

# NORTHERN RIVERS COMMUNITY LEGAL CENTRE

ANNUAL  
REPORT  
2009



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# CONTENTS

1. Projects and Services	1
2. NRCLC Team	2
3. Chairperson's Report	3
4. Centre Manager's Report	5
5. Projects : Mirrung Ngu Wanjarri	7
Aboriginal Legal Access Program	9
Cooperative Legal Service Delivery	10
6. Service Reports:	
Legal Service	12
Tenants Advice & Advocacy Service	19
Women's Domestic Violence Court Advocacy Service	24
7. Auditor's Report	29

# PROJECTS AND SERVICES

## ***Mirrung Ngu Wanjarri Project***

### **Funding**

Department of Families, Housing, Community Services & Indigenous Affairs

## ***Aboriginal Legal Access Program***

### **Funding**

Combined Community Legal Centre's Group (NSW) Inc

## ***Generalist Legal Service & Women's Legal Service (including Generalist Court Support Service)***

### **Hours of Operation**

Monday to Friday 9am – 1pm and 2pm – 4pm , Thursday evenings 6pm – 8pm by  
appointment

### **Funding**

Federal Attorney-General's Department, administered by the NSW Legal Aid  
Commission

## ***Tenants Advice & Advocacy Service***

### **Hours of Operation**

Monday to Wednesday 9am – 2pm,  
Thursdays 12pm – 3pm and 5pm – 7pm

### **Funding**

NSW Office of Fair Trading

## ***Women's Domestic Violence Court Advocacy Service***

### **Hours of Operation**

Monday to Thursday 9am – 4pm

### **Funding**

NSW Legal Aid Commission

# NRCLC TEAM

## Committee of Management

### *Chairperson*

Natalie Meyer

### *Secretary*

Angela Pollard

### *Treasurer*

Julia Melland

### *Public Officer*

Margo Rutledge

### *Indigenous Representative*

Maree Richardson

### *Legal Service Representative*

Christine Lovell-Jones

### *Tenant's Advice & Advocacy Service*

Inke Loos

### *Women's Domestic Violence Court Advocacy Service*

Margo Rutledge

### *Staff Representatives*

(each service provides a staff representative for each committee of management meeting)

## Staff

### *Mirrung Ngu Wanjarri*

Nancy Walke

### *Centre Manager*

Angela Pollard

### *Centre Bookkeeper*

Darlene Cook

### *Legal Service*

Cathy Kerr, Karen Ness,

Murray Hand, Bridget Barker, Sunni

Dawson, Tony Barac, Greta Hunter,

Katja McPherson, Janet McCormack

### *Tenant's Advice and Advocacy Service*

Kate Chapman, Deirdre Dowsett,

Amanda Elgazzar,

Jenny Walton – Smith,

Mary Flowers

### *Women's Domestic Violence Court Advocacy Service*

Kieryn, Lilian, Sally, Marguerita,

Rachel, Kim, Margaret, Gina,

Kassandra, Rose, Lisa, Alison, Julia

### *Aboriginal Legal Access Program*

Cara Kirkwood, Cathy Kerr

# CHAIRPERSON'S REPORT

Well somehow we managed to survive for another year in spite of floods, storms, high staff turnover and the global financial crisis. In February 2009 our hearts went out to our friends colleagues and the people and wildlife of Victoria as we saw the worst bushfires in Australia's history devastate parts of Victoria.

The pressures of the economic crisis in particular were felt keenly by our clients and we saw increases in the numbers of clients and the complexities of their situations over the past year. This was particularly reflected in the greater amount of time spent per client by the TAAS staff.

The highlight of the year was the opening of our Tweed Valley Outreach office at Murwillumbah in March 2009. The event was attended by the Hon John Hatzistergos, NSW Attorney General, who officially opened the new premises.



**Margo, Jenni, Deidre and Janet at the Tweed Office Opening**

The new outreach has already been working hard to provide services to the expanding community of the Tweed Valley.

**GOAL:**  
**To further the community development work undertaken by NRCLC.**

A new Community development position has been established at the new Tweed Valley Outreach centre, the position being taken up by Greta Hunter. This has further expanded our community development role in the local community.

**GOAL:**  
**To enhance the viability, capacity and effectiveness of our service delivery.**

Unfortunately, at the time of writing this report there has been no confirmation of any increase in the recurrent funding for the Legal Service. Without better funding we will need to consider our service delivery levels in the future. We did receive some one-off enhancement funding to the service during the 2009 financial year, which enabled us to maintain the service at existing levels for another year.

