Legal Service maintains strong links with the Family Relationship Centres and other community legal centres that provide a similar service, so that clients engaging in Family Dispute Resolution have equal access to legal advice and assistance during mediation.

The GLS would like to thank

## Family Relationship Centre Partnership Number of Clients and Advices





Julie Dale and all the staff at Sutherland Family Relationship Centre for their work in making the partnership as effective as possible.

The GLS takes a collaborative approach to the provision of services to our clients. Where appropriate, referrals are made to appropriate support services, including assistance for clients experiencing domestic violence.

Over the last 12 months, the GLS has represented clients in legally assisted mediations referred from Sutherland, Northern Beaches, North Ryde and Sydney City Family Relationship Centres. It is significant to note that eight (8) of the eleven (11) legally assisted mediations conducted by our service resulted in a signed Parenting Agreement.

### Policy and law reform

When providing legal services the GLS refers to the Strategic Service Delivery Model. It actively pursues policy and law reform activities in conjunction with providing advice and casework assistance. We also engage in policy and law reform in collaboration with Community Legal Centres NSW, the National Association of Community Legal Centres and all our other networks.

Our solicitor, Peter Longfield has been developing a paper that proposes regulation of introduction agents that give consumers using their services more protection. The GLS receives a number of complaints in relation to introduction agents. There is no consumer protection that specifically covers introduction agents.

### Law for Community Workers

Twice a year the Centre holds a series of Law for Community Workers workshops intended to inform community workers on legal processes, changes to the law and legal issues faced by clients. In the last financial year, the GLS conducted the following workshops:

- Legal Problem Solving and Referral
- Electricity and Water: Keeping consumers connected

- Family Law: Legal Aid NSW – Early Intervention Program in Children's matters
- Victims Compensation
- Family law and family violence
- Age and Disability Discrimination

During the year the GLS provided other community legal education sessions to community groups and workers, client groups and our volunteers.

### Legal Support Volunteers

The GLS solicitors would not be able to assist as many clients without the support of volunteer solicitors, students on practical legal training (PLT) placement and volunteer paralegals. These volunteers provide a wide range of support to the GLS solicitors including legal research, file administration, drafting letters and documents, as well as client liaison. In 2011 – 2012 the new intake procedure staffed by PLT students was also trialed.

In 2011 – 2012, our thanks to:

Erin Steiner, Volunteer Solicitor  
Rod Stockell, Volunteer Solicitor

### Practical Legal Training Students

Ma'ata Solofoni, Melanie Lim, Bachier Mawassi, Daniel Hill, Patrick Carter, Simone Bush, Ellyse McGee, Karen Oliveira, Nicole Clark, Rob Hartig-Prym, Patricia Bray, Nicholas Gad, Paul Simes, Tamara Surry, Merren Taylor, Kathy Muratore, Edrea Tio, Lisa Le, Paul Pager, Hong-An Thai

### HWL Ebsworth Pro Bono Partnership

We began the HWL Ebsworth pro bono partnership in 2010 to assist clients with debt matters. A HWL Ebsworth is seconded to the GLS for half a day per week. These secondees have primarily been assisting employees recover unpaid wages and other entitlements.

In 2011 – 2012 we had the

pleasure of being assisted by 3 HWL Ebsworth Solicitors:

- Rachel Jol
- Hannah Shiel
- Emma Slaytor

The GLS would like to thank Meghan Carruthers and Benita Howell, Pro Bono Coordinators, for their ongoing support of the GLS and Marrickville Legal Centre.

### Acknowledgements

We would like to acknowledge and pay special tribute to the solicitors and barristers who have donated many hours of pro bono assistance to the Centre and its clients over the year. In particular we would like to thank:

Jamie Darams	<b>53 Martin Place Chambers</b>
Amelia Davis Anne Cregan Laura Lombardo	<b>Ashurst (formerly Blake Dawson)</b>
Belinda Wilson Chantelle Power David Hillard Jessica Morath Melissa De Leon	<b>Clayton Utz</b>
Sharmilla Bargon Danny Gilbert Michelle Hannon Tamara Simms	<b>Gilbert + Tobin</b>
Meghan Carruthers	<b>HWL Ebsworth Lawyers</b>
Ben Slade Giri Sivaraman Josh Mennen	<b>Maurice Blackburn</b>
Carmine Santone Tina Santone	<b>Santone Lawyers</b>
Erin Steiner	<b>Steiner Legal</b>
Emma Scott	<b>O'Neill Partners – Commercial Partners</b>
Lauren Finestone Lee Critchley Gerry Kaufman Lynda Maitland Mary Gleeson Simon Howard Susan Emery	<b>Legal Aid NSW</b>
Kat Lane	<b>Consumer Credit Legal Centre</b>
Pip Davis	<b>Hawkesbury Nepean Legal Centre</b>
Lou Kyle	<b>Inner City Legal Centre</b>
Emma Golledge Liz Meyer	<b>Kingsford Legal Centre</b>
David Porter Elizabeth Morley Megan Cameron Natalie Ross	<b>Redfern Legal Centre</b>
Janet Loughman	<b>Womens Legal Services</b>

## General Legal Service Case Studies

### Victims Compensation – Domestic Violence

Our client is a young woman, who had been subjected to domestic violence throughout her childhood. Police and Community Services had been involved continually during this period and on at least one occasion the client's father was convicted of an assault of our client. The client came to the Centre the day after she turned 18 years old for assistance to lodge a victims compensation claim against her father. In the intervening period our client became homeless due to further disruptions in the family. This client was awarded the maximum for domestic violence (being \$10 000). Despite having grown up in such a violent and dysfunctional family, our client is optimistic about her future and plans to use the money so that she can go to university.

### Home Building

The client purchased a property which had been subdivided and then renovated by an owner-builder. The owner had not done a pre-purchase inspection for defects. The client's view was that, as the construction was 'new', he didn't think there would be any problems. He commenced proceedings in the CTTT against the former owner, not the owner-builder (the correct party through whom you get the benefit of the statutory warranties through provision of a certificate of home warranty insurance). The client was thus in the Tribunal with the wrong party. The client had a 'report' that cost several hundred dollars that did not effectively provide sufficient independent evidence to the Tribunal. This report put the client's claim at about \$20,000, but was in the form of a 'quote.' The other party/parties were shifting blame between them and generally delaying the matter.

The GLS gave the client advice about his matter and what he needed to do to amend his application to increase his chances of getting the result he wanted.

The client spent about \$1,600 to get an appropriate report, made a statutory declaration giving a chronology of the dispute and provided this to the Tribunal and other party. The new expert's report quantified rectification work at \$53,000.

The Tribunal agreed with the expert's report and ordered the other party to pay the client \$54,000 (the rectification costs plus the experts report).

## Family Dispute Resolution – Legally Assisted Mediation

We assisted a father in a legally assisted mediation at the Sydney City Family Relationship Centre. The father had not had any contact with his child from birth to age 7 years. The relationship between the father and mother was such that the father had reluctantly chosen to stay out of the picture, until some 7 years later, when he felt ready to take on the role of being a father despite the poor relationship with the mother. The father had also married in the meantime.

The mother's insistence of knowing what the arrangements for the child were like at the father's home was viewed by the father as prying into his private life with little insight into the mother's reason for concern that the child had what he needed to be comfortable. A legally assisted mediation was scheduled in the first half of 2011 and a parenting plan was created with essentially the father having the child spend time with him every 2nd weekend. There was to be a review of the plan in 6 months to allow the arrangements to settle in.

During the months that followed the first mediation, a couple of problems emerged, mostly because of the couple's difficulty in communicating when any change needed to be made by either party, such as a swap of weekends. There was a strict interpretation of the term "significant event" in the parenting plan that would allow for a change. The father's insistence on his right to privacy versus the mother's insistence on knowing the reason for a request for the change lead to an unfortunate exchange between the parties.

The second legally assisted mediation addressed these issues and made changes to the parenting plan to eliminate and clarify the spend time arrangements.

Legally assisted mediation is a powerful tool in the resolution of disputes as both lawyers get "the other side of the story" and can use the insights gained to try and persuade their client to abandon flawed thinking and focus on the needs of the child. In this case and in most family dispute matters court action does not address the fundamental problem between separated parents in dispute. Hopefully they can learn to communicate more effectively.

## Write-off of Fines

A client came to the Centre with approximately \$33,000 fines and enforcement orders accumulated since the late 1990s. His only form of income is Disability Support Pension and he was unable to pay off the fines. Due to his disability, a work and development order (WDO) was not suitable. As a result, we assisted the client to make a write-off application to the State Debt Recovery Office (SDRO). The application was successful which effectively means that the client will never have to pay back any of the debt.

## Victims Compensation Appeal

Polly was a young woman who was the victim of a violent home invasion, robbery and serious assault. The offender was sentenced to several years imprisonment for the offence. Polly developed severe anxiety attacks and had to give up her job of 9 years because she could no longer catch the bus to work. Polly's anxiety manifested in agoraphobia-like behaviour and she was barely able to leave the house for basic necessities. Polly self-medicated with alcohol and had to be hospitalised on many occasions. Polly existed in social isolation and had no contact with any support services until late 2010 when a Centrelink social worker took an interest in her situation and made her an appointment at Marrickville Legal Centre.

In December 2010, the Centre assisted Polly with approval for her out-of-time VCT application, and obtaining an interim payment of \$6,750 as Polly was facing severe financial hardship. The Centre also worked closely with the Centrelink social worker to assist Polly apply for the Disability Support Pension. The Centre assisted Polly to attend her Authorised Report Writer appointment and introduced her to a wonderful local GP to help deal with her health problems.

In January 2012, the Assessor found that Polly sustained the compensable injury of Category 2 Chronic Psychological disorder that is severely disabling and awarded \$30,000, being on the lower end of the compensation scale. Upon receipt of the Determination, the Centre lodged an appeal and made a request that the Appeal proceedings be expedited. The appeal was listed for the following week.

On appeal the Tribunal member upheld the appeal and awarded the maximum of \$50,000. The Centre made a further request that the compensation payment be expedited and the payment to NSW Trustee & Guardian was received within a week.

## Complaint to Financial Ombudsman Services

**Mohammad is from a south Asian country. He held third party property car insurance for his late model car. Mohammad's car was damaged (written-off) whilst parked.**

**He obtained details of the driver and owner of the vehicle that caused the damage and made a claim. The insurer refused to indemnify the damage on the basis that Mohammad was unable to provide a statutory declaration as proof of the uninsured status of the other party's vehicle. Despite Mohammad's best efforts he was unable to obtain a statutory declaration from the driver or owner of the vehicle.**

**The GLS assisted Mohammad as he went through a lengthy internal dispute process with the insurer and later with his complaint to the Financial Ombudsman Service. In the words of the Ombudsman "a less persistent Applicant may well have abandoned his claim".**

**The Ombudsman made a determination in Mohammad's favour. Further, the Ombudsman identified concerns with the "proof" required by the insurer as contrary to section 13 of the Act, and found that the restriction was not for any disclosed or apparently legitimate reasons, and cannot in good faith be imposed. The Ombudsman without making any judgment referred the issue of the restrictiveness of the clause to the Code and Systemic Issues team for review.**

## Homosexual vilification

The client and his neighbour had a difficult relationship as a result of disputes about boundaries, fencing and alleged threats. The client alleged that in front of witnesses the neighbour had called him an offensive name which was derogatory towards him on the ground of his sexual orientation. The client identified as a gay man and also a person with a disability. The GLS represented the client at a conciliation conference held at the NSW Anti-Discrimination Board. Without admission of liability the complaint was settled by the other party providing a written acknowledgement/apology to the client in terms agreed between the parties at the conference.

## Parenting: Legally Assisted Mediation

Our client was referred to us from Inner City Legal Centre to provide advice and to assist in a legally assisted mediation. It was clear that legally assisted mediation would be appropriate in this situation as our client is a particularly vulnerable unsophisticated woman with 3 children, the two older children are from a previous abusive relationship and the parenting dispute concerned the younger 5 year old daughter of the parties.

The father left the relationship when the youngest child was 13 months old and there were unresolved issues about that abandonment including issues for the older children. She felt that her ex-husband and his new wife were undermining her parenting skills and character amongst staff and parents at school. Our client had not been provided with an address where the father was

living and only had a landline to call for communicating about arrangements. A peculiar feature of these phone calls would be that the father would put her calls on loudspeaker so the conversation could be heard by the new wife, but the child would alert our client when this happened. The new wife is a Community Services worker whose catchment takes in the child's school and had made threatening and inappropriate comments about her position to our client. The father also had a young child with the new wife. Jane felt that their daughter, Lizzie was treated differently in the father's house i.e. made to sleep downstairs alone etc.

At mediation our client became very upset and it was decided we proceed as a shuttle mediation. The mediators had concerns that it was unlikely that the parties would come to an agreement, given that the father's agenda in initiating mediation was to increase his time spent with the

child to 50%. Consent Orders in 2009 gave the father alternate weekends and one night during the intervening week.

By shuttle mediation we were able to work through the issues that particularly concerned our client and to obtain agreement as to the way the parties communicated with each other, the child's school and on the phone and with due respect and without denigrating the other parent to the child or when the child could overhear.

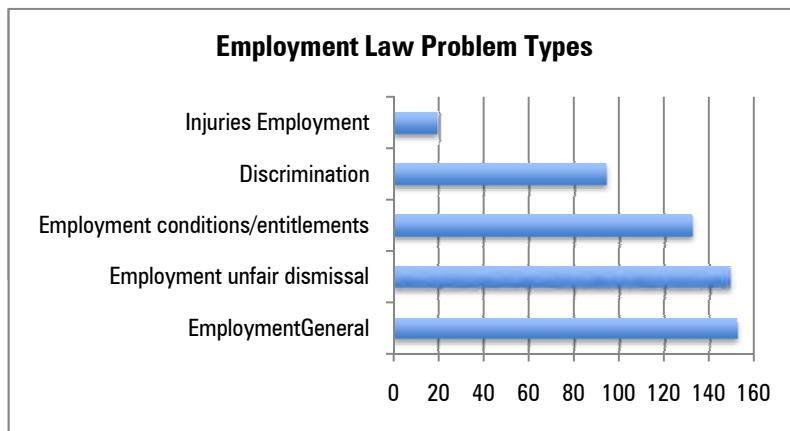
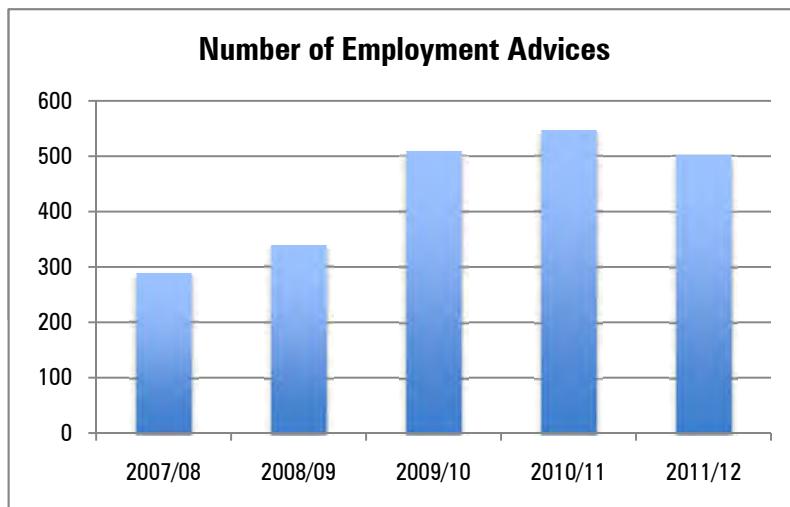
Our client felt support to make her decision to allow the father to increase his time spent with the child to 5 nights per fortnight from 3 nights, with a review in 12 months, when she was satisfied that the new arrangements were working well for the child. She was not comfortable moving to equal shared time immediately. This was a surprisingly positive outcome given the history of acrimony and our client's emotional state.

