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Chairperson's Report

I am pleased to present the 2004/05 Annual Report for the Marrickville Legal Centre (MLC). I first became involved with the MLC as a student volunteer in 1994. During the last 11 years I have been proud to have been involved with an organisation that since its inception has played an important role in providing improved access to legal justice to some of the most disadvantaged and marginalised people in our community.

Some of the major achievements of the MLC during the reporting year that have both enhanced its reputation and demonstrated its continued provision of quality services to the community include:

- successfully representing a client in the High Court of Australia in a case involving the rights of protected tenants in NSW;
- the extensive outreach work to culturally and linguistically diverse communities and the various Community Legal Education Forums undertaken by the Women's Domestic Violence Court Assistance Scheme;
- the active participation in the work of the NSW Combined Community Legal Centres Group;
- the successful retention of triennial tenancy funding from the Department of Fair Trading;
- the commencement of fortnightly outreach sessions at the St George Migrant Resource Centre;
- the effective contribution made by the Children's Legal Service to the Youth Justice Coalition and the National Youth Advocacy Network;

- the provision of quality support and conditions for all staff, volunteers, management committee and board members;
- excellent client satisfaction survey results; and
- compliance with key service standards and performance indicators and sound financial management.

There have been a number of other significant achievements in the work of the MLC during 2004/05, some of which are outlined in more detail in the following pages of this annual report.

To conclude, I would like to acknowledge and thank the staff, volunteers and members of both the Management Committee and Board of Directors for their valuable contribution and commitment to the work of the MLC during 2004/05.

James Koulouris
Chairperson
Board of Directors

Coordinator's Report

Here we are again at the end of another financial year. This is the time when we try and take a few minutes out from the day to day pressures of keeping the Centre open, seeing clients, updating our records and all those other things we do on a daily basis, to review the previous year. We run our statistical reports, and it soon becomes clear why we felt so busy. We tally our achievements and see where we were thwarted in our activities. Then we prepare our Annual Report so that we can share this information with our funding bodies, our supporters and all those who are interested in how we work towards achieving social justice.

Management Committee Members

It has been a busy year for our Management Committee with lots of comings and goings. Lisa Castanelli, Elaine Fishwick, Pat Johnson, Sue McIlhatton, Jill Toohey and Emra Vukovic all stood down at, or before, the AGM.

Claire Barrett, Patricia Fleming, David Hillard, Hannah Robert, Natalie Silva and Gina Vizza all came on board at the AGM. Unfortunately Andrew

Wilson and Gina Vizza have both resigned during 2005 because of pressures of work.

General Legal Service

After some years of stable staffing both our legal services have had some changes during this year. Our Principal Solicitor, Janet Loughman, was tempted away from us and took 12 months without pay to become Director of Kingsford Legal Centre. Pip Davis took up the challenge and became locum Principal Solicitor in January. We were very lucky to have Emma Keir join us as full time locum solicitor, dividing her time between the general and children's legal services.

Commencing fortnightly outreach sessions at St George Migrant Resource Centre at Rockdale has been a highlight of the year for the Centre. We have a very large geographic catchment area and have been aware for many years that some of our potential clients in the southern suburbs may find it difficult to get to the inner west. Rockdale is an excellent location for these clients and the fact that the Outreach sessions are well attended is proof that they find it more accessible. It is not surprising that we have experienced a high

demand for employment matters this year. Between unfair dismissals and workplace discrimination we are kept very busy ensuring workers are dealt with fairly. Appearing in the High Court was well and truly one of the major highlights of the year. It was a case that started 5 years ago when our client called the tenancy service. The client was soon identified as a protected tenant and referred to the General Legal Service. The case was indicative of the way in which community legal centres can secure broader social justice outcomes through public interest test case litigation.

Children's Legal Service

In April our Children's solicitor of almost 5 years, Gabrielle McKinnon, moved to the ACT to work in the area of human rights at the Australian National University. We welcomed Julianne Elliott in May, who joined us as locum Children's solicitor.

The Children's Legal Service has been very busy this year with casework, community legal education and law reform and policy work. Many submissions have been made through both the Youth Justice Coalition and the National Youth Advocacy Network. The Centre has been brightened by the attendance of some of our young clients and we are always very pleased when we are able to assist them to achieve a favourable outcome.

Tenancy

Our tenancy workers continue to feel the effects of the reduction in much

needed community services. There have been times when they have almost despaired of finding support services for our most disadvantaged clients. Cases seem to have grown more complex and more of our clients have multiple issues so they often become clients of other services of the centre.

We continue to have a high number of home visits to clients who are unable to visit the Centre. We have clients who have not left their houses for years because of health issues. We are very pleased and proud when we win damages for clients who suffer at the hands of avaricious and unethical landlords. We are also very pleased that we were successful in our expression of interest and that we will be providing a tenancy service for the next three years.

Women's Domestic Violence Court Assistance Scheme

We are not convinced that the decrease in clients that have been seen by the scheme this year means there has been a decrease in domestic violence in our area. Rather we think it is indicative of the continuing high percentage of police initiated applications for Apprehended Violence Orders and the combining of AVO applications with other charge matters which means that they are coming before the court on days that the scheme does not operate. We will continue to monitor this over the next year.

The Scheme has also maintained a strong lobby in relation to the planned creation of Family Relationship Centres that will be attached to

community organisations. There is a concern that, whilst some community groups have training and screening standards in place, it is not clear how the government proposes to ensure that all Centres comply with standards, especially those relating to screening out violence.

Administration

The Administrative team has been kept very busy with the growing number of clients and the rapid changing faces of the staff. We are enjoying the brightness of the new paint and carpet, and we love that our new sign makes us easier to find. As always we have been busy keeping records up to date and ensuring that we meet all reporting requirements.

We have held several orientation sessions for new volunteers who have been wonderful assisting us with a range of administrative tasks.

Some of our daytime volunteers have also undertaken other activities for the legal service.

Combined Group and National Association

Marrickville Legal Centre continues to be involved with the NSW Combined Community Legal Centres Group. Margie Martin is co-convenor of the Community Legal Education Network. I convene Sector Development, am on the Board and am a member of the Staff Support Sub Committee. The Group has had a very busy year with

the review of NSW Centres being very time consuming. Marrickville has been well represented at quarterly meetings and we have participated in many sector wide activities.

The Centre was well represented at both the National Conference and the State Conference with both Pip and Margie presenting sessions at the State Conference.

Review of NSW Community Legal Centres

The long expected review of NSW Community Legal Centres finally commenced this year. As part of my CCLCG Board duties I have been the convenor of the Review Working Party that supports the CLC representatives on the Steering Committee. Along with other Community Legal Centres, MLC made a submission to the Review, as did the Inner Sydney Group and the Combined Community Legal Sectors Group. There were some stages during the preparation process when life felt like a kaleidoscope when three different submissions required attention at the same time.

The Review process has also involved a number of meetings with the consultants hired to draft the report and many meetings to assess various drafts of the report. It has also involved research into

comparative salary rates and conditions of various organisations. Although we have been told that it is unlikely that we will receive additional money from the review we are still working on developing an appropriate salary scale for CLCs.

Networking

All teams have reported on some of the networking that they have been involved in. As Coordinator there are a number of forums I attend to give a centre wide perspective. For the current reporting year these have included:

- ❖ Marrickville Ethnic Communities Committee
- ❖ St George Ethnic Services Interagency
- ❖ Inner West Ethnic Network
- ❖ Inner West Housing Issues Working Party
- ❖ Marrickville Council Better Data Working Party
- ❖ NAIDOC week

I have also attended a number of launches including those held by the Privacy Commission and the HIV/AIDS Legal Centre.

I was also a judge for the Community Legal Centres Award for the Law and Justice Foundation Awards. It is a humbling experience to read through the nominations for all of those who support our sector by giving so much of their personal time and effort to assist in achieving the goal of social justice.

Inner Sydney Group

The Directors/Coordinators of the 4 inner Sydney Legal Centres (Marrickville, Redfern, Inner City and Kingsford) continue to meet on a regular basis. We prepare an annual training program for staff and volunteers, work on joint submissions such as those to the Mental Health Review and to the NSW Review and discuss other issues relevant to all centres.

Law for All

In 1999 the Inner Sydney Group produced a publication called “Law for All” as part of preparations for the NSW Review, which was imminent. In 2004 the Review finally commenced and “Law for All” was updated. We updated all statistics and centre information and added to the report as well. I was responsible for encouraging my colleagues to focus on preparing their sections and compiled the final document. Redfern Legal Centre then found a pro bono firm to print it for us.

Volunteers

Again, volunteers continue to allow us to stretch our dollars incredibly far. There are never enough words to thank them for their efforts. Maria has done a calculation of their financial impact for the Centre that appears later on in this report. However their real impact is on the lives of our clients. Those people who often arrive at our doors uncertain if there is anything they can

do and who go away with a clear course of action mapped out for them. Those who know that what happened to them wasn't right but who feel that they are too powerless to stand up for themselves and who may end up with an apology for an action or an award of damages.

Access and Equity

The Centre continues to demonstrate our commitment to access and equity in a number of ways:

- ❖ We are wheelchair (and pram) accessible.
- ❖ We will do home visits if a client is housebound
- ❖ Commencement of St George Outreach
- ❖ Production and dissemination of translated brochures
- ❖ High use of face to face and telephone interpreters to ensure a professional interpretation of advice
- ❖ Paying for Auslan interpreters to allow hearing impaired community workers to attend Community Legal Education workshops
- ❖ Staff training in relevant areas including understanding mental illness

General Legal Service

The General Legal Service has had a hectic and exciting year combining the usual casework, community legal education and law reform & policy work, with the unusual - a case heard by the High Court of Australia, but more about that later.

Our Clients

The General Legal Service aims to assist the 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.

In February 2005 we commenced an Outreach advice service at the St George Migrant Resource Centre, with the aim of increasing access to legal advice and information for the abundance of ethnic communities that live in the Rockdale / St George local government area.

This year the General Legal Service has provided face-to-face assistance to almost 1000 clients.

Staffing

This year the General Legal Service has been staffed by:

- o Janet Loughman – Principal Solicitor until January 2005. In October 2004, Janet took leave without pay from the Centre to work as the locum Director at Kingsford Legal Centre for a year.
- o Pip Davis – full time generalist solicitor, and locum Principal Solicitor from January 2005
- o Margie Martin - part time generalist solicitor.
- o Emma Keir - full time locum solicitor from January 2005. Emma divides her time between both the General and Children's Legal Services.
- o Lisa Woodgate – locum generalist solicitor for various periods during 2004/05.

The Evening Advice Sessions

The General Legal Service provides an evening advice service on Tuesday and Thursday evenings between 6:00pm and 9:30pm. 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.

Tuesday evening sessions are reserved for appointments in relation to family law, employment and general civil matters, while Thursday evening sessions focus on minor criminal matters, as well as a wide variety of civil matters including, neighbourhood disputes, victim's compensation, employment matters, discrimination, credit and debt, motor vehicle property damage, fines, traffic matters, complaints about professionals and organisations, and various other legal problems.

During the year we have experienced a high demand for employment and family law advice, which in turn placed increased pressure on the service. In order to best accommodate our clients, and to minimise the stress placed on the service, we limited appointments in employment matters to those people who are/were earning less than \$55,000 and who are more likely to experience difficulties representing themselves due to language, mental illness, age, or other factors. This decision was necessary to ensure that employment law appointments were available for those with the greatest need for face-to-face advice and assistance. These limits do not apply to employment matters concerning discrimination.

We have also limited our family law advice appointments to four evening appointments, every second Tuesday.

