

marrickville legal centre

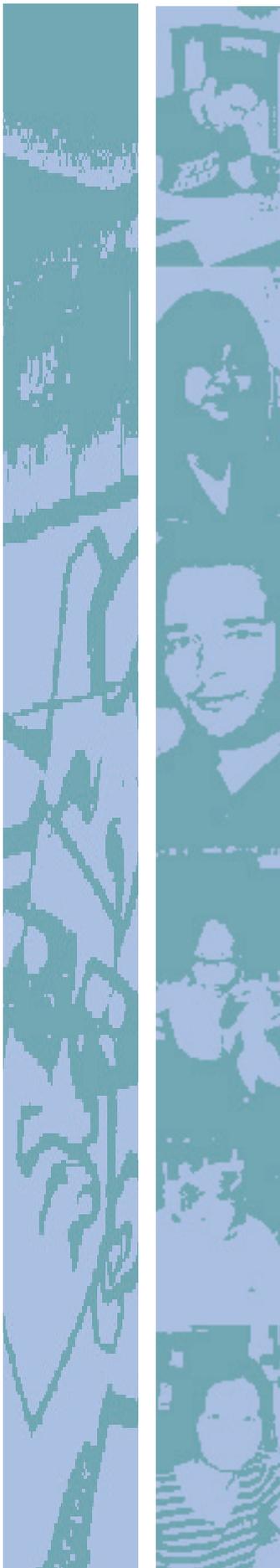
annual report 05/06

- * General Legal Service
- * Inner West Tenancy Service
- * Children's Legal Service
- * Newtown Domestic Violence Court Assistance Scheme



CONTENTS

Chairperson's Report	1
Coordinator's Report	3
Staff and Management Committee 2005/06	11
General Legal Service	13
Evening Advice Volunteers	22
Some Statistical Snapshots	26
Volunteer Voices	30
Children's Legal Service	33
Inner West Tenancy Service	40
Some Statistical Snapshots	48
Newtown Women's Domestic Violence Court Assistance Scheme	49
Administrative Services	61
Volunteer Voices	65
Profiles and Interview	68
Natalie Ross, Janet Loughman, Pip Davis	
Financial Report 2005/06	79
Media Contact	94



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CHAIRPERSON'S REPORT

1

I am delighted in my second year as Chairperson to report another successful year for the Marrickville Legal Centre (MLC). Our continued high level of performance reflects positively on the ongoing collaborative efforts of the Board, staff, volunteers and key stakeholders, in both connecting with, and in serving the legal needs of our community.

This Annual Report provides an informative, accurate and engaging overview of this collaborative effort, by focusing on the key objectives and performance of the MLC in 2005/2006. It highlights several noteworthy achievements, outlines the important services we provide, presents detailed statistical information on service delivery and provides detailed case histories, staff and volunteer profiles.

This reporting year saw the departure of longstanding staff members, Janet Loughman and Pip Davis, and of

Board members, David Hillard and Natalie Ross. The collective skills and dedication displayed by these individuals, and the outstanding contribution they provided to both the operation and management of the MLC will be sorely missed.

Over the last 12 years, my personal involvement within the MLC as a volunteer, Management Committee member and Director, has allowed me to build a true appreciation of the passion, commitment and diverse range of skills that our staff, volunteers and my fellow Board members bring to the MLC.

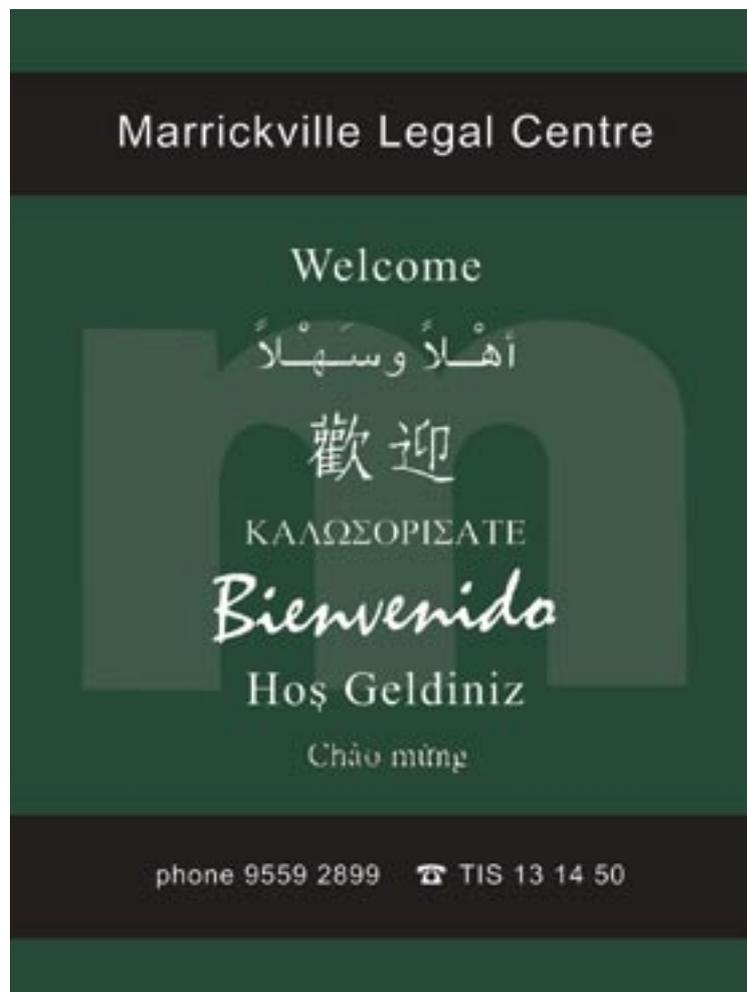
I wish to thank staff for their willingness to engage with the key issues facing both the MLC and the Community Legal Centre sector more generally, and for their strong and unwavering commitment to servicing the legal needs of the disadvantaged within our community.



I would also like to acknowledge the significant contribution that is made by our volunteer's in the delivery of legal services. This contribution has characterised the work of MLC since its inception in 1979, and is one of its key strengths in meeting future challenges.

In conclusion, I offer my warm appreciation and sincere thanks to my fellow Directors Noel O'Keeffe and Hannah Robert for the outstanding quality of their contribution and commitment throughout the year, and for the ongoing support and guidance they have offered me as Chairperson.

James Koulouris
Chairperson
Board of Directors





COORDINATOR'S REPORT

2

Marrickville Legal Centre has been operating for 27 years, and for 15 of those years Janet Loughman has been at the forefront of the work of the Centre. In September 2005, Janet resigned from her position as Principal Solicitor of the Centre to take up the role of Principal Solicitor at Women's Legal Services NSW. A profile of Janet's achievements is contained in an article elsewhere in the Report. I would also like to thank Pip Davis for her commitment and contribution to the Centre during the past 5 years. Pip has been the Generalist Solicitor at the Centre; she left in June 2006 to take up the role of Principal Solicitor at Hawkesbury Legal Centre. An interview with Pip can be found elsewhere in the Annual Report.

This year has been an extremely busy period for the Centre and this is clearly demonstrated by the activities covered in the Team Reports. Each of our teams has achieved remarkable

success over the 2005/2006 year. In addition to the work carried out at the Centre, the staff have been also been involved in negotiations concerning the Centre's Enterprise Agreement and the Restructure.

I would like to take this opportunity to thank all the staff of the Centre for their wonderful hard work and commitment to the Centre. I would also like to thank the volunteers of the Centre for their enthusiasm, energy and commitment.

Management Committee Members

For the period 1 July to the 24 October 2005, James Koulouris (Chair), David Hillard, Hannah Robert, Natalie Ross, with Pat Fleming, Natalie Silva and Gina Vizza (until September 2005) were on the Management Committee, and all stood down at or before the Annual General Meeting in October



2005.

James Koulouris (Chair), Hannah Robert, Noel O’Keeffe, David Hillard and Natalie Ross, with Natalie Silva on the management committee, came on to the Board at the AGM held on 24 October 2005. In January 2006 when David Hillard was appointed Pro Bono partner at Clayton Utz, he unfortunately had to resign his position on the Board, and Natalie Ross resigned in February 2006 due to over commitment and the pressures of work.

General Legal Service

The legal team have worked with sincere dedication throughout 2005/2006 to continue to provide this essential service to the clients of the Centre. Following Janet Loughman’s departure, Pip Davis and Emma Keir, as locum Principal Solicitors, have worked extremely hard to maintain the high standards of the legal practice and to uphold the reputation of Marrickville Legal Centre within the local community and the sector. The whole legal team, Pip Davis, Emma Keir, Margie Martin, Andrea Hadaway, Jo Kwan, Lisa Woodgate and John Gooley have endeavoured through their work to build on the legacy that Janet Loughman established at the Centre.

It is noted that the General Legal Service now covers a catchment area of 13 local government areas comprising of some 98 suburbs. Each year there is an increase in the number of suburbs within the

Centre’s geographic boundary and a corresponding increase in the number of people seeking to utilise the legal service.

This year the legal service provided legal advice assistance to clients on some 1200 occasions. The demand for evening appointments for legal advice continues to be high, with unfair dismissal, fines, credit and debt, motor vehicle regulatory matters, and employment law matters ranked as the top 5 legal issues during 2005/2006. The evening advice front desk volunteers and volunteer solicitors provide an invaluable service for clients at evening advice. Special thanks to all long standing volunteers, who include Rachael Callinan, Anne Day, Wayne Morrison, Anne Pridham, David Thompson and Nick Yetzotis.

In keeping with previous years, unfair dismissal employment matters continue to rank as the number one issue for clients seeking legal advice in 2005/2006, with employment matters comprising of 23% of overall advice provided. The introduction of the new industrial relations legislation had an immediate impact on the demand for employment advice, and in response, the Centre was able to operate a weekly employment clinic for a limited period. With the assistance of employment solicitor John Gooley, the Centre was able to provide specialist employment law advice to socially and economically disadvantaged clients of the Centre. Many thanks to John for his outstanding contribution to the work of the Centre and his generosity in providing so many hours of additional

pro bono assistance to clients, and thanks also to volunteers Nick Yetzotis, Jim Morton, Michael Green and Greg Sarginson for providing evening employment advice.

The commitment of the volunteer family law solicitors to the evening advice sessions ensures that the Centre is able to provide family law advice concerning children to people of disadvantage. Special thanks go to Anne Day, Brendon Noney, Wayne

legal education sessions within the community. In accordance with the Centre's strategic plan, the Service has been engaged in policy and law reform in response to issues arising from casework. Of particular note is the successful outcome in the McNamara case, which highlights the Centre's work in the area of public interest advocacy.



Morrison, David Thompson and Veronica Lavulo for their valuable assistance with the provision of family law advice.

The Legal Outreach at St George Migrant Resource Centre continues to increase access to legal advice by residents of St George area who are experiencing disadvantage. This successful service is made possible by the receipt of funds obtained by St George Migrant Resource Centre under the Clubs Grants Scheme.

The General Legal Service has also been active in undertaking community

Children's Legal Service

In December 2006, Julianne Elliott accepted the position of Children's Solicitor at the Centre. Julianne's dedication, enthusiasm and rapport with young people are a great asset to the Children's Legal Service.

The Children's Legal Service continues to provide invaluable legal assistance to young people across New South Wales. The Service identified a high demand for advice sought by young people in relation to criminal procedures, fines, Victims Compensation, Apprehended Violence Orders, complaints about



police and family law. There has been a corresponding demand for casework pertaining to fines and Victims Compensation matters.

The Service's focus on ensuring that young people and community workers have access to relevant legal information on issues affecting young people is highlighted by the number of community legal education workshops conducted throughout the year. The Children's Legal Service continues to play an active role in the area of law reform and policy work, through its involvement with the National Youth Advocacy Network and the Youth Justice Coalition, and participation in campaigns such as the Children in Detention Advocacy Project. The Service has also been active in contributing submissions to several law reform programs, which include a discussion paper on fines law reform (*Not Such a Fine Thing*), and the CCLCG Care and Protection Sub Committee Research Project on state-wide care and protection issues.

A special thanks to Kate Burns, Anne Healey and Sharron Norton for their contributions to the Children's Legal Service during this period.

Women's Domestic Violence Court Assistance Scheme

The 2005/2006 statistics show a 25% increase in individual clients assisted by WDVCS from the previous financial year.

Note that the 2004/2005 Annual Report reported a reduction in client numbers. A number of other schemes also reported a reduction in the volume of client contacts in the same period. An analysis of the 2004/2005 WDVCS statistics, indicate that there was an anomaly in the third quarter of the reporting period, with a reduction in clients for this quarter affecting the statistics for the period overall. During 2005/2006, client contacts exceeded previous reporting periods (2003/2004, 2004/2005), with WDVCS assisting 202 individual clients and providing 869 client contacts for these individual clients in this period.

The most recent report from the Bureau of Statistics shows that the Marrickville local government area was ranked as 6th within Sydney metropolitan region, and 49th within the State, in relation to the incidence of domestic assault incidents. These statistics highlight the prevalence of the problem of domestic violence within the local Marrickville area. The WDVCS plays a vital role in assisting women to access the legal process on apprehended violence matters. [Crime and Justice Bulletin No. 89 October 2005, Trends and patterns in Domestic Violence; NSW Bureau of Crime Statistics and Research 2004.]

Lee Taylor has done an excellent job in the role of WDVCS Co-ordinator. Lee has played an active role in assisting the WDVCS to operate at its full potential, by fostering good working relationships between the Court staff, and the police DVLO's, and promoting the recruitment, support and training of seconded workers from local services, and investigating new initiatives for the Scheme. The success of the work of the Scheme frequently relies on the support of these parties,



and during 2005/2006, the scheme has been assisted by the dedication of Cat Bartlett (DVLO), Peli Williams (DVLO) Virginia Spence (DVLO), and Leisa Flood (DVLO), and the wonderful support provided by seconded workers.

Throughout 2005/2006, the Scheme was fortunate to have Rachael Martin, from Warringa Baiya, on the roster each month to represent women at Newtown Court. Vaughn Rolls, who has long association with the Scheme, has continued to provide valuable support for the Scheme, by providing pro bono assistance with private AVO matters, attending AVO hearings and family law matters. We thank Rachael and Vaughn for their commitment and dedication. In May 2006, in response to the increased numbers at Newtown Court, a partnership was developed with Phillips Fox, to provide pro bono solicitors at Newtown Court on a fortnightly basis to represent clients on private AVO matters. This initiative will commence in July 2006, and will greatly assist the operation of the AVO court list at Newtown Court.

Toni Brown has achieved much success this year in her new role as CALD Access worker. Toni has been actively involved in a number of key projects during 2005/2006. Toni played a key role in the organisation of the Changes in Family Law and its Impact on Victims of DV forum held in December 2005. In April 2006, Toni organised and co-facilitated a training forum with Eileen Pittaway, on domestic violence in refugee communities. In March 2006, she assisted with the launch of Domestic

Violence – help with going to court’, a multilingual brochure translated into 15 languages that was produced by Legal Aid WDVCAAP. In 2005 she organised and co facilitated domestic violence and family law focus groups for the Indonesian community in partnership with the May Murray Neighbourhood Centre. During this period, Toni carried out regular community consultations and community information sessions.

In addition, Toni was involved with the preparation of written submissions including the Domestic Violence: CALD and NSW Police submission to the NSW Ombudsman.

The success of the work that Toni has undertaken during this period highlights the need for CALD Access workers at a local level, in order to build on established knowledge, network and referral system

Inner West Tenancy Service

The tenancy team have done a great job during the year, a special commendation to Eloise, Elizabeth and Felicity for all their hard work on behalf of tenants in the Inner West.

The Tenancy team continues to be extremely busy, and during 2005/2006 the Service provided assistance to over 1072 clients. In addition to the provision of tenancy advice and assistance with preparation to the Consumer Trader and Tenancy Tribunal (CTTT) for all tenants within the catchment area, a primary focus of the Service is on the provision of extended casework assistance with self advocacy, advocacy



and representation in the CTTT for disadvantaged English speaking clients and disadvantaged CALD clients.

The case studies highlight the particular problems that disadvantaged English speaking clients and disadvantaged CALD clients experience in relation to tenancy matters.



During this period the Service represented 78 clients at the CTTT, and the Service commenced providing a Duty Advocacy Service at the Sydney Registry of the CTTT in April 2006. The Service continues to operate the Tenant's Hotline Service each week, with the invaluable assistance of the volunteer tenancy hotliners.

Overall, the service has noted an increase in the number tenants within the Inner west who have faced eviction as a result mortgagee repossessions. There has also been an increase in the number of elderly, long term tenants,

who do not meet protected tenancy criteria, facing eviction as a result of the sale or redevelopment of properties or large rent increases. These trends would appear to be indicative of related socio economic changes within the Inner West.

In order to provide tenancy information for community workers,

tenants and boarders and lodgers, the Tenancy Service has conducted community legal sessions on tenancy matters throughout the year, with regular sessions at refuges focussing on domestic violence and tenancy. A series of workshops have been conducted with a focus on specific culturally and linguistically diverse groups within the community.

Administration

The administration team have had an extremely busy year, as the client statistics show. The front desk reception, vital to the running of the Centre, continues to play a crucial role in assisting the Centre's clients and providing referrals for many other members of the community. The front desk reception staff and volunteers



bring skills, training and energy to the work of the Centre. Maria, who for many is the public face of the Centre, will have achieved her 10 year Anniversary in August 2006. Maria's wealth of knowledge and experience are a priceless asset for the Centre and its clients.

The Administration team have worked effectively and efficiently to ensure that the administrative, financial and reporting functions of the Centre are carried out successfully. Special thanks to Cecilia Urbina, for her work as financial administrator during 2005/2006. I would like to take this opportunity to thank Katrina Harrison for her positive contribution to the Centre during the 5 years that she was Co-ordinator at MLC.

Combined Group and National Association

Marrickville has been involved with the NSW Combined Community Legal Centres Group. Katrina Harrison was active with the Board and committees of the CCLCG. Margaret Martin was co-convenor of Community Legal Education Network. MLC Participated in CCLCG Review Working Party and other public interest working parties. The Centre continues to be well represented at quarterly meetings and Emma Keir was on the organising Committee for the 2006 National Conference.

Inner Sydney Group

The Inner Sydney Group, which comprises of Marrickville, Redfern, Inner City and Kingsford Legal Centres meets on a regular basis. Katrina Harrison was the Marrickville representative on this group until late 2005, and since that time Andrea Hadaway has attended meetings. The group has organised a number of community legal education forums and other activities throughout this period.

Access and Equity

Marrickville Legal Centre operates within the objectives outlined in the Centre's Strategic Plan. The Centre demonstrates our commitment to access and equity principles in a number of ways:

Provides relevant training to volunteers on access and equity principles in accordance with Centre policy.

Inner West TAAP Service conducted a Tenancy outreach service at Summer Hill Community Centre

Inner West TAAP service undertook regular community legal information workshops eg refugees

Inner West TAAP Service assists people who are unable to leave their homes and undertook 41 home visits.

The Legal Service also provides home or hospital visits where the need arises.



Regular attendance at community forums, cross agency referrals eg refugees, youth organisations, St George Ethnic Services Interagency and Marrickville Ethnic Communities Committee

Regular dissemination of translated resources at community events eg Marrickville Festival

Conducted legal Outreach Clinic at St George Migrant Resource Centre

Undertakes bi weekly daytime appointment sessions to provide access for people with disabilities, carer responsibilities and the elderly.

DVCAS organised cross cultural training with a specific focus on new settler and emerging communities for DVCAS seconded workers, police and Court staff.