## Employment Law

During the period 2011 – 2012, employment law advice represented 39% of advice provided by the Centre's adult legal service. While the Centre is not an employment advisory service, the demand for employment law advice is such that it constitutes the largest area of our general practice.

Marrickville Legal Centre's catchment area includes a high proportion of clients from socially and economically disadvantaged communities. Seventy-two percent (72%) of employment law clients self report as having a low income. Fifty-three percent (53%) of clients receiving employment

advice from the Centre are born outside of Australia, many of whom were recent migrants or refugees who experience considerable barriers attempting to exercise their workplace rights. Residents experience particular difficulties in accessing assistance on employment matters because



of social disadvantage due to low income level, language and literacy issues, having disabilities, suffering from workplace injuries, low education levels, lack of familiarity with basic employment rights and the Australian industrial relations system and low union membership.

Changes to the economy on a national and global level continue to have a significant impact on clients seeking assistance with employment law matters within the Centre's catchment area, particularly casual workers and those employed in affected industries. Within the Centre's catchment area there is a high prevalence of small businesses particularly manufacturing and retail, many of which are small family-run businesses employing less than 15 workers. The inclusion of small business employees under the *Fair Work Act* accounts for much of the steady demand from clients, who are largely non-unionised and unfamiliar with their workplace rights.

2011 – 2012 Employment Matters	Number
Advice	502
Cases	15
Minor & Medium Case assistance	47

### Advice and Assistance

During the reporting period the Centre provided employment law advice on 502 occasions. The graph entitled "Number of Employment Advices" shows the continued strong demand for employment advice since the *Fair Work Act* came into operation on 1 July 2009.

To assist to meet the demand for assistance with employment matters, the Centre has conducted employment phone advice appointments at evening advice sessions since 2009 – 2010. The strict 14 day limitation period to lodge an unfair dismissal application under the *Fair Work*

Act continues to generate a significant demand for the provision of timely advice, and in most cases the Centre was able to accommodate requests for urgent advice.

During evening advice sessions the Centre provides clients with information, advice and referral on employment matters. The Centre assists clients with drafting applications and complaints. Clients are provided with on-going assistance at key stages of the process such as preparation for conciliation conferences, drafting responses and preparing evidence.



▲ Sparke Helmore Secondees: Felicity Edward, Ian Bennett and Sarah Wood.

During the current period the number of clients obtaining minor case assistance with employment matters doubled.\* The majority of clients assisted were disadvantaged clients who received additional casework assistance with complex and multiple issues.

**NOTE:** (\*) in the 2010 – 2011 Annual Report, the number of cases should have read 12 and the minor case assistance twenty-three 23.

### Secondee Programs

The Centre's capacity to assist vulnerable and disadvantaged

clients was significantly enhanced during 2011 – 2012 by the introduction of the Sparke Helmore Lawyers secondee program and the continuation of the HWL Ebsworth Lawyers secondee program.

Clients identified, through the Centre's intake process or by the evening advice volunteer solicitors, as vulnerable or disadvantaged and requiring more assistance than would be available through evening advice sessions were referred to the appropriate secondee program.

regular assistance at each stage of their matter as their case progressed. The program also played a key role in providing employment advice to vulnerable clients of the Centre's Youth Legal Service.

Overall, it is clear that the Sparke Helmore program has made a significant contribution to the Centre's capacity to provide intensive case work assistance to vulnerable and disadvantaged clients. Many clients assisted by the program have contacted the Centre to express their appreciation of the specialist assistance they had received with their employment matters.

### HWL Ebsworth Lawyers Secondee Program

The successful HWL Ebsworth Secondee program, which commenced in February 2011, continued to operate on a weekly basis throughout the current reporting period. During 2011 – 2012 the program was staffed by Rachel Jol, Hannah Shiel and Emma Slaytor. The program was established to assist disadvantaged and vulnerable clients with credit and debt matters, and the focus during the 2011 – 2012 reporting period has been on assisting clients with problems concerning unpaid wages and entitlements. In many instances it is difficult for disadvantaged clients to understand their statutory entitlements and the appropriate process to pursue different wages or entitlement complaints. The HWL Ebsworth program has played a valuable role with assisting clients to obtain outstanding payments for wages and entitlements, in particular those clients from Culturally and Linguistically Diverse Backgrounds (CALD).

### Types of Legal Problems

Overall, there was a strong demand for advice on all areas of employment law. The highest

demand was for advice on unfair dismissal, followed by enquiries about employment conditions and entitlements. Frequently, disadvantaged clients seeking assistance with involuntary termination were also found to have issues in relation to unpaid wages and entitlements, such as payment of notice, correct hourly rate, shift allowances, holiday pay and loading, Long Service Leave, redundancy and superannuation. Factors such as insecurity of employment often inhibit vulnerable workers from making complaints about workplace rights while still employed, this is particularly the case for disadvantaged workers, mature age workers and those with dependents.

The Centre handled a significant number of enquiries for advice about protection from workplace discrimination and protection of workplace rights.

Demand for advice on discrimination-related matters remained strong, with complaints involving pregnancy and carer responsibilities being the most frequent enquires.

The Centre assisted vulnerable clients with General Protections disputes in circumstances where clients had experienced adverse action as a consequence of making a workplace rights complaint and also matters concerning temporary absence from work due to illness or injury.

The problem of bullying and harassment continued to present as a serious workplace issue for many clients.

Due to the nature of the types of industries within the Centre's catchment area, the service continued to receive many enquires from concerned clients about redundancies and businesses becoming bankrupt or liquidators being appointed.

# Employment Law Case Studies

## Disability Discrimination in Employment

A client was referred by the Australian Human Rights Commission for representation at a (second) conciliation conference regarding disability discrimination in employment. The GLS took instructions from the client and focused attention on acceptable and achievable outcomes where the first conference had apparently not succeeded.

Without admission of liability the client agreed to finalise her employment and the respondent agreed to provide a written acknowledgement in terms agreed by the parties, a written statement of service in terms agreed by the parties, payment of all due entitlements to annual leave, long service leave, approved days off and other leave, and payment of a sum of \$10,000 ex gratia.

## Employment – unpaid wages and entitlements

The GLS assisted a CALD client where his employer owed him \$13,000 in underpayment of wages and entitlements. The employer refused to pay the money and threatened the client by making unfounded sexual harassment allegations against our client to put him off commencing legal proceedings. The Centre assisted the client to prepare a claim in the Chief Industrial Magistrate's Court. The claim was satisfactorily settled following conciliation.

## Criminal Record Checks in employment

Our client is a Cantonese speaker who worked as a casual in an aged care facility for residents from an ethnic Chinese background. Our client's employment was terminated on the basis of information disclosed in a National Police Certificate. Due to an issue of cultural sensitivity the client declined to consider pursuing a discrimination complaint with the Australian Human Rights Commission.

Our client's future employment in her chosen vocation is conditional on what information may be disclosed during a criminal record check.

This case involved complex issues and a considerable amount of legal research was required. Our client was provided with a written advice as to information to be disclosed within a national criminal record check, specifically in relation to spent convictions and an apprehended violence order. Our client was also advised on the process to dispute information that is incorrectly recorded or disclosed in circumstances that were not permissible.

This case highlights both the complexity and uncertainty that frequently arises in matters involving criminal records in specific employment situations. It is a matter that might be considered for future policy work at the Centre.

### **Unfair Dismissal and Unpaid Entitlements success**

The client is a Cantonese speaker with very poor English skills and a disability. He was employed by a small business located in Marrickville. His employment was terminated in 2010, and he lodged an unfair dismissal application with Fair Work Australia. At the conciliation a settlement agreement was reached, however the employer failed to pay the settlement money.

The client had also lodged a complaint with the Fair Work Ombudsman (FWO) for the underpayment of wages and entitlements. The client was self-represented in both these matters.

In late 2011, the client approached the GLS for assistance to understand the outcome of his unpaid wages complaint and assistance with obtaining his unpaid superannuation and the unpaid unfair dismissal settlement money. The GLS assisted the client by advocating on his behalf with the employer to obtain the outstanding unfair dismissal settlement money and payment of his superannuation entitlements. The agreement reached with the employee avoided the need to lodge a complaint to the Australian Taxation Office for the unpaid superannuation and to instigate proceedings with Fair Work Australia to have the original unfair dismissal matter reopened.

### **Volunteer and Pro Bono Employment Solicitors**

**Without the support of our volunteer employment solicitors the Centre would not have the capacity to assist so many clients within the catchment area. The Centre would like to take the opportunity to thank the team of volunteer employment solicitors for their commitment and dedication in attending evening advice sessions and dealing with the volume and complex nature of employment advice enquiries over this period.**

**The Centre would like to thank the secondee solicitors from Sparke Helmore and HWL Ebsworth for their valuable contribution with providing direct assistance to the Centre's clients.**

**Special thanks to volunteer solicitor Erin Steiner for her commitment in providing additional assistance to the Centre's clients.**

**We also wish to thank Meghan Carruthers and Bernita Howell of HWL Ebsworth, and Michael Rosenfeld of Sparke Helmore; and Shamilla Bargon of Gilbert & Tobin, and Santone Lawyers for their support for the work of the Centre.**

## EVENING ADVICE VOLUNTEERS

### Employment solicitors

Samantha Abeydeera  
Daniel Andreallo  
Will Ash  
Kristin Barlow  
Bill Clarke  
Ronald De La Cuadra  
Charis Estoesta  
Michael Green  
Rob Hamper  
Joe Kennedy  
Spaine Kralevich  
Fiona Lenhardt  
Emma Maiden  
Zach Marrett  
Michael Rouek  
Dean Schubert  
Erin Steiner  
Lien Sutherland  
Tamara Talmacs  
Belinda Viset  
Jeane Wells  
Nick Yetzotis  
Irfan Yusef

### Family law solicitors

Michael Duong  
Christina Lam  
Margaret McCue  
Wayne Morrison  
Erin Steiner  
Noel Tin  
Rachel Teo

### General law solicitors

Paul Ahearn  
Samar Ataya  
Evelyn Barnes  
Felicity Bell  
Sandra Berghofer  
Tom Bruce  
Michelle Bryant  
Louise Buchanan  
Clare Cahill  
Michelle Chau Hua  
Lee Corbett  
Nick Damianakis  
Sally Foskett  
Sarah Griffiths  
Bing Gu  
Maria Guarneri  
Charisse Hodgeman  
Linh Sy Ho  
Derek Ip  
Jasminna Jamesen  
Mathew Jessop  
Rebecca Jones  
Asheesh Kalmath  
Roneel Kamiya

Antonia Karavias  
Stacey Kelly  
Catherine Kelso  
Nathan Kennedy  
Andrew Kinton  
Michael Kovac  
Christina Lam  
Mimi Le  
Cathy Lee  
Marcus Lee  
Emma Liddle  
Kate McCrossin  
Phillip Ng  
Anna Nguyen  
George Nguyen  
Eanna O'Ceallachin  
Catherine Owen  
Anne Pridham  
Evelyn Quach  
Sumedha Rathi  
Emma Scott  
Harman Preet Singh  
Andrew Smith  
Dixon Soh  
Rod Stockell  
Amay Tembe  
Rachel Teo  
Peter Tsatnas  
Jonaton Tyne  
Robert Spence  
Shefali Vaishnar  
Lai Vuong  
Patrick Wiggins  
Chris Yoo

### Legal assistants

Kelly Burke  
Rachel Callinan  
Kevin Chau  
Sandra Boateng  
Kelly Burke  
Marie Delaney  
Jessica Eslick  
Kara Gorey  
Elizabeth Haas  
Alexander Haridimos  
Calvin Lau  
Bob Liang  
Melanie Lim  
Hana Marjanac  
Oliver Mitchell  
Dominic Nguyen  
Deena Paletorpe  
Chris Papaioannou  
Shanu Rana  
Andrew Sarlos  
Amay Tembe  
Adele Veness  
Lois Villarosa  
Carley Watson  
Sarah Wilson  
Perry Yao Xie

### Anne Pridham – Volunteer Solicitor

When I decided to study law, as a late starter, I also decided to be around a community legal environment in the hope that I could pick up some legal ‘wisdoms’. MLC needed evening front-desk assistants, which was perfect, I could read the ‘readable’ advices to be advice-ready, once I was



admitted. I started in 2001 as a front-desk volunteer and after I was admitted in 2007 I became a solicitor volunteer. I have thoroughly enjoyed my 11 years as a volunteer with the Centre, it has been a real privilege to have the opportunity to assist at evening advice sessions and make a contribution to the valuable work of the Centre.

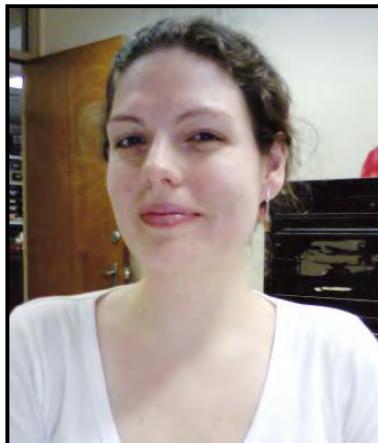
Over the last few years my other volunteering has been outside the world of law, I have been a gardening volunteer for the elderly, where I give ‘green’ advice and assist elderly people to continue to live in their own homes.

Now I am off to Queensland where I hope to continue to volunteer as a solicitor in a community legal service.

# Volunteer Voices

## Simone Bush – PLT volunteer

Undertaking my PLT at MLC has provided me with far more practical knowledge than I ever learnt at university. Having the opportunity to participate in the practical application of law to the diverse range of everyday situations that MLC clients encounter was invaluable. My eyes have been opened to the vulnerability of many of MLC clients and it has been so incredibly rewarding to be part of the MLC team assisting these people.



The assistance, support and feedback of the solicitors has been most welcome and extremely beneficial in my practical legal skills growing as the weeks have passed. The administrative staff, tenancy advocates, other volunteers and solicitors are what make the experience at MLC. Everyone's commitment to greater access to justice for all and the importance placed on social justice reform was and remains awe-inspiring.

It has been both an honour and a pleasure to have had the opportunity to complete my PLT at MLC and be part of their committed team for a short while, helping those who are disadvantaged and vulnerable. I shall forever treasure my time at MLC.

## Daniel Hill – PLT volunteer

Completing my PLT placement at MLC has been a wonderful experience. All the staff have been really supportive and while everyone comes from different backgrounds and have their own approaches to clients and problems it makes MLC a dynamic and enjoyable place to work. The Centre's solicitors are full of great advice and have always been ready to give assistance and spend time teaching me.



The work at MLC has given me experience in a wide variety of legal areas, from freedom of information to fencing to victims' compensation. The knowledge and skills I've picked up here will stay with me for my career.

On a personal level the clients you come into contact with at MLC can be challenging but can also be extremely rewarding. Helping people resolve what seems to them to be a huge legal problem is both humbling and rewarding at the same time. It makes you realize that law isn't always about the big bucks but it can be about helping people as well.

## Bachier Mawassi – PLT volunteer



Completing my PLT at MLC has been an invaluable and memorable experience. I have developed fundamental drafting, communication and research skills that I will carry with me for the rest of my legal career. My eyes have been opened to adverse actions claims, home building disputes and discrimination; areas which I previously knew very little about.

I have developed an amazing understanding of the rules of procedure, evidence and the interaction between internal reviews, tribunals and appeals to Court. The supervising solicitors have taught me to be very thorough in all the tasks that I undertake. I had the pleasure of doing work along the whole spectrum of legal tasks including the initial letter of engagement, submissions, applications, file notes and closing letters.

Staff at the Centre must be congratulated and commended for the fine work that they all do. The support and advice that they provide for disadvantaged members of the community is simply remarkable. More importantly, they are a great bunch of people.