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 type of assistance offered during the evening advice sessions is aimed at providing clients with basic advice and information in order to enable them to solve their own legal problem. We also provide direct assistance by, for instance, 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 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 and Tuesday afternoons (2:30pm – 4:00pm) to clients with domestic violence, sexual assault, victims 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. We recently changed our Monday appointment session to the morning as it became apparent, through our Information & Referral Officer's contact with our clients, that it is difficult for some members of the community (in particular, young mothers with school-aged children) to attend appointments after 2:30pm.

Outreach

February 2005 saw the launch of our new Outreach Legal Advice Service at St George Migrant Resource Centre (SGMRC). This followed a lengthy period of discussions and negotiations that occurred after we had identified a need for additional legal services in the St George area through our involvement with various networks including the Ethnic Services Interagency. The St George community has a high migrant population and, in particular, migrants from the Arabic community.

MLC initially agreed to provide 13 advice sessions as a pilot project, during which a three monthly review of the service was conducted in collaboration with SGMRC. SGMRC applied for and obtained a grant in order to be

able to conduct the Outreach service at their premises. Following the review, it was decided that due to the success of the service to date, together with the continued demand by residents of the St George region for an outreach legal advice service, we would extend the service until the end of 2005. At that stage, a further evaluation of the effectiveness of the service will be conducted in order to decide whether to continue providing this outreach advice service into next year.



Emma preparing client list for outreach.

Appointments are on Monday afternoon, every fortnight. 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).

The Outreach advice service has been well-attended and has increased access to legal assistance by 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

In some instances we provide ongoing casework and representation to our clients. Our on-going casework is derived mostly from our evening sessions and daytime appointments. There is no means test imposed on clients attending the Centre for advice and assistance, 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 private law firms, particularly in matters of victim's compensation, local court debt recovery, and unfair dismissal.

Over the year the General Legal Service has provided assistance and representation to clients with a variety of legal matters, including debt,

finances, insurance complaints, police complaints, consumer complaints and minor criminal matters. We continue to target our casework for 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).

Policy and Law Reform

Working within a strategic service delivery framework has seen the service actively pursuing policy and law reform activities throughout the year. This work comprises both responding to calls for submissions to public inquiries, and lobbying for change to legislation and government procedures that work unfairly against 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.

During 2004/2005 we continued to lobby for amendments to the practices and procedures of the Victim's Compensation Tribunal, in order to provide for greater procedural fairness. We have also been involved in lobbying for increased provision of free interpreter services for clients attending community legal centres for legal advice.

Case Studies

Case Study 1

Discrimination – Racial Hatred and Victimization

We represented three clients in related matters of racial hatred and victimisation in the course of employment. We assisted our clients with their complaints to the Human Rights & Equal Opportunity Commission, and appeared at the conciliation conference on their behalf. After a very lengthy conciliation, which involved an unusually large number of participants, the complaint was resolved to the satisfaction of the clients.

Case Study N

Fines

We assisted an elderly gentleman with a written plea in relation to a parking fine that he received whilst he was holidaying in Northern NSW. Due to his disability, and the fact that the matter was listed in a Northern NSW Local Court, he was unable to attend the hearing. We were successful in having the matter dismissed with no conviction, no penalty and no court costs.

Case Study ω

Victim's Compensation

We assisted an Indigenous woman to apply for victim's compensation after a family member harassed her and caused damage to her property over a long period of time. At first instance the Tribunal dismissed her application for compensation on the basis that there had been a delay in reporting the matters to police, that there were no eyewitnesses to the incidents and that the offender had denied any wrongdoing to police. We appealed this decision to a Magistrate at the Tribunal and on appeal, the Assessor's decision was over-turned and the client was awarded compensation under Category 2 Psychological Injury.

Submission to the United Nations Committee for the Convention on the Elimination of Racial Discrimination:

The CCLCG worked with various community organisations to prepare a comprehensive Shadow Report that was submitted to the CERD Committee in late 2004/early 2005. We contributed to the NGO Shadow Report with a submission detailing the failure of the State and Commonwealth to provide a comprehensive interpreter service to our clients and community in general, and how this failure is in breach of Australia's obligations under CERD.

Anti-Terror Laws: we have been involved in the CCLCG working group looking at Australia's anti-terror legislation.

Fines: both the General and Children's legal services have been involved with law reform activities in the area of fines. We worked in collaboration with the Homeless Person's Legal Service, and other community organisations, to discuss options for reform with the view to developing a discussion paper.

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 have provided CLE sessions to community groups and workers, to TAFE students enrolled in community service courses, and to our wonderful volunteers.

Sessions provided to community groups

addressed issues such as family law, victim's compensation and domestic violence, wills and powers of attorney.

The Centre as a whole again participated in the presentation of our series of workshops for community workers. The series runs twice each year and covers topics such as Legal Problem Solving and Referral, Tenancy, Domestic Violence and Victims Compensation, Domestic Violence Provisions in the Migration Act, and Child Abuse and the Law.

The General Legal Service continues to provide training and on – going support to solicitors from Clayton Utz, Blake Dawson Waldron and Gilbert + Tobin in 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.

ATSI Victim's Compensation Project

In the year 2003/04 we were successful in obtaining Clubs grants from the Sutherland District Trade Union Club, Silks City Tattersalls Club and Earlwood-Bardwell Park RSL to develop resources and provide CLE to the Indigenous community in relation to rights and avenues of redress for victims of violence. With the assistance of Indigenous artist Sigrid Herring, we have developed a brochure and materials folder for our project. Once we have finalised the kits we will be

liaising with organisations working with Indigenous clients to arrange community legal education sessions for their workers.

Volunteers

We are extremely grateful for the commitment demonstrated by our wonderful volunteer assistants, solicitors and barristers, without whose 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.

We would like to take this opportunity to thank our 2004/2005 evening advice volunteers for the invaluable support that they have provided to our clients and local communities:

Asia Allison
Cameron Andrews
Yon Astar

Elise Ball
Poulad Berenjforoush
Jennifer Barron
David Browne

Jonathon Callaghan
Rachel Callinan
Corrine Campbell
Jeremy Cochran
Ben Cochrane
Paul Constable
Michael Cooley

Joe Daniel
Anne Day

William Dermody
Rebecca Dunn
Kevin Dwyer

Michael Easton
Graeme Edgerton
Justine Field
Antonia Fontana
Michael Forde
Helen Fraser

John Gooley
Liesa Gorringer
Erin Gough
Ramani Gunasekera

Lachlan Hespe
Cuong Hoang
Jane Hogan

Laura Iskander

Peter Jones

Victoria Kakoschke
Stacey Kelly
Fergus Kennedy
Megan Knight
Peter Krockenberger

Aziza Lai
Benjamin Lau
Veronica Lavulo
Dimitry Leahy
Julia Lines
Daniel Lloyd
Roza Lozusic
Kevin Lynch

Terence McCowan
Anna Mitchelmore
Rebecca Moodie
Tibby Morgenstern
Wayne Morrison

Jim Morton
Annabel Murray

Brendon Noney

George Papanikitas
Anne-Marie Paterson
Christina Perham
Jacqueline Phillips
Anne Pridham

Kim Ralston
Scott Rayner
Hannah Robert
Helen Roberts
Antonia Rose

Randa Salama
Greg Sarginson
Anita Schmiede
Abigail Shelley
Tanya Sklepik
Jennifer Smith
Simon Snow
Lucas Sork
Caroline Spruce
Meena Sripathy
Andrew Stewart

Katrina Terei
David Thomson
Emma Toohey
Thu-Trang Tran

Peta Whalan
Candice White
Madura Wijewardena
Margaret Woods
Judith Wright

Nick Yetzotis

A special thank you to our longest serving 2004/05 volunteers – Rachel Callinan (nearly 4 years), David Browne (nearly 4 years), Anne Day (4 and a half years), Liesa Gorringer (4 years), Aziza Lai (4 and a half years), Wayne Morrison (over 6 years), Anne Pridham (4 and a half years), Jennifer Smith (4 and a half years), David Thomson (4 and a half years), Judith Wright (9 years), Nick Yetzotis (8 years).

An extra thank you also goes to Tanya Sklepik 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.

We would also like to express our sincere and heart-felt thanks to barristers Steven Churches and Simon Ower who assisted us with our High Court case this year.

Volunteer Voices



Hannah Robert – Volunteer Solicitor (Evening Advice)

My evenings at Marrickville have provided some of the best hands-on experiences of lawyering in my two years in the legal profession. I found out about Marrickville through a friend, and applied to be a volunteer soon after. I'd done previous stints (paid and unpaid) with a couple of native title bodies, and with Victim Support when I lived in the UK, but Marrickville is the first community legal centre I've worked with.

The best (and most challenging bit) about volunteering at MLC is that you have the client in front of you, and whether or not you can solve their entire legal problem, you need to offer them something right there and then - advice, assistance, referral or support. My favorite client so far was an older man who had been knocked off his bicycle by a driver, and had prepared an immaculately organised case file for his Local Court case against the driver for a small amount of money in bike repairs. He was a retired engineer, and had drawn maps, prepared diagrams, photos, repair invoices, doctors certificates, timelines and had everything typed and in shiny plastic pockets in a folder. He was so well prepared that there was very little I could offer - except to admire his handiwork and discuss what to expect at the hearing.

I love my Tuesday nights at Marrickville.

**Anne Pridham – Volunteer
Assistant (Evening Advice)**

I've been a volunteer at Marrickville Legal Centre since the beginning of 2001, doing the 'meet and greet' at the front desk on evening advice nights once a month. I volunteered at MLC to give a practical perspective to legal studies commenced in 1999 (last century!!) finally graduating with an LLB earlier this year. I am now at the College of Law, part-time, whilst at the same time completing mandatory work experience during my "spare time". What spare time?

I enjoy the "vollie" camaraderie at Marrickville and look forward to progressing from "vollie" legal assistant to "vollie" lawyer next year, but most of all I'm looking forward to doing real things such as the going to the movies, tennis and indulging in everything else that has been 'on hold' since '99.



**Will Dermody – Volunteer
Solicitor (Evening Advice)**

I have been a volunteer at Marrickville Legal Centre for over three years. I live at Leichhardt and have been a child of the inner west ever since my days at university. I work as a lawyer with an investment bank during the week, specialising in corporate risk assessment and management. I come to Marrickville every second Thursday for the advice nights. Marrickville gives me the opportunity to directly assist people with genuine needs across a wide range of legal areas, and I feel that I get much more back from my time at Marrickville than I put in.



High Court Challenge for a Protected Tenant

On 26 May 2005, Marrickville Legal Centre had its first experience representing a client in the High Court of Australia, when we acted for tenant, Jill McNamara, in a case involving the rights of protected tenants in NSW.

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.

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.

If Ms McNamara is successful in this case, she will be spared eviction because the Court will find that the RTA is not



The challenge team at the High Court.

the Crown for the purposes of the 1948 Act and therefore not immune from the provisions that give protection to our client's security of tenure.

The Centre would like to thank the NSW Legal Aid Commission which provided our client with a grant of aid for the appeal to the Supreme Court, the Special Leave Application and the High Court Appeal. These grants were much appreciated.

We also owe a huge thank you to our

barrister Dr Steven Churches, who has been assisting us with this case since 2000, often on a pro-bono basis, and even after he moved inter-state. His incredible support, knowledge, commitment and great sense of humour ensured we kept on track even when the photocopier refused to work, the computers crashed and the commas were in the wrong place! Our enormous thanks also to barrister Simon Ower, who joined us in the lead up to the High Court Appeal and who, like Steve, brought with him a comprehensive knowledge of the case

and the issues raised by it and, just as importantly for us, an ability to assist us to navigate the entrance to the Court before it is open to the public!