The Community Legal Services Delivery (CLSD) partnership has continued its good work for another year, continuing to provide an important partnership mechanism between the legal service providers on the North Coast.

Our main priority for the year in relation to this goal was the securing of alternate premises, now that we have outgrown our existing premises. We were able to finally secure a lease for new premises and we are all very excited about our anticipated and forthcoming move in the coming months.

**GOAL:**  
**To enhance and support best workplace practice.**

OH&S issues arising throughout the year were effectively addressed.

The ongoing uncertainty around Awards and the Industrial sector remains unresolved at the time of writing, and we are hopeful that the matter of the NSW SaCS Award will finally be settled in the year ahead. In the meantime, staff wages and conditions remain unsatisfactorily uncertain.

As experienced last year, a significant number of staff took extended leave for a variety of reason over the past year, again demonstrating the commitment of the organisation to above-Award employment practices, in spite of the considerable load that facilitating such leave for staff placed upon the Service Coordinators and the Centre Manager.

All Service Coordinators and the Centre Manager are to be commended for the considerable efforts they made during the year to

facilitate staff leave and general well-being.

Thanks must be made to the entire team, including all staff and volunteers for their huge contributions to the Centre and to the community over the past year, all of them going above and beyond the call of duty in their respective roles.

Thanks once again this year to the Centre Manager Angela Pollard who has continued to effectively and efficiently manage the Centre in spite of the ongoing obstacles to our smooth operations.

Thanks also to each of the Service Coordinators and the Acting Coordinators, Kieryn Dietrom (DVCAS), Lisa Cook (DVCAS), Kate Chapman (TAAS), Mary Flowers (TAAS), and Cathy Kerr (Principal, Legal Service) for also keeping their respective service running in spite of numerous spot fires throughout the year!

And as always thanks to my wonderful colleagues on the Management Committee of NRCLC for the many many hours of contributions made by all of them on a voluntary basis over the past year. An extra special thanks to our esteemed Treasurer, Julia Melland, who will be resigning from her role in the 09-10 year due to her numerous commitments. Her contributions have been invaluable and she will be missed!

**Natalie Meyer**

# CENTRE MANAGER

I'd like to start out my 2008 /2009 annual report with the 'thank yous' at the beginning. The NRCLC has been operating for 13 years and in that time we have been blessed with staff, management and volunteers of a very high calibre and with impressively high levels of professional ethics and commitment to the values of a just and fair society for all.

In the year that has seen the bleakest of global economic conditions in decades, staff prepared for a potentially overwhelming level of demand for our services. What we found was that given the socio-economic disadvantage endemic in our region, the worst was already with us. In the previous twelve months, we had appealed to funding bodies for additional resources to cope with the increasingly complex matters experienced by clients of our services.

We had already been flagging housing affordability, risks of homelessness, increased family violence, mental ill health and financial stresses as well as unfair employment practices creating challenges in meeting demand for our services.

As a manager, it is incredibly difficult to buttress staff morale in the face of such overwhelming need combined with limited resources. To add insult to injury, community sector workers missed out on the salary increases of the boom, and with the global collapse, even less likelihood of wage rises on the horizon. We were heartened however by the recent

success of the Queensland community sector pay equity case, heralding massive pay rises for our colleagues over the border.

This year did see some good news in the form of our new accommodation. After many years of fruitless searches, we are about to move into our new home. It meets many of our identified needs: better client accessibility, more room, out of flood, all staff on one floor, and my special dream; a functioning kitchen with a real stove.

We were also very excited to start the three year pilot of our new Tweed Valley Office. We now have Legal Service staff based in Murwillumbah and undertaking legal outreach, community development and education to the Tweed region. Thanks to the outstanding work of Greta Hunter, our new Tweed Valley CD / CLE worker, the community was quick to access the service. Statistics already showing what we suspected, this fast-growing region needs the permanent full time presence of a free legal service.

We were also pleased that our WDV CAS was successful in its bid for a further three year funding even if we were disappointed that it did not result in any appreciable increase in funding.

Hope springs eternal, so let's predict that my 2009 /10 report will be full of joy about all our funding and pay increases. Why not?