I plan on embarking on a career at the NSW bar. I hope that one day I can repay Marrickville legal Centre by volunteering my services as a qualified practitioner. I wish all the great people at MLC all the best in the future. Keep up your great work and stay healthy.

## Staffing

Emily Muir was the full-time Youth Solicitor for 2011 – 2012, having joined Marrickville Legal Centre in May 2011.

### Name change: from the Children's Legal Service to the Youth Legal Service

In March 2012, the Marrickville Legal Centre Board approved the legal team's proposal to change the name of this specialist service from the Children's Legal Service to the Youth Legal Service.

The service has not historically been strictly for young people under 18 years of age. 'Youth' is a more accurate reflection of the age of our clients, as can be seen from our statistics. The majority of clients of the YLS in the 2011 – 2012 year were between 16 and 20 years of age. This is consistent with last year's statistics.

We hope that the name change will make it clearer to potential clients, as well as to other services and youth workers from whom we get referrals, that we commonly assist young people up to their early twenties.

### What is the Youth Legal Service?

The Youth Legal Service (**YLS**) provides information, advice and legal representation for young people. Our clients experience a range of legal problems including criminal matters, fines, victim's compensation, rights in education and employment, debts, complaints about government bodies, and other civil proceedings.

The YLS is also committed to providing a strategic and responsive community legal education program. We work closely with various youth services and provide regular workshops, talks and Q & A sessions on legal topics that

# Youth Legal Service

The Youth Legal Service is an integral part of Marrickville Legal Centre and has provided a state wide service to children and young people in NSW since 1979. Marrickville Legal Centre is very proud to have the only designated Youth Legal Service providing advice to children and young people in a community legal centre setting.

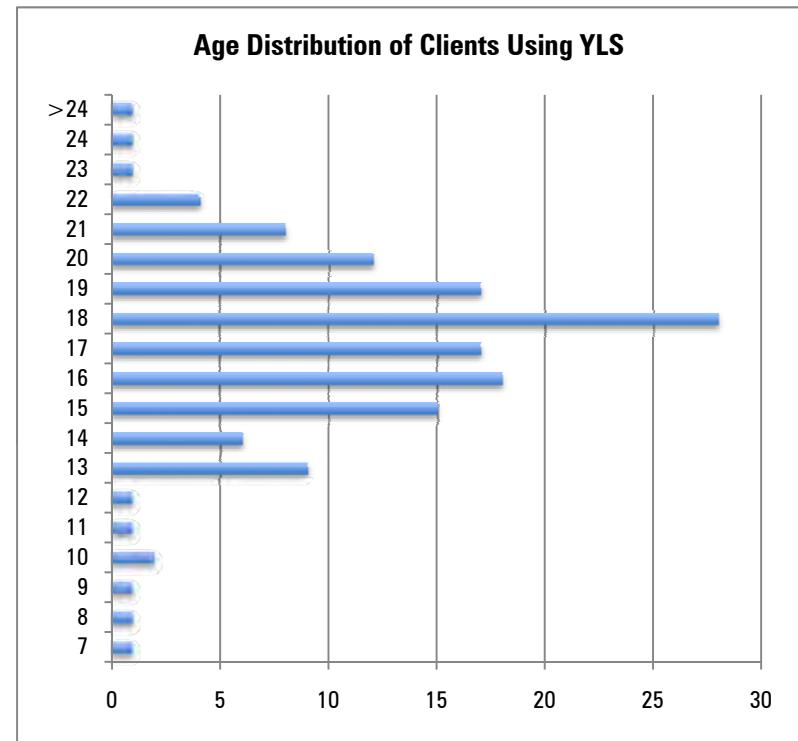
affect young people. We also provide training sessions for community sector workers working with young people and contribute to the Centre's Law for Community Workers program.

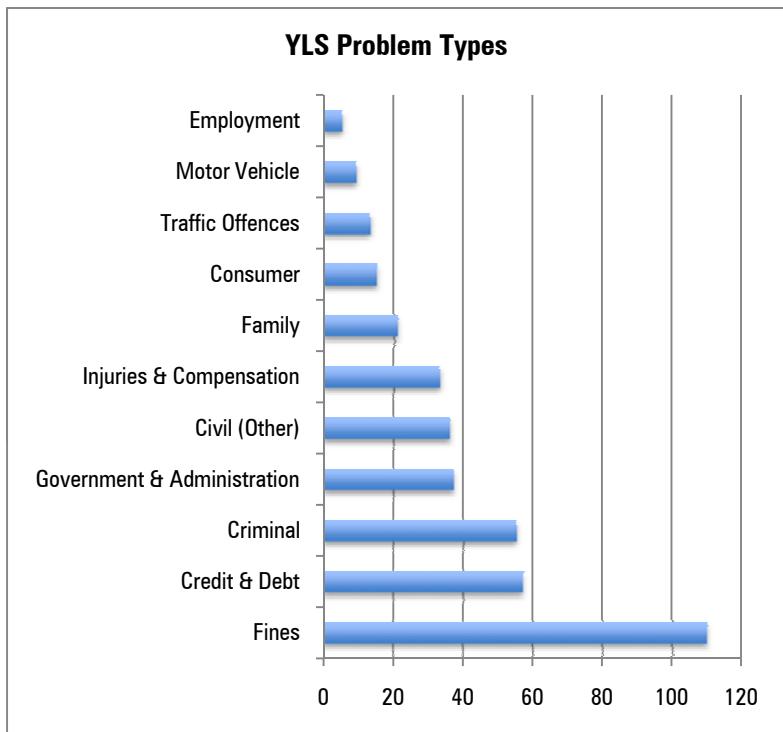
The YLS plays a key role in responding to policy and law reform issues affecting young

people. This is undertaken through the usual work of the YLS, as well as through participation in the Youth Justice Coalition (YJC) and local Youth Interagencies.

### Advice

The YLS provides an accessible telephone and face-to-face legal advice and information





service to young people and youth workers across NSW. Young people frequently use the YLS, as well as adults calling on behalf of young people and youth workers calling on behalf of their clients.

A large proportion of the young people who accessed the YLS were from a non-

English speaking background, and a significant percentage were from Aboriginal or Torres Strait Islander background.

Our statistics show that in 2011 – 2012 we gave advice to 151 clients on 285 occasions. When compared with statistics from 2010 – 2011, the number of clients that we assisted remained relatively

steady, yet there was a 12% increase in the number of advices that we gave. This indicates that we were coming across young people with more complex issues requiring more advice work.

Our statistics show that the type of problems that young people presented with in 2011 – 2012 were similar to 2010 – 2011, with an increase in the number of fines matters, and credit and debt matters.

### Casework

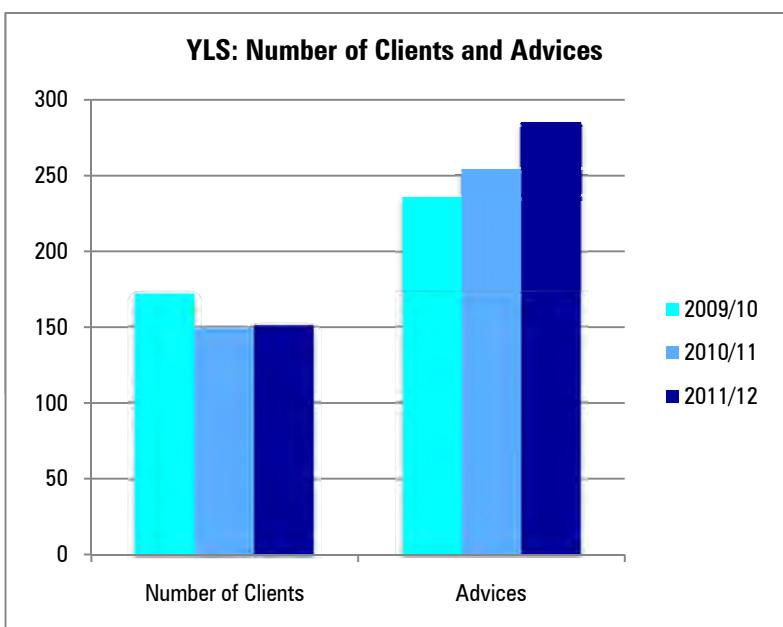
The YLS undertook a significant amount of casework during the past year, with a 40% increase on the previous financial year. We provided assistance, advice and representation to young people in a variety of legal matters, most predominantly in the area of fines, victim's compensation, criminal law, and complaints about police.

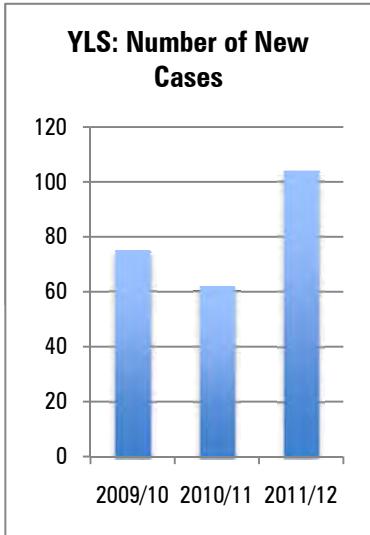
### Corrs Chambers Westgarth Secondee Program

The pro bono partnership between the YLS and Corrs Chambers Westgarth (Corrs) is now in its 5<sup>th</sup> year. This year the Youth Solicitor was once again assisted by seconded solicitors from Corrs, with each secondee attending Marrickville Legal Centre one-day per week.

The Corrs secondees for 2011 – 2012 were Ellen Rock, Kimberley Levi and Joanna Lawrence. Ellen, Kimberley and Jo made an enormous contribution to the work of the Youth Legal Service. They each had carriage of significant cases and provided invaluable support and assistance in the advice and casework of the YLS.

The Corrs solicitor also plays an integral part in the legal service delivery of the Homebase Outreach Service, where they have assisted in providing advice to





young people. The secondees have also contributed to significant law reform initiatives through the YJC, including legal research and submission writing.

We extend our warm thanks to Ellen, Kimberley and Jo for their hard work and dedication to the YLS. Their commitment and assistance has been invaluable in providing much needed support to the YLS in delivering legal services to young people.

We thank Corrs for their ongoing support and commitment. In particular, we thank pro bono partner Trevor Danos, senior associate Kieran Egan, and human resources manager Sara Benvenuti, for the role they have played in championing the secondment program.

### **Homebase Youth Outreach at Bankstown**

The Homebase youth legal outreach has been operating since August 2008 in Bankstown. The drop-in service is a partnership developed between the YLS and Bankstown Multicultural Youth Service (BMYS) and provides a free fortnightly drop-in service for young people under the age of 22 to access lawyers for legal advice, information or referrals for any legal issues they may be facing.

The outreach is staffed by the YLS solicitor and the Corrs secondee solicitor. The YLS

works closely with the staff at BMYS, particularly with the street workers, who have been pivotal in referring young people to the drop-in service.

Young people seek advice on a wide range of legal issues at Homebase. The types of legal issues we have seen at the outreach include fines, debts owed by the young people, traffic offences, minor criminal matters, complaints against police and a variety of other civil matters.

Our statistics show that 20 young people sought advice through the Homebase outreach and a total of 36 advices were given. Of these young people, almost all came from culturally and linguistically diverse backgrounds.

Unfortunately, there was some uncertainty about the future of Homebase in this period due to a reduction in funding and a change in



▲ Bankstown Multicultural Youth Service Skate Jam 2012



▲ Julian, youth worker from Bankstown Multicultural Youth Service and Kimberley, Corrs secondee

premises. This affected our ability to reach as many young people as usual attending the drop-in.

Notwithstanding this, the outreach continues with many marginalised young people building a rapport with the YLS and feeling comfortable to seek legal assistance.

Looking ahead, BMYS is working on strategies to increase the number of young people accessing the drop-in at their new premises.

The Homebase youth legal outreach would not have been possible without the initiative and partnership of BMYS.

Special thanks go to the BMYS workers Malak, Julian, Cassandra and Abel who are our referral point for many of the young people in the Bankstown area.

### **NEW Youth Legal Outreach at Belmore**

The City of Canterbury in south western Sydney is an area with a very high population of young people, a large proportion of which are from non-English speaking backgrounds.

In March 2012, Marrickville Legal Centre's YLS partnered with Barnardos Belmore to provide a new youth legal outreach at Belmore Youth Resource Centre

(BYRC).

BYRC houses a variety of youth services that offer a range of programs for youth aged 12 to 18 years of age. These services include:

- an early-intervention program for youth who are at risk of becoming or who are homeless;
- a program to assist young offenders who have spent a period in juvenile detention to re-enter their communities; and
- a drug and alcohol prevention program.

These services are proving to be a great source of referrals to the legal drop-in. The legal drop-in is a great way for young people to ask questions in an informal setting, or to get more specific advice if they need it.

The YLS provides advice and information about fines, minor criminal matters, complaints against police, debt matters, employment matters, discrimination matters, victims' compensation, and school suspensions/expulsions.

The outreach is now operating every second Wednesday afternoon at BYRC.



▲ Marrickville Youth Resource Centre Aerosol Art Workshop



▲ **Dare to be Sensible workshop held for Year 10 students at a high school in South Western Sydney**

### Community Legal Education

The Youth Solicitor conducted a wide range of community legal education workshops, seminars, Q&A's and presentations on issues relating to police powers, street rights, victim's compensation, fines, graffiti law and criminal law, to young people including the following:

- 'Young people and the law' workshops at the Young People's Refuge and Rosemount Youth and Family Services
  - 'Graffiti and the law' workshops at Marrickville Youth Resource Centre (MYRC)
  - Legal workshops for young people in the 'Links to Learning' programs at St George Youth Services, Riverwood Community Centre and MYRC
  - Sessions on 'Young people and the law' with students from the Marrickville Local Government Area at the Marrickville Youth Forum
- The Youth Solicitor also conducted the community legal education sessions for youth workers, including:
- Presentation on 'Assisting young people with claims for victim's compensation' at UnitingCare Burnside's annual community worker conference
  - Workshop on 'Being a support person at the police station' to the Bankstown Workers with Youth Network
  - 'Legal Rights and Obligations of Youth Workers' presentation as part of the Centre's Law for Community Workers CLE series, to Ultimo TAFE Youth Work students, and to the staff of the Young People's Refuge



### **Dare to be Sensible Project**

In February 2012, the YLS was invited to be part of Metro Migrant Resource Centre's (MMRC) new early intervention project targeting young people aged 15 to 21 years and their families who come from culturally and linguistically diverse communities.

The project is called 'Dare to be Sensible' and its target area is the Bankstown and Canterbury Local Government Areas. The project's objectives are:

- to assist young people aged 15 to 21 years in understanding the role of law in Australia and their rights and responsibilities;
- to promote respectful and supportive relationships with police; and
- to provide education on legal services available and how to access these services.

To achieve these objectives, the project involves workshops, community-based activities and mentoring.

As part of this project, the YLS has been leading workshops on 'Young People and the Law'. So far the Youth Solicitor has led 5 workshops with students from participating high schools. The workshops cover topics such as:

- police powers - search powers, powers to request identification etc.;
- the law relating to drugs and alcohol;
- minor criminal matters and diversionary processes;
- fines; and
- where young people can go to get legal advice.

The YLS looks forward to continuing to work with MMRC on this worthwhile project.

## **Law Reform and Policy Work**

### **Youth Justice Coalition**

The Youth Justice Coalition (YJC) is a network of youth workers, children's lawyers, policy workers and academics working to promote the rights of children and young people in NSW. The YJC is convened by the Youth Solicitor and meets on a bi-monthly basis. We would like to thank Gilbert + Tobin and Corrs for generously allowing us the use of their meeting rooms throughout 2011 – 2012.

### **Launch of a new YJC website**

In July 2011 the YJC launched a new website at [www.yjc.com.au](http://www.yjc.com.au). All the YJC's publications and media releases are uploaded to this site. YJC member organisations are also listed, with links to their respective web pages.