As if having the opportunity to appear in the High Court was not enough, this case has reinforced and clearly encapsulated the collaborative and collegiate nature of the work of community legal centres, with the hearing attended by a number of people who had worked on this file over the preceding five years. One of these people was Peter Mott, our much missed tenancy worker who flew from inter-state to attend the appeal. It was Peter who was first contacted by the client in October 2000 and who identified Ms McNamara as a protected tenant and therefore not within the jurisdiction of the Tribunal.

STOP PRESS!!

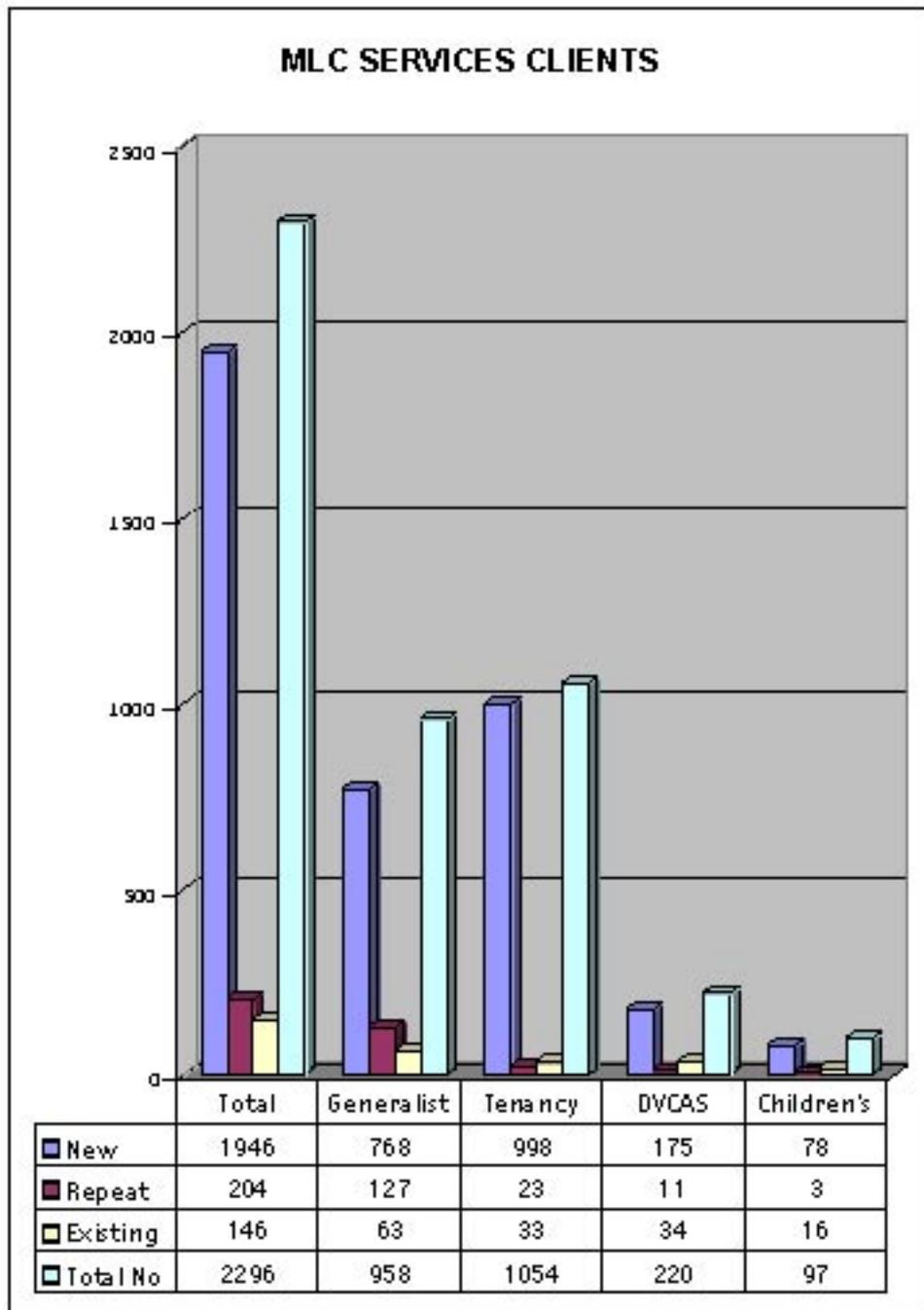
Whilst outside the time period covered by this annual report, we thought the outcome warranted a mention. On 29 September 2005, the Court handed down its judgement where, by a 5-1 majority, it allowed the appeal and held that the RTA is not entitled to the statutory rights and immunities of the Crown in all its functions, and could not escape the operation of New South

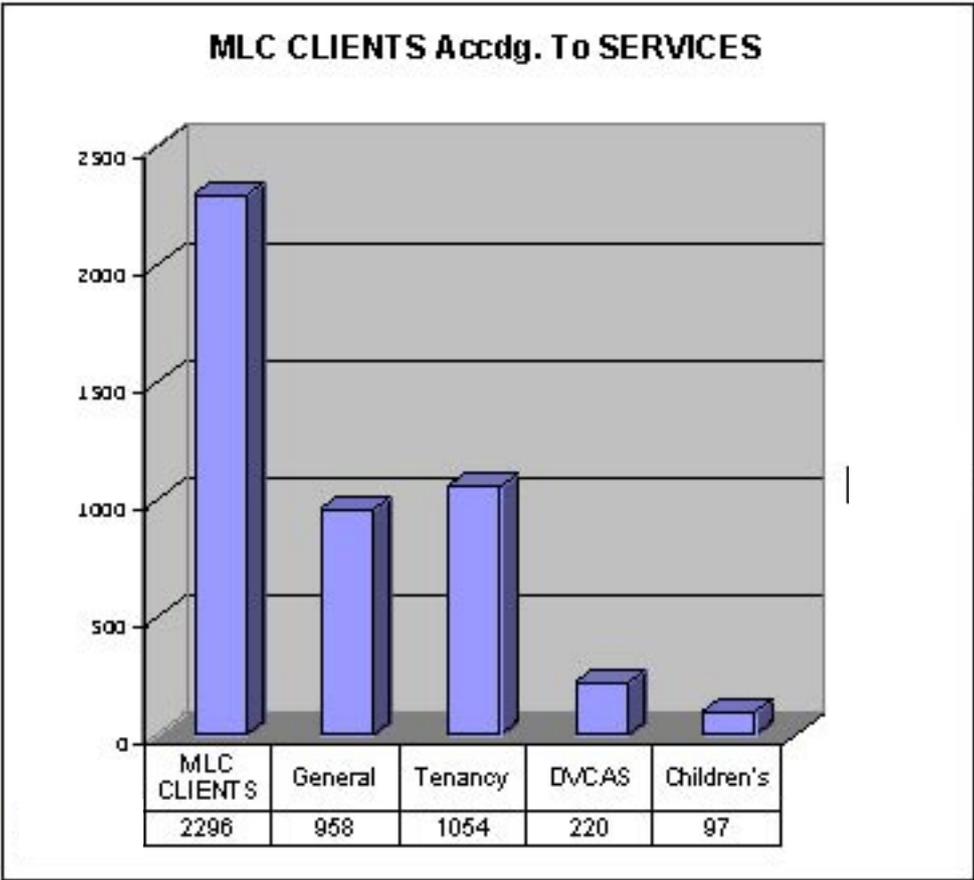
Wales legislation covering landlords and tenants. Accordingly, it ordered that the matter be remitted to the Tribunal to be determined according to law. For the full text of the judgement see <http://www.austlii.edu.au/au/cases/cth/HCA/2005/55.html>

In practical terms, Ms McNamara has been spared an eviction and, just as in the movie “The Castle,” with which so much of this case resonates (right down to our ever-breaking photocopier!), 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.

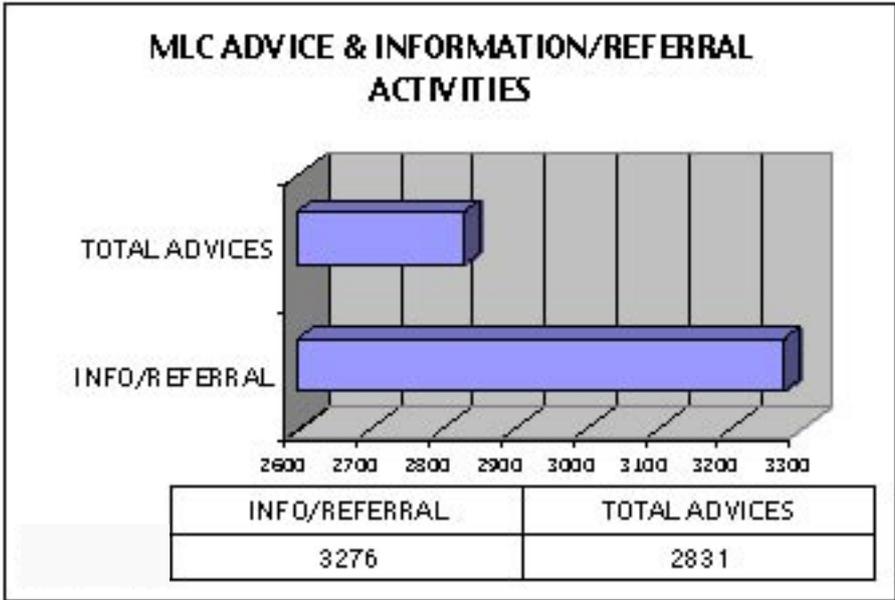
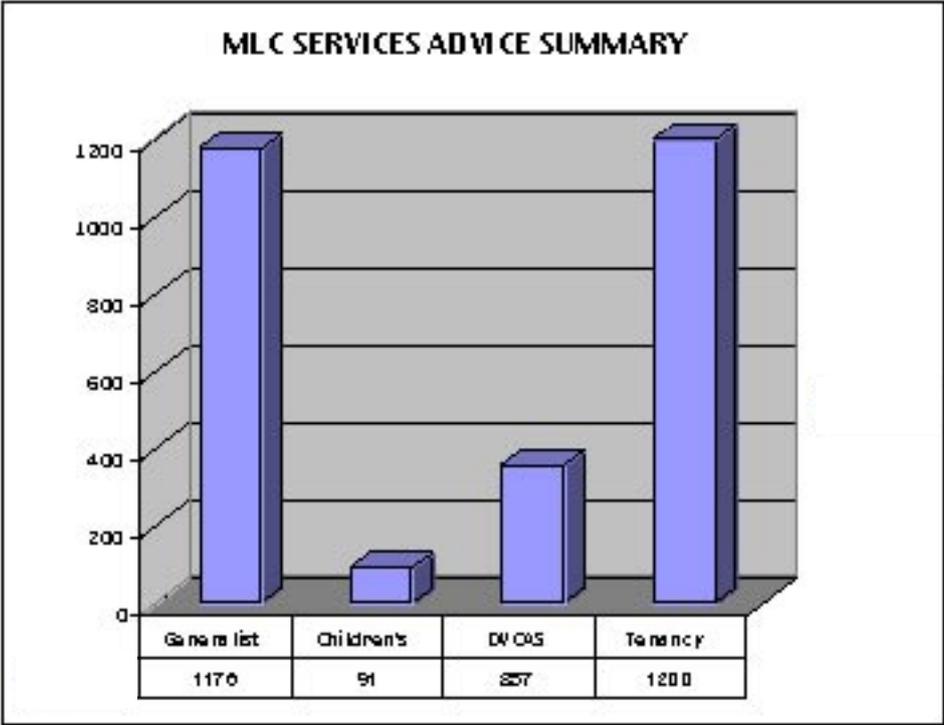
Some Statistical Snapshots





Clients' Top Ten Countries of Birth (After Australia)

- 1. China
- 2. Pakistan
- 3. New Zealand
- 4. England
- 5. Hong Kong
- 6. Vietnam
- 7. Malaysia
- 8. Philippines
- 9. India
- 10. Fiji



MLC Clients' Top Fifteen Legal Issues

1. Tenancy General	715
2. Tenancy (Termination of Lease)	296
3. Tenancy (Repairs)	257
4. Domestic and Family Violence	199
5. Tenancy (Bond)	167
6. Employment	149
7. Fines	124
8. Credit and Debt	115
9. Family Law	105
10. Motor Vehicle Accidents and Property Damage	77
11. Injuries Compensation and Assaults	67
12. Neighbourhood Disputes	38
13. General - Civil	37
14. Consumer Complaints	28
15. Theft and Related Matters	20

Main Languages Spoken at Home by MLC Clients

1. English	715
2. Chinese (Mandarin, Cantonese and other Chinese languages)	112
3. Spanish	44
4. Greek	35
5. Arabic	34
6. Vietnamese	30
7. Not Stated	25
8. Tagalog	20
9. Hindi	12
10. Bengali	12
11. Fijian	12
12. Italian	11
13. Portuguese	11
14. Korean	10
15. German and Macedonian	9

Children's Legal Service

The Children's Legal Service is an integral part of Marrickville Legal Centre, serving a need identified by the Centre in 1979. We provide this service using 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.