**Angela Pollard**

# Aunty Gwen's Cultural Awareness Tour

Where: Tukki Tukki, Tabulam, Bonalbo, Urbanville, Woodenbong, Grevillia, Kyogle

What: On 18<sup>th</sup> March 2009 about 20 of us travelled by bus listening to Aunty Gwen Hickling's reminiscences about her past and stories of the places that we passed through. We were taken on a journey with her ancestors and relatives, chasing kangaroos up creeks, living in tin humpies, being forcibly moved for farmers to develop the land, catching turtles and wood worm for tucker and lots of stories of yowies.

We were shown the community at Tabulam, where we also stopped for morning tea at the peaceful resting place maintained by National Parks. We had lunch at Frank's Bunawlbu Café (choice of roast or quiche) and a thirst break at the Dog & Bull in Bonalbo.

Aunty Gwen was a wonderful hostess keeping us entertained with tales of her people. Cara did a fantastic job arranging the day, ensuring that we were kept well fed and entertained. The staff is very grateful to both ladies for educating us about our local indigenous history.



**Our mob with Aunty Gwen**

# PROJECTS

## **Mirrung Ngu Wanjarri** (Aboriginal Women Making Changes)

This has been another successful year for our project. It is also our third year of funding so Angela and I will be looking to apply for more money to continue Mirrung in this or maybe another guise.

In October 2008 we had a presence for 4 days at the Aboriginal Rugby knockout in Cudgen for 4 days and during that time we gave away many information cards and pamphlets and small "gifts" to remind people of the problems that happen when violence occurs, how to get help and that there are better ways than violence to solve problems. It was a time when I met many new friends, some family, and renewed acquaintances.

### Women's Circles

We have had two women's circles, one in Lismore in partnership with the indigenous worker at Interrelate and a very successful one in Tweed heads at Minjungbul Aboriginal Cultural Centre which came from contacts made at the Knockout.

At the end of June, thirty women attended a Gathering at Byron Bay. We stayed at a motel on the Beach at Byron Bay and had some very successful, funny and interesting conversations about women and leadership, stress and how to manage, self awareness and Family Violence.

We painted and modelled clay and just talked to each other. It was great time with excellent feedback from the ladies who want to do it all again next year.



### **Tabulam/Casino Womens Gathering at Evans Head**

### Young Women Rising

Our Young Women Rising Program is going well and since July 2008 we have held 3 camps at Evans Head and 1 at Hastings Point. The girls love to be at Koinonia, Evans Head, because of the range of activities we can take part in such as canoeing, orienteering, climbing the wall and swinging in the chapel.

During our camps we have sessions on relationships, communication,

managing anger and stress and being healthy. Self Esteem, Self Awareness and Confidence building are part of everything we do. This year we were very lucky to have Maria Boulling to come and share her knowledge of hair care. Mel from Interrelate facilitated "Managing Anger" and conducted meditation sessions for us. Emma Walke always joins the camps to facilitate Communication and helps with meals and computer activities. It has also been a pleasure to have women from the Brunswick Heads Aboriginal Women's weaving group join us to teach the girls basketry. This particular group came after the Mirrung Circle at Byron Bay some two years ago.

We invited women from the Bundjalung community to join us for afternoon tea in our "role model" session and this year we had Lee-Anne Emzim from Lismore City Council and also Mareece Terare who is the Co-ordinator of the Masters in Indigenous Healing and Trauma at Southern Cross University.

We also have three young girls who have attended more than one camp who are interested in leadership and take part in facilitating some small activity.

Other

Again this year I worked on the Steering Committee of the Access to Legal Aid Program and on the State CCLCG which has been a building experience for me which I have enjoyed .

Mirrung Strength Cards continue to be popular and whilst we sell sets I also give them to Aboriginal and Torres Strait Islander women who will enjoy using them and to other services providers with numbers of Aboriginal women.

Thank you to all staff at the Centre, particularly Angela and Darlene, for their support and guidance . I look forward to another year with Mirrung Ngu Wanjarri .

**Nancy Walke**  
Project Worker



# Aboriginal Legal Access Program

Since the initially grant funding in October 2007 the Aboriginal Legal Access Program has continued its role in improving Legal Access in relation to Civil Law needs for Aboriginal communities. Mel Brown who was appointed left the position in June 2008 and the NRCLC welcomed back Cara Kirkwood.