We are happy to report that the YJC publications page is clocking up many 'hits'!

### **Law Reform Activities**

The election of a new state Government in 2011 resulted in a number of reviews of juvenile specific legislation. The YJC was particularly active in responding to these inquiries.



▲ Dare to be Sensible workshop held for Year 10 students at a high school in South Western Sydney

### **Submissions by the YJC in 2011 – 2012:**

- Submission to the NSW Department of Attorney General and Justice (DAGJ) on National Guidelines or Principles for Restorative Justice Programs and Processes for Criminal Matters (July 2011)
- Submission to the NSW Law Reform Commission on Bail (July 2011)
- Submission to the Criminal Law Review Division DAGJ on the Delivery of Legal Assistance Services to the NSW Community (October 2011)
- Submission to the Criminal Law Review Division DAGJ on the *Young Offenders Act* and *Children's (Criminal Proceedings) Act* (December 2011)
- Submission to the Department of Family and Community Services on the review of the *Children and Young Person Care and Protection Regulation 2000* (February 2012)
- Submission to the Ministerial Taskforce on Aboriginal Affairs regarding indigenous young people (April 2012)

### **Articles**

- Parity (edition on Policing Homeless) 'Homelessness and Fine Debt' (May 2012)

### **Participation in Committees:**

- NSW Attorney General Department's Work and Development Order Monitoring Committee
- Advisory Committee for the NSW Government's review of the *Young Offenders Act 1997 (NSW)* and the *Children (Criminal Proceedings) Act 1987 (NSW)*
- NSW Law Reform Commission's round table to discuss young people and bail as part of the NSW Government's comprehensive review of the *Bail Act 1978 (NSW)*

### **Acknowledgments**

The work of the YLS and the YJC would not be possible without the assistance of people working in other organisations. We would like to thank:

**Jenny Bargen**  
Adjunct Lecturer, Sydney Law School

**Eamon Waterford**  
Youth Action and Policy Association

**Brenda Bailey** PIAC

**Evelyne Tadros**  
Mission Australia

**Dev Mukherjee** NCOSS

**Tamara Sims**  
Gilbert + Tobin

**Danielle Hammond**  
Gilbert + Tobin

**Trevor Danos**  
Corrs Chambers Westgarth

**Kieran Egan**  
Corrs Chambers Westgarth

**Sara Benvenuti**  
Corrs Chambers Westgarth

**Amy Bird**  
Corrs Chambers Westgarth

### **Ellen Rock, Secondee Solicitor from Corrs Chambers Westgarth**

"I was given the opportunity to be seconded to Marrickville Legal Centre's Youth Legal Service (YLS) as a second year solicitor in the Corrs Litigation group.



While on secondment to the YLS, I have been working with Emily Muir to provide legal advice and services to children and young people from a variety of cultural and socio-economic backgrounds, and in relation to a significant range of legal issues.

The matters I have worked on during my time with the YLS have included victims' compensation claims and restitution proceedings, fines issues, credit and debt matters, privacy complaints and telecommunications complaints. I have also had the opportunity to be involved in preparing for and presenting to youth workers and high school students on a range of legal issues, including police powers.

Many of the young people I have worked with have been from non-English speaking backgrounds, have suffered from mental illness or disability, have been homeless or have experienced other difficulties in their young lives. In addition to the obvious benefits of helping these disadvantaged young people to resolve their legal problems, I have had the opportunity to develop a range of legal skills that I can use in my work as a lawyer at Corrs.

As a junior lawyer at a large law firm, it is often difficult to have a role in which you are able to

## **Volunteer Voices**

take carriage of matters, take instructions from or interview clients. At the YLS, I have had significant opportunities to develop these skills. In addition to having day-to-day carriage of a range of matters, some of the more significant pieces of work that I have had the opportunity to do at the YLS include:

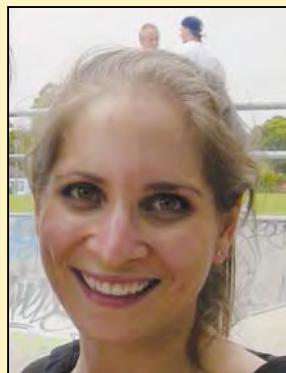
- drafting submissions to the Victims' Compensation Tribunal in relation to pending restitution proceedings, and appearing with my supervisor at the hearing of those proceedings;
- drafting representations to and engaging in negotiations with a large telecommunications company in relation to a significant debt owed by my client, and seeking to have the debt waived on the basis of breaches of the Australian Consumer Law;
- drafting a successful application to the State Debt Recovery Office to write off fines owed by a client in the order of over \$10,000; and
- assisting a client to make a complaint to the Australian Privacy Commissioner in relation to the filming of her children at a public event.

I am grateful to Corrs and to Marrickville Legal Centre for having given me the opportunity to work with the YLS, and to be involved in working for a community organisation that has such a profound and positive impact on the lives of young people."

### **Kimberley Levi, Secondee Solicitor from Corrs Chambers Westgarth**

"I had the fantastic opportunity to undertake a secondment one day a week Marrickville Legal Centre (MLC) for 8 months, working with Emily Muir in the Youth Legal Service.

Whilst at MLC, I worked on a range of legal issues including victims compensation claims, fines and debt matters. I attended an outreach program at Homebase, at the Bankstown Multicultural Youth Centre, where young people would drop in for face-to-face legal advice.



The young people that I assisted came from a range of different backgrounds, many of who were without a home, in severe financial hardship, and/or suffering from mental health

issues. It was truly rewarding experience to be able to provide support to such persons, and to make a positive impact on their lives.

Whilst at MLC, I was able to develop a range of different skills through managing client files, conducting meetings with clients, liaising with government organisations, providing verbal and written advice, and drafting submissions on behalf of clients.

I thoroughly enjoyed my time at MLC. It was a truly valuable experience, and it was amazing to see what a difference MLC makes.

**Fines – unlicensed,  
unregistered and uninsured**

Azar, a 17 year old recently arrived refugee with limited English, purchased a motorised bicycle after seeing an advertisement that stated that no licence was required to ride the bike. Some months later Azar was hit by a car while riding the motorised bike and suffered serious back injuries. It turns out the motorised bike was in fact a registrable vehicle. As a result of the accident, Azar also incurred 3 fines for being an unlicensed driver, using an unregistered vehicle and using an uninsured motor vehicle. These fines amounted to \$1,500, and caused Azar a great deal of frustration given they were contrary to the information provided in the advertisement on which he had relied in purchasing the bike. We assisted Azar by making annulment applications on his behalf on the basis of his financial circumstances, his limited English and his reliance on the assurance that he did not require a drivers' licence for the bike. The enforcement orders were successfully annulled and we represented Azar in the Local Court. Due to Azar's age, the Local Court Magistrate invoked her power to dismiss each of the 3 fines with a caution under the Children's (Criminal Proceedings) Act.

## Youth Legal Service Case Studies

**Victims Compensation – domestic violence**

Sasha, Simon and Caleb are siblings that were victims of ongoing domestic violence perpetrated by their father, including both physical and verbal assault. In one particular incident, the siblings' parents got into a violent argument and they witnessed their father stabbing their mother. Sasha sustained serious injuries to her hand when she attempted to rescue her mother during this incident. The siblings suffered physical and psychological harm as a result of the ongoing domestic violence. We assisted them in each lodging a claim for victims compensation. We gathered evidence from NSW Police, Family and Community Services and a number of health services in support of the claims. Each claim was successful and the siblings each received a significant compensation payment for their claim.

**Fines - \$9,800 written off by the SDRO**

When 18 year old Nathan came to see us at our Bankstown outreach he had \$9,800 worth of penalty notices and court imposed fines that had progressed to enforcement stage. Nathan grew up in a very unstable family environment following the death of his mother and had experienced lengthy periods of homelessness. He struggled with drug and alcohol issues throughout his young life. The majority of his fines related to offences of travelling on trains without a ticket, as well as other travel related offences on trains or at train stations. Nathan did not have income to purchase train tickets and used the train both to travel and to sleep when he had no other accommodation available. We assisted Nathan by negotiating with the SDRO. The SDRO ultimately withdrew the penalty notices under s24E(2)(d) of the *Fines Act 1996* and wrote off the court imposed fines.

**\$20,000 debt waived for young person with chronic mental health issues**

When Brian was referred to Marrickville Legal Centre he had a \$20,000 debt to a large insurer following a car accident 3 years ago. Brian, now 22 years of age, has longstanding and complex mental health issues included paranoid schizophrenia. He is receiving the Disability Support Pension and has difficulty managing his finances. We lodged a hardship application with the insurer and their debt recovery agency, primarily on the grounds that Brian has no earning capacity. We gathered supporting documentation from his treating psychiatrist and the hospital social worker. Robust advocacy on behalf of Brian resulted in the insurer deciding to waive Brian's entire debt.

## Service Overview

Funding for Tenants' Advice and Advocacy (TAAP) services across NSW are administered by the Office of Fair Trading. Half of the statewide funding, roughly \$4.5 million dollars each year, is provided by the Rental Bond Board who control the \$55 million of interest earned annually by tenants' bond money.

### Tenancy Workers

The current members of the tenancy team are Martin Barker, Julia Murray, Eloise Parrab and Diana McMahon.

Over the last 12 months the following locums have kept the home fires burning, and we would like to acknowledge their hard work:

- Diana McMahon
- James Martin
- Rafael Mazzoldi

We would also thank our Practical Legal Placement students who have done great work for us:

- Rob Hartig-Prym
- Tamara Surry

### Case-work

In the past 12 months the tenancy team has advised 1407 clients. 55 of these clients were boarders and lodgers. Social Housing Clients (Housing NSW and Community Housing) made up 10.3% of all callers to the service, with the remainder private renters.

We sent follow up written information to 31.7% of all clients.

During the year we assisted 324 clients in preparing their cases for the Consumer, Trader and Tenancy Tribunal (CTTT), and we attended

## Inner West Tenants' Advice and Advocacy Service

The tenancy service provides an advice and advocacy service to tenants and boarders and lodgers living in the Local Government Areas of Marrickville, Ashfield, Strathfield, Burwood and Canada Bay. The service also provides community legal education for tenants and community workers on a range of tenancy issues.

the Tribunal on 45 occasions to assist clients who had made contact with us.

### Sub tenants excluded from Residential Tenancies Act

This period marks the first full year of operation for the Residential Tenancies Act 2010 (RTA). A notable area of concern we have identified from our advices is the exclusion from the RTA jurisdiction of sub tenants without written agreements. Tenants who were previously covered by the 1987 RTA have expressed shock and dismay at the realisation that they are now without protections, thanks to the exclusions outlined in Section 10. We have advised 57 tenants in this period who have been excluded by Section 10 (please see the case study section).

### Prosecution for offences under the Residential Tenancies Act

Our experience has been that there are few consequences for landlords and agents who contravene tenancy laws or who act dishonestly or unfairly.

However, the Residential Tenancies Act 2010 now includes a significant number of offences for which landlords and agents can be prosecuted.

Tenants' Union and the Tenants' Advice Services across NSW have decided that referring landlords and agents to Fair Trading NSW for investigation and possible prosecution should be a priority. To make it easier for clients and Tenants' Advice Services to lodge complaints to Fair Trading NSW we have developed a set of sample letters for each offence under the Act. We presented a session on the letters at a TAAP Network meeting and these have been placed on the Tenants' Union website, where they are easily accessible to both clients and advocates.

Our thanks to our PLT Rob Hartig-Prym for his great work on this project.

### Australian Consumer Law

One of our casework priorities during this period has been applying the Australian Consumer Law (ACL) to tenancy matters.

The ACL can be 'piggybacked' on any application before the CTTT. Our favourite component has been utilising the 'misleading and deceptive conduct' provisions of the ACL against real estate agents who have clearly overstepped the mark. We have assisted tenants to achieve some significant negotiated outcomes in these types of matters.

Additionally, we have developed a handy kit for use in ACL matters. We look forward to other Tenants' Advice Services using the kit in their advocacy work.

### **New Messaging System**

We are very fortunate to have had in our ranks an advocate who can also be described as a 'database construction worker', Rafael. He has designed an innovative and functional electronic message database system that connects the messages taken by the intake and referral officers to the 'back office', giving us a very efficient means of tracking and prioritising all tenancy messages. Many thanks to Rafael for his powerful work.

### **Duty Advocacy**

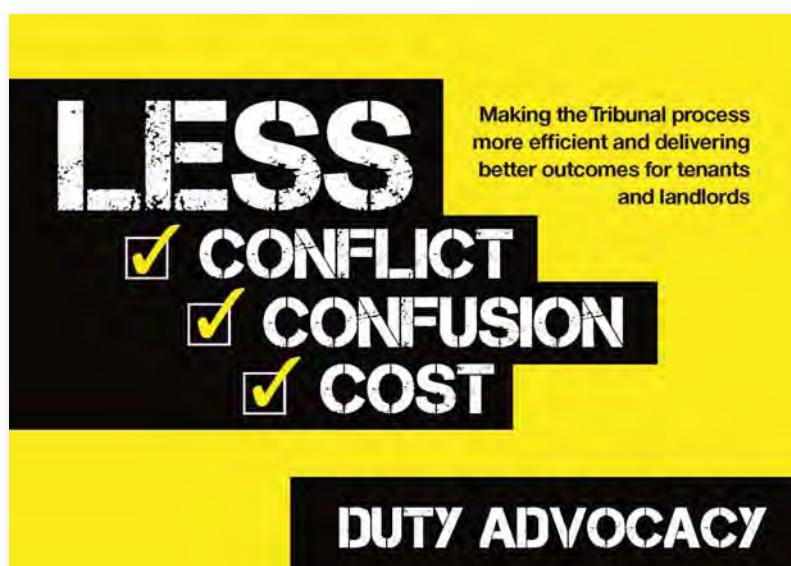
We have continued to provide duty advocacy at the Sydney registry of the Consumer, Trader and Tenancy Tribunal despite receiving no funding for this valuable service. In our role as Duty Advocate we have assisted 46 tenants in their hearings at the CTTT in the year.

We reduced the frequency of Duty Advocacy during the first half of the last 12 month period due to staff workload. We later made a decision to increase frequency during the second half of the year as there was a large recruitment of new CTTT members who commenced early in 2011. In addition to the clear benefit of tenants getting on the spot advice, Duty Advocacy is a useful way of keeping abreast with tribunal decisions in the context of the new

legal landscape of the RTA 2010.

Duty Advocacy also presents a useful opportunity to create relationships with the Tribunal members and conciliators and to educate them on our role both at the CTTT and outside the Tribunal.

In addition we developed a Duty Advocacy postcard, which we have been using to lobby the government for funding for Duty Advocates. The Tenants Union through a donation was able to print these postcards, which are being used by all the TAAP services across the state that undertake Duty Advocacy. We ask tenants



we assist at the CTTT to sign two postcards; one we post to the Minister of Fair Trading, the other to the tenant's local member of parliament. The text on the postcard is:

*Dear*

*I was recently assisted by a Tenants' Advocate who was conducting duty advocacy at the Consumer Trader and Tenancy Tribunal's Sydney Registry.*

*"I found this a most valuable service"*

*I understand that Tenants' Advice Services are not funded to provide duty advocacy. I call on the NSW Government to immediately provide funding for this important service.*

### **Outreach**

One of our methods of outreach adopted this year has been targeted letterboxing of properties where we believe current tenancy issues exist. We undertook leaflet dropping in letterboxes at Housing NSW blocks of units across our catchment area. We followed up the leaflets with information sessions on the Housing NSW repairs process.