Staffing and Volunteers

Goodbyes

This year has seen a number of staff changes within the CLS. We were very sad to say goodbye to Gabrielle McKinnon in April this year, but excited that she had a wonderful opportunity to continue her work in the area of human rights in the ACT. Gabrielle commenced her role as Children's Solicitor with the Centre in September 2000. During her time at the Centre Gabrielle demonstrated an outstanding commitment to furthering the rights of children and young people, advocating on their behalf on a range of legal and social justice issues, and ensuring that children and young people have a voice in the justice

system. We will miss her dedication and enthusiasm, her compassion for the plight of her clients, and of course her wonderful sense of humour and artistic talents.

Janet Loughman, Principal Solicitor and Children's Solicitor took up a temporary 12-month position as Director at Kingsford Legal Centre in November 2004. 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 look forward to her returning to us in November 2005.

Hellos

Emma Keir joined us as a full time locum solicitor in January 2005. She divides her time between the Children's legal service and the General legal service. Louise Sutherland worked in the position of full-time locum children's solicitor during February/ March whilst Gabrielle was on leave. Julianne Elliott has been working as a locum in the fulltime children's solicitor position since May 2005.

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 has provided to the Centre.

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, 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 Advocacy Network, the Youth Justice Coalition and local Marrickville Youth Interagencies.

During the year, Janet Loughman convened the Youth Justice Coalition (YJC) and was a member of the Children's Court Advisory Committee. Gabrielle McKinnon co-convened the National Youth Advocacy Network (NYAN) and held a position on the Juvenile Justice Advisory Council. Gabrielle was also the Treasurer of Marrickville Youth Resource Centre (MYRC), up until the time she moved to the ACT. Gabrielle, and subsequently Emma Keir, convened YJC after Janet moved to Kingsford Legal Centre. Emma has been a member of the MYRC Management Committee since May 2005. Both Emma and Julianne Elliott are members of NYAN.

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 and adults calling on behalf of young people. 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. We have, with the help of our volunteers,

Case Studies

Case Study 1

Restitution (Victim's Compensation)

We acted for a young man who was convicted of an offence involving violence when he was 15 years old. The victim was awarded compensation through the Victim's Compensation Tribunal and restitution proceedings were brought against our client seeking over \$9,000. He elected to challenge the amount, as he had many debts and could not afford to pay. We represented our client at mediation and succeeded in having the amount reduced to \$1,800.

Case Study 2

Fines

We acted for a 13 year old Aboriginal girl who received a \$400 fine for blocking a train door. She could not pay the fine and wanted to challenge the fine in Court. We represented her at the hearing of the matter and made submissions in relation to doli incapax, arguing that she should never have been fined due to her age and lack of criminal culpability. The Court dismissed the fine against our client.

created a comprehensive Youth Services Directory for the Sydney metropolitan area to assist with referral options.

We experienced the greatest demand for advice and casework in the areas victim's compensation, fines, complaints about police and young people's rights in education.

We are working with a number of youth centres and services 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.

Community Legal Education

- The Children's Legal Service conducted a wide range of community legal education workshops and promotional work for the service 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 Interagency,

MYRC and Hurstville Youth Zone

- Organising and supporting workshops on criminal law for school students at Marrickville Library for Law Week
- Working in collaboration with other community organisations such as the Ethnic Communities Council to produce CLE material
- Speaking on a panel at a seminar held by the Institute of Criminology on Children in Juvenile Detention and Medical Consent
- Chairing a workshop presentation on children and criminal law at the Youth Action and Policy Association Conference for youth workers
- Participating in the Marrickville Youth Council's Schools Forum and supporting a young person presenting a workshop on young people and police powers
- Participating in the Centre's CLE program by presenting workshops to community workers on fines, care and protection and young people's rights in education

Law Reform and Policy Work

NYAN

Our involvement with the National

Youth Advocacy Network has continued this year and the focus of NYAN has continued to be on preparation of the NGO report to the United Nations on Australia's Compliance with the United Nations *Convention on the Rights of the Child*.

Children In Detention Advocacy Project (CIDnAP)

We have been involved in a new project launched by the Public Interest Advocacy Centre. The Project aims to explore systemic issues arising out of the arrest and/or detention of children and young people – for example, unlawful imprisonment, false arrest, malicious prosecution, assault causing injury. Through this process, the project aims to litigate matters with the assistance of the Public Interest Law Clearing House and Legal Aid, and identify areas where policy development and law reform is needed.

Kariong

A great deal of effort went into a joint campaign with NCOSS to try and prevent the passing of the Juvenile Offenders Legislation Amendment Bill 2004. This Bill was aimed at transforming Kariong Juvenile Justice Centre (and potentially any other JJC) to become a juvenile prison administered by the Department of Corrective Services. In late November 2004 Gabrielle McKinnon attended Parliament with Michelle Burrell from NCOSS to provide a briefing to Parliamentary cross-benchers, in an effort to dissuade members from supporting the Bill. Unfortunately,

despite our valiant lobbying, the Bill was passed by Parliament on 9 December 2004. An ex post facto inquiry was announced and YJC provided a detailed submission to that inquiry.

Youth Justice Coalition

YJC is a network of youth workers, children's lawyers, policy workers and academics working to promote the rights of children and young people in NSW. YJC is auspiced by the Centre, and meetings are held at the Centre on the third Wednesday of the month. During 2004/05 YJC was convened by Janet Loughman, and subsequently Gabrielle McKinnon and Emma Keir. The major law reform and policy activities undertaken by YJC this year were:

- Submission to the review of the Commission for Children and Young People's legislation.
- Submission to the NSW Ombudsman's review of the Police Powers (*Drug Detection Dogs*) Act 2001.
- Submission to the Law Society regarding their decision to abolish the Children's Legal Issues Committee, urging them to reconsider their decision.
- Submission in response to the NSW Law Reform Commission's Issues Paper on Minor's Consent to Medical Treatment.
- We prepared a detailed

submission to the Select Committee Inquiry into Juvenile Offenders. This was the inquiry announced into the “Kariiong legislation” after it had been passed through Parliament.

- With the assistance of Aaron Tang from the Legal Aid Children’s Legal Service, we provided a submission to the NSW Ombudsman’s Review of the Crimes (*Administration of Sentences*) Amendment Act 2002 and Summary Offences Amendment (*Places of Detention*) Act 2002.
- We were also excited to reveal our new letterhead, and would like to thank graphic artist Lilani Goonesena for donating her time and effort to designing the letterhead for us.
- We developed an Aims and Objectives document, and a Timeline of significant activities. The documents will be available from the YJC webpage, to be hosted by the Centre (currently under development).

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. YJC have been working with the Youth Action and Policy Association on a research project involving the collection of statistical and anecdotal information of young people’s experiences with fines. We have also contributed to a discussion paper prepared by the Homeless Person’s Legal Service, outlining options for fines reform.

Police Complaints and the Ombudsman

The “Good Cop Bad Cop” police feedback website was launched. 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.

Inner West Tenancy Service

The 2004/05 year witnessed the continued trend of increasingly complex cases and clients with multiple challenges affecting them. Our tenant advocates find that their jobs are made much harder when no other community support is available to our clients.

Staff

The current members of the tenancy team are Elizabeth De Freitas, Eloise Finlay and Felicity Johnson. Jesse Booth and Su Phoo both resigned from their positions in 2005. We would like to thank both Jessie and Su for their hard work and for the valuable contributions that they made to the Centre.

We were very lucky to have been assisted by the following locum workers during 2004/05:

- Ambrith Abayasekara
- Peta Bennett
- Hazel Blunden
- Mary Flaskas
- Mark O'Brien
- Sam Robinson
- Viviana Villamar
- Lisa Woodgate

Volunteers

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

- Uma Aggarwal
- Peta Bennett
- Rafael Mazzoldi
- Mark O'Brien
- Andrew Stewart
- Sean Walsh
- Kate Williams

Casework

We provided advice, either face-to-face or via the telephone, from Monday to Friday. At all times whilst the Centre was open we were available to provide urgent advice and assistance. Our tenancy advice hours during the year were Monday, Wednesday, Thursday 2pm – 5pm, Tuesday 10am – 5pm and Friday 9am – 1pm.

We experienced some difficulties with our database during the year and consequently not all of our data was entered into the database, which means that the following figures possibly understate the number of people that we actually assisted. During 2004/05 we provided advice on a range of issues to over 1100 tenants. We provided 127 face-to-face advice sessions and attended 82 home visits. We sent written information to 391 tenants as a follow up to our advice. We represented 30 tenants in proceedings before the Consumer, Trader & Tenancy Tribunal, which involved a total of 57 appearances.

We staffed the Tenants Union Hotline one morning per week during the year with the wonderful assistance of our volunteers, supervised by one of our employed tenant advocates. There was only a small period in which we had to suspend the hotline due to staff shortages. We have expanded our volunteer base, and many of our front desk volunteers have completed the Tenants Union basic training and hence are now able to volunteer their time on the hotline.



Expression of Interest

June 2005 marked the end of the Tenancy Service's triennial funding from the Office of Fair Trading. We completed a thorough expression of interest for the tenancy service for the next 3 years, which involved a review of how our work had increased over the previous 3 years. We were very pleased when we received the letter informing us that we had been refunded for the next three years.

Community Legal Education

As part of the Centre's Community Legal Education program we conducted an Introduction to Tenancy Law session for local community workers.

We also ran a subsequent Tenancy workshop at the Centre with the use of an AUSLAN interpreter provided by the Parramatta Deaf Society.

A further tenancy CLE session was developed in partnership with the May Murray Neighbourhood Centre to provide information to the network of Settlement Services Workers in the area.

Our most recent CLE was conducted at a women's refuge, St Louise Lodge, as part of their resident "Living Skills Program" and we were invited to be a permanent participant in their future education programs.

Law Reform

Our Tenant Advocates continued to be involved in the Tenants Union working parties. We were regular participants in the following groups:

- Boarders and Lodgers Action Group
- Public Housing Issues Working Party
- Tenancy Legal Working Party

We have also been involved in the Marrickville/Leichhardt Housing Forum convened by the May Murray Neighbourhood Centre and we will be

participating in the “Housing Choices Expo” in October at the Addison Road Community Centre. The Expo will bring together local service providers encompassing all facets of housing and housing-related topics.