Networking

The Centre continues to play an active role networking within the community and all the reports provide details of the networking in which each team has been involved in. Katrina Harrison as Co-ordinator attended the Marrickville Ethnic Communities Committee, St George Ethnic Services Interagency, Inner West Ethnic Network and regularly participated in other network forums.

Volunteers

Volunteers founded Marrickville Legal Centre, and all the volunteers of the Centre continue this 27 year tradition. The Centre relies on the contribution of volunteers to facilitate the service provided to clients. Each

year as the work of the Centre increases we have been lucky that the number of volunteers has increased exponentially, the number of daytime volunteers has more than doubled during 2005/2006. Maria says she doesn't know how the Centre could manage without the work of the volunteers, as the volunteers inject energy and enthusiasm and commitment to the work of the Centre. The evening advice sessions rely heavily on the commitment of solicitor and front desk volunteers. The Tenancy service is ably assisted by the Tenancy hotline volunteers. The staff of the Centre applauds all the volunteers for their wonderful dedication and service.

Post Xmas Party

The Centre held the annual post Christmas party in the bistro garden of the Exchange Hotel Marrickville, on Friday 10 March 2006. This annual event is organised to show appreciation for the many volunteers who generously give their time to assist the work of the Centre throughout the year. The weather proved to be perfect for an outdoor evening party and the many volunteers and staff members who attended enjoyed the ambient atmosphere of the event. During the evening there was a special toast and gift ceremony to thank Natalie Ross, member of the MLC Board since 2002, for her contribution to the Centre.

The distinctive post Xmas party invitation was designed by Chispa Flaskas.

STAFF and MANAGEMENT COMMITTEE 2005/06

3

Staff Members 2005/ 2006

Legal Team

Janet Loughman
Principal Solicitor
(2005 on leave – resigned
effective 7 November 2005)

Pip Davis
Generalist Solicitor
(On leave 12 September 2005
until resignation 23 June 2006)
Principal Solicitor (locum)
(January 2005 until January
2006, solicitor on the record
until 6 February 2006)

Emma Keir
Generalist Solicitor (locum
January 2005 until January
2006)
Principal Solicitor (locum
January 2006 – current)

Margie Martin
Pt Generalist Solicitor
(April 2006 on leave to date)

Andrea Hadaway
Generalist Solicitor (locum)
(March 2006 – current)

Jo Kwan
P/t Generalist Solicitor (locum)
(May 2006 – current)

John Gooley
Employment solicitor (locum)
(March 06 to July 06 and volunteer from July
06 to current)

Lisa Woodgate
Generalist solicitor Locum (September
2005 to January 2006)
Tenant advocate Locum (July 2005 to April
2006)
Co-ordinator Locum (January 2006 to
current)



Children's Legal Service

Julianne Elliott
Children's Solicitor

Maria Elena Ang
(Information and Referral officer)

Tenancy Team

Cecilia Urbina
Financial Administrator

Eloise Finlay – Tenancy Advocate

Pauline Sazdanoff (locum)
Information & Referral Officer (March 2006)

Elizabeth De Freitas – Tenancy Advocate

Felicity Johnson – Tenancy Advocate & Access worker

Management Committee Members 2006/06 AGM 2005

Tenancy Locums 2005 to 2006:

Hazel Blunden (locum)
Mary Flaskas (locum)
Sophie Grieve (locum)
Carmen Jauregui (locum)
Stephen Jiao (locum)
Julia Murray (locum)

James Koulouris Chair
Hannah Robert – Secretary/Public Officer
Noel O'Keeffe
David Hillard – (until February 2006)
Natalie Ross (until February 2006)
Natalie Silva

Newtown DVCAS

Lee Taylor – Co-ordinator DVCAS

Toni Brown – CALD Access Worker

Anne Pridham (locum)
Acting Co-ordinator DVCAS (February 2006 – May 2006)

Administration

Lisa Woodgate
Co-ordinator Locum (current)

Elizabeth de Freitas
Acting Co-Coordinator (January to April 2006)
Finance Administrative Assistant (P/t Locum) (November 2005 to February 2006)



THE GENERAL LEGAL SERVICE

4

Marrickville Legal Centre has provided a General Legal Service to the local community of the Marrickville Local Government and surrounding areas for 27 years. During the past year we continued to adopt a strategic approach to legal service delivery combining the provision of free legal advice and targeted casework, with community legal education and law reform & policy work. Our appearance in the case of *McNamara v RTA and Anor* in the High Court of Australia was a highlight of the year, and the result was a credit to the lawyers and caseworkers involved in the matter over the many years it was litigated.

The year saw the departure of our longstanding Principal Solicitor and Children's Lawyer, and 2005 Justice Medal recipient, Janet Loughman. A special tribute to Janet's work and the contribution that she made to the Centre over the years, significantly in

the area of children's rights, can be found elsewhere in this report.

Our Clients

The General Legal Service aims to assist people in our community who experience barriers in accessing legal services. Our client base consists of people from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander people, and people who have difficulty accessing legal services due to mental illness, disability, social and/or economic disadvantage.

During the year we continued to provide an Outreach advice service at the St George Migrant Resource Centre. Providing that service has assisted us in our aim of increasing access to legal advice and information for the variety of ethnic communities that reside in the Rockdale/St George local government areas.



This year the General Legal Service provided legal advice and assistance to clients either face-to-face, by telephone, or in writing, on nearly 1200 occasions.

Staff

The following lawyers staffed the General Legal Service this year:

o **Janet Loughman** took leave from her position as Principal Solicitor of the Centre to work as the locum Director at Kingsford Legal Centre. She resigned from in September 2005. Janet is now the Principal Solicitor of Women's Legal Services NSW.

o **Pip Davis** acted in the position of Principal Solicitor until January 2006. She took leave to work as locum Principal Solicitor at Hawkesbury-Nepean Legal Centre from September 2005, and remained as solicitor on the record until early 2006. Pip resigned from her permanent role as full time generalist solicitor in June 2006, when she was appointed to the permanent position of Principal Solicitor at Hawkesbury-Nepean LC.

o **Emma Keir** worked in the role of full time locum solicitor, undertaking casework in both the General and Children's Legal Services. She has been acting in the position of Principal Solicitor since January 2006.

o **Margie Martin** is our long-standing part time generalist solicitor. She has been on leave since April

2006.

o **Andrea Hadaway** commenced in the full-time generalist solicitor position in a locum capacity in March 2006.

o **Jo Kwan** commenced working as a part-time solicitor as Margie's locum in May 2006.

o **John Gooley** worked as a casual employment law solicitor for the first half of 2006.

o **Lisa Woodgate** worked as a locum generalist solicitor for a period in late 2005.

The Evening Advice Service

The General Legal Service provides an evening advice service on Tuesday and Thursday evenings between 6:00 pm and 9:30 pm. These advice sessions are staffed by volunteer solicitors, barristers and assistants who are supervised by solicitors from the Centre's General and Children's legal services.

The sessions aim to provide advice, information and basic assistance in general civil law disputes, minor criminal matters, as well as in the areas of employment and family law. The types of civil matters dealt with include victims compensation, discrimination, credit and debt, motor vehicle property damage, and complaints about professionals and government organisations. Family law appointments are provided on Tuesday



evenings on a fortnightly basis, and employment advice is provided on Thursday evenings.

Demand for employment law advice has traditionally been quite high and, with the advent of changes to Industrial Relations legislation, that trend continued during the year. In order to accommodate the most disadvantaged of our clients, and to minimise the pressure that this high demand was placing on the service, we limited appointments in employment matters to those people who were earning less than \$55,000 pa. or who were more likely to experience difficulties representing themselves due to language, mental illness or age. These limits do not apply to employment matters concerning discrimination. With the assistance of employment lawyer John Gooley, we were able to provide targeted casework and representation to significantly disadvantaged clients in a range of employment related disputes.

In addition we have always experienced a large demand for family law advice. We prioritise matters concerning children, and clients who are likely to experience difficulties representing themselves due to language, mental illness, age, and other factors.

The evening advice sessions are aimed at providing clients with basic advice and information in order to assist them to solve their legal problem. We also provide direct assistance, for example, by explaining the meaning of a legal document, or writing a letter for the client to sign and send to the other party. We may also assist the

client to complete an application for legal aid or pro bono assistance.

In some cases it may be appropriate for the General Legal Service solicitors to follow up the case referred by the evening volunteers or it may be appropriate to provide on-going assistance or representation in a particular matter. The decision to follow up and give on-going assistance will depend on the needs of the client and the nature of their legal problem, as well as the resources and capacity of the service to take on a new matter.

The evening advice sessions are an integral part of the work of the Centre and they inform every sphere of the Centre's operations. The sessions are also a means by which the Centre identifies particular problems within the community that then become the basis of campaigns for reforms and community legal education forums.

Daytime Appointments

Daytime appointments are offered on alternate Monday mornings and Tuesday afternoons to clients with domestic violence, sexual assault, victim's compensation matters, and in cases where there are exceptional circumstances, or for those clients who are restricted in their ability to attend the Centre at night.

During the first half of 2006 we provided an employment advice clinic each Thursday morning, in order to attempt to address the increased demand for employment law advice



and to assess the impact of legislative changes.

Legal Outreach Clinic – St George Migrant Resource Centre

During the year we continued to provide an Outreach Legal Advice Service at the St George Migrant Resource Centre (SGMRC), which in part is funded by Club Grants obtained by the SGMRC. The Outreach service commenced in February 2005 and was well-received by the local community, including other service providers. The need for additional legal services in the St George area was initially identified through our involvement with various networks including the Ethnic Services Interagency. The demand for the service from the local ethnic communities has remained strong.

Appointments are provided every fortnight on Monday afternoon at the SGMRC in Rockdale. There are 4 appointments available during each session, and advice is also provided on a drop-in basis when time permits. Advice, information and referral is provided in a range of areas including domestic violence, complaints about police and other government organisations, discrimination, fines, credit and debt, consumer complaints, motor vehicle accidents (property damage), employment and family law (children's matters). There has been a significant demand for family law advice through this service.

The Outreach advice service has generally been well-attended, although

at times the number of clients has dropped-off. Following discussions with the staff at SGMRC, the service was promoted through the local ethnic media which resulted in an increased number of clients utilising the service. It has increased access to legal assistance for residents of the St George area who are experiencing disadvantage, in particular people from culturally and linguistically diverse backgrounds, people with disabilities and single mothers who have difficulty travelling to Marrickville to attend our evening advice service. It has also been an effective means of better engaging with our local community.

Casework

We have undertaken a significant amount of casework during the past year. Our on-going casework is derived mostly from our evening sessions and daytime appointments. We do not apply a rigorous means test, however a client's financial circumstances are taken into account in considering on-going casework or representation. We also consider whether it would be more appropriate to refer the client to another organisation, a private solicitor or Legal Aid, before deciding to offer on-going assistance. We have been successful in securing representation for several clients through the pro-bono programmes conducted by the larger private law firms, particularly in matters of victim's compensation, local court debt recovery, and unfair dismissal. In particular we would like to thank Clayton Utz and Blake Dawson Waldron for kindly accepting numerous victim's compensation



referrals during the year.

Over the year the General Legal Service has provided assistance and representation to clients with a variety of legal matters, including debt, fines, insurance complaints, police complaints, consumer complaints and minor criminal matters. We continue to target our casework towards assisting clients applying for victim's compensation as a result of domestic violence or sexual assault, and for clients experiencing discrimination (especially in the course of their employment).

We would like to acknowledge and pay special tribute to the following Barristers who have kindly donated many hours of pro bono assistance to the Centre and our clients over the year: Neale Dawson, Ingmar Taylor Simeon Beckett and Anne Healey.

evening advice sessions, and locum assistance. A number of matters were able to be resolved between our client and employer through brief assistance from the Centre, and other clients were assisted to self-advocate in the relevant Tribunal.

Following are some brief examples of notable cases where we achieved significant outcomes for our clients:

Case Studies

Employment Law

Prior to the commencement of the Federal Government's WorkChoices legislation at the end of March 2006, we witnessed a rise in the number of inquiries regarding employment related matters. This was consistent with heightened publicity and community discussion about WorkChoices and the effect of the Government's legislative changes. We addressed this increased demand during this early period by appropriate resource re-allocation and more immediate access for clients, including telephone assistance in advance of



access

Unfair Dismissal

G was a young female retail assistant in a small business, who was summarily dismissed prior to WorkChoices, without sufficient reason. The employer made allegations that G owed a debt to the business. G came to the Centre seeking advice about how to respond to the letter of demand that she received from the employer. We provided G with advice about filing a Defence in the Local Court and we also advised her to lodge an unfair dismissal claim. Upon realising that unfair dismissal proceedings were about to be commenced against him by G, the employer commenced legal proceedings against G in the Local Court alleging that G owed the employer a debt. We subsequently represented G in both matters and they were resolved in G's favour – the Industrial Relations matter was resolved by way of monetary compensation and Deed, and the Local Court claim was discontinued with a costs order against the employer.

Victim's Compensation

We represented E, an Aboriginal woman who was the victim of severe domestic violence over an extended period, in her application for victims compensation. E was awarded the maximum amount of compensation available to victims claiming the category of "domestic violence".

justice law reform

Debt

J was a homeless gentleman who was being chased by a mobile phone service provider for a small debt. We negotiated with the creditor on J's behalf and secured a reduction of the debt by nearly 75% and a payment plan that J was able to comply with.

Disability Discrimination in Employment

T was a young female childcare worker with dyslexia, who was dismissed just 6 weeks into her employment with a non-profit Child Care Centre. T filed proceedings in the Anti-Discrimination Board alleging that she was discriminated against because of her disability. No steps were taken by the employer to adapt the workplace to accommodate T's disability, and in fact T purchased her own equipment to assist her in writing and producing reports. T came to the Centre outside the 21-day limitation period for commencing an unfair dismissal claim. We represented T at the ADB Conciliation where a resolution was achieved to T's satisfaction. Unfortunately, the employer failed to comply with the Terms of the Deed and we assisted T in her application to the Administrative Decisions Tribunal to enforce the settlement – those proceedings resolved favourably to our client.



Policy and Law Reform

Marrickville Legal Centre adopts the Strategic Service Delivery Model when providing legal services, by actively pursuing policy and law reform activities in conjunction with providing advice and casework assistance. Our policy and law reform activities over the last year comprised providing submissions to public inquiries, and lobbying for change to legislation and government procedures that impact inequitably upon persons experiencing disadvantage. Our strategic casework in particular, assists us to identify the latter. We engage in policy and law reform independently as a Community Legal Centre, and also in collaboration with the Combined Community Legal Centres Group (CCLCG), the National Association of Community Legal Centres, and our other networks.

Employment and WorkChoices: we contributed to the CCLCG submission to the NSW Parliamentary Inquiry into the Impact of WorkChoices. John Gooley, along with employment lawyers from other CLCs, gave evidence at the committee hearings. The Committee is due to report later in 2006.

Fines: both the General and Children's legal services have been involved with law reform activities in the area of fines. We worked in partnership with the Homeless Person's Legal Service, and other community organisations, to develop a Discussion Paper which identified aspects of the NSW fines system which have a particularly harsh impact upon young people, Aboriginal

and Torres Strait Islander people, the homeless and people with mental illness. The paper also presented a series of options for reform.

Community Legal Education

The General Legal Service has continued its on-going commitment to providing targeted and relevant community legal education. During the year we provided CLE sessions to community groups and workers, client groups, and to our exceptional team of volunteers. Margie was the co-convenor of the CCLCG CLE network during the early part of the year.

The Centre as a whole again participated in the presentation of our series of workshops for community workers. This year our series included sessions on Child Support, Older Women and the Law, Young People's Rights in Education, Tenancy, Making Complaints About Police, Domestic Violence, Navigating the Family Law System, Legal Problem Solving and Referral, Victims Compensation, Domestic Violence Provisions in the Migration Act.

During the year we provided a CLE on Wills and Powers of Attorney at Marrickville Community Health Service. We also conducted a session at the NSW State Conference, aimed at introducing new community legal centre workers to the work of CLCs, the role of CLCs and how we differ from the function and structure of the Legal Aid Commission of NSW.



We provided victims compensation training for volunteer lawyers of the Homeless Persons Legal Service. In addition, we presented general legal information and referral sessions to two separate groups of migrants at St George Migrant Resource Centre – newly arrived Chinese speaking migrants, and a group of older Arabic speaking women.

The General Legal Service provided training and ongoing support to solicitors from Clayton Utz, Blake Dawson Waldron and Gilbert + Tobin in the area of victims compensation. The objective is that these firms will take referrals from Marrickville Legal Centre and other community legal centres in order to meet the overwhelming demand for representation for victims of crime especially those victims of domestic violence and sexual assault.

Pip was a member of the Steering Committee for Kingsford Legal Centre's DVD project. The project involved the production of a DVD for community workers, students and volunteers, explaining the different types of agencies available for referral. Emma made her debut DVD appearance in a scene shot at Marrickville Legal Centre. The DVD was shown at the 2005 State Conference and is to be officially launched later this year. The second stage of the project involves the development of a kit to accompany the DVD. The kit has further information on making legal referrals – we provided material and exercises that we had previously developed for our CLE program for community

workers on making appropriate legal referrals.

During the year we also updated our well-renowned “Do-it-Yourself” Kits – the Car Crash Kit, Debtor's/ Creditor's Kit, Enforcement Kit, with the assistance of our daytime volunteers. The Kits were initially developed some years ago and the Kits were updated to reflect changes to the jurisdiction of the Local Court, as well as the provisions of the new Uniform Civil Procedure Rules. They are well-utilised by volunteer solicitors during our evening advice sessions. We also updated our “Volunteer Advice and Casework Manual - ‘The Kit’” - we would like to take this opportunity to thank Gilbert & Tobin for their generous assistance in printing and binding 100 copies of The Kit.



Evening Advice Volunteers

Once again we would like to express our sincere appreciation to our wonderful team of volunteers for their hard work and dedication to the Centre and our clients. Our volunteer assistants, solicitors and barristers, have displayed an exceptional commitment to our evening advice service, and without their assistance we would not be able to meet the demand for our services. Our volunteers attend our evening advice sessions either once per fortnight, or on a monthly basis, to provide assistance and advice to our many and varied clients.

A list of volunteer solicitors, barrister and assistants who have provided invaluable support to our evening advice roster over the year 2005/06 can be seen on the next page.

A special thank you to our longest serving 2004/05 volunteers – Rachel Callinan (nearly 5 years), Anne Day (5 and a half years), Wayne Morrison (over 7 years), Anne Pridham (5 and a half years), David Thomson (5 and a half years), Aziza Lai (5 and a half years), Nick Yetzotis (9 years).

We would also like to thank Gilbert & Tobin for providing us with 1 or 2 solicitors for each of our evening

advice sessions. An extra thank you also goes to Tanya Skleplic for co-ordinating the Gilbert & Tobin volunteer solicitors.

We would also like to convey our thanks and appreciation to David Hillard and Belinda Abey of Clayton Utz, Anne Cregan of Blake Dawson Waldron, and Michelle Hannon of Gilbert & Tobin for all of the advice, guidance and assistance that they have provided to us throughout the year. We especially thank them for providing pro-bono representation to clients whom we have been unable to represent.

Last, but by no mean least! We would to thank and acknowledge the expert assistance provide by barristers Steven Churches SC and Simon Ower, who guided our client Ms McNamara towards a win in the High Court in September.