### **Housing NSW Repairs Campaign**

As part of our strategic planning this year we identified systemic

issues with the way Housing NSW addresses tenants who identify repairs issues at their property. Many Housing NSW tenants display reluctance, often borne out of sheer frustration, to formally pursue repairs matters at the Tribunal. Our aim is to make sure tenants are aware of their right to have repairs done and the steps they can take to enforce this right at the CTTT. By increasing the number of Housing NSW repair applications at the CTTT we hope to achieve systemic changes within Housing NSW on how they deal with repairs.

Our service and others in the TAAP network are finding common

► The  
Tenancy  
Team,  
Julia,  
Diana,  
Martin  
and  
Eloise.



problems that Housing NSW tenants have experienced when trying to get repairs done. We have noticed that Housing NSW often cite budgetary constraints as reasons not to conduct repairs that they are obliged to do under the Residential Tenancies Act 2010. Housing NSW has split tenancy management and asset management within their offices, each being overseen by a different government department. This move has only compounded the confusion, inefficiencies and tendency towards buck passing.

We have conducted two Housing

NSW repair workshops for tenants to provide information on the steps they need to follow to get orders from CTTT for repairs.

Redfern Legal Centre's tenancy service has developed a repairs kit for Housing NSW tenants and we have been able to use this resource in our workshops. Through these workshops we have been made aware of some larger blocks of Housing NSW tenants that have major repair problems and we are working with these tenants. We are looking at other ways to make contact with Housing NSW tenants.

The TAAP network has decided to run a state wide repairs campaign and this will be a focus of our work in the next financial year.

## Boarders and Lodgers

The NSW govt has announced a package of 'reforms' around the legal situation of boarders and lodgers in NSW. We have written a submission on the draft Bill. We are advocating for a much stronger framework that will deliver real improvements in the rights and conditions of boarding house residents.

### Case Study – Sub Tenant excluded

Jane contacted us as a subtenant – she had been sharing a house with Miranda for the last 6 months, after replying to an advertisement on Gumtree. Jane was not listed on the lease between Miranda and the landlord. Jane did not have a written agreement with Miranda. Jane was up to date on rent, and was moving out later in the week.

Miranda was insisting that Jane pay for the electricity bills and water bills. Miranda said she would withhold 1/2 the bond until Jane pays. Jane says she found the electricity bills that Miranda was referring to, and that the amount Miranda wanted was more than the half Jane had agreed

to pay when she moved in. Jane also said that Miranda was supposed to be paying the water bills independently, but Jane did not think she should have to pay those.

Unfortunately Jane is not a tenant, but a lodger therefore not protected by the Residential Tenancies Act.

We advised Jane that she can apply to the General Division of the CTTT to try to recoup bond, but she will need to prove to the Tribunal that Miranda is running a business. If that fails Jane would need to proceed to a Local Court.

Jane's most practical option was to try and negotiate with Miranda about releasing the bond voluntarily.

### **Case Study – Housing NSW Repairs**

A HNSW tenant, Jason, contacted us about his ongoing problems with roof leaks, including holes in the roof tiles that allowed pigeons and possums to live in his roof, as well as mould, including a living room carpet that was permanently wet and smelly. We negotiated with HNSW to undertake roof repairs that would be permanent. Their contractors' previous attempts had proved stop-gap.

Despite HNSW's in principle agreement to replace the tenant's carpet and clean the mould from his apartment before repainting, it took a CTTT hearing to get an order to clear out the roof's inhabitants and replace the missing roofing tiles together with repairs to the guttering.

Once the underlying cause was addressed, we argued that the carpet needed replacing as a matter of urgency. We also sought compensation for the length of time HNSW took to complete repairs.

The Tribunal ordered HNSW to clean the mould, replace the carpet and repaint the apartment within three weeks. Finally, prior to the matter going to a full hearing, HNSW paid Jason \$1,500.00 in compensation.

### **Case study – Housing NSW Repairs**



Sam is a public housing tenant living with his daughter and granddaughter. In 2006 Sam approached our service for help getting Housing NSW to fix a leak in his bathroom. Housing NSW agreed to fix the bathroom and had contractors do the work.

In 2008 Sam again contacted our service about the same problem with his bathroom. On this occasion we obtained CTTT orders requiring Housing NSW to do the work, which was eventually completed.

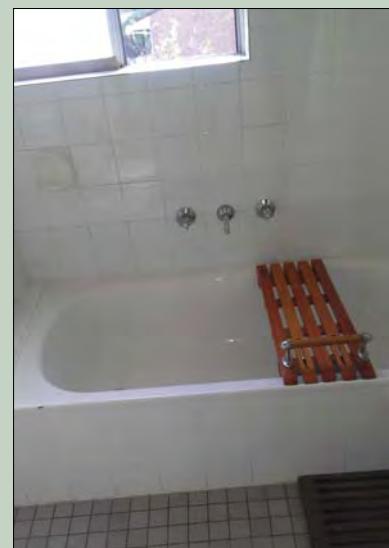
In 2012 Sam contacted our service for a third time. Despite Housing NSW spending an estimated \$15,000 on Sam's bathroom, the problem had not

### **Case Study – Australian Consumer Law**

IWTAAS was contacted by two co-tenants who, 3 weeks into their tenancy had been instructed to move out of their premises due to it having been previously let to other tenants. The landlord had let the property to tenants who were on holiday prior to moving into the premises. Meanwhile, a real estate agent who had been provided with keys to the property with instructions to sell it had taken the liberty of renting it to our clients.

We helped the tenants make a Tribunal application for compensation against the real estate agent, utilising the 'misleading and deceptive conduct' provisions of the Australian Consumer Law. Following extensive negotiations a confidential settlement was reached, giving the tenants a favourable resolution in a highly unusual and disruptive situation.

This result is part of a noted pattern of willingness by real estate agents to settle matters involving 'deceptive and misleading' conduct.



been fixed. There was still a serious leak causing severe mould in both levels of the property, Sam even had a stalactite growing from his lounge room ceiling.

We assisted Sam in making an application to the CTTT requesting orders for repair and rent reduction. We obtained consent orders for the repair work and a 12-week rent reduction. Housing NSW committed to making the repairs within a fortnight and complied with that undertaking. The tenant's bathroom has been completely replaced, the mould damage has been rectified and the tenant has received a cheque for the rent reduction.

### **Improving the safety of victims and their children**

The fundamental aim of the DVPASS is to improve the safety of domestic violence victims and their children. Primarily, we provide telephone follow up to people who have experienced domestic violence, especially women and children, with extra attention given to repeat victims. These client referrals are predominantly made by local police. The service undertakes safety and risk assessment with each client and provides information and referrals, especially warm referrals to SWDVCAS to support the client with their safety plan.

The service is co-located one day each per week in the three police stations of Leichhardt, Marrickville and Newtown Local Area Commands (LACs), and this has allowed for strong partnerships with Domestic Violence Liaison Officers (DVLOs) and other police officers. The IWDVPASS Coordinator also participates in the SWDVCAS Seconded Worker Roster bi-monthly, and this relationship also improves communication between the services and referral pathways for clients.

## **Inner West Domestic Violence Pro-Active Support Service (IWDVPASS)**

The third year of the Inner West DVPASS has seen the service continue to meet its objectives, built on the solid foundation of partnerships with Sydney Women's Domestic Violence Court Advocacy Service (SWDVCAS), NSW Police and a variety of refuges and other community organisations.

### **Feedback from clients**

We receive ongoing positive feedback from the people we assist:

“Thank you for your great support in my time of hardship”. Via text message.

“Thanks so much, it helped me so much to talk to you”. Via text message.

“All good this end, thank you so much for showing me the way”. Via text message

“Thank you for your support, I really do appreciate it. It

gives me hope the system can change”. Via text message

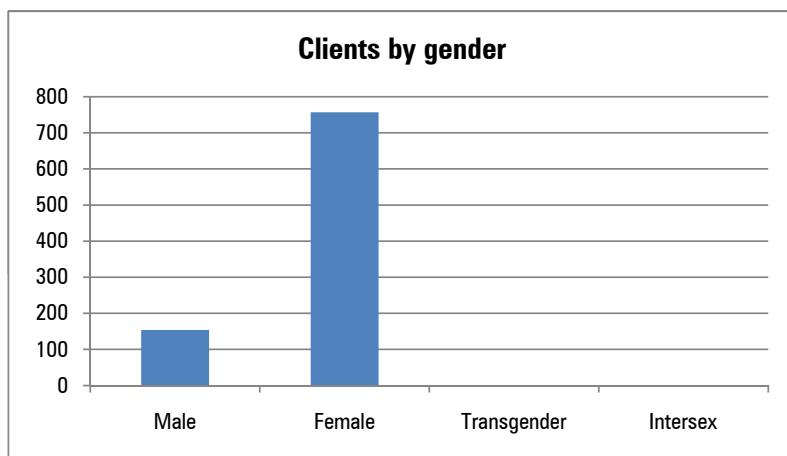
“Thanks very much, I always knew I could count on people from Marrickville Legal Centre”. Via text message

“I finally made it. Thanks again for everything, I wouldn't have been able to do it without all your help”. Via text message

“Thanks so much for your call this morning. It was very reassuring to hear from you and to know there is support out there for my situation”. Via text message

### **Improving access to services and support for victims**

The DVPASS aims to improve access to services and support for victims by proactive follow up of referrals via the telephone, with at least three attempts to contact each client. Extra attempts are made if the client is identified by DVLOs as needing extra follow up. Info packs are also sent out where safe and appropriate. Upon contacting the client, a safety assessment is conducted with them and any information and



referrals given and/or made for the client according to the client's own priorities and preferences. We work from the premise that the client is already taking steps to keep themselves and their children safe, and our service is help them enhance their existing safety plan.

Number of referrals received from agencies, by source:

- Leichhardt LAC – 266
- Marrickville LAC – 370
- Newtown LAC – 211
- Other sources – 41 (MLC/Elsie's/self-referral)

### **Integrated, collaborative service provision**

We try to achieve this in several different ways. Co-location at Marrickville Legal Centre (MLC), a local women's refuge and each of the three local police stations means we have strong and open relationships with these services and particularly with the DVLOs in each LAC. We hold quarterly IWDVPASS Reference Group meetings (see below), and we attend and participate in the monthly Leichhardt/Marrickville DV Liaison Committee (LMDVLC) meetings. Participation in the SWDVCAS Seconded Worker Roster on a bi-monthly basis at Balmain and Newtown Local Courts also improves



▲ IWDVPASS Coordinators Sarah Stellino and Amelia Pace

communication between the services, whilst providing vital assistance and support to victims attending court.

Rates of "compliance" (the rate at which police officers offer victims the referral) and "consent" (the rate at which victims are consenting to follow up by DVPASS) are very similar to last year. From June 2011 to June 2012 compliance was between 82-100% across the three LACs and consent averaged 47%, which is a 2% increase from last year. There is of course room for improvement and the IWDVPASS Coordinator and DVLOs have been working hard to bring the rate of consent up.

### **Partner agencies:**

- Marrickville Legal Centre

- NSW Police Force Local Area Commands (Leichhardt, Marrickville, Newtown)
- Sydney Women's Domestic Violence Court Advocacy Service
- Wirringa Baiya Aboriginal Women's Legal Centre

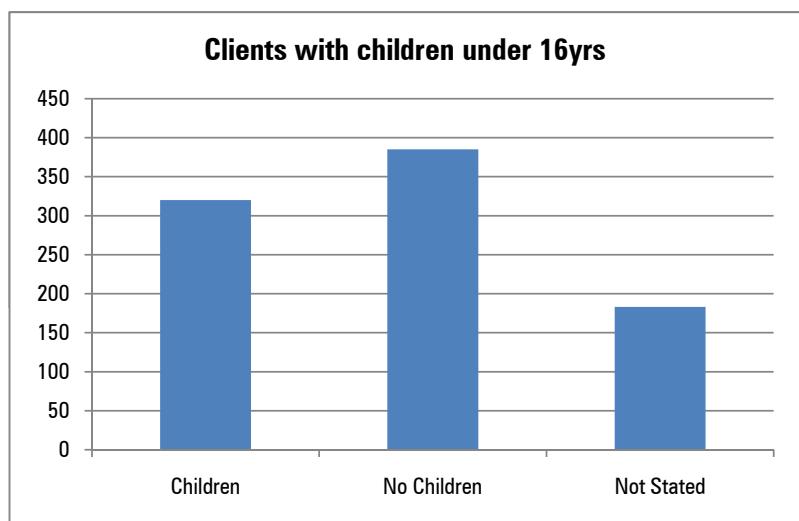
### **Participation in education and training with partners e.g. briefings, police training:**

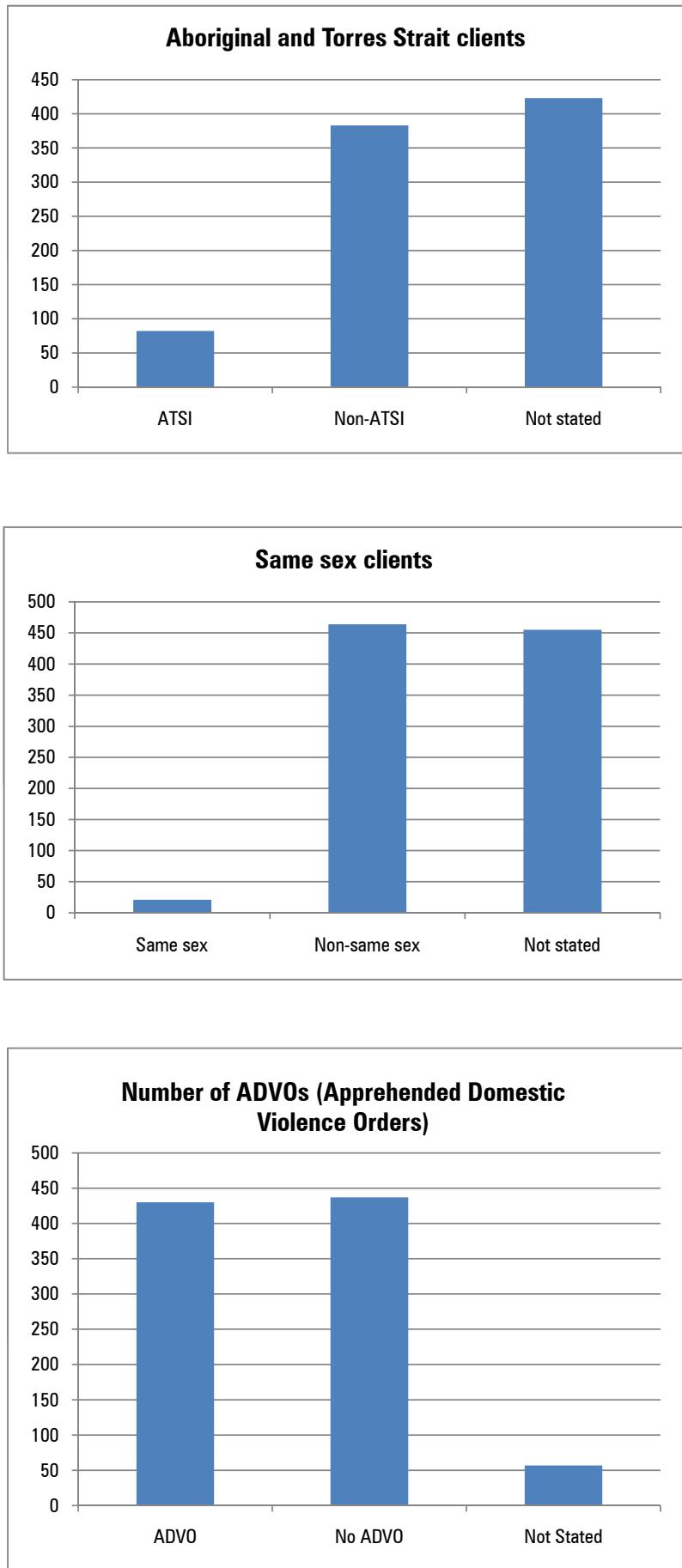
- Briefing at Marrickville LAC
- Marrickville Professional Practice Group meeting
- Marrickville Professional Practice group with DVLO and SWDVCAS
- White Ribbon Day stall with Police and SWDVCAS
- Stall with Newtown LAC & SWDVCAS at Law week
- Presentation at LMDVLC by MLC family lawyer
- Presentation at Police Forum with Newtown LAC
- Presentation at St George Migrant Resource Centre with Elsie's Refuge
- Presentation at Police Forum with Newtown LAC