Tenancy Case Studies

Case Study 1

We assisted 17 tenants living in one complex to be rehoused after they all received 30 day notices to vacate due to the sale of the premises. All of the tenants were aged over 60 and in receipt of aged pensions. The tenants had formed a community and offered each other assistance with medication, daily chores, friendship and safety. They had moved into the complex believing that it would be for life and that they would never have to move again. The shock of receiving termination notices impacted considerably on their physical, emotional and mental well-being. We assisted them to complete priority housing applications with the Department of Housing. Given the gravity and urgency of the situation all files were looked at as a group and this allowed certain people, who may not have been offered priority housing, to be considered. Once priority housing had been approved by DOH we then worked intensively with St George Community Housing and the DOH Bennelong Project. One of the high points of the casework was when our tenancy worker went with those applicants who wanted to be housed together to their new location and saw the relief in their faces as they saw their new homes. New furniture was provided for all tenants, and their removalist costs and electricity connections expenses were all paid for. All tenants were rehoused within a few months and the tenancy team were invited to a celebratory morning tea with the tenants.

Case Study 2

This tenant is an example of how a reduction in community services impacts on tenancy services. Our client is a chronic alcoholic and epileptic. He suffers from peripheral neuropathy and has poor vision. He has been living in Department of Housing premises for fourteen years. The only time that he has left his upstairs apartment in the last 2 years has been when an ambulance has taken him to hospital. His neighbours do his banking and shopping for him. He had applied for a transfer and was approved in mid 2004 to go on the transfer list. He has been waiting since then to be transferred. We have organised an assessment by an occupational therapist to provide a current assessment of his medical condition. We will then continue to advocate for him to be transferred as a matter of priority.

Case Study 3

Our client and her family moved into the premises in early 2002. Prior to signing the Residential Tenancy Agreement the agent agreed that repairs to the ceiling and plumbing would be made. These repairs had not been done when the tenant moved in but they were noted on the condition report. Over the next couple of years there was a long saga of disasters – parts of the roof fell in, there was flooding whenever it rained, overflowing toilets, raw sewerage in the yard for a lengthy period, and there were times when the bathroom could not be used. The client was in almost daily contact with the agent requesting repairs to be carried out. In March 2005 she received a 60 day termination notice which she felt was retaliatory. Following advice from us, our client lodged an application with the CTTT for specific performance orders and for economic and non-economic loss. The matter is currently adjourned and we will be representing the client on her next appearance.

4
Case Study

Our client moved into her flat in 1982. In 2004 she received a notice of termination that gave her until 60 days to vacate the premises. Given the length of her tenancy our first thought was that she might have been a Protected Tenant. We immediately requested a search at the Office of Fair Trading to determine the status of the premises. This tenant was 83 years old, fiercely independent and still looked after herself, she did her own housework and managed her own finances. The tenant was assisted to make a priority application for housing to the Department of Housing and she was accepted and was placed at the top of the list. We appeared at the CTTT in late April and both parties were requested to provide documentation. Unfortunately for the tenant our research found that her premises were not in fact controlled and the Notice of Termination was therefore valid. Nonetheless, at the beginning of June we received word that the application had been withdrawn. We do not expect another application to be lodged, as the landlords believe they will regain possession of the premises in the not too far distant future when our client moves into Department of Housing accommodation.

5
Case Study

Our client is 17 years old. She suffers from a debilitating medical illness as well as a psychiatric condition. She was living in community housing and had received a Notice of Termination that alleged property damage and disturbance of the peace. Prior to the CTTT hearing the service and our client conciliated with the landlord organisation. We pointed out that the Notice of Termination was invalid and they withdrew the termination application. Our client had been accepted by the Department of Housing for priority housing some months previously and the Department informed her that they had a property for her.



Inner West Tenancy Advice and Advocacy Service workers, MLC staff and Management Committee members continuously advocate for tenancy law changes to protect and safeguard tenants' as well as boarders' and lodgers' rights.



Tenancy workers with, (from left) Office of Fair Trading head David O'Connor MLC chair James Koulouris, and Deputy Premier Andrew Refshauge (back row) during presentation of tenancy cheque enabling Inner West TAAS to provide much needed service for the next three years.

Newtown Women's Domestic Violence Court Assistance Scheme

Comings and Goings

As usual it has been a busy year for the Women's Domestic Violence Court Assistance Scheme, but we are pleased to report that we have had greater stability in staffing levels than the previous few years. Toni Brown and Felicity Johnson continued to operate the scheme until early June 2005, when Lee Taylor was appointed as Coordinator.

We welcome Lee, who came to us with an abundance of WDV CAS experience gained in her role as assistant Coordinator at Sutherland WDV CAS over many years.

In June 2005, after many years as Coordinator of the Newtown WDV CAS, Toni Brown resigned from the position to accept the offer to work as the Culturally and Linguistically Diverse Access Worker with the scheme.

Felicity Johnson worked in the scheme as locum until early June 2005 when Lee Taylor was appointed to the position of DVCAS Coordinator.

We express our warm thanks to Felicity for her incredible commitment and support to the service, the Centre, our clients and seconded workers while she worked in the scheme. Fortunately, Fe is not too far away because she was successful in obtaining a position as tenancy worker in Marrickville's Tenancy Service.

Overview of the Year that Was

We undertook an audit of the WDV CAS in 2004. This involved archiving all past files of the scheme, updating policies, recording our file management procedures and developing an OH&S policy to address client and worker safety while we attend Newtown Court. Whilst this gave us a sense of consolidation for the WDV CAS, it also reminded us how complex our work has become with ever increasing demands being placed on our time outside of direct service delivery.

The year also posed funding challenges to core domestic violence services that regularly work with us to support



Felicity Johnson and Toni Brown with MP for Sydney, Tanya Plibersek, during launch of multilingual DV sticker at Royal Prince Alfred Hospital.

DV policy and project development. Midway through 2004, the NSW Government decided to transfer responsibility for the operation of the Violence Against Women Unit from the Attorney General's Department to the Department of Community Services. The WDVCS and other service providers made representations to Government about the need to maintain the Unit's focus. Fortunately, the Director General of DOCS agreed that the Unit would maintain its focus of preventing all violence against women, including sexual assault and harassment and not become totally subsumed by the very real needs of the child protection focus for which the Department is traditionally responsible.

The Australian Domestic Violence Clearing House also faced the possibility of having its funding

withdrawn in late 2004. We made representations to relevant Federal Ministers in support of the Clearing House's work and we are pleased to report that another round of increased funding will be made available for a National DV Clearing House. However, as the Federal Government will also tender for other services, there is no guarantee that the Clearing House at UNSW will be refunded.

At a time when the sector faces great change nationally, it remains increasingly important that we maintain the foundational underpinning and continuity that the Clearing House has developed. In 2004 the Federal Government introduced its proposed changes to the Family Law Act (Cth) 1975 under the inquiry name of "Every Picture Tells A Story". After considering several rounds of community

submissions, the Government intends to implement most of its proposed amendments.

This year has seen the Government introduce plans for compulsory mediation of family law matters prior to the commencement of formal legal proceedings. A shared parenting focus will be maintained under the Act, and there could be an obligation to consider equal shared parenting time by both parents. Whilst the Government is guaranteeing that domestic violence and abuse matters will be exempted from compulsory mediation, it is not clear how that will take place.

One of the concerns facing domestic violence service providers is the Government's proposal to fund 65 Family Relationship Centres to conduct mediations. These centres will be attached to community organisations and whilst some community groups have training and screening standards in place, it is not clear how the Government proposes to ensure that all Centres comply with standards, especially those standards that relate to screening for violence. We made a submission to the Government's discussion paper on the Implementation of the new Family Law Amendments in January of 2005 and recommended thorough consultation with domestic violence service providers in the development of screening, training and the monitoring of standards. We have also maintained a strong lobby in relation to this matter throughout the year.

Another major concern facing the

sector at the moment is the low number of specialist DV counselling services. As part of the Newtown WDVCS's submission to the Federal Senate's Inquiry to Mental Health we stressed the need for the development of a referral list of Specialist Domestic Violence Counsellors. The submission, among other recommendations, highlighted how the timely and appropriate referral to counselling services can help reduce the detrimental effects of domestic violence on mental well being for both women and children. The Local Domestic Violence Committee continues to lobby appropriate Government bodies to fund the development of such a scheme.

Newtown WDVCS

The WDVCS continues to represent and advise women complainants and cross claimants in AVO matters on list day at Newtown Court. The aim of the scheme is to offer support, assistance and legal representation to women seeking to take out apprehended domestic violence orders before, during and after the court process. The scheme relies on the support of seconded community workers and solicitors who act on a pro bono basis. Workers also liaise closely with the Marrickville and Newtown Police Domestic Violence Liaison Officers and Police Prosecutor, and we appreciate the crucial role that they offer us in assisting women to obtain the best possible outcome for protection.

Recruitment and Training

The WDV CAS could not survive without the fantastic contribution of our seconded community workers. We are very fortunate to work in an area that has so many committed, professional women workers.

We were very excited to welcome six new workers to the scheme - Melissa Rowley, Nicola Collins, Michelle Dunn, Kate Beaver, Roxanne Cameron and Karen Gardner. As part of their orientation and training, everyone attended the two day training

program at DVAS and attended the half day orientation training on the Newtown WDV CAS policies and court operations.

We also welcomed Vaughan Rolls who joined the service as a pro bono solicitor. Unfortunately, the demands of his private practice meant that Vaughan was unable to stay with the scheme but Vaughan continues to support the service by accepting referrals for family law representation.

We continue to be very fortunate to have maintained the long term



Police Domestic Violence Liaison officers with DVCAS workers and volunteers personning stall during Stop DV Day at Alex Trevallon Plaza in Marrickville.

Our client came to the centre for assistance with extending an AVO which was about to expire. During the course of discussions, it became apparent that our client had a solicitor acting for her in relation to family law proceedings but the client was unclear about the status of those proceedings because she had been unable to contact her current solicitor.

We assisted the client to try to contact her family law solicitor however we were not successful. The client asked for a referral to a new family law solicitor and so we provided her with the names of some other solicitors. She also requested information about making a complaint about the conduct of her solicitor, and so we referred the client to our evening advice service to get some further advice about that issue.

The client raised concerns about inappropriate behaviour on the part of her former husband toward her children and about their safety during contact. We were able to raise these concerns with the police prosecutor who appeared on her behalf in her application to extend her AVO to ensure that the orders were consistent with the needs of the client and her children, and also consistent with the orders being sought in her family law proceedings.

Finally, we ensured that the client's non-legal needs were met through referrals to counselling and other support services.

commitment and expertise of solicitor Rachel Martin from Werringa Baiya and we thank her for her support.

During the period we said farewell to Kimberley Foster and Yvette Vu - we would like to thank Kimberley and Yvette and wish them both well in their new ventures and we hope to see them both again soon. We also said farewell to Belinda Abey, our pro bono solicitor from Clayton Utz. We thank Belinda for her support and commitment to the service and to our clients.

Three support worker forums were convened during the period and workers were brought up to date on ongoing file management systems and training opportunities and were briefed about court operations. We also continued to implement the Distance Learning Package, developed by DVAS.

Case Work

Our casework consists of supporting women while they are at Newtown Local Court applying for apprehended domestic violence orders and also providing follow up support, referral and information.

During 2004/2005, 161 women were assisted by the scheme at Newtown Court. This is slightly lower than the previous year when 186 clients attended the WDVCS. Our client contacts at 591, were also lower than the previous year of 811. A number of reasons have been cited for the lower numbers at court.