With all the previous years' consultations completed, the ALAP program focussed in the following tasks:

- **Cultural Awareness Resource Book;** a task initiated in early 07-08, the completion of this resource was welcomed by the Bundjalung Elders Council and disseminated throughout the Aboriginal Advisory Group – AAG (of the peak CLC NSW). The feedback from the AAG members in relation to adapting it to their own services was incredibly positive.
- **Solicitor Outreaches;** this is a highly successful component of ALAP. While the outreaches were set up in the 07-08 year, the regularity of attendance to these communities throughout the 08-09 year, in particular Tabulam, has granted vital trust relationships between the NRCLC and community members. These relationships

have been solidified by the great work provided by our Principal Solicitor, Cathy Kerr.

Cabbage Tree Island and Ballina have also had regular attendance by ALAP. With the support of Mirrung Ngu Wanjarri and Bunjum Aboriginal Co-op the client numbers have remained steady. However, the outreach hasn't been as successful as the outreach locations to the west. This is most likely due to the larger availability of services to the east, principally Ballina and also community participation in general.

- **Promotion of NRCLC;** in line with promoting the NRCLC and maintaining strong links with community members ALAP had a number of culturally appropriate promotional products developed.



These included mugs, T-Shirts and caps. The products have been distributed to the Bundjalung Elders Council and are regularly used and given to people when attending community development events.

Events attended included NAIDOC stalls, the Koori Knockout at Tweed Heads, Mirrung Ngu Wanjarri's Women's Gatherings and Women's Circles.

This also involved working in collaboration with the Public Interest Advocacy Service and Legal Aid NSW to promote PIAC's, *Law For Non Lawyers* training held in late June in Casino. A number of local Aboriginal services and community bodies, e.g., Circle Sentencing mob, were represented by their staff. By all accounts from PIAC, the feedback was great.

- **The Bundjalung Bus**; this was an In-House cultural awareness

training event that was organised for the staff and management of the NRCLC. It designed to take cultural awareness out of the classroom and where it belongs – in the country itself. Auntie Gwen Hickling generously gave her time and hosted us on an all day drive around the west of our region. We went through Casino, Tabulam, Old Bonalbo, Bonalbo, Muli Muli, Toonumbar, Kyogle and back home again. Evaluative feedback proved the cultural tour a great success, though a long trip with perhaps the odd 'shut eye' towards the end.

The ALAP program remains vulnerable to resource constraints and funding beyond 2009/10 is looking increasingly uncertain.

## Cooperative Legal Service Delivery

The Northern Rivers Community Legal Centre auspices the Regional Coordination Service of the Northern Rivers Cooperative Legal Services Delivery (NRCLSD). The NRCLSD is funded by NSW Legal Aid. The Regional

Coordinator is Angela Pollard. The chief role of the regional Coordinator is to provide secretariat services to the NRCLSD.

The NRCLSD operates as legal and related services interagency with the goal of improving socio-economically disadvantaged clients access to legal services. This is achieved by quarterly meetings where partners discuss relevant legal issues, propose joint projects and improve referral pathways between partners. NRCLSD partners include: Lismore & District the Financial Counselling Service, Family Relationships Centre, Local Courts, NSW Legal Aid, Law Society, Law Access, Henry Davis York (Pro Bono partner) Neighbourhood & Community Centres, Local Council Community Services, and the individual services of the NRCLC.

This year projects included:

- Development of an Outreach Calendar listing Legal Advice Outreaches provided by the NRCLC, LAC and ALS, hosted and maintained on the NRCLC website.
- A community education session on the pitfalls of purchasing homes in residential caravan parks was presented by the Older Persons Legal and Education Program, TAAS and Lismore LAC.
- Partner participation in helping organise, promote and present the PIAC Law for Non-Lawyers Training Session for Aboriginal community workers and members
- Credit and Debt forums organised and hosted by L&D Financial Counselling Service



**Angela Pollard**  
**Regional Coordinator, NRCLSD**

# LEGAL SERVICE

Over the last 12 months, as with previous years, we have been able to do valuable work for our community. This is due in large part to the voluntary work of students, administrative and court support volunteers, solicitors, barristers and, of course, our Management Committee. We thank all of them for their commitment to their community. The legal team, which this year has comprised at varying times: Antony Barac, Sunni Dawson, Jo Groves, Katja McPherson, Janet McCormack, Karin Ness, Greta Hunter, Bridget Barker, Murray Hand and Cathy Kerr, has also shown commitment and skill in delivering high quality legal advice, assistance, casework, law reform and education.