Evening Advice Volunteers – 2005/06

Di Anagnos	Michael Easton	Peter Jones	Annabel Murray	David Thomson
Cameron Andrews	Graeme Edgerton	Daniel Kelly	Brendon Noney	Noelle Tin
Ailsa Bailey	Hubert Feng	Stacey Kelly	Sri Ogden	Emma Toohey
Elise Ball	Justine Field	Fergus Kennedy	George Papanikitas	Thu-Trang Tran
Jennifer Barron	Antonia Fontana	Megan Knight	Anne-Marie Paterson	Suraya Turk
Poulad Berenjforoush	Simon Fung	Peter Krockenberger	Christina Perham	Peta Whalan
Jessica Brown	Emma Golledge	David Kwok	Anne Pridham	Madura Wijewardena
Jonathon Callaghan	Ricardo Gonzalez	Aziza Lai	Hannah Robert	Nick Yetzotis
Rachel Callinan	John Gooley	Benjamin Lau	Antonia Rose	
Lillian Chan	Erin Gough	Veronica Lavulo	Randa Salama	
Tony Chow	Michael Green	Julia Lines	Greg Sarginson	
Ben Cochrane	Ramani Gunasekera	Daniel Lloyd	Abigail Shelley	
Paul Constable	Nadya Haddad	Roza Lozusic	Pam Sidhu	
Michael Cooley	David Harradine	Kevin Lynch	Brae Sinclair	
Joe Daniel	Lachlan Hespe	Rob Macredie	Tanya Skleplic	
Anne Day	Ruth Higgins	Amelia Meers	Simon Snow	
Andrew De Celis	Cuong Hoang	Rebecca Moore	Lucas Sork	
Golda De la Cruz	Jane Hogan	Tibby Morgenstern	Caroline Spruce	
William Dermody	Sam Indyk	Wayne Morrison	Meena Sripathy	
Julian Dight	Laura Iskander	Jim Morton	Andrew Stewart	



‘McNamara v RTA and Anor’

“Roads and Traffic Authority, Not the Crown!”*

By Philippa Davis

On 29 September 2005 the High Court of Australia delivered judgement in the case of *McNamara v RTA*. Marrickville Legal Centre acted for tenant, Jill McNamara, in her case involving the rights of protected tenants in NSW. By a 5-1 majority, the Court allowed our client’s appeal and held that the RTA is not entitled to the statutory rights and immunities of the Crown in all its functions, and could not escape the operation of the New South Wales legislation covering landlords and tenants.

Background

In October 2000 the Roads and Traffic Authority of NSW (RTA) as landlord attempted to evict Ms McNamara from the house she had rented since 1981 by serving a 60-day termination notice. When Ms McNamara failed to comply with the notice, the RTA applied to the Consumer, Trader and Tenancy Tribunal (the Tribunal) for an order terminating the agreement and an order for vacant possession of the premises.

Ms McNamara argued that the Tribunal lacked jurisdiction to hear the landlord’s application because she was protected by the Landlord and Tenant (Amendment) Act 1948. The 1948 Act applies where the property was built before 1954, the tenant moved in before 1986 and no lease was registered with the Rent Control Office. While protected tenants can still be evicted, there has to be ‘good reason’ for the eviction thereby affording stronger protection to these tenants than those covered by the Residential Tenancies Act which allows a landlord to serve a ‘no cause’ termination notice at the end of a fixed term tenancy.

In response the RTA claimed that it is ‘the Crown’ and therefore immune from the provisions protecting tenants in the Landlord and Tenant (Amendment) Act 1948.

The Tribunal found that the words in the RTA’s head legislation, the Transport Administration Act 1988 – that the RTA was a body corporate representing the Crown for the purposes of any statute – meant that it was the Crown for the purposes of the 1948 Landlord and Tenant (Amendment) Act. In coming to its conclusion the



Tribunal rested on *Wynyard Investments*, a 3 to 2 decision of the High Court in 1955, which determined that the Railways Commissioner, with similar words supporting him, was the Crown for the purposes of the 1948 Act.

The Appeals

Ms McNamara appealed the Tribunal's decision to the NSW Supreme Court and then the Court of Appeal. In February 2005 she was granted Special Leave to appeal to the High Court with a hearing date in May 2005 in Canberra, during which the Court heard full argument from the parties on the subject of whether *Wynyard* was still good law.

Success!

On 29 September 2005 the High Court handed down its judgement, allowing Ms McNamara's appeal by a 5-1 majority, and remitting the matter to the Consumer, Trader and Tenancy Tribunal to be determined according to law. Ultimately, the matter was formally dismissed by the Tribunal on 23 November 2005.

In practical terms, Ms McNamara was spared an eviction and, just as in the movie 'The Castle', with which so much of this case resonates, she is entitled to remain in her home.

Whilst this case was instrumental in upholding the particular right of our client to remain in her home, it also provided the opportunity to effect the rights of other protected tenants in NSW and more generally to provide some clarification on the contentious issue of crown immunity. It was also an opportunity to demonstrate the work of community legal centres in undertaking public interest test cases whilst representing the interests of disadvantaged and marginalised people in our communities.

Congratulations to Pip, Janet, Peter Mott and the Centre's tenancy caseworkers involved in the matter over the last 6 years!

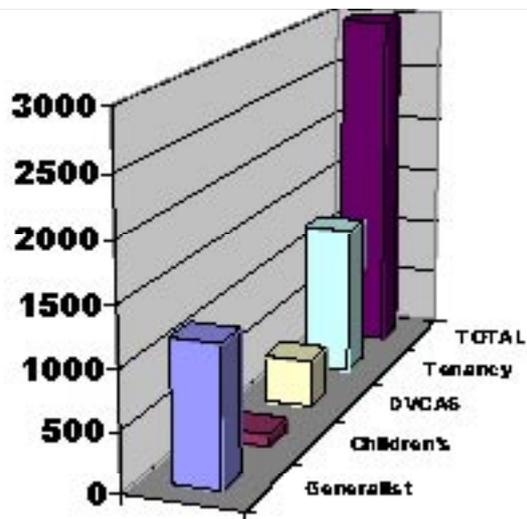
McNamara (McGrath) v Consumer Trader and Tenancy Tribunal [2005] HCA 55 (29 September 2005). For the full text of the High Court judgement see: <http://www.austlii.edu.au/au/cases/cth/HCA/2005/55.html>.

* This is an edited version of an article that was originally printed in the Tenants News, Tenants Union of NSW, Issue 80, December 2005.



Some Statistical Snapshots

MLC Services Advice Summary



 Generalist	1186
 Children's	105
 DVCS	405
 Tenancy	1293
 TOTAL	2989



Centre Activity Snapshots 2005/06

1. Total Number of clients	2258
New clients	1911
Repeat clients	244
Existing clients	103
2. Total Information and Referral Activities	2936
4. Total Cases Opened During Period	314
5. Total Cases Closed During Period	204

CS2 CLIENT SATISFACTION REPORT - ADVICE AND CASEWORK - CLIENT CHARACTERISTICS - EFFECTIVENESS ISSUES

Client Characteristics (b)	Proportion of clients expressing satisfaction (%)				
	Explanation to client	Getting to the centre	Responsiveness	Treatment of client	Usefulness of assistance
Males	100	100	90.91	100	100
Females	100	100	100	100	100
Under 18 years	0	0	0	0	0
18-34 years	100	100	90	100	100
35-49 years	100	100	100	100	100
50-64 years	100	100	100	100	100
65 and over	0	0	0	0	0
Used an interpreter	100	100	75	100	100
Did not use an interpreter	100	100	100	100	100
Indigenous	100	100	100	100	100
Non-indigenous	100	100	95	100	100
Has a disability	0	0	0	0	0
Does not have a disability	100	100	95.24	100	100



Top Twenty Legal Problems for 2005/06 (Generalist)

- 1. EMPLOYMENT - UNFAIR DISMISSAL**
- 2. FINES**
- 3. CREDIT and DEBT OWED BY CLIENT**
- 4. TRAFFIC OFFENCES**
- 5. EMPLOYMENT – OTHER ISSUES**
- 6. INJURIES (or VICTIM’S) COMPENSATION**
- 7. MOTOR VEHICLE PROPERTY DAMAGE**
- 8. MOTOR VEHICLE ACCIDENT**
- 9. CONSUMER COMPLAINTS - LEGAL/SOLICITORS**
- 10. DISCRIMINATION – OTHER ISSUES**
- 11. CREDIT and DEBT OWED TO CLIENT**
- 12. CHILD CONTACT or CONTACT ORDERS**
- 13. OTHER CIVIL**
- 14. EMPLOYMENT – CONDITIONS/ENTITLEMENTS**
- 15. CHILD RESIDENCY**
- 16. INJURIES – OTHER**
- 17. NEIGHBOURHOOD DISPUTE**
- 18. CONSUMER COMPLAINTS – FINANCIAL/INSURANCE/
SUPER**
- 19. FAMILY or DOMESTIC VIOLENCE ORDER**
- 20. FAMILY or DOMESTIC VIOLENCE**



Clients' Top Ten Countries of Birth (After Australia)

- 1. China**
- 2. Vietnam**
- 3. England**
- 4. India**
- 5. Lebanon**
- 6. New Zealand**
- 7. Philippines**
- 8. Egypt**
- 9. Former Yugoslav Republic of Macedonia**
- 10. Fiji**

Main Languages Spoken at Home by MLC Clients (After English)

- 1. Mandarin**
- 2. Arabic**
- 3. Vietnamese**
- 4. Spanish**
- 5. Hindi**
- 6. Tagalog (Filipino)**
- 7. Cantonese**
- 8. Greek**
- 9. Macedonian**
- 10. Portuguese**



5 VOLUNTEER VOICES

Jessica Brown (Solicitor)

I have volunteered at Marrickville Legal Centre since October 2005. I started volunteering because I live in the Marrickville area and I wanted to use my legal skills to assist the local community. It is also a refreshing change from assisting large insurance companies during the day! I've really enjoyed meeting clients on Thursday nights and helping them understand and resolve their legal problems. Everything from fines to building complaints to debts to banning from shopping centres. I have learnt a lot over the last year and hope to continue volunteering into the future.

Peter Jones (Solicitor)

I have been a volunteer at MLC since 2002, and have thoroughly enjoyed having an opportunity to give something back to the community. The variety of issues arising from evening advice sessions is nothing short of incredible. It may sound cliched, but the ability to help real people with real problems - where the potential adverse impact can be dramatic - is incredibly rewarding, and provides a strong counterpoint to commercial law practice. It is too easy to become isolated from those legal concerns that impact on the community.



David Thomson (Solicitor)

I have been a volunteer solicitor at the Tuesday evening sessions of Marrickville Legal Centre for some years and find the experience enlivening and of course, hopefully beneficial to the Centre's clients. The experience on volunteer nights can be quiet or hectic with matters ranging from traffic infringements, traffic accidents, to harassment at work, family matters, AVO's and personal injury. Being a former Deputy Registrar at the Family Court and in recent years a corporate solicitor in possibly a more sedate atmosphere of working in the city, the experience at night can be sometimes a little overwhelming especially when a clients' family also arrives and persons are somewhat emotional. I enjoy the experience, recommend the experience and enjoy the company of legal colleagues on these nights, as well as of course the Centre's yearly New Years' get-together in February. Congratulations Marrickville Legal Centre.



Julian Dight (Volunteer Assistant)

I volunteer at the centre once a month and have done so for 18 months. I come in at 6.15 and usually finish at around 8.30pm. The most interesting part of a volunteer's role is meeting all the different clients that come into the centre who all have different legal problems. The matters vary from traffic infringements to workers compensation claims and everything in between. Some of the clients who come in are referred on to other centres or solicitors for more specialist advice and this referral service is an important part of the centres function. Clients must always ring up for an appointment before they will be seen by a staff member or a volunteer solicitor. I really enjoy volunteering at the centre because it supports the cause of helping people in the community who are less privileged in some way and cannot afford to pay for legal advice. I hope to work for the ACCC next year and this is another organisation that promotes community interests by protecting those who are subject to breaches of the Trade Practices Act. Supporting the interests of the community rather than big business would be a much more rewarding and satisfying career path for me.



Joe Daniel (Solicitor)

Prompted by an article calling for volunteers, I started working as a 'vollie', as we're affectionately called, at the Marrickville Legal Centre 4 years ago and am now rostered on for one evening every fortnight. I thought being a vollie would be interesting and a useful contribution to the community. It was and still is.

The past year was typical of all the others. The highlight of the year would have to be the great post Xmas party the Centre so generously throws for the vollies! (Just kidding; it's not generous; only 1-week-old stale bread and recycled water is served). Seriously, there is no highlight. Every fortnight, indeed every client is as important as any other.

The legal advice the vollies provide is always focused on the concern of particular persons, often in some distress, caused not only by the circumstances in which they find themselves but by not knowing how to begin to respond to those circumstances. Be it a burdensome debt, being evicted by the Department of Housing, an application for recovery of superannuation moneys prior to permanently departing Australia, being bitten by a dog, having your house undermined by the roots of the tree next door, ... the list is endless. Marrickville Legal Centre provides a venue where clients are treated with respect, their concerns sympathetically listened to and legal advice provided which, I'm sure all vollies would agree, alleviates their distress and goes a long way towards empowering them to assert their legal rights.



Nick Yetzotis (Solicitor)

I joined the team of volunteers at MLC in mid-1997, a month after my admission. My original reasons for doing so were to learn from the exposure to an unpredictable variety of legal issues and work close to home. MLC was the ideal choice.

I earned income working for government in employment, administrative, industrial and human rights stuff and more recently working in one of the investigation teams in the NSW Ombudsman's office. All that being work affording little opportunity for interaction with the wider community.

As the time went on I realised the most valuable benefit of being a vullie at MLC was meeting people from all walks of life, which helps one remain grounded in reality. Being able to work toward resolving their issues or asserting their rights without expectations for personal gain and without regard to the "clock" remains a humbling and satisfying experience, as it is the best form of public service undertaken by the profession in reciprocation to the community's contribution toward our education and securing professional qualifications.

But personal rewards and by far one's best moment in the practice of the law appear when least expected:

One Thursday evening I spent some time assisting a client, who had taken a bus and a train to come to MLC, with a neighbourhood / local government concern. We agreed the best way to assist her was to draft a number of letters anticipating all the variables in the series of steps that would need to be needed to explain the problem to neighbours and the local council and assert her rights successfully. Thus, she would not need to come for assistance a second time.



Some months later MLC staff handed me a card from the client received at MLC saying we had correctly guessed what would happen and she had a response ready to go after each step. This was without doubt the highest reward I could ever hope the practice of law would ever bring, knowing that with advanced age and arthritis and poor eyesight the effort to write and post that thank you card was Herculean and way disproportionate to my contribution.

Who says the practice of law is a thankless task?

Rachel Callinan (Volunteer Assistant)

I have volunteered at MLC since November 2001. I work at the NSW Parliament as the Director of the Legislative Council Standing Committee on Law and Justice. As the Director of the Committee's Secretariat my team and I manage the Committee's inquiries and draft its reports. It is a very interesting job for a law graduate, combining legal analysis with policy development, project management and writing. As it is a non practising position I am an assistant volunteer at the MLC and help staff the front desk once a month for the general advice night. I volunteer because I have always felt privileged to have been able to go to university and use my degree to earn a good living for myself. Because not everyone has the opportunity to do this I feel that I have a responsibility to contribute to the community through volunteering. By volunteering at the MLC I also get to keep in touch with the practicing side of law and talk to the other staff and volunteers at the MLC, some of whom are very entertaining!



THE CHILDREN'S LEGAL SERVICE

6

The Children's Legal Service is an integral part of Marrickville Legal Centre serving a need identified by the Centre in 1979. We continue to provide a specialist children's service with the limited resources of the Centre's core Legal Aid Commission grant. There are only a few children's solicitor positions in the NSW CLC sector and we are very proud to find our home within the Centre.

Staff and Volunteers

Julianne Elliott took up the position of permanent full time Children's Solicitor in December 2005. Emma Keir continued to divide her time between the children's legal service, general legal service and the principal solicitor position this year.

Thank you also to the other generalist solicitors who took on children's files this year: Pip Davis, Margaret Martin,

Andrea Hadaway and Jo Kwan.

Goodbyes

Janet Loughman, Principal Solicitor for 12 years and also Children's Legal Service solicitor since 1993, left the CLS team and the Centre this year, taking up the position of principal solicitor at Women's Legal Services NSW. Janet has contributed immensely to the area of children's law and to the Centre as a whole. Her wisdom, experience, compassion, commitment and great sense of humour has been an asset to the Centre, and we wish her luck in her new position.

Volunteers

In June 2005 we were lucky to secure the volunteer assistance of the very experienced and capable Kate Burns. Kate is a Solicitor with the Commission



for Children & Young People. Prior to joining the Commission, Kate worked in various positions including Senior Solicitor/Clinical Educator at Kingsford Legal Centre, Senior Legal Officer at the Human Rights & Equal Opportunity Commission and Senior Legal Officer at the Commonwealth Director of Public Prosecutions. Kate has been assisting the Children's Legal Service with casework, one afternoon per fortnight. We would like to thank her for the valuable contribution she provided to the Centre during the latter half of 2005.

Service Overview

The Children's Legal Service provides information, advice and legal representation for young people under the age of 18. Our clients experience a range of legal problems from care and protection matters, criminal charges, fines, victim's compensation, rights in education and employment environments, family law, debts, complaints about government bodies and other civil proceedings.

The Service is also committed to providing a strategic and responsive community legal education program. We hold workshops, talks and provide Q & A sessions for young people, as well as community sector workers working with young people. We also contribute to the Centre's Community Legal Education program.

The Service also has a role in responding to policy and law reform issues affecting young people. This is done through the normal work of the

Service as well as through participation in the National Youth Advocates Network, the Youth Justice Coalition and local Youth Interagencies.

During the year, Emma Keir convened the Youth Justice Coalition (YJC) until January when Julianne took on the convenor role. Emma has been a member of the Marrickville Youth Resource Centre Management Committee since May 2005. Both Emma and Julianne Elliott are members of the National Youth Advocacy Network.

Casework

The Centre provides a telephone advice service to young people and youth workers during business hours. The advice service is frequently used by young people, adults calling on behalf of young people and youth workers calling on behalf of their clients. There is always an increase in telephone advice after the children's solicitor attends an interagency meeting or holds a workshop. We give advice or information and referral on any legal issue affecting young people.

The greatest demand for advice this year was in relation to criminal procedure, fines, victim's compensation, AVOs, complaints about police and family law. In relation to casework, demand was strongest for fines and victims compensation applications.

We are working with a number of youth centres and services in the Sydney Metropolitan area to develop regular times when a children's



solicitor can be available to answer questions young people have about their legal rights. As always, we are working hard to make the service more accessible to young people and provide services appropriate to the needs of young people.

Our casework is supported by Barristers, who either provide pro bono advice or accept legal aid briefs in very complex matters. We would like to thank Anne Healey and Sharron Norton for their support this year.

Case Studies

Following are some Children's Legal Service case studies.



Victim's Compensation

We acted for two young children who had been sexually assaulted. We applied to the Victims Compensation Tribunal on their behalf. We were successful in getting the children a significant amount each in compensation. This was a great result given the age of the children at the time of the incident. The perpetrators were not brought to trial because of the difficulties of having young children give evidence in court. The successful applications were also significant because the children felt that someone had listened to their situation and had believed them.

Fines

Children's Rights

We acted for a 14 year old boy who received a \$400 fine for swearing at a transit officer. He could not pay the fine and wanted to challenge the fine in Court. We organised for him to be represented at the hearing of the matter in the Children's Court. The Magistrate dismissed the fine once our client wrote a letter of apology to RailCorp.