- Firstly, we are seeing fewer police matters prior to court where the woman has decided to withdraw her application. However, of those clients deciding to withdraw the application who did have contact with the scheme, 48% of those clients decided to proceed to a final AVO.
- Secondly, the police are excusing women from attending court where there are several return dates so as to reduce the unnecessary stress on women. The flip side to this is that fewer women have the benefit of referral to support services which might make the difference between her proceeding with and withdrawing an AVO.
- Thirdly, AVO matters are being heard in conjunction with charge matters on a non AVO list day, when the scheme does not attend Newtown Court. Again, this means that fewer women benefit from the associated support services.
- Finally, the majority of hearings referred from Newtown Local Court go to the Downing Centre Local Court where we do not operate the scheme.

Almost 50% of our work occurred outside of court. The majority of this work involved assisting clients to prepare for court, advocacy

and referral. We assist clients with information about victims compensation, housing, counselling and provide referrals for advice about victims compensation, family law child support and immigration. Police initiated applications were maintained at 82% of all applications brought; and we welcomed two new Police Domestic Violence Officers from Marrickville and Newtown Area Commands. We continue to build on a close working relationship with the Newtown and Marrickville Police DVLOs and we attended joint information forums with the police throughout the period.

The scheme has also been fortunate to maintain ongoing assistance with legal representation in private matters from Wirringa Baiya, Clayton Utz and Vaughan Rolls Solicitors with 18% of all AVOs being privately initiated. It has also been very helpful for clients to have solicitors who are able to give advice regarding family law matters at court as more than 60% of our clients have children.

Women from culturally diverse backgrounds continue to access the scheme, and we believe this group should appear as a higher percentage of overall client contact. However, data collected fails to capture the cultural origins of our clients.

We saw an increase in clients from Indonesia, Iraq, Lebanon and Egypt and our highest language groups were Arabic, Vietnamese, Indonesian, Spanish, Mandarin and Greek. This data, whilst not giving a true reflection of the high number of

CALD women accessing the scheme, did reflect the community outreach work which was undertaken during the year. It also serves as a reminder to improve outreach work with the ATSI community, where contact remains low at 7% and to those women with disabilities where contact was slightly increased from the previous year at 9%.

Community Development and Outreach

We increased our outreach work to culturally and linguistically diverse communities during the year by working with St George and Canterbury Migrant Resource Centres, the Indonesian Welfare Association and May Murray Neighbourhood Centre. We also provided Community Legal Education forums to Arabic, Spanish, Macedonian, Indonesian and Coptic Egyptian community groups. Our casework data reflects our work with these communities.

We participated in the Centre's regular CLE program for community workers by providing a session in conjunction with the Immigration Advice and Rights Centre on the domestic violence provisions in the Immigration Act. This was an exciting forum where we learned that the Federal Court expanded the definition of domestic violence to include non physical aspects of abuse when it handed down its decision in the case of *Sok v Minister for Immigration and Multicultural & Indigenous Affairs* [2005] FCA 56.

The Marrickville & Leichhardt Domestic Violence Committee also

worked on a CALD project during the year producing Multilingual Stickers in six community languages with contact details for the DV Help Line. The sticker was widely distributed on the back of women's toilets throughout the Leichhardt and Marrickville Local Government Areas. The sticker was launched by the Federal Member for Sydney, Tanya Plibersek, during an information session at the Royal Prince Alfred Hospital in December 2004 during the 16 Days of Activism Against Domestic Violence.

Community Legal Education Forums:

- DV Law for Community Workers MLC Nov 2004 – 13 participants
- DV Law for Community Workers May 2005 – 9 participants
- DV Provisions Under the Immigration Act MLC and IARC – 10 participants
- DV Law and Forms of Evidence St George MRC – 15 participants
- Taking Out an AVO Canterbury MRC and Indonesian Welfare Ass – 10 participants
- Taking Out an AVO Coptic Egyptian Community and St George MRC – 15 participants
- Taking Out an AVO Macedonian Community St George MRC – 15 participants
- Taking Out an AVO Indonesian Women May

Murray Settlement Services – 20 participants

- DV Law and MLC Services Marian Centre Women's Refuge – 10 participants

Law Reform and Policy Work

- Submission to "A New Approach to the Family Law System" Implementation of Federal Reforms Discussion Paper November 2004 - January 2005
- Submission to Federal Senate Select Committee on Mental Health – April 2005
- Submission to NSW Police Culturally & Linguistically Diverse Communities Consultation - June 2005

Other Activities

- Participation in the CALD Focus Group re Suicide; Trauma & Violence Against Women ECAV
- Marrickville/Leichhardt DV Committee Submission to the NSW Attorney General's Department
- Submitted LAC Strategic Plan and Reports
- Participation in Stop DV Day
- Launch of the Multi Lingual Sticker Campaign
- Information Session for Marrickville Area Commands

- WDV CAS Services
- Participation in DV Panel Forum with Police and DV Services Organised by VAW Unit
- Assisted with RLCs Blackout Campaign
- Input into WDV CAS NSW Network Pre Budget Submission
- Information Stall Marrickville Festival

**Committees
And Working Groups**

- Newtown Court Users Forum
- Central Sydney Prevention of Violence Against Women's Reference Group
- Combined Community Legal Centres DV Sub Committee
- NSW Network of Women's Domestic Violence Court Assistance Schemes
- Treasurer Marrickville/Leichhardt DV Committee

Marrickville Legal Centre thanks the following workers; solicitors and organisations who participated on the Newtown WDV CAS during the period:

Participating Organisations:

Marrickville Centrelink
Leichhardt Women's Health Centre
Jean's Place
Marian Centre

Centre Care
Alive Program
May Murray Neighbourhood Centre
Elsie Women's Refuge
Royal Prince Alfred Hospital Social Work Department
Wirringa Baiya
Vaughan Rolls Solicitors
Clayton Utz

Community Workers:

Yvette Vu
Julie Velthuys
Sharen Todd Miller
Melissa Rowley
Nicola Collins
Michelle Dunn
Kate Beaver
Roxanne Cameron
Karen Gardner
Christine Daniels
Rosie Le
Merryn Jones
Truc Nugyen
Kimberley Foster

Solicitors:

Rachel Martin
Belinda Abey
Vaughan Rolls

Administrative Services

This has been another busy year for our administrative team. Many of the tasks that the team undertake are those that are not exciting or noticed – until they are not done.

Clients

Maria, our Information & Referral Officer, continues to be our first point of contact for most of our clients as she, or one of our volunteers, answers their telephone calls or greets them as they walk through the door.

The number of clients with mental health issues continues to grow. This provides an additional challenge to the front desk occupants as the same clients can return time and time again either because they forgot they were here the day before, or they are sure that by turning up days early for their appointment it can be moved to suit them. This becomes even more interesting when the client is from a linguistically different background. There are times when Maria and the front desk volunteers are juggling a number of phone calls, including the Telephone Interpreter Service, and several clients, or groups of clients, simultaneously.

Although Maria performs the majority

of the conflict checks, CLSIS (our database) has now been installed on all computers thus enabling everyone to do a conflict check immediately when the need arises. Maria continues to ensure our computer data is kept up to date on CLSIS, which is no easy task given the amount of data we generate between the 4 different services. We continue to have a high demand for interpreters, and we attempt to ensure that accredited interpreters assist all our clients who need information translated during their appointments.

Staff

As can be seen from our list of staff members, we have recruited a number of new staff at various times during the year. The administrative team now undertakes much of the recruitment process. The Staff Members page of this report shows a full list of Centre staff for the period 2004/05.

Centre Premises

During the Christmas closedown period this year the Centre received a repaint and recarpet. Prior to the much needed facelift, our offices were looking quite tired and shabby. The change has been most noticeable and the Centre is much brighter now. We continue to

undertake regular OH&S inspections and follow up any issues noted. We have had a number of “floods” this year with our hot water system failing and flooding the kitchen and main area (luckily before we had the carpet



At the Festival.



changed), an upstairs resident leaving a tap on and a plug in the sink which then overflowed into the office underneath, and a burst hot water pipe in one of the toilets. All were quickly dealt with.

Our Financial Administrator Cecilia Urbina undertook the onerous task of organising a new external sign for the Centre, which involved obtaining building approval from Marrickville

Council. After months of hard work and liaison with Council, it was exciting to watch the new sign being erected and to know that we are now much more visible from the street.

We are about to upgrade our security system and, as an occupational health

& safety measure, we will be obtaining duress alarms for all offices, to be used if needed during our evening advice sessions.

Legal requirements

Cecilia has ensured that we continue to meet all legal requirements for the Centre. She maintains our records with the Australian Securities and Investment

Commission and attends to all dealings with the Australian Taxation Office.

External communications

We have taken on the organising of our Community Legal Education Workshop series. This has included negotiating with teams to set the timetable, creating the advertising flyer, doing a mail out, taking registrations, collecting payment, organising Auslan interpreters for a number of workshops to enable some hearing impaired participants to attend, ensuring that evaluation sheets were completed and entering the results on CLSIS. The topics covered change somewhat each series but usually include topics such as Legal Problem Solving and Referral, an aspect of Tenancy law and practice, Domestic Violence, Victim's Compensation and a Youth and Children's Law aspect.

We also organised and attended the Centre stall at Marrickville and Newtown Festivals.

We received our translated brochures and have distributed them to a wide range of community organisations. We also developed a brochure order form which has allowed us to better target the distribution of our written materials.

Front desk volunteers

We have organised and held a number of orientation sessions for front desk volunteers. We are very pleased that we continue to attract high quality volunteers who not only assist on the front desk but also undertake other projects for the centre. We would

like to take this opportunity to thank our Volunteers for their support and commitment in performing this important role, which is so integral to the day-to-day operation of the Centre.

Our volunteers for this year have been:

Clare Barrett
Jonathan Bonnitcha
Katherine Boyle
Leah Burgoyne
Marko Buterin
Sara Crane
Chrystalla Gallos
Brinie Green
Laura Iskander
Sythany Leang
Kevin Leong
Rafael Paul Mazzoldi
Michael Mesiti
Christine Nguyen
Patricia Ridoutt
Andrew Stewart
Sarah Unwin
Margaret Vu
Susan Wang
Anna Williams
Sofia Yiannikas

Volunteer Voices

In between exams, study, work, family and other social commitments, MLC volunteers dedicate a vast amount of time and effort to making the law accessible to disadvantaged and marginalised members of the community.

Though we often say their contributions are incredible and priceless, I tried to nail a cost to these. Costing their services at the very minimum and taking into account occasional absences:

In General Legal Services, 10 solicitors and 4 assistants working 3.5 hours a week each for 46 weeks contribute 2,254 hours valued at \$206,080; while at the Front Desk, merely counting 2 volunteer law students a day (there can sometimes be 4-6 in a day) doing 35 hours service a week for 50 weeks donate 3,500 hours worth \$35,000; Tenancy's 4-hours a week volunteer donate 200 hours estimated at \$5,000 in services; and DVCAS' average 3 court support workers and one volunteer solicitor contribute 1,000 hours valued at \$27,480.

Collectively, MLC volunteers contribute, at the minimum, a whopping \$273,560 a year to the Centre and the community.

The last time this estimate was done was in 2002/03 and volunteer hours have more than doubled since.

Maria
Information and Referral Officer



My name is Sythany and I'm a second year graduate law student at the University of Sydney. I came to Australia as a refugee in 1980, and wanted to work in an environment that encouraged cultural and social diversity. Although hesitant that law was the right path, volunteering at Marrickville has been a constant source of inspiration by allowing me to see how law can empower and change the lives of everyday people.

My experience at the centre has been an invaluable companion to my university studies, and has kept me focused on why I have chosen law in the first place.

Originally, I applied to work at the legal centre for two reasons – I was curious about community law and I also needed to complete 30 hours community work for my law degree.

Those 30 hours have long gone and I'm still here!! I feel my background in performing arts and as a Marketing major have helped me deal more effectively with the day-to-day situations we face, but this Centre is still a big 'eye-opener'!