### **Needs of specific client groups**

The service is aware that there are issues specific to people from particular groups and aims to have strategies in place to address these issues. There are significant barriers to safety and support experienced by Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women with disabilities, older women and women and men in same sex relationships. Some of the ways that we try to address these barriers are:

- Providing options and listening to clients
- Consulting with, and referring to, specialist services
- Practicing and improving





cultural competence

- Using interpreters where appropriate
- Forming partnerships with specialist agencies
- Offering face to face appointments at police stations, court, MLC, or at the client's residential facility (when safe, e.g. hospital)

### **Support domestic violence awareness-raising activities and promote DVPASS**

The project participates actively in interagency and community development initiatives:

#### **June 2011**

- Community Legal Education (CLE) delivered at MLC – 'Challenges in using the Law to respond to DV'

#### **July 2011**

- Meeting with Newtown Neighbourhood Centre's Boarding House Outreach Program
- Meeting with Law and Justice Foundation Workers
- September 2011
- Spoke at Home & Community Care forum
- CLE delivered at MLC – 'Challenges in using the Law to respond to DV'
- DV forum planning meeting
- CLE "Challenges in Using the Law to Respond to DV" at Multicultural HIV/AIDS and Hep C Unit, RPA

#### **October 2011**

- DV forum planning meeting
- Community visit with Marrickville Metro Migrant Resource Centre
- DV forum planning meeting
- Presented at Marrickville Multicultural Interagency

#### **November 2011**

- DV forum planning meeting
- White Ribbon day at Jarvie Park Marrickville

#### **December 2011**

- CSGPN panel ‘General Practitioners and child protection in DV’

#### **January 2012**

- Agency visit with Leichhardt Family Support Service
- March 2012
- CSGPN forum ‘Screening for DV’
- CSGPN forum ‘Warm referrals and AVO’s’
- Agency visit with Marrickville Family Support Service

#### **May 2012**

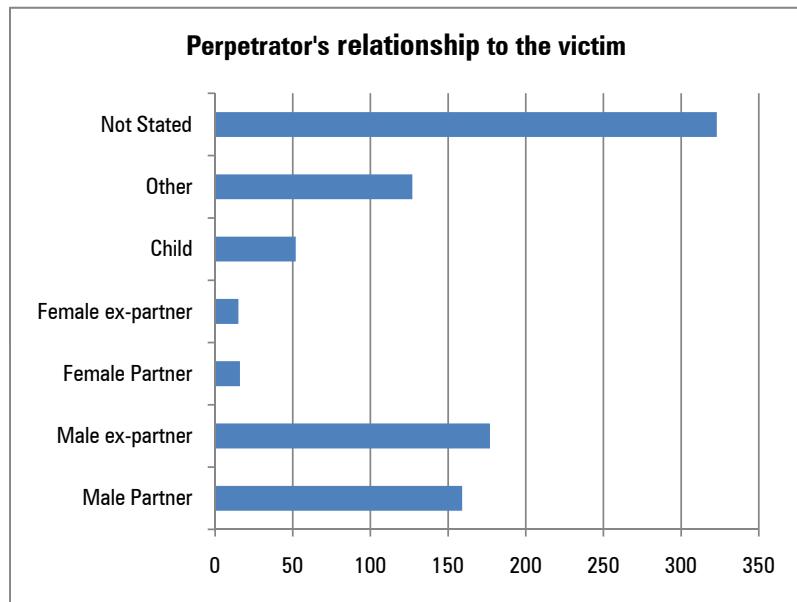
- CLE ‘Screening, risk assessment, safety and escape planning’. Co-presented with Elsie Refuge.

#### **Materials produced and distributed**

When appropriate and safe to do so, an information pack is sent out to clients by post or by email containing:

- Power and control wheel
- Equality wheel
- Safe from Violence booklet (or similar material)
- Cycle of violence info
- List of local support services/ helplines/websites
- Flyers for SWDVCAS, Victims Services, MLC, Leichhardt Women’s Community Health Centre and other services
- Flyer for financial support

Information packs are also personalised according to needs of the client. Packs may include material such as a tenancy advice flyer, breaches booklet, and safety planning guides.

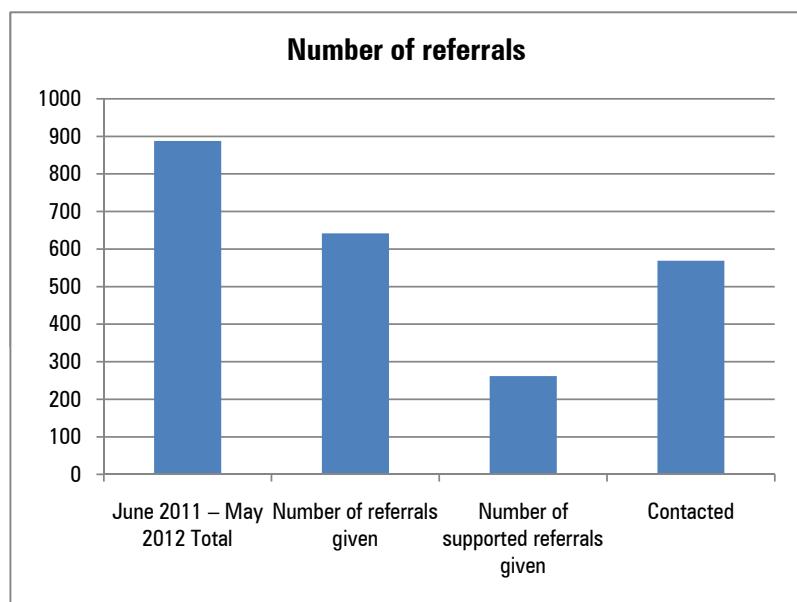


#### **Staff**

IWDVPASS Coordinator Amelia Pace went on maternity leave in October 2011 and subsequently resigned from the position. Amelia had run the project since its inception in 2009; it was Amelia’s passion for working in domestic violence and her strong grounding in research-based practice that helped IWDVPASS develop into the invaluable community service it has become.

In Amelia’s absence Sarah Stellino was employed as the Locum

Coordinator. Sarah took up the challenge of the position with tenacity and professionalism, and the service has continued to flourish under her management. The information, referrals, advocacy and care both women gave, assisted hundreds of women to be supported and safer, and their fantastic work is greatly appreciated by Marrickville Legal Centre. Thanks also to Elsie’s for supporting IWDVPASS during staffing transitions.



### **Case study**

A referral is received for a client named Jane from one of the police Local Area Commands. Jane has not been referred to IWDVPASS before, as she has not contacted Police until now. During the initial call from the DVPASS worker, Jane identifies experiencing verbal abuse, isolation, financial abuse and controlling and intimidating behaviour by her husband. Jane could not talk for long as husband did not know about her referral to IWDVPASS and she felt it would be unsafe for her if he were aware of our contact.

The DVPASS worker assessed Jane's immediate safety and gave her emergency numbers. The DVPASS worker and Jane agreed contact from the worker would always be pre-arranged. Jane said she was thinking of leaving the violent relationship, and felt her husband was aware of this. He had taken her ID, car keys, credit and savings card, passport and important paperwork. Jane does not have family support in Australia, and has few friends as she was rarely able to go out or maintain friendships.

Jane and the DVPASS worker had contact over the following 4 weeks. The DVPASS worker and Jane talked through her possible options, such as staying with her husband, leaving to stay in a refuge, or trying for an AVO and exclusion order. The DVPASS worker arranged for Jane to speak with her local Refuge and DVLO for an idea of services available to her. The DVPASS worker referred her to a support service and Marrickville Legal Centre assisted her to get legal advice.

The DVPASS worker and Jane spoke about domestic violence, the cycle of violence, post separation escalation and the impacts of violence on women. Jane and the DVPASS worker continuously assessed the risk from her partner and she increased her safety strategies accordingly. Jane and worker then began to prepare her escape plan, as her violent husband had escalated his behaviour leaving her increasingly fearful for her safety. Jane met with the services DVPASS referred to (Police, the support service and lawyer) and left that week.

Jane used the Domestic Violence Line to find a Refuge and called the DVPASS worker as she was on her way. The DVPASS worker continued to assist Jane by referring her to the Sydney Women's Domestic Violence Court Advocacy Service, who supported her through Court when the Police applied on her behalf for an AVO. The Refuge Jane was staying at assisted her with linking in with supports and services in her new area. Jane and the DVPASS worker agreed Jane could call if she needed to chat or required additional support.

# Marrickville Legal Centre Financial Report 2011 – 2012

## MARRICKVILLE LEGAL CENTRE

(A Company Limited by Guarantee)  
A.B.N. 53 699 012 017 A.C.N. 002 059 485

## FINANCIAL STATEMENTS – 30 JUNE 2012

<u>CONTENTS</u>	<u>PAGE NO.</u>
Report by the Committee	1-2
Auditor's Independence Declaration	3
Statement of Financial Position	4
Statement of Comprehensive Income	5
Statement of Changes in Equity	5
Statement of Cash Flows	6
Notes to Financial Statements	7-10
Detailed Statement of Comprehensive Income	11
Schedule of Expenditure	12-13
Committee's Declaration	14
Independent Audit Report to the Members	15

**MARRICKVILLE LEGAL CENTRE**

**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**REPORT BY THE COMMITTEE**

The Committee, which is the Board of Directors of the Company, presents its report on the Financial Statements for the year ended 30 June 2012.

The Committee has determined that the Company is not a reporting entity.

**DIRECTORS**

The following persons are Members of the Committee at the date of this report:

**NICK YETZOTIS**

Appointed: 16/10/06

**DIANNE ANAGNOS**

Appointed: 15/12/08

**JANET LOUGHMAN**

Appointed: 16/10/06

**KEIRAN EGAN**

Appointed: 19/10/09

**JESSICA DOLAN**

Appointed: 18/10/10

**PRINCIPAL ACTIVITIES**

The Company's principal continuing activities during the year involve the provision of legal advice for migrants, children under 18 and adults in special underprivileged need.

**REVIEW OF OPERATIONS**

The Surplus from operations for the year was \$15,460 (2011: Surplus of \$220).

**MARRICKVILLE LEGAL CENTRE**

**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**MATTERS SUBSEQUENT TO THE END OF THE FINANCIAL YEAR**

At the date of this report, the Committee is not aware of any circumstances which have arisen since 30 June 2012 which would significantly affect:

- (a) The Company's operations in financial years subsequent to 30 June 2012;
- (b) The results of those operations; or
- (c) The Company's state of affairs, in financial years subsequent to 30 June 2012.

**LIKELY DEVELOPMENTS**

At the date of this report, the Committee is not aware of any matter or circumstances that have arisen since 30 June 2012 which would significantly affect:

- (a) Likely developments in the operations of the Company; or
- (b) The expected results of those operations.

**COMMITTEE MEMBERS' BENEFITS**

Since 30 June 2011 no Committee Member has received or become entitled to receive a benefit because of a contract made by the Company or related body corporate with the Committee Member or with a firm of which he or she is a Member, or with a Company in which he or she has a substantial financial interest.

**COMMITTEE REMUNERATION**

All Committee Members act in an honorary capacity. No fees are paid or payable and no statistics kept on attendances.

**AUDITOR'S INDEPENDENCE DECLARATION**

A copy of the Auditor's Independence Declaration as required under Section 307C of the Corporations Act, 2001 is set out on Page 3.

Signed at Marrickville this 13 day of September 2012.

*Nick Yetzofis*  
.....  
COMMITTEE / (DIRECTOR) MEMBER

*D. Dragoor*  
.....  
COMMITTEE / (DIRECTOR) MEMBER

SANDRA D. GROLLMUS

*Registered Company Auditor  
Registered Tax Agent*

7 BURRANEER CLOSE  
ALLAWAH 2218  
TELEPHONE 9546 7366  
FAX 9546 2267

**AUDITOR'S INDEPENDENCE DECLARATION**  
**UNDER SECTION 307C OF THE CORPORATIONS ACT, 2001**  
**TO THE DIRECTORS OF MARRICKVILLE LEGAL CENTRE**

I declare that to the best of my knowledge and belief, during the year ended 30 June 2012, there have been:

- (i) No contraventions of the auditor independence requirements as set out in the Corporations Act, 2001 in relations to the audit; and
- (ii) No contraventions of any applicable code of professional conduct in relations to the audit.

Dated: 11/9/2012

  
**SANDRA GROLLMUS**  
Registered Company Auditor  
Registered No. 1254

**MARRICKVILLE LEGAL CENTRE**

**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**STATEMENT OF FINANCIAL POSITION AT 30 JUNE 2012**

	<u>NOTES</u>	<u>2011</u> \$	<u>2012</u> \$
<b><u>CURRENT ASSETS</u></b>			
Cash	5	394,079	457,807
Receivables		5,168	1,526
Prepayments		<u>5,290</u>	<u>10,221</u>
		<u>404,537</u>	<u>469,554</u>
<b><u>NON-CURRENT ASSETS</u></b>			
Property, Plant & Equipment	6	31,249	23,949
Prepayment		<u>12,272</u>	<u>10,512</u>
		<u>43,521</u>	<u>34,461</u>
<b><u>TOTAL ASSETS</u></b>		<b><u>448,058</u></b>	<b><u>504,015</u></b>
<b><u>CURRENT LIABILITIES</u></b>			
Creditors & Accrued Expenses		12,950	51,697
Deferred Grants		79,939	52,187
Provisions	7	<u>89,024</u>	<u>81,122</u>
		<u>181,913</u>	<u>185,006</u>
<b><u>NON-CURRENT LIABILITIES</u></b>			
Provisions	8	120,169	152,210
Deferred Grant		<u>12,272</u>	<u>10,512</u>
		<u>132,441</u>	<u>162,722</u>
<b><u>TOTAL LIABILITIES</u></b>		<b><u>314,354</u></b>	<b><u>347,728</u></b>
<b><u>NET ASSETS</u></b>		<b><u>133,704</u></b>	<b><u>156,287</u></b>
<b><u>EQUITY</u></b>			
Accumulated Funds		<b><u>133,704</u></b>	<b><u>156,287</u></b>

The above Statement of Financial Position should be read in conjunction with the accompanying Notes.