Complaint to Ombudsman

We assisted C, a young person detained in Kariiong Juvenile Correctional Centre. C was approached by Corrective Services staff for DNA sample in order for testing to be conducted. C refused and phoned our Centre for advice. We advised C not to consent to his sample being taken as he was under 18 years of age and there was no Court order authorising the taking of the sample. We then assisted C with a complaint to the NSW Ombudsman about the matter, the result being that staff from relevant government agencies were reminded of their responsibilities, and that proper procedures were to be followed at all times. The significance of this matter was that it highlighted one of the indirect consequences of the move to transfer Juvenile Detention Centres to the management and control of the Department of Corrective Services.



Community Legal Education

The Children's Legal Service conducted a wide range of community legal education workshops and promotional work including the following:

Providing regular workshops on legal issues for young people at Rosemount Youth and Family Services Day Program

Responding to requests for workshops for youth workers and young people from Marrickville Youth Interagency, the Inner West Youth Interagency, Bankstown Youth Interagency, Young People's Refuge and Marrickville Youth Resource Centre.

Organising and supporting workshops on criminal law for school students at Marrickville Library for Law Week

Participating in Kingsford Legal Centre's Indigenous Year 11 students visit to KLC, providing support and information on young people's rights in criminal law and police powers.

Speaking to a delegation from the Supreme People's Court of China on the role of Community Legal Centres and the Children's Legal Service in supporting young people who come in contact with the criminal justice system.

Participating in the Centre's CLE program by presenting workshops to community workers on young people's rights in education and fines.

Presenting information on police powers, street rights and complaints to the NSW Ombudsman to a group of young men who are participating in a Living Skills program run by Barnardos Streetwork.

Conducting our annual community worker survey to determine need for community legal education and outreach needs of a variety of youth services in the Sydney Metropolitan area.

Law Reform and Policy Work

National Youth Advocacy Network

Our involvement with the National Youth Advocacy Network has continued this year. The main focus for this period was campaigning around juvenile justice issues in each State, reviewing the Concluding Observations handed down by the Committee for the Convention on the Rights of the Child and the development of a Juvenile Justice National Action Plan in association with Defence for Children International

Children In Detention Advocacy Project (CIDnAP)

During the year we continued our involvement in the Children In Detention Advocacy Project. The project is being run by the Public Interest Advocacy Centre, in association with the Legal Aid Commission and the Public Interest Law Clearing House. The Project



aims to explore systemic issues arising out of the arrest and/or detention of children and young people. The types of cases that are being run by the project include false arrest, unlawful imprisonment, malicious prosecution and assault causing injury. The project will litigate matters and identify areas where policy development and law reform is needed.

Youth Justice Coalition (YJC)

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. YJC is auspiced by the Centre, and meetings are held at the Centre on the third Wednesday of the month. During 2005/06 YJC was convened by Emma Keir, and subsequently Julianne Elliott. The major law reform and policy activities undertaken by YJC this year were:

- Submission to a Parliamentary Inquiry into Children, Young People and the Built Environment
- Attending consultations and collecting case studies for the NSW Ombudsman's review of the Law Enforcement (Powers and Responsibilities) Act and the Law Enforcement Legislation Amendment (Public Safety) Act
- Submission to the Department of

Community Services review of the Children and Young Persons (Care and Protection) Act

- Contributing to consultations around the development of the Parramatta Justice Precinct
- Participating in the NSW Charter of Rights Campaign

YJC held a Planning Day on 20 January 2006, which was kindly hosted by Mallesons Stephen Jacques Solicitors. We developed a pro-active agenda for the year ahead.

We continued to distribute copies of Joe's Conference, a video made through YJC on Youth Justice Conferencing.

Fines

During the year we have continued to be involved with fines reform, both as a Centre and through our involvement with the Youth Justice Coalition. We have also contributed to a discussion paper prepared by the Homeless Person's Legal Service, outlining options for fines reform. We participated in a forum run by NCOSS and PIAC on fines and poverty. At the end of the forum, a representative from PIAC took contributions of case studies and scenarios to add to the paper they are preparing on fines reform. Julianne contributed to this discussion. The discussion paper was released this year through HPLS (Not Such a Fine Thing).



Police Complaints and the Ombudsman

The “Good Cop Bad Cop” police feedback website was launched last period. It is hosted by the Youth Action and Policy Association, and enables young people to provide anonymous feedback on their experiences with the police – good or bad – by completing an online form. We continue to retain the feedback forms, monitor the complaints received and take up any relevant issues with the Ombudsman.

Combined Community Legal Centres Group NSW- Care and Protection Sub- Committee

The CLS contributed to a CCLCG Care and Protection Sub-Committee research project on state-wide care and protection issues this period. Community Legal Centres submitted case-studies from their practices. The research project resulted in submissions to the Department of Community Services review of the *Children and Young Persons (Care and Protection) Act* and to the review of the DoCS Interagency Guidelines.



7 INNER WEST TENANTS' ADVICE AND ADVOCACY SERVICE

Staff

The current members of the tenancy team are Elizabeth De Freitas, Eloise Finlay and Felicity Johnson.

We were very lucky to have the following locum workers to assist us during the last 12 months:

- § Julia Murray
- § Carmen Jauregui
- § Hazel Blunden
- § Stephen Jiao
- § Sophie Grieve
- § Mary Flaskas
- § Lisa Woodgate

We have had many volunteers assisting us this year and we thank them for all their hard work:

- § Andrew Stewart
- § Jane Wilkinson
- § Youn Hea Joo
- § Patricia Ridoutt

- § Stephen Jiao
- § Katy Jenkins
- § Simon Lovett

Casework

We have been providing advice every day of the week either face to face or via the telephone. At all times the Centre has been open we have been available to provide urgent advice and assistance. Our tenancy telephone advice hours have been Monday, Wednesday & Thursday 2pm – 5pm, Tuesday 10am – 5pm and Friday 9am – 1pm.

We provided advice to over 1200 tenants in the last 12 months covering a range of issues. We provided 155 face-to-face advice sessions and attended 41 home visits. We sent written information to 471 tenants as



a follow up to our advice. We assisted over 388 tenants to prepare for their Consumer, Trader and Tenancy Tribunal hearing. We also represented tenants at the Consumer, Trader and Tenancy Tribunal 79 times in the last 12 months.

Duty Advocacy Service

We commenced providing a Duty Advocacy Service at the Consumer, Trader and Tenancy Tribunal in April 2006. This service operates on Wednesdays at the Sydney Registry. Advocates from all of the Sydney TAAP services staff this service on a roster system. Our service provides an advocate once a fortnight and they cover two hearing lists at 9.15 and 11.15am. We have attended as Duty Advocates on 5 occasions and have found that the service has been very well received and utilised by tenants. We are able to provide advice and information, as well as negotiate on a tenant's behalf with their landlord in conciliation, and provide representation at hearings if required.

The service continued to contribute to the Tenants Union Hotline throughout the last 12 months. There is usually a turnover of volunteers every six months due to changes in university timetables and employment opportunities.

Outreach

An outreach service at the Summer Hill Community Centre commenced in February 2006. This service is

conducted on the first Monday of each month from 10am –12pm. Tenants can make appointments in advance and it also operates as a drop in service.

Community Legal Education

Over the last 12 months our Community Education Worker has been updating and creating new community education resources targeted to particular audiences.

As part of the MLC CLE program we conducted an Introduction to Tenancy Law session and a session on Public Housing, in particular the recent changes to policy, for local community workers. Both of these sessions were well attended.

Over the last 12 months we have focused on developing links with women's refuges in our area in order to provide the clients and workers tenancy advice and information. Currently the *Residential Tenancies Act* does not have measures to deal with domestic violence situations. Therefore it can become very complicated for women who are renting and experiencing domestic violence. We have continued as a permanent participant in the St Louise Lodge "Living Skills Program" for their residents. We provide a session for them bi-monthly. We have commenced bimonthly workshops at Orana Lodge. We have developed a relationship with another refuge Claffy House. We have held a workshop for their clients and also a workshop for



their workers.

We have held workshops for specific culturally and linguistically diverse groups including:

- 25 Russian-speaking tenants from AMES (Adult Multicultural Education Service)
- 30 Chinese-speaking tenants at the Leichhardt/Marrickville Affordable Housing Forum's "Housing Choices Expo".
- Arabic, Korean, Chinese and Russian students from AMES

We have commenced targeting youth services and have provided a workshop for clients at Theba's Young Women's Service.

Two advocates from our service were panel members for an information forum at Newtown Neighbourhood Centre on Boarders and Lodgers.

We participated in the Chinese Association Housing Expo held at Ashfield Town Hall in May. This was a well-attended expo with around 300 people visiting throughout the day. We provided our information brochures and also answered many questions.

Policy work

The tenancy advocates continued to be involved in the Tenants Union working parties. They were regular participants

in the Boarders and Lodgers Action Group, Public Housing Issues Working Party and Tenancy Legal Working Party.

The *Residential Tenancies Act* has been reviewed in the last 12 months and our service prepared a submission for the Office of Fair Trading, highlighting the amendments that we believe should be made to the legislation.

We were involved in the Strata Working Party, which is aiming to developing a training course, and resource manual for tenant advocates.

We were also involved in the Marrickville/Leichhardt Housing Forum convened by the May Murray Neighbourhood Centre, and participated in the "Housing Choices Expo" in October at the Addison Road Community Centre. The Expo brought together local service providers and encompassed all facets of housing and housing-related topics.

We have provided some case studies, which highlight the variety of work we undertake in the tenancy service.

tenant's rights

Case study A

Our client was a tenant of African descent who had a small amount of rental arrears when he was verbally told to move out. The tenant arranged with the Real Estate Agent to remain in the premises as he did not have anywhere else to go. On the following Friday night the tenant discovered that the landlord had changed the locks on the unit. The tenant was not able to gain access to his unit to obtain medication for his high blood pressure. The tenant was homeless over the weekend and contacted our service on Monday. We arranged to meet the Real Estate Agent and landlord at the tenants unit. During this visit to the unit the tenant experienced racial abuse from the landlord's son. The tenant was able to return to his unit but he wanted to vacate due to his concern for his safety. Our service assisted the tenant in applying to the CTTT for an order for compensation for the inconvenience and distress caused by the landlord's breach. We assisted the tenant to successfully obtain an agreement by consent that the landlord would pay the tenant a significant amount of compensation.

tenancy issues

Case Study B

Our client was in his mid twenties and was living in Department of Housing. He suffered from a mental illness and was under a community treatment order and the Office of the Protective Commissioner controlled his financial affairs. The tenant received a termination notice for noise and nuisance, property damage and rental arrears. The tenant rental subsidy had been cancelled and backdated a few years due to an unauthorised occupant. Our service contacted the tenant's Mental Health workers to try and get their assistance. The matter was before the Tribunal for approximately 6 months and during this time there were more allegations of noise and nuisance. Given the seriousness of the breaches the tenancy was terminated. In this sort of case the difficulties we experience as advocates is gaining clear information from our client and ensuring they have a good understanding of the merits of their case. The tenant was not interested in moving to supported accommodation.

rent

eviction

fees

bond

repairs

Case Study C

Three German students contacted our service for assistance. They had been in Australia for only a few weeks and were experiencing harassment from their landlord. The landlord decided a week after they moved in that he wanted them out. The tenants contacted the Real Estate Agent who had organised the letting of the unit. They advised the girls to change the locks if they were afraid of what action the landlord may take. The landlord continued to try and gain entry to the unit, and behaved in a threatening and intimidating manner towards the tenants. We applied to the Tribunal on their behalf for the tenancy to be terminated due to serious and persistent breach and economic and non economic compensation. The tenants were not very confident with their English so asked that we represent them at the hearing. They were also very afraid of the landlord. At the Tribunal the tenancy was terminated and the landlord was ordered to pay the tenants compensation. Our service also made a complaint to Office of Fair Trading and requested that action be taken against the landlord. The landlord refused to pay the compensation so the tenants were referred to Marrickville Legal Centre for assistance in enforcing the debt.

mortgage
repossession
CTTT hearing



Case Study D

access

Our client was from Vietnam and spoke only a small amount of English. She was living in a one-bedroom unit with her 2 young sons. She originally contacted our service as the Real Estate Agent was alleging she was in rental arrears. This was due to a rent increase notice that the tenant never received. We were then alerted to the fact that there were a considerable number of outstanding repairs including a metal pipe through the ceiling. The Real Estate Agent was given plenty of opportunity to carry out repairs. We applied to the Tribunal for repairs and a rent reduction backdated to when the tenant first notified Real Estate Agent of repairs. Orders were made for repairs and also for a rent reduction backdated 10 months. The Agent then requested a rehearing and this was granted despite our submission, which strongly argued they had no basis. At the rehearing of the matter the tenant was granted the same rent reduction and a further rent reduction for the 5 months since the first hearing.

Case Study E

privacy

Our client was an elderly pensioner who had lived at the premises for 25 years. Unfortunately she was not a protected tenant. The premises had been sold and since that time, our client had received a series of rent increases. Ultimately, she could no longer afford to live in her home as her friend who shared the premises had recently passed away. The property was in a poor state of repairs. The Inner West Tenancy Service applied to the Tribunal for an order that the most recent rent increase was excessive and we represented the client at the CTTT. A key component of the negotiations at the Conciliation concerned allowing a suitable time frame for the tenant to find alternative affordable housing and that the security garage attached to the property would revert to the owner, and thereby offset the most recent rent increase. The Inner West Tenancy Service liaised with a substantial number of aged care services in the area, in order to assist the tenant to find local and suitable independent living aged care accommodation within the agreed time frame.



security

Case Study F

Our client was from Sri Lanka and had received a notice from the CTTT stating his tenancy had been terminated. The tenant had received a notice of termination due to rental arrears. The tenant was sending money overseas to support his family in Sri Lanka. The tenant's friend spoke to the Real Estate Agent who stated everything would be fine if he caught up the rent. The tenant did catch up the rent but then received a notice from the CTTT that his tenancy had been terminated and he was required to vacate. The tenant had not received any notice of the hearing. We assisted the tenant to submit a rehearing application to the CTTT. In the meantime while we waited for this application to be processed we negotiated with the Agent. They agreed to allow the tenant to stay at the property and sign a new tenancy agreement. The rehearing application was successful and the previous orders were set aside. The tenant was very thankful as he was working two jobs to ensure that he could cover his rent and was looking forward to his family joining him from Sri Lanka.

quiet enjoyment
services
rent increase



Some Statistical Snapshots

Inner West TAAS Statistics

Number of clients we provided with advice during our daily advice sessions	1272
Number of clients who received written information (sample letters, fact sheets, written advice)	471
Number of clients we assisted in preparing for the Consumer, Trader and Tenancy Tribunal	388
Number of clients we provided with face to face advice	155
Number of times we represented tenants at the Consumer, Trader and Tenancy Tribunal not including our position as duty advocate	79

NEWTOWN DOMESTIC VIOLENCE COURT ASSISTANCE SCHEME

8

Staff

This year there has been stability of staff within the Newtown WDVCAS: Lee Taylor (Coordinator); Toni Brown (CALD Access Worker). However, due to a critical incident at court Lee took some extended leave. Anne Pridham and Toni stepped in and undertook the Coordinator's tasks until Lee was able to return to full duties.

Like other services at MLC the success of DVCAS hinges greatly on the team environment of the entire Centre. It is encouraging that throughout 2005/2006 the MLC Team have gathered strength from one another. Humour, professionalism and a shoulder at the appropriate time have commanded a harmonious and united team.

Throughout 2005/06 reporting period, DVCAS staff have:

- provided ongoing support, practical assistance and referral to women at Newtown Local Court;
- sustained and built upon relationships with Police/DVLO's/Court staff;
- given women access to free legal advice and representation on list day for application made through the chamber magistrate;
- liaised with and referred women to pro bono solicitors for representation at AVO hearings;
- participated in ongoing casework following court;
- advocated for women surviving domestic violence (and one whom unfortunately did not);
- conducted and arranged community legal education workshops;
- attended committee meetings;
- attended WDVCAP network meetings;



- trained seconded workers;
- run seconded worker peer support meetings;
- developed and maintained seconded worker roster for court;
- attended and presented at WDVCAP Annual Conference;
- attended CCLCG National Conference;
- participated in CALD specialist worker initiatives across the WDVCAP network;
- attended professional training and development;
- participated in community consultations;
- undertook law reform and campaign work;
- provided MLC and LAC reporting requirements, both standard and extras sought across the year;
- assisted in the running of the legal centre.

At Court

Many women attend the 'safe room' at Newtown court in a state of apprehension, confusion and fear. The WDV CAS offers a welcoming and safe environment as well as information, referral and assistance throughout the court process. At the end of a sometimes long and drawn out day (many days see matters finalised after 4pm), women can either be elated or devastated and disillusioned by the result. Unfortunately, in some cases, it can be in the aftermath of a court result that most support is required.

Either way women are, almost without exception, extremely appreciative of the DVCAS and support workers on the day. They say "I do not know what I would have done without the service" and (to a worker) "you've been wonderful today, I couldn't have done it without you" or sounds of "I just thought it was me and now I see so many other women going through it ... I know what I'm doing is the right thing". It is these comments which give the impetus to continue in a field of work which has many challenges and sometimes disheartening outcomes.

Relationships at Court

For the 'safe room' to run efficiently and at its full potential there must be good working relationships with the Domestic Violence Liaison Officers (DVLO) from Marrickville and Newtown local area commands (LACs), the court staff and the chamber registrar. From a community forum (discussed later) which CAS staff, seconded workers, DVLO's and court staff attended, a renewed sense of teamwork and combined strategies emerged. The working relationship at the court is efficient and conducive to best possible outcomes for women and more effective running of the Newtown CAS. Whilst there was some instability with the position of chamber registrar for some months earlier this year, the remaining staff and relieving registrars were supportive throughout.



Domestic Violence Liaison Officers (DVLOs)

We are fortunate to have had very dedicated DVLOs from both LACs over this period. A special mention to Cat Bartlett who unfortunately transferred from Marrickville to elsewhere in NSW Police in February 2006, we wish her well in her new role. We have in recent months had the privilege of working with Pelli Williams (Marrickville LAC). Pelli brought to the position her expertise and experience from her previous role as DVLO. She and Cat are both extremely dedicated police women and were instrumental in obtaining some good outcomes for our clients.

Over this period we have also said goodbye to Virginia Spence (April 2006) a dedicated DVLO from Newtown LAC and welcomed Leisa Flood who comes to us with a wealth of experience after working as a DVLO at St George LAC.

The DVLO's and DVCAS coordinator will share knowledge they have of a particular matter prior to the start of proceedings on a court day. There is liaison between the DVLO's over service, affidavits, attendances at court, seriousness of matters, vulnerability of clients, etc. It is with this knowledge the seconded workers may be briefed prior to seeing a client. The coordinator or DVLO may approach the Sheriff and Court Officer at court on the day with a warning about a particular defendant. These good working relationships are paramount to a successfully run list day at court,

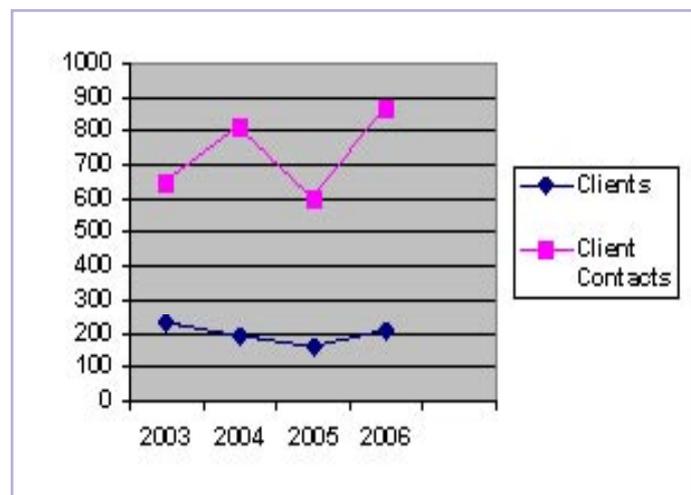
debriefing throughout and after court, efficient follow-up of matters and preparation for the next week at court.