The clients, the phone calls, the atmosphere and the nature of the work provide for interesting shifts and a "hands-on" experience in community law that I hope to continue throughout my studies.

Brinie Green/22 yrs/BCom/LIB



My name is Chrystalla and I am a daytime volunteer with Marrickville Legal Centre. I am currently in my fourth year of combined law at the University of Wollongong. My time at the centre has proved to be invaluable. Not only have I had a rare opportunity to become familiar with the various legal issues that people face in the Inner West but my experience has allowed me to develop my communication and interpersonal skills.

These skills came in handy on my trip to Perth for the Australian Law Students Association Conference where I represented my uni (and indirectly the legal centre) in the Minter Ellison Mooting Competition. I would recommend volunteering at a community legal centre to all law students who are looking for quite possibly the most rewarding practical legal experience and the opportunity to work with friendly and dedicated people.



Management Committee 2004/05

Clare Barrett – from November 2004

Lisa Castanelli – until November 2004

Elaine Fishwick – until February 2005

Patricia Fleming – from November 2004

David Hillard – from November 2004

Pat Johnson – until December 2004

James Koulouris

Sue McIlhatton – until November 2004

Hannah Robert – from November 2004

Natalie Ross

Jill Toohey – until November 2004

Natalie Silva – from November 2004

Gina Vizza – from November 2004

Emra Vukovic – until November 2004

Andrew Wilson – until June 2005

Staff Members 2004/05

Ambrith Abayasekara
Locum tenancy worker (Oct
– Dec 2004)

Maria Elana Ang
Information and Referral
Officer

Peta Bennett
Locum tenancy worker (Oct
2004 – Feb 2005)

Hazel Blunden
Locum tenancy worker
(February 2005)

Jesse Booth
Tenancy Advice and Advocacy
Worker
(LWOP until Feb 2005 then
resigned March 2005)

Toni Brown
WDVCAS Coordinator until
3/6/5
WDVCAS Access Worker from
6/6/5

Pip Davis
Solicitor until 11 January 2005
Locum Principal Solicitor from
12 January 2005

Elizabeth De Freitas
Tenancy Advice and Advocacy
Worker

Julianne Elliott
Locum Children's solicitor
(May 2005 onwards)

Eloise Finlay
Tenancy Advice and Advocacy
Worker (from April 2005)

Mary Flaskas
Locum tenancy worker (Sept,
Oct 2004)

Katrina Harrison
Coordinator

Danae Harvey
Locum Solicitor (January,
February 2005)

Felicity Johnson
Locum DV worker, Tenancy
worker and Information and
Referral Officer (until 10 June
2005)

Emma Keir
Locum Solicitor (from 12
January 2005)

Janet Loughman
Principal Solicitor (LWOP from
19 November 2004)

Margaret Martin
Solicitor

Gabrielle McKinnon
Children's Solicitor (resigned 20
May 2005)

Mark O'Brien
Locum tenancy worker (July
2004)

Su Phoo
Tenancy Advice and Advocacy
Worker (resigned 17 June 2005)

Sam Robinson
Locum tenancy worker (March,
April 2005)

Louise Sutherland
Locum Children's Solicitor
(February to April 2005)

Lee Taylor
WDVCAS Coordinator (from 6
June 2005)

Cecilia Urbina
Financial Administrator

Viviana Villamar
Locum tenancy worker
(February to April 2005)

Lisa Woodgate
Locum Solicitor, Tenant
Advocate and IRO (during 2004/
05)

Sofia Yiannikas
Locum Data Entry Officer
(April to June 2005)

Financial Report 2004/05

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, 2005

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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, 2005.

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

Natalie Elizabeth Ross
Inner City Legal Centre Principal Solicitor
Appointed: 19/11/01
BA, LLB, Grad Dip Adult Education

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

David Hilliard, Clayton Utz, Pro-Bono Director
Appointed: 6/12/04
BA LLB

Elaine Fishwick
UWS Nepean, Lecturer
Appointed: 3/11/03
Ceased: 28/02/05
Bec Econ (Honours)

Lisa Castanelli
Appointed: 3/11/03
Ceased: 18/10/04

Patricia Johnson
Appointed: 3/11/03
Ceased: 6/12/04

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.

MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
A.O.N. 003 099 485

REVIEW OF OPERATIONS

The surplus from operations for the year was \$16,461.
(2004: surplus of \$36,594).

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, 2005 which would significantly affect:

- (a) the Company's operations in financial years subsequent to 30 June, 2005;
- (b) the results of those operations; or
- (c) the Company's state of affairs, in financial years subsequent to 30 June, 2005.

LIKELY DEVELOPMENTS

At the date of this report, the Committee is not aware of any matter or circumstances that have arisen since 30 June, 2005 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, 2004 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

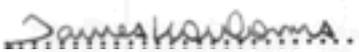
All Committee Members act in an honorary capacity. No fees are paid or payable and no statistics kept on attendances.

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 12th day of ~~SEPTEMBER~~ 2005.


.....
Committee/(Director) Member


.....
Committee/(Director) Member

SANDRA D. GROLLMUS

Registered Company Auditor
Registered Tax Agent

7 BURRANEER CLOSE
ALLAWAH 2218
TELEPHONE 9546 7366
FAX 5545 2267

AUDITOR'S INDEPENDENCE DECLARATION

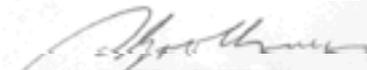
UNDER SECTION 307C OF THE CORPORATIONS ACT, 2001

TO THE DIRECTORS OF MARRICKVILLE LEGAL CENTRE

I declare that to the best of my knowledge and belief, during the year ended 30 June, 2005, 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 23/8/05



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. 003 059 485

STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE, 2005

	<u>Notes</u>	<u>2005</u> \$	<u>2004</u> \$
CURRENT ASSETS			
Cash	5	307,107	316,660
Receivables		8,556	2,700
Prepayments		23,386	24,156
		339,049	343,516
NON-CURRENT ASSETS			
Property, Plant & Equipment	6	30,731	27,051
Prepayment		22,832	34,593
		53,563	61,643
TOTAL ASSETS		392,612	395,159
CURRENT LIABILITIES			
Creditors & Accrued Expenses		26,823	37,257
Deferred Grants		5,355	13,181
Provision	7	53,633	43,647
		85,811	94,085
NON-CURRENT LIABILITIES			
Provisions	8	119,232	118,098
Deferred Grant	13	22,832	24,592
		142,064	142,690
TOTAL LIABILITIES		227,875	236,775
NET ASSETS		\$164,737	\$158,384
EQUITY			
Accumulated Funds		\$164,737	\$158,384

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

MARRICKVILLE LEGAL CENTRE
(A Company Limited By Guarantee)

A.B.N. 53 699 012 017
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STATEMENT OF FINANCIAL PERFORMANCE
FOR THE YEAR ENDED 30 JUNE, 2005

	<u>Notes</u>	<u>2005</u>	<u>2004</u>
Operating Revenue	2	730,383	736,464
Interest Received		18,476	16,222
		748,859	752,686
Less			
Administration Expenses		66,270	71,669
Client/Community Servicing Expenses		33,023	16,109
Occupancy Expenses		26,716	9,538
Staff Expenses		606,389	618,776
		732,398	716,092
OPERATING SURPLUS		16,461	36,594
Accumulated Funds brought forward		158,383	147,938
Less			
Deferred Grant transferred to Income		10,107	26,149
		148,276	121,789
ACCUMULATED FUNDS carried forward		\$164,737	\$158,383

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, 2005

	<u>Notes</u>	<u>2005</u>	<u>2004</u>
		\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES & GOVERNMENT GRANTS			
Receipts from clients/legal costs awarded/community (incl. GST on Government Grants)		110,976	111,076
Government Grants		669,463	674,877
		<u>780,439</u>	<u>785,953</u>
Payments to creditors and employees		(794,101)	(758,880)
NET OPERATING CASH FLOWS		<u>(13,662)</u>	<u>27,073</u>
Interest Received		18,476	16,222
NET CASH FLOWS FROM ALL ACTIVITIES		4,814	43,295
Payments for property, plant & equipment		(14,367)	(17,157)
NET (DECREASE)/INCREASE IN CASH HELD		<u>(9,553)</u>	<u>26,138</u>
Cash at the beginning of the financial year		<u>316,660</u>	<u>290,522</u>
CASH AT THE END OF THE FINANCIAL YEAR	5	<u>\$307,107</u>	<u>\$316,660</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, 2005

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 fund 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
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NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2005

	<u>2005</u>	<u>2004</u>
	<u>\$</u>	<u>\$</u>
2. OPERATING REVENUE		
Grants received from:		
Legal Aid Commission - Commonwealth	136,324	137,569
Legal Aid Commission - State	232,389	226,847
Legal Aid Commission - Deferred Grant	10,107	36,149
CLSIS Project Income	-	12,193
Tenants Advice and Advocacy Service	230,984	224,790
Domestic Violence CAS	69,766	68,092
Other	10,613	7,146
Legal Costs Received	14,055	14,694
Donations & Memberships	161	1,264
Other	25,984	17,720
	<u>\$730,383</u>	<u>\$736,464</u>
3. OPERATING SURPLUS		
Operating Surplus is arrived at after charging the following specific items:		
Charges		
Depreciation - Plant & Equipment	10,687	8,639
Provision for Employee Entitlements	73,078	72,310
	<u>83,765</u>	<u>80,949</u>
4. INCOME TAX		
Marrickville Legal Centre is exempt from Income Tax, being a charitable institution under Section 33 (a) of the Income Tax Assessment Act.		
5. CURRENT ASSETS - Cash		
Cash at Bank	15,661	20,335
Deposits at Call	291,446	296,325
	<u>\$307,107</u>	<u>\$316,660</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, 2005

	<u>2005</u>	<u>2004</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	89,732	72,565
Accumulated Depreciation	(59,001)	(48,314)
	<u>30,731</u>	<u>27,051</u>
Total Property, Plant & Equipment	<u>\$30,731</u>	<u>\$27,051</u>
7. CURRENT LIABILITIES - Provision		
Employee Entitlements	<u>\$53,633</u>	<u>\$43,647</u>
8. NON-CURRENT LIABILITIES - Provisions		
Employee Entitlements	<u>\$119,232</u>	<u>\$118,098</u>
9. REMUNERATION OF AUDITOR		
Audit Fee	2,800	2,810
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. 003 059 485

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2005

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>2005</u>	<u>2004</u>
	\$	\$
12. RECONCILIATION OF NET CASH OUTFLOW FROM OPERATING AND GOVERNMENT & COMMUNITY ACTIVITIES TO OPERATING SURPLUS		
Net cash inflows from operating activities & government grants	4,814	43,295
Transfer from Accumulated Funds brought forward	10,107	26,149
Depreciation	(10,687)	(8,639)
Change in operating Assets and Liabilities		
Increase/(decrease) in Receivables	5,856	(3,055)
Increase/(decrease) in Prepayments	(2,530)	(4,005)
Decrease/(increase) in Creditors & Accrued Expenses	10,435	11,997
Decrease/(increase) in Employee Entitlements Provision	(11,120)	(36,131)
Decrease/(increase) in deferred grant	9,586	6,983
Operating Surplus	<u>\$16,461</u>	<u>\$36,594</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. 003 059 485