**MARRICKVILLE LEGAL CENTRE**  
**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**STATEMENT OF COMPREHENSIVE INCOME**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>NOTES</u>	<u>2011</u> \$	<u>2012</u> \$
Operating Revenue	2	1,034,338	1,046,029
Interest Received		<u>25,820</u>	<u>22,171</u>
		<u>1,060,158</u>	<u>1,068,200</u>
Less:			
<b>EXPENDITURE</b>			
Administration		82,250	82,055
Client / Community Servicing		34,045	25,046
Occupancy		19,837	12,670
Staff		<u>923,806</u>	<u>932,969</u>
		<u>1,059,938</u>	<u>1,052,740</u>
<b>OPERATING SURPLUS</b>		<u>220</u>	<u>15,460</u>

**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>2011</u> \$	<u>2012</u> \$
<b>OPERATING SURPLUS</b>	<u>220</u>	<u>15,460</u>
Accumulated Funds brought forward	235,752	133,704
Transfer Prior Period Surpluses / Losses	<u>(102,268)</u>	<u>7,123</u>
	<u>133,484</u>	<u>140,827</u>
<b>ACCUMULATED FUNDS carried forward</b>	<b><u>133,704</u></b>	<b><u>156,287</u></b>

**MARRICKVILLE LEGAL CENTRE**

(A Company Limited by Guarantee)  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>NOTES</u>	<u>2011</u>	<u>2012</u>
		\$	\$
<b>CASH FLOWS FROM OPERATING ACTIVITIES &amp; GOVERNMENT GRANTS</b>			
Receipts from clients/legal costs awarded			
Community		26,713	35,843
Government Grants (incl GST)		<u>1,015,001</u>	<u>1,112,591</u>
		<u>1,041,714</u>	<u>1,148,434</u>
Payments to creditors, employees & GST		<u>1,121,416</u>	<u>1,101,945</u>
<b>NET OPERATING CASH FLOWS</b>		(79,702)	46,489
Interest Received		<u>25,820</u>	<u>22,171</u>
<b>NET CASH FLOWS FROM ALL ACTIVITIES</b>		(53,882)	68,660
Payments for property, plant & equipment		<u>(23,684)</u>	<u>(4,932)</u>
<b>NET (DECREASE) / INCREASE IN CASH HELD</b>		(77,566)	63,728
Cash at the beginning of the financial year		<u>471,645</u>	<u>394,079</u>
<b>CASH AT THE END OF THE FINANCIAL YEAR</b>	5	<u>394,079</u>	<u>457,807</u>

The above Statement of Cash Flows should be read in conjunction with the accompanying Notes.

**MARRICKVILLE LEGAL CENTRE**  
**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**NOTES TO FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2012**

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

This financial report is a special purpose report prepared for use by Directors and Members of the Company, and the funding bodies. The Directors have determined that the Company is not a reporting entity.

The financial statements are prepared in accordance with the relevant Accounting Standards, other mandatory professional reporting requirements and the disclosure requirements of Schedule 5 of the Corporations Regulations.

The results of operations and financial position of the Centre are accounted for and reported in these financial statements under the historical cost convention. Such convention has no regard either to the changing value of money, or the increased cost of replacing operating capability used in operations.

These policies are consistent with previous years.

**(a) Depreciation**

Depreciation is calculated on a straight line basis to write off the net cost of each item of property, plant & equipment over its useful life. Additions are depreciated from date of acquisition.

**(b) Income**

Special Purpose Grants from which benefits will be derived in future periods are credited to Deferred Grants for release in such future periods.

**(c) Cash**

For purposes of the Statement of Cash Flows, cash includes deposits at call which are readily convertible to cash on hand and which are used in the cash management function on a day-to-day basis.

**(d) Employee Entitlements**

The amounts expected to be paid to employees for their pro-rata entitlement to long service and annual leave are accrued annually at current pay rates. In accordance with the Marrickville Legal Centre Enterprise Agreement an amount has been set aside in the event of redundancy.

**MARRICKVILLE LEGAL CENTRE**

(A Company Limited by Guarantee)  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**NOTES TO FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>2011</u>	<u>2012</u>
	\$	\$
<b>2. OPERATING REVENUE</b>		
Grants received from:		
Legal Aid Commission – Commonwealth	146,181	156,130
Legal Aid Commission – FRC	64,367	60,724
Legal Aid Commission – State	276,320	284,056
Attorney General – Homeless Youth	3,987	137,204
NSW Fair Trading		
Tenants Advice & Advocacy Service	277,010	293,742
Tenants Advice & Advocacy Service "One-Off"	18,182	-
CALD – (portion)	17,877	-
Family & Community Services NSW - DV PASS	100,000	100,000
Prior Year Surpluses brought forward	102,268	220
Other	13,140	1,760
Legal Costs Received	6,661	3,150
Recouped Expenses	-	1,667
Donations & Memberships	3,817	5,199
Other	4,528	2,177
	<b><u>1,034,338</u></b>	<b><u>1,046,029</u></b>
<b>3. OPERATING SURPLUS</b>		
Operating Surplus is arrived at after charging the following specific items:		
Charges		
Depreciation – Plant & Equipment	14,811	12,232
Provision for Employee Entitlements	87,992	124,507
<b>4. INCOME TAX</b>		
Marrickville Legal Centre is exempt from Income Tax, being a charitable institution Under Section 23(e) of the Income Tax Assessment Act.		
<b>5. CURRENT ASSETS – CASH</b>		
Cash on Hand	300	300
Cash at Bank	23,002	42,179
Deposits at Call	370,777	415,328
	<b><u>394,079</u></b>	<b><u>457,807</u></b>

**MARRICKVILLE LEGAL CENTRE**  
**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**NOTES TO FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>2011</u> \$	<u>2012</u> \$
<b>6. NON-CURRENT ASSETS – Property, Plant &amp; Equipment</b>		
Land & Buildings		
Leasehold Improvements – at cost	42,690	42,690
Accumulated Amortisation	<u>(39,565)</u>	<u>(42,690)</u>
	<u>3,125</u>	-
Plant & Equipment		
At Cost	132,380	137,313
Accumulated Depreciation	<u>(104,256)</u>	<u>(113,364)</u>
	<u>28,124</u>	<u>23,949</u>
<b>Total Property, Plant &amp; Equipment</b>	<b><u>31,249</u></b>	<b><u>23,949</u></b>
<b>7. CURRENT LIABILITIES – Provisions</b>		
Employee Entitlements	<u>89,024</u>	<u>81,122</u>
<b>8. NON-CURRENT LIABILITIES – Provisions</b>		
Employment Entitlements	<u>120,169</u>	<u>152,210</u>
<b>9. REMUNERATION OF AUDITOR</b>		
Audit Fee	4,500	5,000
Other Benefits	-	-
<b>10. INCORPORATION</b>		
Marrickville Legal Centre was incorporated on 16 May 1983 as a Company Limited by Guarantee. In accordance with Clause 7 of the Company's Memorandum of Association, each Member's Liability is limited to \$10.		

**MARRICKVILLE LEGAL CENTRE**

(A Company Limited by Guarantee)  
A.B.N. 53 699 012 017 A.C.N. 002 059 485

**NOTES TO FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>2011</u> \$	<u>2012</u> \$
<b>11. SEGMENT REPORTING</b>		
The Company provides legal advice for Migrants, children under 18 and adults in special underprivileged need within Australia, Its revenue being principally derived from State and Commonwealth Grants.		
<b>12. RECONCILIATION OF NET CASH OUTFLOW FROM OPERATING AND GOVERNMENT &amp; COMMUNITY ACTIVITIES TO OPERATING SURPLUS.</b>		
Net cash (outflows)/ inflows from operating activities, Government grants & interest	(53,882)	68,660
Surpluses & Minor Deferred Grants brought forward	102,268	11,959
Depreciation & Asset Replacement	(14,811)	(12,232)
Expenses paid from Provisions	-	(19,082)
Change in operating Assets & Liabilities		
Increase / (Decrease) in Receivables	(110,436)	(3,642)
Increase / (Decrease) in Prepayments	(1,080)	3,171
Decrease / (Increase) in Creditors & Accrued Expenses	18,206	(38,747)
Decrease / (Increase) in Employee Entitlements Provisions	(27,621)	(24,139)
Decrease / (Increase) in Deferred Grants	<u>87,576</u>	<u>29,512</u>
OPERATING SURPLUS	<u>220</u>	<u>15,460</u>

**13. DEFERRED GRANT**

A grant of \$44,000 received during the year ended 30 June 1993 related to the lease premium and is being recognised as revenue over twenty-five years as benefits are derived from the lease.

<b><u>MARRICKVILLE LEGAL CENTRE</u></b>				
(A Company Limited by Guarantee)				
A.B.N. 53 699 012 017 A.C.N. 002 059 485				
<b><u>STATEMENT OF COMPREHENSIVE INCOME</u></b>				
<b><u>FOR THE YEAR ENDED 30 JUNE 2012</u></b>				
	<b><u>2011</u></b>	<b><u>2012</u></b>		
	\$	\$		
<b><u>INCOME</u></b>				
Grants – Legal Aid Commission – Commonwealth:				
Operating	146,181	156,130		
FRC	64,367	60,724		
"One-Off"	-	-		
Grants – Legal Aid Commission – Attorney General:				
Homeless Youth	3,987	137,204		
Grants – Legal Aid Commission - State:				
Operating	276,320	284,056		
Grants – NSW Fair Trading:				
Tenants Advice & Advocacy Service	277,010	293,742		
Tenants Advice & Advocacy Service "One-Off"	18,182	-		
CALD – (portion)	17,877	-		
Grants – Domestic Violence PASS	<u>100,000</u>	<u>100,000</u>		
	903,924	1,031,856		
Prior Period Surpluses brought forward	102,268	220		
Other Grants	13,140	1,760		
Casework Income - Legal Costs Received	6,661	3,150		
Recouped Expenses	-	1,667		
Consultancies	2,600	968		
Interest Received	25,820	22,171		
Membership Fees & Donations	3,817	5,199		
Miscellaneous	162	-		
Seminars / Conferences	<u>1,766</u>	<u>1,209</u>		
	1,060,158	1,068,200		
Less:				
<b><u>EXPENDITURE – Schedule</u></b>	<b><u>1,059,938</u></b>	<b><u>1,052,740</u></b>		
<b><u>SURPLUS FOR THE YEAR</u></b>	<b><u>220</u></b>	<b><u>15,460</u></b>		

**MARRICKVILLE LEGAL CENTRE**

(A Company Limited by Guarantee)  
A.B.N. 53 699 012 017 A.C.N. 002 059 485

**SCHEDULE OF EXPENDITURE**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>2011</u> \$	<u>2012</u> \$
<b><u>EXPENDITURE</u></b>		
<b><u>Administration Expenses</u></b>		
Advertising / Staff Recruitment	367	995
Audit fees	4,500	5,000
Bank & Financial Charges	430	515
Computer Expenses	9,787	9,984
Depreciation / Loss Sale of Asset	14,811	12,232
Equipment – Minor	6,185	1,709
Insurance – General / PI	6,031	5,056
Levies / Memberships	4,837	7,292
Miscellaneous Expenses	136	-
OH & S	923	261
Postage / Courier	1,985	2,295
Stationery / Office Supplies	7,968	6,828
Subscriptions / Library	3,420	2,760
Telecommunications	<u>20,870</u>	<u>27,128</u>
	<u>82,250</u>	<u>82,055</u>
<b><u>Client / Community Servicing Expenses</u></b>		
Catering / Venue Hire	3,445	4,269
Community Development	810	354
Interpreters/Translating	417	-
Non-Recoverable Disbursements	1,132	1,694
Printing / Production	24,412	13,236
Travel / Accommodation	2,564	4,270
Volunteers' Expenses	<u>1,265</u>	<u>1,223</u>
	<u>34,045</u>	<u>25,046</u>
<b><u>Occupancy Expenses</u></b>		
Cleaning	6,039	3,007
Electricity	4,071	4,635
Rent / Leasehold Expenses	1,760	1,760
Repairs / Maintenance	6,384	1,744
Security	<u>1,583</u>	<u>1,524</u>
	<u>19,837</u>	<u>12,670</u>

**MARRICKVILLE LEGAL CENTRE**  
**(A Company Limited by Guarantee)**  
**A.B.N. 53 699 012 017 A.C.N. 002 059 485**

**SCHEDULE OF EXPENDITURE**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	<u>2011</u>	<u>2012</u>
	\$	\$
<b><u>EXPENDITURE cont...</u></b>		
<b><u>Staffing Expense</u></b>		
Conferences / Seminars	17,191	2,402
Consultants	1,364	300
Other Salary Related Expenses	5,239	3,689
Practising Certificates	3,679	3,530
Staff Development / Training	2,046	2,548
Superannuation	68,866	68,327
Wages / Salaries	821,764	848,567
Workers Compensation Insurance	3,657	3,606
	<u>923,806</u>	<u>932,969</u>
<b><u>TOTAL EXPENDITURE</u></b>	<b><u>1,059,938</u></b>	<b><u>1,052,740</u></b>

**MARRICKVILLE LEGAL CENTRE**

(A Company Limited by Guarantee)  
A.B.N. 53 699 012 017 A.C.N. 002 059 485

**COMMITTEE'S / (DIRECTORS') DECLARATION**

The Committee / (Directors) Members declare that:

1. The financial statements and notes, as set out on pages 4 to 13, are in accordance with the Corporations Act, 2001 and:
  - (a) Comply with Accounting Standards and the Corporations Regulations, 2001; and
  - (b) Give a true and fair view of the financial position as at 30 June 2012 and of the performance for the year ended on that date of the Company.
2. The Chief Executive Officer and Chief Finance Officer have each declared that:
  - (a) The financial records of the Company for the financial year have been properly maintained in accordance with Section 286 of the Corporations Act, 2001;
  - (b) The financial statements and notes for the financial year comply with Accounting Standards; and
  - (c) The financial statements and notes for the financial year give a true and fair view.
3. In the Committee / (Directors) Members' 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.

*Nick Yetzotis*

COMMITTEE / (DIRECTOR) MEMBER

*D. Marano*

COMMITTEE / (DIRECTOR) MEMBER

Signed at Marrickville this 13 day of September 2012.

SANDRA D. GROLLMUS

Registered Company Auditor  
Registered Tax Agent

7 BURRANEER CLOSE  
ALLAWAH 2218  
TELEPHONE 9546 7366  
FAX 9546 2267

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF  
MARRICKVILLE LEGAL CENTRE  
(A Company Limited by Guarantee)**

**SCOPE**

I have audited the financial statements being a special purpose report of MARRICKVILLE LEGAL CENTRE (A Company Limited by Guarantee) for the year ended 30 June 2012 as set out on pages 4 to 13. The Company's Committee Members are responsible for the financial statements. I have conducted an independent audit of these financial statements in order to express an opinion on them to the Members of the Company.

My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with my understanding of the Company's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

**INDEPENDENCE**

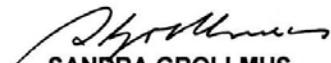
In accordance with ASIC Class Order 05/83, I declare to the best of my knowledge and belief that the Auditor's Independence Declaration set out on page 3 of the financial report has not changed as at the date of providing my audit opinion.

**AUDIT OPINION**

In my opinion, the financial statements consisting of Statement of Financial Position, Statement of Comprehensive Income, Statement of Cash Flows, Schedule and Notes of MARRICKVILLE LEGAL CENTRE are in accordance with:

- (a) The Corporations Act, 2001, including:
  - (i) Giving a true and fair view of the Company's financial position as at 30 June 2012 and of its performance for the year ended on that date; and
  - (ii) Complying with Accounting Standards in Australia and the Corporations Regulations, 2001; and
- (b) Other mandatory professional reporting requirements in Australia.

Dated: 11/9/2012



**SANDRA GROLLMUS**

Registered Company Auditor  
Registered No. 1254

# Media

**MEDIA RELEASE**

**Carmel Tebbutt MP**  
MEMBER FOR MARRICKVILLE



*Thursday 25 August, 2011*

**REFORMS TO FINE PAYMENTS FOR DISADVANTAGED GROUPS –  
MARRICKVILLE LEGAL CENTRE SHINES A LIGHT**

Today in the NSW Parliament, Carmel Tebbutt MP, Member for Marrickville, praised Marrickville Legal Centre's involvement in the evaluation of a two-year trial allowing members of the community with a mental illness, a disability or who are experiencing hardship to complete community work to pay off fines.

"The contributions of dedicated local organisations such as Marrickville Legal Centre provided the expertise and support for the permanent implementation of these reforms begun by the former Labor Government", Ms Tebbutt said.

"The opportunity for people to apply for a Work and Development Order instead of monetary payment assists them to avoid a spiral of debt and helps them get back on their feet as a functioning member of society.

"There is a wide range of income groups in our community and I am glad to be able to support a system that will help its most vulnerable members."

In 2008, following a number of reviews and reports showing that the enforcement system works poorly for disadvantaged groups, the then-Attorney General introduced the *Fines Further Amendment Act* to improve the system of court fines and penalty notices for vulnerable people.