Outreach is an important part of our regional service delivery and we couldn't do it without support from workers in each of the venues hosting our outreaches at Murwillumbah, Tweed Heads and Byron Bay courts, the Pottsville Neighbourhood Centre, Casino Library, The Health Post at Tabulam and Bunjum Cooperative at Ballina and Cabbage Tree Island. A big "thanks" to those workers.

## Casework

Where have we made a difference? Here's just a sample of our work this year:

We successfully argued for a motor vehicle accident debt of \$3800 to an insurance company to be waived for a single dad with 3 kids who had no hope of paying. To have paid this debt he would have had to cease rent payments and he didn't want the kids to lose the first secure housing they had had in years.

We won an appeal and secured \$30,000 compensation for a woman with intellectual disabilities who had been sexually assaulted in her home.

We successfully obtained a waiver of a \$36,000 debt claim by an insurer against our client who had left Victoria and the house that she rented there to care for her grandkids here. After she left, the rented home was trashed and the repair bill was alleged to be \$36,000. If the debt had not been waived she faced trying to find work at age 65, as well as caring for her grandchildren, whose mother had been killed in a car accident.

We are defending Supreme Court eviction proceedings on behalf of our client and have filed a cross claim that the contract for sale that she signed should be set aside as unjust. The property was sold for less than one third of the market value and our client instructs us she thought she was signing a loan agreement with her friend, not a contract for sale.

We successfully negotiated with police for the return of a motor vehicle impounded for 5 years and which was unrelated to the offence for which our client was imprisoned. He sent us a card saying he was driving home for Christmas, thanks to us.

A young female casual employee of a local restaurant was bullied and harassed by her boss. With our assistance she accepted an amount of money from her ex-employer in settlement of her claim at a conciliation hearing.

A labour hire company supplying labour to a large meatworks had its contract with the meatworks terminated. The company was operated by a manager of the meatworks. All workers were sacked without warning. The workers were immediately asked to re-apply for work with a new company that had conveniently commenced operations in time to be awarded the labour hire contract for the meatworks. The new company was operated by a person associated with management of the meatworks. Coincidentally, it seemed that any workers with a history of workers comp, illness, union involvement or complaints to the Workplace Ombudsman were *not* hired by the new company. We gave initial advice to six workers who did not receive their entitlements upon termination, and have taken on the unfair dismissal case of one of these.

We have had some great results in victims' compensation matters (\$99,000 over 3 matters!). One young woman had been sexually abused by a teacher for years and was awarded \$40,000. She was very excited about the award and just wanted a new car. Another woman (with learning difficulties) who had not reported an indecent assault and a gang rape, was awarded \$44,000. This was a great result given the evidentiary problems. The third matter was a sexual assault matter where the client received \$15,000. Again we thought this was a good result as there had been some suggestion in her psychologist reports that she was exaggerating her symptoms.

We are pursuing a complaint with the Anti Discrimination Board on behalf of a senior Aboriginal community member who was poked by a doctor at a hospital (when seeking urgent medical assistance for his son) and told aggressively "you people want to learn to look after your children". This senior community member was seeking urgent medical assistance for his son.

The Legal Service had a recent win for a client that had first sought help from us in 2003 and then returned in 2006. The client (with mental health issues) had been living in a violent relationship in public housing accommodation. The client came to the legal service for assistance with a debt of over \$6,000 that was raised against her for alleged damage to the premises she leased. Most of the alleged damage occurred when our client was absent from the premises for some weeks receiving medical treatment. The client could not access further accommodation for herself and her children until the debt was cleared.

After significant work by many staff and volunteers at NRCLC we drafted a detailed letter to the Department outlining why the debt should be waived. In September 2009 we learnt that the Department had decided to waive the debt! A great result for the client, showing persistence and hard work gets results!

### **Global Financial Crisis**

We have noted clients feel a sense of desperation, particularly those who have been dismissed and are facing the prospect of unemployment. In one case we advised a client about his right to insist on his lawful entitlement to be paid at the Award rate, only to be told by the client that he thought that might be the case but he did not want to "rock the boat" and risk losing his job in this economic climate.