STATEMENT OF FINANCIAL PERFORMANCE
FOR THE YEAR ENDED 30 JUNE, 2005

	<u>2005</u>	<u>2004</u>
	\$	\$
<u>INCOME</u>		
Grants - Legal Aid Commission		
Commonwealth	136,524	137,569
State	232,389	226,847
Deferred Grant	10,107	26,149
- CLSIS Project Income	-	12,193
- Tenants Advice and Advocacy Service	230,984	224,790
- Domestic Violence CAS	69,766	68,092
	<hr/>	<hr/>
	679,570	695,640
Unspent Grants brought forward	7,826	3,463
Other Grants	10,613	3,683
Casework Income		
TAAE Subsidies/Refunds	311	1,246
Legal Costs Received	14,055	13,448
CLSIS Project	840	-
Consultancies	3,788	450
Interest Received	18,476	16,222
Membership Fees & Donations	161	1,264
Seminars/Conferences	1,444	2,138
Sundry Income	2,318	4,908
Workers Compensation Claims	9,479	10,224
	<hr/>	<hr/>
	748,859	752,686
Less		
<u>EXPENDITURE</u> - Schedule	732,398	716,092
	<hr/>	<hr/>
<u>SURPLUS FOR THE YEAR</u>	\$16,461	\$36,594
	<hr/>	<hr/>

MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

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

SCHEDULE OF EXPENDITURE
FOR THE YEAR ENDED 30 JUNE, 2005

	<u>2005</u>	<u>2004</u>
	\$	\$
<u>EXPENDITURE</u>		
<u>Administration Expenses</u>		
Advertising	2,828	462
Audit Fees	2,800	2,810
Bank & Financial Charges	1,627	1,278
Committee Expenses	599	345
Computer Expenses	7,567	16,955
Depreciation	10,687	8,639
Equipment - Minor	448	2,079
Insurance - General/PI	7,494	7,349
Levies	3,931	3,738
Postage/Courier	2,659	2,373
Stationery/Office Supplies	5,591	4,506
Subscriptions/Library	4,254	6,799
Sundry Expenses	436	118
Telecommunications	15,349	14,218
	66,270	71,669
<u>Client/Community Servicing Expenses</u>		
Catering/Venue Hire	1,327	2,567
Community Development	824	-
Interpreters	4,964	633
Non-recoverable Disbursements	181	321
Printing/Production	22,599	10,925
Travel/Accommodation	1,147	1,376
Volunteers' Expenses	1,981	287
	33,023	16,109
<u>Occupancy Expenses</u>		
Cleaning	3,970	4,409
Electricity	2,012	1,925
Rent/Leasehold Expenses	1,920	2,320
Repairs/Maintenance	17,510	223
Security	1,304	661
	26,716	9,538
<u>Staffing Expenses</u>		
Conferences/Seminars	4,413	14,338
Consultants	5,775	3,985
Other Salary Related Expenses	482	596
Practising Certificates	1,835	3,015
Staff Training	5,285	2,465
Superannuation	44,001	46,836
Supervision/Counselling	156	5,476
Wages/Salaries	539,449	539,357
Workers Compensation Insurance	4,993	2,908
	606,389	618,776
<u>TOTAL EXPENDITURE</u>	\$733,398	\$716,092

MARRICKVILLE LEGAL CENTRE
(A Company Limited by Guarantee)

A.B.N. 53 699 012 017
A.C.N. 003 059 485

COMMITTEE'S/(DIRECTORS') DECLARATION

The Committee/(Directors) Members declare that:

1. the financial statements and notes, as set out on pages 4 to 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, 2005 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.


.....
Committee/(Director) Member


.....
Committee/(Director) Member

Signed at Marrickville this 12th day of SEPTEMBER 2005.

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, 2005 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, 2005 and of their 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 3/8/05


SANDRA GROLLMUS
Registered Company Auditor
Registered No. 1254

Smart and speedy legal footwork saves protected tenant from eviction



ON 23 JUNE 2005, Philippa (Pip) Davis, a solicitor at Marrickville Legal Centre, wrote to Law Society President John McIntyre informing him that certain proposed amendments to the *Interpretation Act 1987* had been removed from the Statute Law (Miscellaneous Provisions) Bill the previous afternoon, and thanking him for his assistance.

Between the lines of Davis's matter-of-fact letter, which concluded a brief correspondence initiated and maintained over the preceding week by Marrickville Legal Centre, is a droll tale of politics and the law in action at a tempo Shakespeare and Dickens would hardly be credited.

On one side was the Roads and Traffic Authority (RTA), trying to have passed through the NSW Parliament an amendment that would ensure its status as the Crown, and so allow it to avoid complying with the protective provisions of the *Landlord and Tenant (Amendment) Act 1948*, and thereby evict a tenant from one of its properties.

On the other was Marrickville Legal Centre, for the

past five years engaged in a legal process to have the RTA denied Crown status so that the Authority's remaining 30 to 50 protected tenants could remain within the protective terms of the 1948 Act.

As Pip Davis relayed the story, on 8 June 2005 the Statute Law (Miscellaneous Provisions) Bill was introduced to the NSW Legislative Assembly, its Schedule 1 designed to give effect to policy changes, so "minor and non-controversial" as not to call for a separate amending Bill - that might attract parliamentary attention and debate.

One amendment confirmed that where a statutory body is declared to be representing the Crown, the body retains the status, immunities and privileges of the Crown.

Grant McBride, the Minister for Gaming and Racing, delivered the Second Reading Speech of the Bill on 8 June, pointing out that the amendment reflected settled law confirmed by the *Wynyard Investments* case, in which the High Court had ruled that the Commissioner for Railways was the Crown for the purposes of the *Landlord and Tenant Act*.

The cast of a legal drama draw breath after their May 2005 High Court hearing on whether or not the RTA is "the Crown", and therefore exempt from the protective provisions of The Landlord and Tenant (Amendment) Act 1948 - little did they know of a plot twist in the second act: (l to r) Janet Loughlan, the Marrickville Legal Centre principal solicitor who had early carriage of the matter; Gabrielle McKinnon, then a solicitor with the Centre; a friend of the Centre's client; Pip Davis, the Centre's current principal solicitor; RTA tenant Jill McNamara, the Centre's client; tenancy worker Peter Mott, who opened the client's file and identified the issues; barrister Dr Steven Churches; and Sarah Boddington, a former tenancy worker with the Centre.

PHOTO: MARRICKVILLE LEGAL CENTRE

It had become necessary to confirm the settled nature of the law, however, because recent court decisions were unsettling it.

The Bill went through all stages of the Legislative Assembly over two days, Pip Davis observed, and had completed its passage by 10 June. It was expected to pass speedily and without comment through the Upper House and be assented to by 20 June.

A friend in need

Fortunately for Marrickville Legal Centre and the client who had taken a claim for protection to the Consumer, Trader and Tenancy Tribunal in 2001, someone alerted the Centre to the Bill, and to the explo-

sive amendment lurking among "minor", "non-controversial" policy matters.

There was not a minute to lose: assisted by barrister Dr Steven Churches, Marrickville Legal Centre had nursed the RTA-is-not-the-Crown matter through the courts to an appeal heard in the High Court on 26 May 2005. At issue was whether the *Wynyard Investments* decision is still good law. The proposed amendment could be construed as a tactic meant to undermine the outcome of a matter still in process.

Davis told the Attorney General that if the amendment went through, her client, whom the RTA had ordered from her house, would be evicted.

Nor was the Centre's client the only tenant to be affected by the proposed change in status of the RTA. Other NSW statutory bodies own large swathes of suburban housing, and an estimated 1,000 protected tenants could be put at risk.

Vital nuances

Historically, Davis revealed, the NSW Parliament has created nuances in meaning between the Crown, as the executive government of the state, and bodies like the RTA, which are at a remove from inclusion in the executive.

The phrase "statutory bodies representing the Crown" is used in certain statutes to help define particular concepts, among them "public authorities".

The parliament has made it quite clear in the past, Davis said, that such statutory bodies are not intrinsically the Crown.

But the proposed amendment to the *Interpretation Act* would sweep away the distinction between the Crown and statutory bodies like the RTA: a measure neither "minor" nor "non-controversial".

Also in the week's correspondence was a media release

issued by Marrickville Legal Centre, charging that "the government wants to be able to establish instrumentalities removed from the centre of government such as the RTA to carry out its business, but then also say these instrumentalities are part of the 'Crown' and claim crown immunity from laws that protect citizens".

The Attorney General acted promptly, and in the end the proposed amendment was withdrawn.

Whoever may seem to be the winner in the week's hurly-burly, there are no losers, for the real winner is democracy. Two formidable adversaries slugged it out in a classic textbook case of practical politics: a government bureaucratic machine employing the stealth traditionally associated with ambitious bureaucracies, but with no fail-safe method of totally screening its actions, grappled with a small team of government-funded, well prepared and determined community interest lawyers expert in lobbying; everything supported by an infrastructure of institutions that performed as they were meant to. □

MARY ROSE LIVERANI

Spreading the message

Report NICOLE AZZOPARDI

One painting bears the encouraging message, "Escape: Find your spirit again". Another reads, "Bugs and the black hole, they only lead one way down".

Created by women and children living in refuges in the Inner West, the artworks provided the backdrop for the launch of a new local initiative aimed at tackling domestic violence.

A new domestic violence sticker was unveiled on Stop Domestic Violence Day, providing information in six languages on how to get help if you live with someone who is violent. The stickers will be placed on the back of women's toilet doors in the Inner West in cafes, restaurants, shopping centres, public buildings and sporting venues. "We found there were a number



Jennifer Dowling with the collection of artworks.

Photo: Melanie Russell

of people that came along to our committee from culturally and linguistically diverse backgrounds and really had difficulties finding out where to go if they were in trouble," Leichhardt Marrickville Domestic Violence Liaison Committee chairperson Jennifer Dowling said. "But it doesn't matter what socio economic background people come from, domestic violence happens everywhere. We are hoping people will phone the Domestic Violence Line when they see this sticker and get the help they need." The NSW Domestic Violence Line 1800 656 463.

Public housing reforms meet tepid response

BY BEN DOUGLAS

BALMAIN public housing tenant Jenni Nixon says changes planned for the State's public housing system will deter public housing tenants from finding work.

Under the new plan for reshaping public housing, public housing tenants' leases will be limited to between two and 10 years, with life-term tenures abolished.

Single income tenants who earn \$29,000 per year or families earning \$46,000 face rent increases of 25 to 30 per cent, and public housing tenants will also be forced to pay for water for the first time, with charges of about \$5 per week.

Jenni, who is on a disability pension and has lived in her unit for almost 18 years, says the changes will encourage tenants to remain on welfare.

"Rents are set as a percentage of your wage, and should my income increase, so does my rent. You are running faster but standing still," Ms Nixon said.

According to Housing NSW, there



"Where is the incentive to go and work when a quarter to half of what you earn is taken away?" asks local public housing tenant Jenni Nixon are 2431 government housing dwellings in the Leichhardt local government area.

The properties are a mixture of units, town houses, cottages and villas, with an average of two occupants per dwelling.

Welfare bodies have criticised the proposed changes, with concerns that the rent rise may prove prohibitive to tenants seeking work and that public housing tenants will lose the

be forced to move into the private rental market, which may be difficult," she said.

"There is a real shortage of affordable housing in this area as it is."

Ms Finlay said that the changes could result in some tenants being caught in the gap between public and private housing.

"You will get a situation where a middle group of tenants, who earn slightly too much for public housing but not enough to find a place in the private rental market, will be left stranded," Ms Finlay said.

"Those people will be left with nowhere to go," she said.

When asked for a comment on the issue, Member for Port Jackson Sandra Nori said in a statement that the State Government is determined to encourage public housing tenants on moderate incomes to move into private rental arrangements.

"This will let the Government focus on people in genuine need - women faced with domestic violence, our seniors and people with disabilities," Ms Nori's statement said.

Editing:
Lay-out/Design:
Cover Design

Emma Keir and Katrina Harrison
Maria Elena Ang
Cliff Flax

Address:
Website:
Phone/Fax:

338 Illawarra Road, Marrickville
www.mlc.asn.au
(02) 9559 2899 / (02) 9558 5213