Client Numbers

The numbers for the Newtown DVCAS were noted as having declined when reported in 2004/05 MLC Annual Report. It is encouraging to report that DVCAS is making contact with an increased number of women who have been affected by domestic violence and are seeking information or an apprehended violence order at court.

The numbers from 2002/03 of 228 had dropped to 186 in 2003/04 and further to 161 in 2004/05. However, for 2005/06 the individual client numbers are up to 202 (25% increase on 2004/05). From these 202 clients there were 869 client contacts for this period.

As an example the numbers for the first six months of 2004, 2005 and 2006 are as follows:





The Marrickville Area

NSW LGAs within the Sydney metropolitan region with the largest number of domestic assaults: 2004				
Rank#	LGA	Number of domestic assault incidents	Estimated population in 2004	Rate per 100,000 population
1	Campbelltown	1,087	149,961	724.9
2	Blacktown	1,829	278,532	656.7
3	Sydney	778	146,297	531.8
4	Wyong	747	141,764	526.9
5	Penrith	852	177,554	479.9
6	Marrickville	362	75,870	477.1
7	Liverpool	717	167,880	427.1
8	Holroyd	387	91,211	424.3
9	Fairfield	782	187,683	416.7
10	Hawkesbury	259	63,598	407.2

Crime and Justice Bulletin No. 89 October 2005 Trends and patterns in domestic violence assaults, Julie People

Further, in the above Bulletin, Marrickville rated 49 out of 166 LGA's across NSW for number of domestic assault incidents at rate per population.

In accordance with the above figures, incidents of domestic violence assaults are substantial in the Marrickville area without considering those matters of verbal abuse, harassment, stalking, intimidation, financial and social abuse. The need for a WDVCAS is demonstrated as high. The contact with the women prior to court is crucial.

Statewide there are various initiatives in place between Police and other government agencies and community services, to improve responses to domestic violence and assist in the process leading up to court as well as through the court system. The Newtown and Marrickville DVLO's and DVCAS coordinator will be monitoring these closely and considering a proposal (in conjunction with the Leichhardt/Marrickville Domestic Violence Committee) for the Newtown/Marrickville areas. The Southern Sydney region is considering a 'SMART' (Sutherland/Miranda



Anti-violence Response Team). The Central Coast has been operating a DVIRT (Domestic Violence Intervention Response Team) and the Canterbury Bankstown area a DART (Domestic Violence Abuse Response Team). A Senior Policy Officer from NSW Police states 80% of LACs are now running a yellow card/sticker program. This initiative sees the general duties police take details from a woman at a callout to a domestic incident and obtain permission for a community service to call her within the next 48 hours to offer support and referrals. These are initiatives which would further boost Newtown CAS's client contact numbers but would obviously require increased staffing, therefore funding.

Community Legal Education

WDVCAS presented the following CLE workshops as part of the Centre's "Law for Community Workers" CLE program.

- Oct 2005: AVO's and Domestic Violence
- Nov 2005: Navigating the Family Law System with Legal Aid Commission
- May 2006: AVO's and Domestic Violence
- June 2006: IARC & DIMIA – Immigration Provisions

An additional CLE was presented to Marian Centre Women's Refuge on domestic violence services offered by

MLC, family law referrals and the AVO process at court.

Community Services Interaction/Networking

In order to provide quality referrals to women making contact with the DVCAS, it is imperative that staff and seconded workers are well informed of the services available. When a woman has made the decision to act against the violence it is crucial that she be put in touch with appropriate services or individual workers. All too often women speak of having run around many places before having their questions answered by the DVCAS.

To further facilitate appropriate referrals staff regularly attend:

- Court User Forum at Newtown Local Court
- Violence Against Women Regional Reference Group
- Combined Community Legal Centre Group Quarterly DV sub-committee
- WDVCAP Network quarterly meetings
- Leichhardt/Marrickville DV Committee monthly meetings (Treasurer)
- Marrickville Council Ethnic Communities Council Meetings (CALD Action Plan)
- WDVCAP Specialist Worker Network meetings
- Immigrant Women's Speakout NSW
- NESB Network meetings

Interaction with seconded workers at court also enables information exchange about local service provision,



wait lists, effectiveness of programs, etc.

Seconded Workers

Seconded workers on the Newtown Court roster as at 30th June 2006 were: Rosie Le; Sharon Todd-Miller; Roxanne Cameron; Hazel Cowan; Marta Ponti; Ruth Paillas; Sandra Katbay and Michelle Dunn.

In addition, welcome back to the scheme to Kimberley James (nee Foster) who left the roster in 2005 and Kate Beaver who was unable to work on the roster January-June 2006 but will be returning from August 2006.

New workers currently being trained in the DVAS TRU Distance Learning Package to commence on the August 2006 roster are: Michelle Tauoill, Jennie Dunlop; Kathy Kondogiorgis and Mang Yon Zhang. A further three workers have expressed interest in working on the scheme. They will be recruited as external training becomes available through DVAS TRU. The August 2006-January 2007 roster has been produced with 3 workers allocated for court each Monday.

We farewelled Nicola Collins, Melissa Rowley, Karen Gardner, Merryn Jones and Donata Fiori from the scheme during the period. We thank these workers for their commitment to the Newtown DVCAS in an often challenging environment. We would also like to thank Julie Velthuys who has been unable to attend since February 2006. Julie has had a long

relationship to the scheme and we appreciate her commitment.

Local services participating on the roster are: Elsie Women's Refuge; May Murray Neighbourhood Centre; Leichhardt Community Womens Health Centre; Marion Centre Women's Refuge; Centacare; Jean's Place Women's Refuge; Royal Prince Alfred Hospital; Newtown Neighbourhood Centre and YWCA. We extend appreciation to the management committees and managers/coordinators who support their workers' involvement with the DVCAS.

Seconded Worker Training and Recruitment

As seconded workers play such a significant role in the Newtown DVCAS, much time is spent in the recruitment, training and maintenance of workers on the scheme. Throughout this reporting period four seconded worker meetings were held where workers were informed of pending legislative changes, training opportunities, new rosters, changes in court staff and process. New workers were trained in the distance learning package formulated through Domestic Violence Advocacy Service Training and Resource Unit. Workers are also provided with an environment for debriefing and constructive analysis of the processes at court.



CASE STUDY

LL was a university student who had migrated from China. She was referred to the Newtown WDV CAS from another community legal centre, which was unable to provide her with representation in her AVO application at court.

LL's legal aid application was rejected because her AVO application was listed as an Apprehended Personal Violence Order; not an Apprehended Domestic Violence Order and she had over \$1,000.00 savings in the bank. The AVO application was incorrectly identified as seeking a personal violence order, whereas it should have been listed as a domestic violence order and LL would then have been eligible for a grant of legal aid under "exceptional circumstances".

LL had no other finances other than her savings and the meagre income she earned from teaching English, she was also ineligible for Austudy. Nonetheless she was refused legal aid on the means test.

Newtown WDV CAS assisted and represented LL at Court because she was assessed as being at "particular disadvantage" and her matter should have been listed as an ADVO. LL's application for an APVO was adjourned on several occasions due to difficulty serving the defendant. LL was finally granted an interim order and the matter was adjourned to a contested hearing.

WDV CAS sought representation for her from a pro bono scheme. After extensive inquiries to several schemes the WDV CAS located only one scheme that was prepared to assist. The pro bono solicitor was unable to see LL until the night before court. At the hearing, the matter was adjourned part heard; and the solicitor subsequently sought a financial contribution towards costs.

Even though this matter had been referred out to a "free legal service" LL returned to the Legal Centre seeking advice about referral to another pro bono service as she was unable to afford the fees. The Legal Centre assisted LL to make a new application for a grant of legal aid as her financial circumstances had changed and she had also been successful in seeking special benefit from Centrelink.

The Legal Centre was also able to assist the client with referral for representation with her Victims Compensation Application and to Counselling services via the Victims Compensation Tribunal. The outcome of the hearing is still to be finalised.



Legal Representation

Rachael Martin of Wirringa Baiya has remained on the roster throughout this period one Monday per month. There was a period March-April 2006 where things were more challenging than most. There was a sudden rise in private applications at Newtown Court and the number of applications being listed for the Monday of each month where Rachael was present increased substantially. Rachael, however, remained at court until matters were dealt with for the particular day and was incredibly patient as we sought other solicitors to support the roster – thank you Rachael.

Previously with the rise in Police applications to, at times, 96% the need for a solicitor at court had declined. During this March/April 2006 period, however, police applications fell to 68% over one six week period. Following a call from Phillips Fox, referred to Newtown DVCAS from Redfern DVCAS, their offer to assist women in private applications for AVO's at Newtown court was taken up with much enthusiasm. A big thankyou goes out to Redfern DVCAS and Phillips Fox for the fruition of this partnership.

Subsequently, training was arranged by CAS coordinator through DVAS TRU and Phillips Fox have committed to sending two solicitors for two Mondays out of each month from August 2006.

In addition, whilst Vaughan Rolls was not able to continue as a regular on the roster he has continued to

provide assistance to women in private AVO applications at Newtown Local Court. He is also available for referral regarding pro bono AVO hearings and family law matters.

The support of these solicitors is greatly appreciated. Their dedication to assisting women with AVO applications or as defendants in cross applications is substantial.

Conferences

One staff member attended and presented at the WDVCAP Legal Aid conference Aug/Sep 2005 in Sydney. Toni made a presentation and was on a panel for "The Effects of Domestic Violence on Children". At this conference 10 years of WDVCAP was celebrated. Toni Brown has been with the WDVCAP since its inception and continues to bring her wealth of knowledge and experience to the table.

Both staff members attending the National Combined Community Legal Centre Group Conference in Canberra (September 2005) which provided an opportunity to liaise with other DVCAS's operating within Legal Centres across New South Wales.

Culturally and Linguistically Diverse (CALD)

Toni Brown has had another busy year with involvement in the following CALD initiatives of particular

importance:

- Ø Submission of Domestic Violence: CALD and NSW Police Submission to NSW Ombudsman
- Ø Co-ran domestic violence and family law focus groups for Indonesian Community in partnership with May Murray Neighbourhood Centre;
- Ø Community Information Session

Newtown Court staff, Marrickville and Newtown DVLO's. This forum provided valuable opportunities for collaboration between CAS and Court staff around CALD issues at court such as interpreters to court as well as building rapport and understanding between those present. All parties acknowledged the success of the training day and committed to participating in



- for 12 delegates from the All China Women's Federation from the Peoples Republic of China
- Ø Development of multi-lingual 'welcome' sign for Legal Centre;
- Ø Organised and developed a training forum with Eileen Pittaway from NSW University on domestic violence in refugee communities - Horror to Hope Kit - held 28th April 2006. Having developed a training needs analysis with the police & courts; the WDVCS was successful in gaining some funding support for the project from the Legal Aid Commission. This was well attended by Newtown CAS coordinator and seconded workers,

them on an annual basis.

- Ø Assisted Legal Aid's WDVCS Program Manager, Tracey Corbin-Matchett in the launch of a multilingual brochure 'Domestic Violence – help with going to court' (translated into 15 languages) on 7th March 2006 (article in Media Contact in this report) and gave presentation on “ Barriers for CALD Women in Domestic Violence Matters”.
- Ø Due to political, cultural, language, economic and social barriers women from CALD communities often have difficulties dealing with domestic violence. These brochures are a way forward in



helping these women understand our legal system and the fact that they have a right to protection from domestic violence.

Staff Training

Where possible, with funding and time constraints considered, staff attended various training and information forums throughout the period:

- Ø Refocussing Domestic Violence Conference Sep 2005
- Ø DVAS Supporting Clients through AVO Court Hearing Process Oct 2005
- Ø Stress Management (in the workplace) (ECAV) June 2006
- Ø Coordinator Workshops through DVAS (eg Court Data Analysis - analysis of statewide court statistics for AVO's and related assaults and Where To From Here?) May 2006
- Ø Database Training LAC for new web-based data collection June 2006

Community Consultations

Toni assisted in organising the 'Changes in Family Law and its Impact on Victims of DV' forum in Marrickville December 2005 in which 160 persons attended.

The Central Sydney Reference Group for the NSW Strategy to Reduce Violence Against Women held this education forum to coincide with the introduction of the Shared Parental Responsibility Bill (2005) into Federal

Parliament in December 2005. The forum was a joint initiative of the New South Wales Violence Against Women Strategy, Marrickville Legal Centre, the Jannawi Family Centre, the Sydney Women's Counselling Centre, the Muslim Women's Association and the Canterbury Domestic Violence Liaison Committee. The forum was chaired by the then Director of the Australian Domestic and Family Violence Clearinghouse, Jane Mulrone.

Presentations included: "Listening to Women's Voices - Conversations with Women about Domestic Violence and Family Law" Zoë Sharman: Counsellor Jannawi Family Centre and Wafa Zaim, Kristin Dawson and Sue Anderson: Canterbury Domestic Violence Liaison Committee; "Recent Changes in the Family Law Court" Deputy Chief Justice, John Faulks, Family Court of Australia; "Family Relationship Centres" David Syme, Director Family Relationship Centres Development Family Pathways Branch Federal Attorney-General's Department; "Family Violence and Mediation" Julia Pullen, Senior Family Law Mediator and Conciliator Relationships Australia VIC (RAV); "Proposed Family Law Changes" Dianne Hamey, Law Reform Solicitor Womens Legal Services NSW; "Supporting the Participation of Survivors of Domestic Violence in Family Mediation" Rachael Field, Lecturer, School of Justice Studies, Faculty of Law Queensland University of Technology.

The aim of the forum was to both inform service providers about



programs within the family law context which respond to victims of domestic violence and to highlight the implications of proposed changes to the Family Law Act for women and children experiencing domestic violence.

The forum was very well received and the working party members continue to meet to monitor and redress the impact of the Family Law Changes on the lives of women & children survivors of domestic violence. Since the forum the working party has:

- Developed an extensive email list for updates on the progression of the Bill and Act.
- Completed a feature article on the forum for the Australian Family and Domestic Violence Clearing House Newsletter.
- Posted presentations from the forum on the Clearinghouse website.
- Produced a DVD of the event.
- Campaigned and lobbied members of Parliament regarding concerns about the proposed changes.

A forum followup presentation was made at the Black Out Violence Campaign Redfern on “Family Law Changes”.

Toni organised and attended a street stall for Stop DV Day in Newtown as component of ‘16 days of activism’ against violence against women and wrote media information on white ribbon day (25th November – International Day for Elimination of

Violence Against Women).

Around the Centre

With the shortage of staff at MLC, there has been a greater need to pitch in and assist around the legal centre. DVCAS staff assist in the day-to-day running of the MLC with staff meeting administration, general tidying, front desk supervision, volunteer support and CLE morning tea preparations. Toni attended stall for Legal Centre at Marrickville Festival (Sept 05) and Lee assisted with MLC Open Day preparations (April 06).



The Horror: A Reality Check

The aftermath of a domestic violence homicide had a powerful impact upon the Newtown DVCAS this reporting period. Unfortunately in tragic circumstances the defendant in an AVO murdered a client of the scheme.

The day at court had been a long one with the Police DVLO, Police Prosecutor and Magistrate all working extremely hard to have the 'alleged' perpetrator excluded from the family home.

A seconded worker and I (coordinator) supported the woman as she spoke of past violent incidents and her fear of acting against this man. She was visibly shaking, pale and sweating at the thought of proceeding with the AVO, let alone an exclusion order.

The picture is one which will not depart from my mind - a woman at wits end, wanting her children to have a father, not wanting the violence and aware of its impact on the children, petrified to take a stand. He had made threats over the years should she seek assistance or leave him and take the children.

Through discussions with workers she decided to proceed with what the Police and Court was offering – an exclusion order. There was a change in her by the end of the day ... a realisation that there were services out there to assist her and that she did not have to put up with the abuse – a strength. She was grateful of the assistance provided and there were hugs all round, tears of relief from our client and workers wracked with emotion as a woman with a different aura left the 'safe room' on that day.

Arrangements were made for her to liaise with an outreach worker from a refuge and the Police to maintain support networks. The exclusion order was granted. He was not happy.

The appointment was made the following day for outreach assistance the next day ... she had no opportunity to keep that appointment ... she was brutally murdered that evening ... in her own home.

As a worker with close involvement on the day preceding her death, I had difficulties processing the information. The aftermath of this event, which is still resonant in my mind, will be with me forever. The senseless and unnecessary loss of a life screams out. The angst for the three children left behind constricts. The progress we thought we'd made that day an empty memory.

The need for more initiatives, partnerships and education in the hope to avoid such tragedy keeps me in this job. There should not have been such a violent history for that woman to recount. Where were the services years ago when the abuse began? Why was it only at court that day that she gathered some strength? Something should have happened much sooner. We work and strive to be that 'something' in other womens' lives ... those who will survive.



ADMINISTRATIVE SERVICES

9

As in previous years, 2005/2006 has been a very hectic and exciting year for the Centre in providing general and children's legal advice; tenancy advice and advocacy; and domestic violence court support to disadvantaged and marginalised community members; in conducting community legal education and law reform campaigns. The Administrative team, together with the volunteers, is committed and has rendered splendid support to enable the Centre to deliver services to the community smoothly and effectively.

Clients

The front desk reception continues to operate as the vital hub of the Centre, with Maria our Information and Referral Officer, on hand to provide a wonderful service to our clients and act as an exemplary role model for our student volunteers.

During the 2005/2006 financial year the front desk handled some 2934 information and referral enquiries and 2980 client enquiries. However, these figures do not represent the total number of telephone and client contacts handled on a daily basis during this period by the front desk reception.

Staff

In late 2005, Katrina Harrison, who had been MLC Co-ordinator for nearly 5 years, left to work at a University. During the period that Katrina was at the Centre she played a key role in the administration of the Centre. Katrina is highly regarded throughout the community legal sector, and she will be remembered for her tireless work with the Combined Community Legal Centre's group, and the many successful projects she was involved in during this time.



In January 2006, Elizabeth de Freitas and Lisa Woodgate took on the role of acting Co-ordinator, on a job share basis. In April 2006, Elizabeth returned to the Tenancy team, and Lisa continued as Acting Co-ordinator.

A full list of staff members during 2005/2006 is located on the **Staff members Page 11**.

Centre Premises

The summer of 2005, one of the hottest summers on record, was the first time the centre has ever had **air** conditioning. Staff and clients absolutely appreciated the difference it made to the working conditions inside the Centre during the heatwave. In the past when temperatures soared, with just portable fans operating, staff and clients wilted from the heat. In May, the final stage of air conditioning was installed.

In May 2006, a detailed Occupational Health and Safety inspection of the premises was undertaken by Cecilia and Lisa, and in the ensuing weeks all repairs were promptly carried out. The long standing problem of the cracked concrete façade over the front door was finally resolved in May, when contractors from the Department of Housing carried out repairs.