Ms Tebbutt noted that, "While the enforcement system works well for people who have an income and assets, it can cause vulnerable people harm. People who do not have the means to pay a fine or to navigate the system to challenge a fine, incur further costs and penalties.

"The loss of a licence, for example, can then impact on their ability to hold down a job, further entrenching the cycle of disadvantage.

"Of particular concern is the potential for this to lead to secondary offending, where a person who lacks the financial or organisational skills to pay a fine, defaults, loses their licence but continues to drive. Sadly, this can open the door to imprisonment.

"So for people who exist on the margins of society, or who are struggling with mental health issues, or have a disability or a drug and alcohol addiction, this scheme can be quite genuinely a life saver. I pay tribute to Marrickville Legal Centre's contribution to it."

**MEDIA CONTACT:** Liam Caulfield 9558 9000

AUGUST 2011  
Page 6      GreaterSYDNEY Newsletter

**COLLABORATIVE PRACTICE**



**Collaborative Practice Workshop at the Sutherland Family Relationship Centre – how does it work?**

By Julie Dale (Manager Sutherland FRC) and Margaret Martin (Solicitor at Marrickville CLC)

The Sutherland Family Relationship Centre held a "Collaborative Practice Workshop" to highlight the advantages that collaborative practice can bring to the process of Family Dispute Resolution (FDR). The workshop brought together various disciplines to combine their skills to look at how to assist parents, in a holistic approach, in Family Dispute Resolution ensuring the focus remained on their children's needs.

As part of the workshop a case study in the form of a role play was presented. The role players actually involved a Family Dispute Resolution Practitioner (FDRP) two solicitors and a child consultant. The process was led by the FDRP with the child consultant bringing the child's voice into the room by relaying messages, (which the child had given permission to relay to mum and dad). The feedback from a child consult is extremely powerful and ensures the parents focus on best outcomes for their child instead of past conflict.

At one stage in the role play, mum and dad became resistant to moving forward in the process and this was the opportunity for them to have private time individually to talk with their own solicitor which enabled them to reality check their options and to be given relevant legal advice. The child consultant would re-engage into the process at the invitation of the FDRP to bring the focus back to the child when this was being lost.

One of the lawyers assisting the parties in the workshop commented on being particularly impressed by the effect that the role of the child consultant had, during the process. From the lawyer's perspective the "voice of the child" is a very powerful tool in shifting the parties from their entrenched positions and achieving a resolution.

Other disciplines could also be included in Collaborative Practice FDR including counsellors, financial advisers or psychologists. The view with this practice is to ensure a holistic approach is taking place with all relevant people involved in the process to assist in facilitating the best outcomes for children and families.

The day had in attendance many local solicitors from the Sutherland area who are interested in working within a collaborative practice in the local FRC. Feedback from the solicitors was very positive with more information being requested.

# Homelessness and Fine Debt

**By Emily Muir,  
Jamie Alford  
and Grace Stubeck,  
Youth Justice Coalition**

The New South Wales fine system has a significant and disproportionate effect on people who experience homelessness.

People experiencing homelessness are vulnerable to incurring fines for activities that would not otherwise attract attention had they been done in a private home. Behaviour that would ordinarily be routine in the home can suddenly become unlawful when conducted in the public space. For example, sleeping, swearing and consuming alcohol can attract a penalty notice when in public.

In recent years, the NSW Government has responded to community perceptions by introducing laws to further regulate public space by providing police with powers to tell people to 'move-on' if they are believed to be causing a nuisance or anxiety to others. The 'move-on powers' as they are known, exacerbate the marginalisation of homeless people, and further expose them to being fined for failing to comply with a move-on direction.

While experiencing homelessness, people also frequently receive multiple public transport related penalty notices such as fare evasion which may arise as a result of sleeping on a train to keep warm or traveling to Centrelink to perform reporting obligations. These have been termed 'survival offences' by the Law and Justice Foundation as they arise by virtue of the homeless person's economic disadvantage.<sup>1</sup> Many advocates argue that the issuing of a penalty notice is inappropriate when the offence committed is so closely associated with the person's circumstances of disadvantage.<sup>2</sup>

The reality of course is that people experiencing homelessness are unlikely to have other transport options. They need public transport to attend school, find work, access services, and maintain connections with their community, but they are prevented from and punished for using it because of their inability to pay.

People experiencing homelessness are also disproportionately affected by the fine system due to their limited ability to address their fines. Without a fixed residential address, they often do not receive penalty reminder notices and their debt escalates as they incur additional enforcement costs, resulting in an accumulation of fine-related debt.

Fines have little or no deterrent value for people with no means to pay.

It is not uncommon for a person who has experienced homelessness to be referred to a community legal centre or Legal Aid

with fine debt up to \$10,000 or \$20,000. In some cases this can solely be travel-related fine debt. This is an extremely heavy burden for any individual to bear, let alone someone trapped in chronic homelessness. The accumulation of fine-related debt intensifies a person's economic hardship, which in turn makes it harder for an individual to both pay off their fines and to overcome homelessness. In some cases people (including those experiencing homelessness) are contacted by the Office of The Sheriff demanding payment for fine debt.

Associated sanctions for unpaid fines further entrench disadvantage. For example, fine debt can result in restrictions in getting a driver's licence, or suspension of an existing licence. This can result in an individual descending deeper into the criminal justice system in what is known as 'secondary offending', for example driving while suspended, unlicensed, or disqualified.

## Case Study

*Ben is a 19-year-old young person from South Western Sydney. Ben became homeless at age 17 when he was made to leave his family home because he did not get along with his stepfather.*

*Ben was sleeping rough and occasionally stayed with friends and relatives for short periods. Ben was receiving Youth Allowance, but he could not always afford the train fare when he travelled to Centrelink, TAFE, and appointments with his drug and alcohol counsellor. A couple of times he had fallen asleep on the train late at night when he had nowhere else to go.*

*As a result, Ben accumulated 18 fines for travelling on a train without a ticket, or entering/leaving a restricted area without a ticket. Despite telling police and transit officers that he was homeless, Ben was issued penalty notices that he could not afford to pay. The total debt was over \$2,500.*

*On his 19th birthday Ben was offered a job delivering pizzas. Three months later he was pulled over by the police, told his licence was suspended for unpaid fines, and that he would have been notified of the suspension via post. Ben was completely unaware that his licence had been suspended as all of his mail went to his family address that he had not lived at for two years. He was charged with driving while suspended and told not to drive again.*

*Ben did not want to lose his first job, so he kept delivering pizzas. Two weeks later he was again pulled over by police and charged with a second count of driving while suspended. All up, Ben was disqualified by the local court from driving for three years, and faced over \$2,500 in fine debt.*

## Recent Changes to the Fines System in NSW

There have been some positive changes over recent years to the NSW fines system to better respond to the needs and circumstances of homeless people. The most significant of these changes were introduced by the *Fines Further Amendment Act 2008 (NSW)*.

The amendments included the introduction of a formal framework to allow issuing officers the option to issue an official caution instead of a penalty notice in appropriate cases, having regard to the Attorney General's Caution Guidelines.<sup>3</sup> Significantly, one of the factors that an issuing officer must consider under those guidelines is whether the officer has reasonable grounds to believe that the person is homeless.<sup>4</sup>

The internal review process for fines was also modified. A new provision was implemented, requiring a reviewing agency to withdraw a penalty notice if the person to whom the penalty notice was issued was unable to control such conduct due to their homelessness. An issuing officer must also withdraw a penalty notice if an official caution should have been issued instead, having



regard to the Attorney General's Caution Guidelines. This is said to allow a penalty notice to be withdrawn where the person was homeless but their homelessness was not evident at the time of the offending behaviour.<sup>5</sup>

New measures were also introduced to assist vulnerable people to manage their fines. For example, a new provision was introduced to allow persons in receipt of a government benefit, to pay a fine by instalments, as a regular direct debit from their government benefit (via Centrepay) through a 'Time to Pay' order.<sup>6</sup> Work and Development Orders were also established, allowing eligible people, including people experiencing homelessness, to satisfy their debt through unpaid work with an approved organisation or by undertaking certain courses, counselling, mental health or drug and alcohol treatment. Work and Development Orders, which were initially introduced as a pilot program, have now been made a permanent feature of the fines system in NSW.

### **Looking Forward**

The recent changes to the fines system are warmly welcomed, and we should acknowledge the efforts to date to better respond to the needs and circumstances of vulnerable people including people who experience homelessness. Nonetheless, further reform is needed to stop the significantly adverse impacts of penalty notices on this population.

The main ongoing concerns are: that warnings and cautions are not being issued in practice; that there is a poor relationship between homeless people and the State Debt Recovery Office; and that there is a lack of information publicly available about mitigation options as well as options for review. Improved collaboration and coordination between the legal and social service sectors working with people living homeless is also required so that the issue of outstanding fine debt can be more effectively identified and addressed.<sup>7</sup> The fundamental concern is that in reality, homeless people continue to have insurmountable fine debts.

The New South Wales Law Reform Commission Report 132 *Penalty Notices* recently reviewed and made recommendations in relation to the penalty notice system in New South Wales. A section of the Law Reform Commission Report focuses on homeless people and fine debt.

The Law Reform Commission made recommendations, which among other things would improve the issuing of cautions to ensure that homeless people are more often identified and dealt with by way of caution.<sup>8</sup> The recommendations also suggest improving the internal review process by providing training so that the issues confronting homeless people can be better understood by issuing agencies and reviewers.<sup>9</sup> In relation to homelessness, it was also recommended that a Penalty

Notice Advisory Committee be developed to advise the State Debt Recovery Office about issues affecting vulnerable people in relation to penalty notices.<sup>10</sup>

While reforms over recent years have resulted in a better deal for low-income fine recipients, advocacy groups are urging the current State Government to take note of these recommendations contained in the Law Reform Commission's latest report. The challenge going forward will be to continue to recognise the needs and circumstances of vulnerable groups to reduce the system's negative impact on disadvantaged groups. ■

### **Footnotes**

1. S Forell, E McCarron and L Schetzer, *No Home, No Justice? The Legal needs of Homeless People in NSW*, Law and Justice Foundation of New South Wales (2005) 106
2. Submission to Consultation Paper 10 from Legal Aid.
3. *Fines Act 1996 (NSW)* s19A
4. NSW Department of Justice and Attorney General, *Caution Guidelines Under the Fines Act 1996* 4.7(c).
5. *New South Wales Law Reform Commission Report 132—Penalty Notices* 13.13
6. *Fines Act 1996 (NSW)* s100
7. Westwood Spice, *PIAC Mental Health Legal Service Evaluation Report*, 2007, 32, 72
8. Note 5 at 7.4.
9. Note 5 at 7.7.
10. Note 5 at 18.



THE INNER CITY WEEKENDER FRIDAY, SEPTEMBER 9 2011

# NEWS | Local

## Paying his debt to society

Marrickville Legal Centre helps locals pay back their debts through community service

*With two years worth of debts to his name, a Dulwich Hill local uses community service to payback his fines.*

By SARAH MILLS

**F**or some people, paying off fines is just not possible, and for Dulwich Hill local, Domenic Kyriakos, this is all too familiar. Mr Kyriakos has had trouble paying off a number of traffic infringement fines over the past two years after becoming unemployed as a result of a work related injury. With mounting bills and \$5,000 owing to the State Debt Recovery Office, Mr Kyriakos came to the realisation that he would have to find some other way of breaking free of the fines and a potential loss of license. After three attempts on his own, Mr Kyriakos joined Marrickville Legal Centre's Fines Reform Program, applying for a Work and Development Order.

"It was such a difficult process, getting pushed back every time because I hadn't understood the way they asked some of the questions," he said. "The legal centre helped me fill in the form and it was only a couple of weeks until they signed me up for my first placement."

Under the Work and Development Order, Mr Kyriakos has undertaken

work as a cleaner, as well as setting up the library at Marrickville's Reverse Garbage.

In 2008, following a number of reviews and reports showing that the enforcement system works poorly for disadvantaged groups, the Attorney General at the time introduced the Fines Further Amendment Act to improve the system of court fines and penalty notices for vulnerable people - which the Work and Development Order falls under.

Principal Lawyer at Marrickville Legal Centre, Nassim Arrage, said the program is an important resource for disadvantaged members of the community to work off fines.

"When we talk about fines for homeless people or people with a mental illness we can be looking at an accumulation of debt between \$1,000 to \$20,000," Mr Arrage said.

"We have been running this program for two years now and it has proven to be a success.

"The work order itself is a very powerful tool for them as it is getting them involved in the community by paying off their fines in the form of volunteering for not-for-profit or charity organisations."

Pay off fines participant, Domenic Kyriakos, and Marrickville legal Centre's Principal Lawyer, Nassim Arrage.

**alternative Law journal**

Contact us About us Gallery

Home Publications News & Views Subscriptions Online Journal

**Young people and bail reform**

Emily Muir NEW SOUTH WALES

In June 2011, NSW Attorney General Greg Smith asked the NSW Law Reform Commission ("LRC") to undertake a comprehensive review of the *Bail Act 1978 (NSW)*. This inquiry, which was an election promise of Premier O'Farrell, is expected to result in "root and branch" reform of bail legislation.

The inquiry was prompted by the NSW Government's concern about the well-documented growth in the number of people on remand — that is, people who have been refused bail and are held in custody awaiting trial or sentence. One of the recognised causes of this increase is the large number of amendments to the *Bail Act* since its commencement, resulting in a much more restrictive law to bail.

The inquiry will examine and make recommendations on key matters including the factors that should be taken into account when determining a bail application, and the presumptions that should apply to applications by accused persons. The inquiry will also consider available responses to breaches of bail, and the desirability of current limitations on the number of bail applications that can be made by a defendant.

Crucially, the inquiry will examine whether the *Bail Act* should make a distinction between young people and adults, and whether special provisions should apply to young people. Reform of bail laws is particularly welcomed in the juvenile justice space where remand statistics are alarming. Recent studies have found that 50 to 60 per cent of young people in detention centres are held on remand, 85 per cent of admissions to detention centres are remand admissions, and approximately 84 per cent of young people remanded in custody do not ultimately receive custodial sentences.

The bail inquiry will also consider whether special provisions should apply to bail applications made on behalf of Aboriginal and Torres Strait Islander defendants. This is of critical importance given the gross overrepresentation of Indigenous people in custody, and Indigenous youth in juvenile detention.

Interested stakeholders have made submissions to the inquiry, which is being led by retired NSW Supreme Court Judge Hal Sperling QC. The LRC's final report to Government is expected by 29 February 2012.

NWS LRC's Discussion Paper: [http://www.lawlink.nsw.gov.au/lawlink/lrc\\_nsl/wfFiles/Questions\\_Paper.pdf](http://www.lawlink.nsw.gov.au/lawlink/lrc_nsl/wfFiles/Questions_Paper.pdf)

EMILY MUIR is Children's Solicitor, Marrickville Legal Centre, and Convenor, Youth Justice Coalition.

Cite as (2012) 37(1) ALJ 62

July 2012 Page 6

### LAW WEEK BBQ

Newtown Neighbourhood Centre's Law Week BBQ was held recently and the Newtown Police and Marrickville Legal Centre were there to support the initiative and provide important information about Domestic Violence and Apprehended Violence Orders.

Everyone enjoyed the live music, free BBQ and the opportunity to see some of the local police take on the challenge to become the next hula hooping champions.

Big thanks to all the services and attendees for contributing to such a great afternoon.

A just community that includes and acts

Published by Marrickville Legal Centre  
338 Illawarra Road, Marrickville Tel 9559 2899  
October 2012  
Marrickville Legal Centre graphic designed by Wendy Neill  
Production, design and layout: Mark West



**Published by Marrickville Legal Centre  
338 Illawarra Road, Marrickville  
Tel 02 9559 2899 Fax 02 9558 1213 October 2012**