During the months of February and March, a major problem developed with blocked sewers that affected the whole building. Emergency plumbers attended on at least 6 occasions. We could not use the toilets during these

times and this caused considerable disruption at the Centre. Blockages regularly occurred just prior to evening advice nights, necessitating emergency plumbers to rush to attend so that the numerous clients and volunteer solicitors could utilise the toilets during evening advice. Daytime blockages usually required staff and clients to go across the road to use the facilities at the RSL Club. Many thanks to Department of Housing for authorising a thorough inspection of the problem and finally resolving the matter.

Legal Requirements

The Financial Administrator Cecilia Urbina, has ensured that the Centre continues to meet all the legal requirements, which include maintaining records as required by the Australian Securities and Investment Commission and Australian Taxation Office.

External Communications

The Administration team have co-ordinated the administration of the Community Legal Workshop series held at the Centre.

Several workshops have proved to be extremely popular with standing room only. We may need to hold future workshops at a larger venue so that we can accommodate the number of community workers interested in attending the series.

Festivals and Other Parties

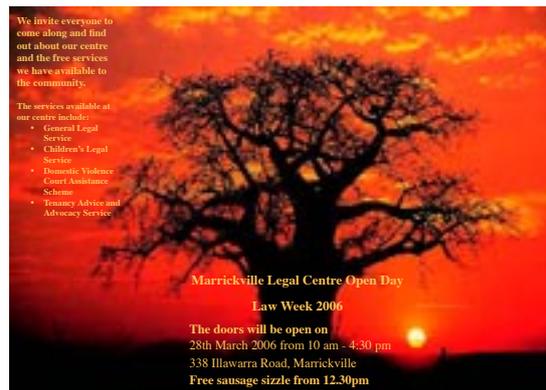
Marrickville Legal Centre has enthusiastically participated in the Marrickville Festival held in September 2005 by setting up a stall full of brochures promoting our Centre services and other valuable legal information.

In February 2006, we held a Post Christmas Party at the bistro garden of the Royal Exchange Hotel. This is a happy and relaxed event held annually to show our deepest appreciation of, and gratitude, to all of our volunteer solicitors, legal assistants and law student volunteers and volunteer Management Committee and Board, whose efforts and dedication contribute immensely to Centre services to the community.

We also held a successful barbecue party during the Centre's Open Day for Law Week on March 28, 2006; and attracted quite a number of the public to savour our tasty barbecue as well as grab some of our legal brochures and information.

Front desk Student Volunteers

Law student volunteers play an integral role at Marrickville, providing valuable assistance in carrying out paralegal duties at the Centre. The Centre recruits students from all major universities and holds orientation sessions regularly throughout the academic year. During 2005 and



Invitations to Law Week and Post Christmas Party designed by Maria Elena Ang and Chispa Flaskas, respectively.

2006, the Centre increased the number of student volunteers rostered on for each shift, and students now work in teams. Many of our student volunteers have been highly successful in their academic endeavours and have moved on to wonderful career opportunities.

Volunteer - Rhodes Scholar 2006

Former Marrickville Legal Centre student volunteer, Jonathon Bonnitcha won the 2006 NSW Rhodes Scholarship. Jonathon will undertake postgraduate studies in law with a particular interest in international economic governance at Oxford University. Jonathan has a special interest in International



Labour Rights. While studying at the University of Sydney, Jonathon worked as a volunteer with the Centre in 2004 and 2005. Jonathon was the recipient of the University medal in 2005, and the 2004 Convocation Medal for outstanding achievement and significant contribution to the life of the University by an undergraduate student. Jonathon is also a keen sailor and windsurfer.

(<http://www.usyd.edu.au/news/alumni/156.html?newsstoryid+783>)

Daytime Volunteers 2005/ 2006

Agne Ratomskyte
Andrew Stewart
Angella Wen
Anne Minkyong Kim
Astrid Chan
Brinie Green
Chrystalla Gallos
Claire Armour
Clifford Flax
David Bijlsma
Eileen Vuong
Elliot Downing
Frank Pantelis
Hetty Kelso
Jane Wilkinson
Jo Sutton
Jocelyn William
Jonathon bonnitcha
Josephine Tay
Katherine Boyle
Katie Robb
Katy Jenkins
Kevin Leong
Kim Hill
Leah Burgoyne
Leo Yang
Luigina Webb

Maggie Vu
Maria Ana Rodriguez
Mai Campbell
Marko Buterin
Mary Burke
Michael Mesiti
Natalie Kozlov
Patricia Ridoutt
Rafael Mazzoldi
Rod Stockwell
Rosemary Aloisio
Sarah Elliott
Sarah Unwin
Shelly Gardner
Sofia Yabnnikas
Stephan Jiao
Susan Wang
Sythany Leong
Tanya Le
Uma Aggarwal
Youn Hea Joo

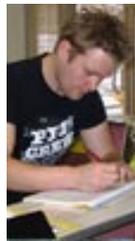
VOLUNTEER VOICES 10

Elliot Downing

Marrickville Legal Centre has provided a fantastic stepping-stone to learning the basics of legal practice and taking a hands-on approach to research and client interaction. I have had the opportunity to assist those that need legal advice most and expand my knowledge by speaking one-on-one with solicitors with real-life knowledge. MLC has had a huge impact on where I see my career heading and given me a better idea of where my skills can be best put to use in future years.

Natalie Kozlov

The front-desk at MLC has been a weekly ritual for me since March this year. It is a great educational experience to be exposed to the practical legal issues which are abundant in the community. I consider it an invaluable complement to the legal text book (and much more fun!) and tackling those issues with a team of vollies, and Maria of course, makes this undoubtedly the most worthwhile three hours of my week.



Jo Sutton

A large part of volunteering at Marrickville Legal Centre consists of manning the telephones and assisting callers, either through the provision of legal information or by making an appointment. Callers may sometimes be distressed or perhaps of limited English skills. Undoubtedly an experience common to all volunteers is dealing with some of the memorable personalities who approach MLC seeking assistance. Overall however volunteering at MLC is often an exercise of those skills left untaught at law school: patience, good listening, and the provision of simple explanations. That would be my primary reason for encouraging others to volunteer with MLC. Secondly, volunteering at a community legal centre reveals some interesting human behaviour (such as, the two most intractable disputes are unsurprisingly family breakdowns and bizarrely, those involving neighbours' trees and fences). And as a close third, I think it's worth mentioning the store next to the station that sells awesome Vietnamese spring rolls.



Katherine Boyle

Working at Marrickville Legal Centre as a volunteer has given me the opportunity to experience and be a part of the broader legal system as it affects every day people. As law students we come at the law with all the facts and issues clearly defined and laid out for us. It is never like that when a volunteer picks up the phone at MLC. Someone is in a real life tangle and we volunteers need to tease apart the problem to ensure she or he accesses the services they need – the first step towards the ultimate provision of legal advice. Even the process of referral to another service can be complicated and challenging. Talking to people of all backgrounds with a seemingly infinite array of problems has given me invaluable practical experience for any future career as a lawyer. More importantly, I have had the opportunity to be a part of a service which ensures that legal advice is freely available to all who need it, not just those who can afford to pay for it.

Frank Pantelis

My experience as a volunteer at the Marrickville Legal Centre has been an enjoyable and worthwhile experience. It has assisted me in developing my legal skills in handling any task with skill and diligence within the demanding framework of a Community Legal Centre. It has improved my people skills and understanding of a legal environment and has given me the opportunity to interact and understand a wide range of active legal issues.



Jane Wilkinson

When I first came to Marrickville Legal Centre, I was about half way through my law degree and I was feeling a little disillusioned. Volunteering at the Centre each week has certainly helped to turn this around. Just through answering the phone, I have gained an insight into areas of law, such as tenancy, that we never really cover in lectures. This has helped to give a context and meaning to my studies. At first I was apprehensive about answering the phone and Maria would quietly prompt me. However, thanks to the friendly staff, who are always willing to answer my questions, my confidence quickly grew. Every caller or person who comes in has a different story to tell and so my ability to think on my feet has improved dramatically. Not only have I gained valuable skills and experience from volunteering, I am really enjoying coming into the Centre

Astrid Chan

Volunteering at MLC gave me the opportunity to understand the value and importance of the legal services and information that MLC provides to the community. It has been a great experience.

Leo Yang

I volunteered at Marrickville Legal Centre beginning in March and the experience has been a thoroughly rewarding and refreshing one. I have learnt a variety of skills such as dealing with clients over the phone and general administrative duties and am confident these skills will be put to good use in the future. Whilst volunteering, I am also a full-time student studying my 4th year of law and also work part-time as a paralegal at a financial services firm. Although I am uncertain as to where my future career path may lie, my experience at MLC has given me an insight into the law and how it affects the community and I have no doubt this will be a factor in my future career decisions.



Youn Hea Joo

I have been volunteering at Marrickville Legal Centre for over six months.

Volunteering whilst studying full time and working part time was not an easy deal. However, coming to Marrickville Legal Centre was a truly thrilling experience. I fell in love with its atmosphere (warm support from the staff and the other volunteers and the clients who have expressed their appreciation) and invaluable hands-on experiences it provided us (now I can deal with unexpected situations without panicking).

Tanya Le

Hi, my name is Tanya and I am a law student at the University of Technology Sydney. I have been a volunteer at Marrickville Legal Centre for 8 months and my experience there has been both memorable and rewarding. Not only has the experience allowed me to succeed in my career and studies in terms of reflecting work-related legal issues to tertiary study, it has extended my knowledge in different areas of law. Most importantly, it provided me the opportunity to experience a legal workplace environment emphasised with professionalism and diligence.

Agne Ratomskyte

I have been volunteering at Marrickville Legal Centre for almost a year and my time at the centre has been invaluable. I have a hands-on experience in various issues of community law. Volunteering as a tenancy hotliner has been challenging but rewarding at the same time. Law studies at university may sometimes be dry but volunteering at the legal centre opens your eyes to issues faced by every day people. I always try to help people in need and it's simply touching when someone appreciates it.



11 PROFILES

Natalie Ross

Marrickville Legal Centre would like to say farewell to Natalie Ross, who has resigned in February 2006 from the Management Committee after four years involvement as a Board Member. We wish her all the best and would like to thank her for her energy and commitment during this period.

Natalie has had a long association with Marrickville Legal Centre, having started as a Community Legal Education worker and Adult Casework solicitor in 1994, when the centre consisted of six workers, and did not yet have specific tenancy or domestic violence court support schemes. During this time, the centre was involved in a number of significant cases, relating to issues of discrimination, victims compensation and various debt recovery matters.

Aside from her casework within the legal service, in which she worked tirelessly to defend peoples' rights, she was also involved in a number of campaigns and initiatives to

ensure peoples' access to justice. These included the inception of the Outreach Advice Service at Canterbury Bankstown Migrant Resource Centre and campaigning for the right to free interpreters. Natalie was also involved in other campaigns that challenged 'access' to services, including threatened cuts to Legal Aid, changes to the Ethnic Affairs Commission and input into the Victims Compensation Amendment Bill.

Closer to the ground, as a community educator, she was involved in the "Making Ends Meet" project, centred on workshops dealing with family breakdown and debt. Other education projects included workshops on Family Law and Domestic Violence and often focused on 'access' through the delivery of information to speakers of other languages, in their languages, (often with the use of interpreters) and to community workers, in their roles as trainers and consultants within CALD communities.



Natalie resigned from Marrickville Legal Centre in mid 2000 and went to work at the Environmental Defenders' Office, continuing her role as Community Education worker. However, she returned to MLC as a Committee Member in 2002, bringing with her a wealth of experience and a commitment to the effective running of the centre. Speaking of her experience, she states: "I really appreciated the flat structure and the staff involvement in management", however, she also adds that it was a "challenging" position, feeling that the staff were often "not supported as they should have been".

Fellow Board members have commented on her hard work, her commitment and reliability and the fact that she is able to maintain a good sense of humour, "throughout some very difficult times". Her experience within the CLC sector, her passion for justice and equity and her generosity are the qualities they recall and appreciate. Natalie continues to provide this experience to the sector; she is currently employed as Principal Solicitor at Inner City Legal Centre. Her involvement on various committees and working groups, such as convenor of GLAS, are examples of her ongoing commitment in the pursuit of justice.

Thanks again Natalie and good luck in your future ventures!



Janet Loughman

Over the past 15 years, Janet has made an outstanding contribution to Marrickville Legal Centre. Janet has spent 12 of those years as Principal Solicitor of Marrickville Legal Centre, as well as working in the Children's Legal Service practice. In this time Janet has demonstrated her commitment to social justice on all levels, through her leadership at the Centre, casework undertaken on behalf of clients and policy and law reform activities.

Janet is highly regarded within the legal profession and, more broadly, within the community and government sector, as a specialist in children's advocacy and in policy and law reform promoting the rights of children. Janet was named Children's Lawyer of the Year in 2000. She began convening the Youth Justice Coalition in 1998, a position she has held (either as Convenor or Co-convenor) since that time. Janet is recognised as an expert in systemic advocacy. She has a deep philosophical commitment to systemic change and public interest litigation which promotes and respects children's legal and human rights.

In September 2005, Janet resigned from her position as Principal Solicitor of the Centre to take up the Principal Solicitor role at Women's Legal Services NSW. At that time Janet said "There aren't many jobs that would lure me away from Marrickville. Working at Marrickville Legal Centre over the past 15 years has been a watershed experience for me. I have had the opportunity to experience the full flavour of what it means to work in a CLC – being involved in casework. Community legal education and law reform work".

James Koulouris, Chair of the MLC Board, in responding to the news that Janet was leaving the Centre, stated that, "over the last 15 years, Janet has made an outstanding contribution to both the



development and ongoing success of the MLC. Janet's career achievements whilst at the MLC are too numerous to mention she will be sorely missed. James went on to say, "my association with Janet dates back to 1994, when I started serving on the MLC management committee. During this time, Janet has always been held in the highest regard, within both the MLC and community justice sector. This is rightly reflected in the numerous awards that Janet has received, such as: the Children's Lawyer of the Year 2000 and a Special Commendation in the 2001 NSW Justice Medal Awards".

In 2005, when Janet was presented with the 2005 Justice Medal for outstanding achievement in improving access to justice especially for



socially and economically disadvantaged people, Janet said of her work within the community legal sector, "We are independent, flexible and have the capacity to go the extra yards for people....it would be fantastic if we could do ourselves out of a job – if community centres no longer need to exist ..but we are a long way off that".¹

Jane Cipants from Illawarra Legal Centre and Jane Sanders from Shopfront Youth Legal Centre, in their nomination of Janet for the 2005 Law and Justice Foundation medal award, said of Janet, "Apart from her outstanding children's legal work, she has also been a driving force in the

community legal sector, as convenor of many committees, Board member and Chairperson of the Combined Community Legal Centres Group, and Legal Aid Commissioner. Janet has outstanding achievement in improving access to justice, she possesses high level policy skills which she has used as a consistent and tireless advocate for children and young people. Janet has been unrelenting in her lobbying of government and dealings with the media in relation to children's rights in the legal system. Janet has made many written and oral submissions over the years in relation to children's legal issues, and

many believe that she was fundamental in ensuring that a child and young person focus was adopted by the new legislative framework around the Care and Protection Act."

Janet has supported the development of the Youth Justice

Coalition and the National Youth Advocacy Network in promoting legal issues for and of children, and "she has worked tirelessly on behalf of clients, usually representing people who are incredibly disadvantaged." Janet has undertaken precedent cases which are extremely complex and difficult areas of litigation to run from an under resourced community legal centre. Janet dedicates long hours to ensure that her cases are run with professionalism, and to ensure the best outcomes for her clients who have often experienced extreme disadvantage. Her litigation work is time consuming and demanding, but critical to ensuring the protection of the rights of children and young people in care. Janet was part of



team that has undertaken test case litigation. The first one commencing in 1991, with a case to test the responsibility of the NSW Government for children in care. It was the first time in NSW that the Government had proceedings issued against it for negligence regarding the care of a State Ward. During Janet's time as Principal Solicitor the Centre undertook public interest litigation that focussed on the recognition and promotion of children's legal rights, challenging the accountability of the Department of Community Services as regards children and young people in their care and challenging the discriminatory operation of the Children (Protection and Parental Responsibility) Act 1997 as regards Aboriginal children.

Janet, has said, "I have had the benefit of working with passionate and hard working people who have made real differences to access to justice. Sitting in the High Court this year Pip Davis did a fabulous job as instructing solicitor, with our client and the 'community support group' in the wings, is an experience I will remember forever .. among many others".

Janet's role as mentor cannot be underestimated, it is clear from the responses from the many people who have worked with Janet, that she has been an inspiring role model.

Natalie Ross, on reflecting upon the contribution that Janet has made to MLC and the community legal sector, sums up the thoughts of many of Janet's colleagues by saying, "I can't think of anyone else working in NSW Community Legal Centres who has her depth of knowledge and experience. I think she is widely respected not just for this knowledge and experience but also for her manner and style. She has maintained

a commitment to working collectively and following good processes. In her career in Community Legal Centres she has actually followed through on the rhetoric about Community Legal Centre work, and has been much involved in community legal education and law reform work as casework".

On behalf of the staff and Board of Marrickville Legal Centre, we sincerely thank Janet for her outstanding service and commitment to the Centre.

Many thanks to the Law and Justice Foundation, Jane Cipants and Jane Sanders for their kind permission to use the Justice Medal nomination material.

(Endnotes)

¹ Sydney Morning Morning Herald, 10 October 2005, <http://www.smh.com.au/news/national/fighting-the-little-guys-cor>.



Pip Davis – Generalist Solicitor and Locum Principal Solicitor

Pip Davis brought with her a lively sense of humour, strong work ethic and a sincere commitment to social justice, when she joined Marrickville Legal Centre in October 2000 as the full-time generalist Solicitor. In this role she undertook advice and casework, provided community legal education and engaged in various law reform activities. Pip managed the evening advice service and through that role she built a wonderful rapport with all of our volunteer solicitors and assistants.

She has provided a significant amount of assistance to victims of crime, and advocated for reforms to the *Victims Support and Rehabilitation Act*. Her casework particularly focussed upon the rights of ATSI and CALD women who were victims of domestic violence. She also campaigned for better access to free interpreter services for clients of culturally and linguistically diverse backgrounds.

Pip acted as locum Principal Solicitor from November 2004 when Janet went to Kingsford Legal Centre to work in the role of locum Director.

In May 2006 Pip graced the steps of the High Court in Canberra, instructing Senior Counsel Steven Churches and Counsel Simon Ower at the hearing of *McNamara v RTA*.

In September 2005 she took leave so that she could accept an opportunity to act in the position of Principal Solicitor of Hawkesbury-Nepean Legal Centre. At the same time, she worked approximately one day per week at MLC and remained as Solicitor on the Record whilst the recruitment process was underway for a new locum Principal Solicitor. We are extremely grateful to Pip for being so wonderfully dedicated to the Centre and for the additional responsibility she was willing to take on in being Solicitor on the record at two centres.

Pip has shown enormous commitment and dedication to her clients over the five years she spent at MLC. Her effervescent personality and wicked sense of humour, not to mention her excellent choice of expletive, will be sadly missed by her colleagues.

An interview with Pip can be found on the following pages.



Enough Rope

Interview by Emma Keir



Hi Pip, thanks for talking with me today about your experience working as a solicitor at Marrickville Legal Centre for more than 5 years.

Oh it's a pleasure.

You started working here more than 5 years ago as the full-time Generalist Solicitor.

Yes that's right.

I'd like to ask you a few questions about your time here at Marrickville, but I'll start with an easy one.

What is your favourite colour?

Oh, that's not very easy is it! Let's say orange. Or what about puce?

What's puce?

I don't know but I have a dictionary here so let me look it up.

[pauses to consult dictionary]

A purplish brown.

Lovely.

Prior to joining MLC you were working in private practise, weren't you?

Mmm hmm.

What sort of law did you practise in the private sector?

Really bad law.

Do you mean bad as in unjust or do you mean being bad at it?

Oh I'll leave that to you to decide!

So your move to the community law sector was a refreshing one?

Yes....refreshing.

What factors influenced your decision to work in the community legal sector? (Yes I know....this one belongs in a job interview...sorry)



Well, I never wanted to work for “the man,” (literally or figuratively speaking!) and so being able to work as a lawyer where I could make a difference was really appealing. I love the fact that CLCs work at a grassroots level and effect change through not only casework, but also community education and law reform.

There have been many highs and a few lows (let's not go on about it though), whilst you've been at MLC. What are some of the highlights of your 5 years here?

Working with some amazing and committed people, including a huge number of volunteers who provided so much support to the Centre and our clients over the years; appearing in the High Court in the McNamara case; assisting victims of crime including appearing in Supreme Court in the Harvey matter.

Any other highlights, because you know you have had a long and illustrious career at Marrickville?

I think some other highlights would be getting a compactus, the move to broadband, getting a telephone headset, and my own brand-new ergonomic chair.

What was it like to go to the Highest Court of this Land? How did you feel when the case was won?

Getting to the High Court was a fraught path involving many tears over failed filing attempts because the margins were not the right size or there was a comma missing (or present, I can't remember now, thank god!) in one of the parties' title (the CTTT) and of course

the ever breaking aforementioned photocopier! Even getting into the High Court itself was fraught because we arrived before the Court was open for the day. We couldn't find the entrance and kept walking around desperately trying to find someone to let us in, up and down all these stairs with our suitcases in tow! Eventually someone who had been watching us on the CCTV cameras felt sorry enough to come and let us in! Probably muttering under his breath.... ‘what do these people think this is – The Castle?’ Whilst in the High Court, I had the easiest part of the job though, I pretty much got to sit back and watch the show. It was such a great experience. When we won, I felt huge relief – for our client, for the Centre and of course for myself! Coupled also with elation. This of course turned to terror when I became involved in a battle between two of the 6.30 “current affairs” shows who were battling to get an interview with me which I didn't want to give because I didn't want to be on TV!

No doubt you have had many.....

Complete the sentence.

Grievances made against you.

Ha! Now let's get serious please. What I was going to ask was, no doubt you have had many strange requests for advice. What has been your most memorable request for advice?

One night, a client came into the evening advice service. It was memorable not really for his request for advice because there was no obvious or discernable legal problem, but rather his story..... the client's story revolved around what he



described as his “well-reknoned” mountain bike riding skills in the area where he lived and the fact that at some previous time he’d had an accident but had come back “reconstituted” in his current form.

Hmm. What’s the scariest thing you have ever had to do whilst working at Marrickville Legal Centre?

I think the “scariest” thing involved a case that Gab was running on behalf of a young person. The young person had been charged with some driving offences and Gab was defending the matter. Our defence revolved around our evidence which was a car door. Gab had started to examine her client and then advised the Magistrate that her assistant, ie me, would bring forward our prize piece of evidence. I had to pull this huge and very heavy car door up to the front of the court room under the glare of the magistrate and the incredulity of the rest of the legal profession, court staff and public sitting in the court room and then set up the door at about the level of where it would be on a car so that the client could sit behind it as though he were driving the car! Needless to say, the moment did not go over so well with the Magistrate!

And did you get him off?
He got a section 10.

Now I have to ask you this, it’s a question that’s been on my lips for some time now – what exactly is a side-angled horse float?
Well...traditional horse floats have horses traveling in a forward direction. Side-angled horse floats have horses traveling at a 45-degree angle to the front of the float, giving

them much better balance and ease of travel.

Thank you for clearing that up for me, I really have been mulling over that matter for a while.

Has there been anyone who has played the role of a mentor in your life?
Without a doubt, Janet Loughman.

Yes, Janet certainly has had a significant positive impact upon the Centre and its staff over many years, and she really leads by example.

Do you still do the SMH cross word, if so can you do it on your own or do you need a fierce competitive environment to achieve maximum potential?

I’d like to, but we don’t get the paper out here. It’s one of the things I miss about Marrickville, doing the crossword at lunch with everyone, and of course, getting the paper!

Speaking of things that you miss about Marrickville, what else do you miss?

I miss my colleagues, the Vietnamese restaurants, the twenty-minute train ride into the City (mine at the moment from Hawkesbury is more than 2 hours – but I don’t miss the long commute to and from home), I miss having a photocopier that’s also a printer that does double-sided printing. I miss my filing cabinet with the pull-out extendable files and of course I miss my ergonomic chair!

Can you recall a favourite moment?

Hmmmmmm Some of my favourite moments or memories were the Centre’s 25th birthday celebration – that was a great night and

my Felicity birthday cake made by Gab one year! (“Felicity”, as in the top-notch TV show). I also loved our “post Christmas” parties each year – a great chance to catch up with all the volunteers and have a good night away from the Centre. The first year I was at Marrickville, we had a Christmas party in December. Sadly only 2 people turned up! It was pretty tragic and I felt like Peter Brady! (from the Brady Bunch TV show) So having the party in February always ensured that we had lots of people come along, making it a great night.

Yeah they always are loads of fun.... and a great way of showing our appreciation of all the great work our vullies do for the Centre and our clients.

What’s your favourite luncheon venue at Marrickville Bun with steamed tofu at the Nhat Tan.

It’s fairly widely known amongst your colleagues and friends that you are a member of Sydney Wildlife and have a habit of harbouring wild animals. Are you caring for any little creatures at the moment?

Yes I am! At the moment..... do you want to know their names?

Yes

We’ve got Silky and Tinkerbell, who are two baby brushtail possums; we’ve got Mike and Kathy who are two baby ringtail possums; and we’ve got Judy, Rudy and Lionel who are three juvenile ringtails.

And what else have you got out there on the ‘farm’?

2 horses, 2 dogs, 2 cats and 2 fish.

Hmmm kinda like Noah’s Ark?

Yeah that’s what I was gonna say!

One last question for you - any words of advice for budding solicitors who are keen to work in community legal centres?

Start volunteering in a Centre and don’t be put off by the salaries because the other returns and rewards for working in a legal centre far outweigh the pay. I would also advise them to think carefully about the evidence they might use in a case - I wouldn’t recommend using a car door! It might be cheaper to buy from a wrecker than paying for an expert, but really, as I’ve already said, money

isn’t everything!

Thanks Pip, it’s been an absolute pleasure talking with you today.

For me too mate





Thank you for your time.
No worries.

*On behalf of all the staff and the Board
Marrickville Legal Centre we would like
to wish you all the best of luck out there at
Hawkesbury. There is no doubt that you
will prove to be an asset to the centre and
their clients.*



FINANCIAL REPORT **12** 2005/06

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, 2006

<u>CONTENTS</u>	<u>PAGE NO.</u>
Report by the Committee	1
Auditor's Independence Declaration	3
Balance Sheet	4
Income Statement	5
Statement of Cash Flows	6
Notes to and Forming Part of the Financial Statements	7
Detailed Income Statement	11
Schedule of Expenditure	12
Committee's Declaration	13
Independent Audit Report to the Members	14



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, 2006.

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:

James Koulouris - Chairperson
AFP, National Coordinator of Client Services,
Risk Management and External Vetting
Appointed: 2/11/98
Bachelor of Laws Degree (Honours) - LLB (Honours) -
Macquarie University
Bachelor of Economics (Social Science) Degree -
E.Ec (Soc Sci) - University of Sydney

Hannah Sophia Robert, Solicitor
Appointed: 6/12/04
BA (Honours), Bachelor of Laws (Honours),
University of Melbourne

Noel Patrick O'Keefe
Management of Inventory, Project Costs
Corporate Reporting, Approved Budgets etc
Appointed: 24/10/05
Institute of Chartered Secretaries and
Administrators

Natalie Elizabeth Ross
Inner City Legal Centre Principal Solicitor
Appointed: 19/11/01
Ceased: 6/02/06

David Hilliard, Clayton Utz, Pro-Bono Director
Appointed: 6/12/04
Ceased: 20/03/06

The Directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

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 \$6,308.
(2005: surplus of \$16,461).



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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, 2006 which would significantly affect:

- (a) the Company's operations in financial years subsequent to 30 June, 2006;
- (b) the results of those operations; or
- (c) the Company's state of affairs, in financial years subsequent to 30 June, 2006.

LIKELY DEVELOPMENTS

At the date of this report, the Committee is not aware of any matter or circumstances that have arisen since 30 June, 2006 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, 2005 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 18th day of September 2006.

James Koulouris
.....
Committee/(Director) Member

Nadiah
.....
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, 2006, there have been:

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

Date 4/4/06


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

BALANCE SHEET AS AT 30 JUNE, 2006

	<u>Notes</u>	<u>2006</u> \$	<u>2005</u> \$
<u>CURRENT ASSETS</u>			
Cash	5	322,859	307,107
Receivables		9,001	8,556
Prepayments		8,623	23,386
		<u>340,483</u>	<u>339,049</u>
<u>NON-CURRENT ASSETS</u>			
Property, Plant & Equipment	6	27,698	30,731
Prepayment		21,072	22,832
		<u>48,770</u>	<u>53,563</u>
<u>TOTAL ASSETS</u>			
		<u>389,253</u>	<u>392,612</u>
<u>CURRENT LIABILITIES</u>			
Creditors & Accrued Expenses		38,672	26,823
Deferred Grants		18,729	5,355
Provisions	7	38,228	53,633
		<u>95,629</u>	<u>85,811</u>
<u>NON-CURRENT LIABILITIES</u>			
Provisions	8	101,507	119,232
Deferred Grant	13	21,072	22,832
		<u>122,579</u>	<u>142,064</u>
<u>TOTAL LIABILITIES</u>			
		<u>218,208</u>	<u>227,875</u>
<u>NET ASSETS</u>			
		<u>\$171,045</u>	<u>\$164,737</u>
<u>EQUITY</u>			
Accumulated Funds		<u>\$171,045</u>	<u>\$164,737</u>

The above Balance Sheet should be read in conjunction with the accompanying Notes.



MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
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INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE, 2006

	<u>Notes</u>	<u>2006</u> \$	<u>2005</u> \$
Operating Revenue	2	719,130	730,383
Interest Received		18,770	18,476
		<u>737,900</u>	<u>748,859</u>
Less			
Administration Expenses		78,303	66,270
Client/Community Servicing Expenses		18,152	33,023
Occupancy Expenses		11,693	26,716
Staff Expenses		623,444	606,389
		<u>731,592</u>	<u>732,398</u>
OPERATING SURPLUS		<u>6,308</u>	<u>16,461</u>
Accumulated Funds brought forward		164,737	158,383
Less			
Deferred Grant transferred to Income		-	10,107
		<u>164,737</u>	<u>148,276</u>
ACCUMULATED FUNDS carried forward		<u>\$171,045</u>	<u>\$164,737</u>



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, 2006

	<u>Notes</u>	<u>2006</u>	<u>2005</u>
		<u>\$</u>	<u>\$</u>
CASH FLOWS FROM OPERATING ACTIVITIES & GOVERNMENT GRANTS			
Receipts from clients/legal costs awarded/community (incl. GST on Government Grants)		116,129	110,976
Government Grants		705,262	669,463
		<u>821,391</u>	<u>780,439</u>
Payments to creditors, employees and GST		(815,803)	(794,101)
NET OPERATING CASH FLOWS		<u>5,588</u>	<u>(13,662)</u>
Interest Received		18,770	18,476
		<u>24,358</u>	<u>4,814</u>
NET CASH FLOWS FROM ALL ACTIVITIES		<u>24,358</u>	<u>4,814</u>
Payments for property, plant & equipment		(8,606)	(14,367)
NET INCREASE/(DECREASE) IN CASH HELD		<u>15,752</u>	<u>(9,553)</u>
Cash at the beginning of the financial year		307,107	316,660
CASH AT THE END OF THE FINANCIAL YEAR	5	<u>\$322,859</u>	<u>\$307,107</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 AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2006

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 expected 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 employment contracts 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 AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2006

	<u>2006</u>	<u>2005</u>
	\$	\$
2. OPERATING REVENUE		
Grants received from:		
Legal Aid Commission - Commonwealth	139,324	136,324
Legal Aid Commission - State	225,182	232,389
Legal Aid Commission - Deferred Grant	-	10,107
Tenants Advice and Advocacy Service	238,891	230,984
Domestic Violence CAS	88,265	69,766
Other	2,586	10,613
Legal Costs Received	13,953	14,055
Donations & Memberships	547	161
Other	10,382	25,984
	<u>\$719,130</u>	<u>\$730,383</u>
3. OPERATING SURPLUS		
Operating Surplus is arrived at after charging the following specific items:		
<u>Charges</u>		
Depreciation - Plant & Equipment	11,639	10,687
Provision for Employee Entitlements	58,219	73,078
4. INCOME TAX		
Marrickville Legal Centre is exempt from Income Tax, being a charitable institution under Section 23 (e) of the Income Tax Assessment Act.		
5. CURRENT ASSETS - Cash		
Cash at Bank	15,329	15,661
Deposits at Call	307,530	291,446
	<u>\$322,859</u>	<u>\$307,107</u>



MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
A.C.N. 002 059 485

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2006

	<u>2006</u>	<u>2005</u>
	\$	\$
6. NON-CURRENT ASSETS - Property, Plant & Equipment		
Land & Buildings		
Leasehold Improvements - at cost	38,000	38,000
Accumulated Amortisation	(38,000)	(38,000)
	<u>-</u>	<u>-</u>
Plant & Equipment		
At cost	98,338	89,732
Accumulated Depreciation	(70,640)	(59,001)
	<u>27,698</u>	<u>30,731</u>
Total Property, Plant & Equipment	<u>\$27,698</u>	<u>\$30,731</u>
7. CURRENT LIABILITIES - Provisions		
Employee Entitlements	30,859	53,633
Equipment Replacement	7,369	-
	<u>\$38,228</u>	<u>\$53,633</u>
8. NON-CURRENT LIABILITIES - Provision		
Employee Entitlements	<u>\$101,507</u>	<u>\$119,232</u>
9. REMUNERATION OF AUDITOR		
Audit Fee	3,000	2,800
Other Benefit	-	-
	<u>-</u>	<u>-</u>
10. INCORPORATION		
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 \$100.		



MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
A.C.N. 002 059 485

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2006

11. SEGMENT REPORTING

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.

	<u>2006</u>	<u>2005</u>
	\$	\$
12. RECONCILIATION OF NET CASH OUTFLOW FROM OPERATING AND GOVERNMENT & COMMUNITY ACTIVITIES TO OPERATING SURPLUS		
Net cash inflows from operating activities & government grants	24,358	4,814
Transfer from Accumulated Funds brought forward	-	10,107
Depreciation & Asset Replacement	(19,008)	(10,687)
Change in operating Assets and Liabilities		
Increase/(decrease) in Receivables	445	5,856
Increase/(decrease) in Prepayments	(16,523)	(2,530)
Decrease/(increase) in Creditors & Accrued Expenses	(11,849)	10,435
Decrease/(increase) in Employee Entitlements Provision	40,499	(11,120)
Decrease/(increase) in deferred grant	(11,614)	9,586
Operating Surplus	<u>\$ 6,308</u>	<u>\$16,461</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.



MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
A.C.N. 002 059 485

INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE, 2006

	<u>2006</u>	<u>2005</u>
	\$	\$
<u>INCOME</u>		
Grants - Legal Aid Commission		
Commonwealth	139,324	136,324
State	225,182	232,389
Deferred Grant	-	10,107
- Tenants Advice and		
Advocacy Service	238,891	230,984
- Domestic Violence CAS	88,265	69,766
	<u>691,662</u>	<u>679,570</u>
Unspent Grants brought forward	440	7,826
Other Grants	2,146	10,613
Casework Income		
TAAS Subsidies/Refunds	203	311
Legal Costs Received	13,750	14,055
CLISIS Project	-	840
Consultancies	2,353	3,766
Interest Received	18,770	18,476
Membership Fees & Donations	547	161
Seminars/Conferences	2,264	1,444
Sundry Income	811	2,318
Workers Compensation Claims	4,954	9,479
	<u>737,900</u>	<u>748,859</u>
Less		
<u>EXPENDITURE</u> - Schedule	731,592	732,398
<u>SURPLUS FOR THE YEAR</u>	<u>\$ 6,308</u>	<u>\$16,461</u>



MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
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SCHEDULE OF EXPENDITURE
FOR THE YEAR ENDED 30 JUNE, 2006

	<u>2006</u>	<u>2005</u>
	\$	\$
<u>EXPENDITURE</u>		
<u>Administration Expenses</u>		
Advertising	3,766	2,828
Audit Fees	3,000	2,800
Bank & Financial Charges	1,419	1,627
Committee & Miscellaneous Expense	180	1,035
Computer Expenses	6,760	7,567
Depreciation	11,639	10,687
Equipment - Minor	2,590	448
- Replacement	7,369	-
Insurance - General/PI	6,821	7,494
Levies	5,075	3,931
Postage/Courier	2,301	2,659
Stationery/Office Supplies	5,145	5,591
Subscriptions/Library	5,058	4,254
Telecommunications	17,180	15,349
	<u>78,303</u>	<u>66,270</u>
<u>Client/Community Servicing Expenses</u>		
Catering/Venue Hire	1,456	1,327
Community Development	330	824
Interpreters	168	4,964
Non-recoverable Disbursements	647	181
Printing/Production	13,210	22,599
Travel/Accommodation	1,269	1,147
Volunteers' Expenses	1,072	1,981
	<u>18,152</u>	<u>33,023</u>
<u>Occupancy Expenses</u>		
Cleaning	3,845	3,970
Electricity	2,533	2,012
Rent/Leasehold Expenses	1,760	1,920
Repairs/Maintenance	2,133	17,510
Security	1,422	1,304
	<u>11,693</u>	<u>26,716</u>
<u>Staffing Expenses</u>		
Conferences/Seminars	3,574	4,413
Consultants	5,111	5,775
Other Salary Related Expenses	912	638
Practising Certificates	1,440	1,835
Staff Training	3,816	5,285
Superannuation	50,710	44,001
Wages/Salaries	554,631	539,449
Workers Compensation Insurance	3,250	4,993
	<u>623,444</u>	<u>606,389</u>
<u>TOTAL EXPENDITURE</u>	<u>\$731,592</u>	<u>\$732,398</u>



MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
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COMMITTEE'S/(DIRECTORS') DECLARATION

The Committee/(Directors) Members declare that:

1. the financial statements and notes, as set out on pages 4 to 12, 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, 2006 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.

James Hawkins

.....
Committee/(Director) Member

Nicola Hoff

.....
Committee/(Director) Member

Signed at Marrickville this 18th day of September 2006.



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 of MARRICKVILLE LEGAL CENTRE (A Company Limited by Guarantee) for the year ended 30 June, 2006 as set out on pages 4 to 12. 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

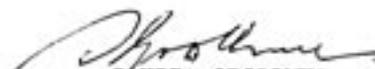
In accordance with ASIC Class Order 05/83, I declare to the best of my knowledge and belief that the Auditor's Independence Declaration set out on page 3 of the financial report has not changed as at the date of providing my audit opinion.

AUDIT OPINION

In my opinion, the financial statements 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, 2006 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.

Date 4/8/06


SANDRA GROLLMUS

Registered Company Auditor

Registered No. 1254

13 MEDIA CONTACT

The Sydney Morning Herald

Fighting the little guy's corner

Michael Pelly
Legal Reporter

Janet Loughman says some of the toughest legal battles she has fought have been against governments - and they don't play fair. "They are litigants with deep pockets, and they are not. They are supposed to be model litigants, but they are not. They fight an incredibly hard legal fight. It does disappoint, and for it to be so, it's very difficult for me - disheartening." Ms Loughman, who has spent most of her 30 years as a community lawyer, took special delight in the High Court's recent decision which kept Sydney woman Jill McGlothlin in her home of 24 years despite a Roads and Traffic Authority eviction order. The authority claimed, unsuccessfully, that it was not obliged to show "good reason"

and honour her legal protections because it had Crown immunity. "The High Court was saying the rule of law is strong and government should comply with the law as ordinary citizens do," said Ms Loughman.

The Marrickville Legal Centre and barrister Dr Steven Churchman ran the case for Mrs McGlothlin. Ms Loughman said it was an exception to the rule that deep pockets usually win out.

She was at Marrickville for 14 years until last year, when she joined Kingsford Legal Centre. She has also been convener of the Youth Justice Forum, and was National Children's Lawyer of the Year in 2000.

Helping one child gave her special satisfaction. It was the early 1990s and the Department of Community Services was deinstitutionalising facilities for state wards.

Ms Loughman said she was



Committed ... lawyer Janet Loughman.
Photo: Robert Pearce

"incredibly affronted by the way the Government treated state wards". Her client sued DOCS after being abused in foster care, alleging a failure to carefully select and monitor the carers.

The case settled at mediation. "Because the department was fighting it seriously, it was going to take an incredibly long time," she said.

Community legal centres are "usually representing people who are incredibly disadvan-

taged", she says. "We are independent, flexible, and have the capacity to go the extra yards for those people."

The former Chief Justice of Australia, Anthony Mason, presented her with the medal at the Law and Justice Foundation's Justice Awards at Parliament House last week.

In his speech, Sir Anthony said that the "concentrated focus of governments on necessary economic reforms has

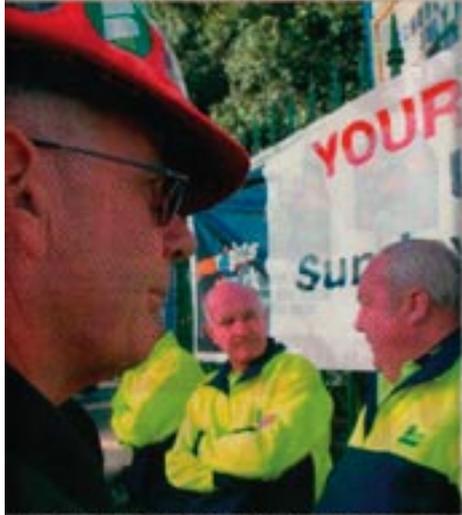
meant that the importance of protecting civil rights and social needs has taken a seat in political affairs".

Domestic abuse camps Elsie Gosham used her award speech for the Aboriginal Justice Award to berate the Government over police murders.

Ms Loughman took up some themes, saying that governments were very good at listing the virtues of legal centres but were not very good at setting up with cash and resources.

"We always have a resource issue. We have trouble paying reasonable wages and having photocopiers we don't have to kick to get started," she said.

She does not expect any easing of centre workloads though. "It would be fantastic if we could do ourselves out of business - if community legal centres were no longer needed to exist ... but that's a long way off that."



Inner City workers gathered outside Leichhardt town hall last September to

Getting ready for IR reforms

Workplace reform is dividing opinions. **Report** LAWRENCE CONWAY

While the debate over the Federal Government's workplace relations reforms rages on, local businesses, legal service providers and councils are planning for its possible impacts. The Marrickville Legal Centre, which offers free legal advice, has a background briefing paper on the proposals and has been fielding calls from concerned residents.

Centre solicitor Margaret Martin said the centre was trying to get more solicitors with industrial law experience to help out.

"We are already getting enquiries from people affected by employees who seem to be making changes already," she said.

At Leichhardt Council the human resources manager is looking at the issues and has a summary of the effect the new laws could have on local government employees. Leichhardt chamber of commerce president Lisa Ratti said she had discussed the changes with local business people.

"We do support the new industrial relations reform

as it opens up new opportunities for employers and employees," he said.

The reforms are contained in the WorkChoices bill which passed through the House of Representatives last Thursday. The Federal Government hopes to have the bill passed by the new year, but opposition in the Inner City remains strong with Marrickville MP Cameron Tennant condemning the changes.

"Without the protection provided by the Industrial Relations Commission and award system, the lives standards of workers and their families will be at the mercy of the marketplace and the whims of employers," she said.

Her sentiments were backed by Leichhardt deputy mayor Chris Windsor, who said the reforms were draconian and would result in suffering for low income earners and the unemployed.

Workplace Relations lawyer Damian Sloan from law firm Middletons said a lot of faith was being placed by the Government in employers to do the right thing



Prejudice

CHRIS MERRITT

No Whelan dealin'

IF ARIE is thought for past and Gary Whelan. He has been out of NSW and now it looks like he is about to be out of Queensland.

Whelan is the man behind a company known as Justice Inquiry Institute, which makes its money by helping people to present injury lawyers.

His business, which is also known as "Justice Institute", closed its operations in Sydney in response to a conclusion by the NSW Government.

And with prospects looking bleak, he set off to Brisbane. But now he is in Queensland.

Queensland Attorney-General Linda Lazarus plans to introduce legislation that will force Whelan to return to Queensland to close.

One of the things that seems to have angered the governments of NSW and Queensland is that lawyers are no longer allowed to drum up personal injury work, but claimants' lawyers because they are not lawyers, an able to help people that apply for personal injury lawyers.

There will be no more television and radio ads in the Brisbane state advertising agencies and people to call for free advice about how to win compensation.

While Whelan has always been reluctant to work in Queensland, now he makes his money, former Peter Bourke and Linda Lazarus believe Justice Institute charges him of up to \$1000.

Whelan is also alleged. He plans to introduce his business operations in Queensland and to sue the state for the cost of the government's new system to help him.



New level: David Hillard, Captain Ute's first general manager

But there is always the internet. Jon Stanbury's Australia Capital Territory has not followed the example of NSW and introduced laws.

That means Whelan and other claimant lawyers can still run their businesses in Queensland.

That might explain why Lazarus is planning to sue this time with the standing committee of attorneys-general. Until there is a national approach, the internet makes it easy for attorneys to subvert state-based advertising bans.

Travel-weary

IT'S hardening to know that even the NSW Attorney-General's Department is human.

Last Friday the department made several quick corrections to its annual report to announce to last week's from its Pigou for about the foreign travel bill of the state's judges.

The department's latest significant revelation concerned former Supreme Court judge Jeff Shaw and current Judge Peter

Hobden. The department had accepted that it was wrong when it had originally reported that Shaw's trip to Japan last year had cost taxpayers \$20,000.

It has also accepted it was in error when it reported that Hobden's trip to Scotland last cost another \$20,000.

As things turned out, Shaw decided not to tell taxpayers for his trip, and Hobden never left Australia shores.

According to a spokesman for the department, the problems arose because the original figures were based simply on approval for foreign travel. Nobody bothered to check whether the judges actually took those trips or whether they claimed travel expenses from NSW taxpayers.

Philosophical

COULD it really be that Michael Kirby is getting on?

On Wednesday, when the High Court judge addressed graduates of the NSW College of Law, he seemed to spend a lot of time reflecting on the importance of justice and status.

It appears that watching the former when he sits the old office of his colleague Michael McHugh has found Kirby to contemplate what he referred to as the "succession of legal magnificent events".

"All that effort and energy in the service of the law and the judiciary will come suddenly to a constitutional full stop," he said.

Kirby also spent some time talking about the events, such as those related, career trajectories of law graduates. While many may practice as lawyers,

work in the public service or even get the "bottom of the barrel", "a handful will have become law firm partners — some will like few of my co-graduates — some distinguished for themselves".

"I'm sure you'll find law graduates throughout Queensland," he said.

Going public

THINK who makes it to the top of court is first usually have a track for making it to the top.

But Clayton Utz is trying something different. This firm has just appointed David Hillard as its first general manager. Hillard has been general director since 1997 and was his strongest since just last week he has taken general work.

While Clayton Utz is one of the nation's most consistently successful firms, any one is expected to contribute to the firm's work.

Hillard will coordinate these efforts as the firm's public affairs will coordinate legal centres.

New recruit

WILEN Alan Goldring became the full-time president of the Australian Competition Tribunal. It left a gap on the bench of the Federal Court. And yesterday the Victorian Bar's Neil Young became 18 years joined to Michael Black's court.

Young, 51, is a former chairman of the Victorian Bar and former president of the Australian Bar Association. He will be based in Melbourne. With back to Brisbane and Leticia Marks.

Legal Affairs

Edited by: mpriest@afsl.com.au

Clayton Utz elevates pro bono to partner

Marcus Priest

At the age of 37, and having spent a large part of his working life giving free legal advice to clients at community legal centres, David Hillard will become a partner at one of the largest corporate law firms on January 1.

Mr Hillard will become only the second pro bono partner at an Australian law firm and the first at a national law firm, when he is appointed partner by Clayton Utz.

"One of the really fantastic things about my position is integrating the provision of free legal advice and access to justice into what the big end of town does, as well," he said.

His is one of eight internal promotions and follows the lead of some American firms, which have full-time pro bono partners. It raises the bar for all Australian commercial law firms that in recent years have started to develop significant pro bono practices.

"Across Australia there are other firms that do quite significant amounts of pro bono as well," Clayton Utz chief executive partner David Fagan said. "We think appointing a partner to run the pro bono practice is recognition of the importance of it."

Mr Hillard has been appointed on the same terms as the other internal partnership promotions. He had the same potential to become a full-equity partner as any other lawyer within the firm, Mr Fagan said.

"We know, also along with the altruistic reason of doing it, there is demand inside the firm to do it," he said. "It is important for us as a firm to be out there doing those things. We also see it in our graduate



David Hillard will become the first pro bono partner appointed at a national law firm.

Photo: JAMES ALDOCK

recruitment; graduates want to know that we are engaged in this because they want to do it."

The firm's decision to promote Mr Hillard follows its role in the successful High Court appeal in the case of Andrew Mallard, who was convicted in 1995 of the brutal murder of a Perth jeweller on the basis of unreliable and unrecorded confessions.

"Mallard is a case that couldn't have been run other than on a pro bono basis," Mr Hillard said, adding the solicitors worked hundreds and hundreds of hours.

"It is one of the strengths that a large law firm can bring to this sort of community work. It is important

that there is someone supervising that work and the people who are doing it are appropriately trained rather than using it as a form of training for junior lawyers."

Mr Hillard — who attended the same high school as former Labor leader Mark Latham — was first appointed as pro bono co-ordinator in 1997, after first joining the firm in 1991. According to firm estimates, since the pro bono practice started in 1997, around 150,000 hours of pro bono work has been performed.

In excess of 26,000 hours of pro bono work was done last year and all lawyers, including partners at the firm, are expected to do at least 30

hours pro bono practice a year.

"The 26,000 figure for last year I suspect is the largest that has ever been done for any firm," Mr Hillard said. "In raw terms, it is about 25 per cent of our legal practice. If we lumped pro bono together as a single client it probably would have been last year Clayton Utz's second or third largest client. It is not some sort of window-dressing, it is a vital part of everybody's practice here and because of that it is appropriate that for a client the size it is and a program the size it is that it is properly headed-up."

Mr Fagan said it was important from a management perspective to have a partner in charge of pro bono

HILLARD MILESTONES

1980-1985: Hurstville Agricultural High School, Glenfield

1990: Graduated with BA LLB (Hons) from the University of Sydney

1991: Joined Clayton Utz as a graduate-at-law, in corporate department

1992-1994: Commercial litigation lawyer at Clayton Utz

1994-1997: worked at Anti-Discrimination Board of NSW

May 1997: Appointed national pro bono director of Clayton Utz — the first pro bono appointment by a national Australian firm

November 2003: Pro bono partner at Clayton Utz, effective January 1

work. "It is that important in terms of controlling it, making certain that all necessary procedures are followed and to develop it," he said.

Arnold Bloch Lieber is the only other firm with a full-time pro bono partner. ABL public interest partner Peter Seidel said the promotion of Mr Hillard had more than just symbolic importance. "It is fantastic news," Mr Seidel said. "It reflects the importance of public interest law in the business plan of the firm. [It means] it is an integral part of the firm's work rather than just being done as a secondary exercise after the real work is finished."

Mr Hillard said: "It is easy to be cynical about why this might be happening but I would like to think it is because this is genuinely part of what we do."

Eviction? Court says they're dreaming

Tim Dick
Urban Affairs Reporter

When Jill McGrath moved into her Croydon Park bungalow in 1981, the landlord, the Commissioner of Main Roads, could not evict her without good reason.

But times changed and eviction rules were relaxed. The commissioner's successor, the Roads and Traffic Authority, has tried to kick her out for five years.

The authority wanted its tenant out while the repairs she asked for were being done but its agents refused to guarantee to let her back in. So she sat tight, the authority slapped her with an eviction order and when she complained, it claimed it was not obliged to honour her legal protections because it had Crown immunity.

Yesterday, five judges of the High Court of Australia effectively told the authority it was dreaming.

In a comprehensive decision, reminiscent of Darryl Kerrigan's



High Court win ... Jill McGrath and her dogs at home. Photo Peter Morris

fictional win in the film *The Castle*, the court rejected the immunity claim, effectively declaring the authority to be the equal of anyone else before the law.

The case will now go to the Consumer, Trader and Tenancy Tribunal with an effective direction that the authority must honour its obligations under the old legislation, meaning Mrs McGrath will stay.

"I'm just glad it's nearly all over. It's been quite traumatic," she said. "All I've ever wanted to do was stay in the house."

She was not going anywhere from her home of 24 years when the eviction notice was delivered. She shares it with her two children and two dogs.

"I'm agoraphobic, so that doesn't help," Mrs McGrath said. "I don't like being moved out of

my little comfort zone, so it just seemed to me worth the fight to stay there.

"I think originally the real estate probably looked at the place and thought: 'Gee, if we do this up, we'll probably get a bit more for it.' Why else would they not be able to say: 'You can move back in?'"

She said it was unfortunate the case had to go to the High Court. "When I got my first eviction thing, I could've just packed up and gone, but I just felt that it was worth fighting for."

Mrs McGrath's solicitor, Pip Davis, of the Marrickville Legal Centre, said the Chief Justice, Murray Gleeson, summed the issue up by referring to a presumption that everyone should be equal before the law.

She said the decision was also a win for community legal centres, which help those who cannot afford legal fees to get justice, "especially when they are against the state, a litigant with deep pockets".

Graduate wins Rhodes Scholarship

The winner of the 2006 NSW Rhodes Scholarship is Jonathan Bonnitche, a University of Sydney graduate in economics and law.

Jonathan, aged 24, will use his Rhodes Scholarship to Oxford to undertake postgraduate study in law. One of his special interests is International Labour Rights and he hopes to work at the International Labour Organisation (ILO).

Jonathan is a keen competitive windsurfer and sailor, and in 2003 was a member of the national Olympic squad for windsurfing. In 2004 he was named in the Shadow Olympic windsurfing team, and has his sights set on winning selection for the Australian Olympic Team to Beijing in 2008.

In 2005 Jonathan was awarded the University Medal and in 2005 he was awarded the University of Sydney's Convocation Medal for outstanding academic achievement and significant contribution to the life of the University by an undergraduate student. While

studying he has worked as a volunteer at the Marrickville Legal Centre. He also has a university 'blue' in sailing.

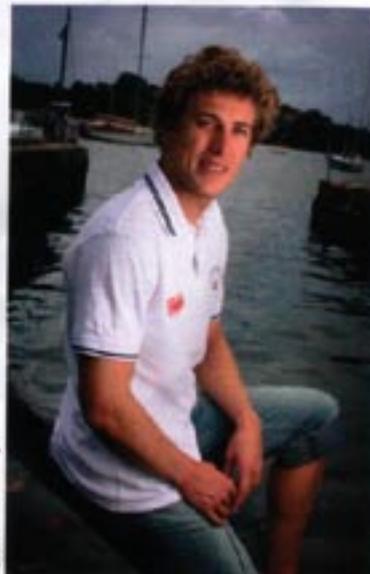


photo: Ted Sealy

Jonathan Bonnitche ... Rhodes scholar.

domain rentals

Add a dash of colour

Home decorating for renters is all about imagination, writes Angie Schiavone.

Renting is largely off-limits for teens, but with a little creativity and imagination, still there are affordable ways to help make your space a luxury place. Under the "do-it-yourself" banner, teens are not allowed to make alterations to the property they rent, so that they have written permission from their landlord.

"Landlords should limit, however, from their landlord, even if they're only putting a book on the wall," says Mike Miller, of the law firm The Attorney Group Service. Landlords are under no obligation to allow their tenants to change anything, even if it's some to be a reasonable expense, Miller says.

Still, depending on your landlord's willingness to negotiate, there are lots of ways to spruce up your rental home.

FLOORS AND WALLS

Get creative, per se, when it comes to your walls. Instead of boring painting, looking up, out or painting, think outside. The easiest way

to get your walls to all of your walls.

Thinking outside the box, Miller of Attorney Group says, is to have a wall of mirrors in a room. In some cases, that's a wall of mirrors, and in others, that's a wall of mirrors that reflect the rest of the room.

Paints, posters, photos and other wall hangings can be an alternative. The easiest way, says Miller, is to have a wall of mirrors. Paints, posters, photos and other wall hangings can be an alternative. The easiest way, says Miller, is to have a wall of mirrors. Paints, posters, photos and other wall hangings can be an alternative. The easiest way, says Miller, is to have a wall of mirrors.

Adding up the cost is not off limits, but it's a little bit. One way to make a wall of mirrors is to use a wall of mirrors. One way to make a wall of mirrors is to use a wall of mirrors.

FURNISHINGS

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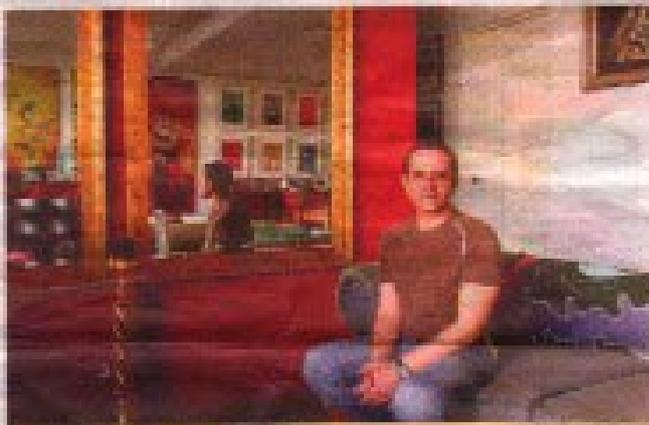


Photo: iStockphoto.com

NO PLACE LIKE HOME

Creative teens can still make their rental home their own. It's all about imagination and a little creativity. Miller says, is to have a wall of mirrors. Paints, posters, photos and other wall hangings can be an alternative. The easiest way, says Miller, is to have a wall of mirrors.

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FIXTURES AND FITTINGS

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FINISHING TOUCHES

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