Credit and debt matters have been increasing since mid 2008 and the complexity of these problems has increased. We are being contacted by clients who would not previously have accessed our service. For instance, in an April 2009 advice session, the first 3 appointments were for advice:

- regarding a request to a bank to transfer a home loan from fixed rate

to variable, because the client was in arrears, with no prospect of meeting the ongoing repayments;

- regarding a Mortgagee's power of sale and the likelihood the property would be sold at less than market value,
- for a client considering bankruptcy due to pressure from 3 creditors.

In the first two of these matters, the properties involved were quite valuable and the clients were both employed. However they clearly did not have the capacity to continue to service their loans. Prior to the GFC we would not have expected clients in this position to have sought free legal advice about their finances from our service. Unfortunately, we have not been able to assist several clients in relation to small business debts, as we simply do not have the resources.

### **Indigenous Clients**

Many of our clients are Aboriginal and have accessed our service via our Aboriginal Legal Access Programme outreaches in Cabbage Tree Island, Ballina and Tabulam. Our community development workers also play a big role in linking people with our services.

### **Policy and Law Reform**

We are pursuing the timely processing of our Freedom of Information applications with government departments and in particular the NSW Police. With the threat of Administrative Decisions Tribunal Applications all our requests for information are being responded to.

We responded to policy discussion in the Attorney General's Office about "streamlining" Victims Compensation Claims. The proposed changes would be detrimental to our clients, particularly the refusal to grant leave to apply out of time in sexual assault matters. We used case studies to illustrate how such changes would impact on our

clients who are mostly adults making claims about childhood sexual assaults.

We spoke at an afternoon tea with the Aboriginal and TI Social Justice Commissioner (Tom Calma) about the challenges in getting individuals to respond to the consultations about Human Rights Protection in Australia.

### **Community Development**

The main focus for community development this year was the launching of the Federal Government's Community Consultation on how to better protect human rights in Australia. On Human Rights Day 2008, the world celebrated the 60<sup>th</sup> anniversary of the proclamation of the Universal Declaration of Human Rights and the NRCLC announced its community consultation and education campaign to coincide with the launching of the National human rights consultation.



The human rights team comprising Karin Ness and volunteers Brendon Ross and Jasmine Knight-Smith, prepared information on how human rights are protected in Australia, domestically and internationally and the main arguments for and against a bill of rights. They prepared a survey to determine what information the public may need to participate in the consultation and to gauge public sentiment on the issue. On the afternoon of Human Rights day, 50 surveys

were filled out by the general public at the community barrow in Magellan Street.

That evening, the greatest debate: “A Bill of Rights for Australia, Yes or No” was held at the Lismore Workers Club. The debate was presided over by S Sorrenson with speakers Cara Kirkwood, Jennifer Nielsen and Sue Higginson for the affirmative and Antony Barac, Richard Harris and Mark Byrne for the negative. The debate was well attended considering the many end of year events occurring at that time of the year. It culminated with a resounding ‘YES’- Australia does need a bill of rights!



**Debaters Sue, Cara, Jen, Tony, Richard, Mark and S Sorensen**

The community consultation campaign evolved into a continuing project which ran until the close of the national consultation in mid June of 2009. The NRCLC would like to thank Vanessa Bennet, Brendan Ross and Jasmine Knight-Smith for the endless hours that they devoted to this project.

Submissions to the consultation centred around three questions:

1. Does Australia need better protection of human rights?
2. Which human rights should be protected? and

### 3. How should they be protected?

Vanessa, Jasmine and Brendon attended Youth Week events, the “Battle of the Bands” in Ballina and “Crankfest” at Evans Head, to encourage young people to engage with the consultation and fill out submissions to the consultation. Karin attended other Youth Week events and ran a Human Rights consultation for local service providers.

Karin also attended local aged care facilities as a “living book” to talk about her personal interactions with human rights abuses to facilitate conversation about human rights during the residents’ lives.

All up the NRCLC managed to send in 197 submissions from the general public, including their own submission and personal submissions from NRCLC staff. To date the Federal Government has not announced a response to the submissions received during the consultation.

Another focus for ‘Youth Week 2009’ was the issue of mobile phone debt for young people. The ‘National Children’s and Youth Law Centre’ reported in 2008 (in their submission to the ‘Review of Australia’s Consumer Policy Framework’) that “the nature of debt that is most encountered by young people is from mobile phone bills”. We held sessions on how to read a mobile phone contract and what to do about mobile phone debt at Nimbin Central School, Bonalbo Central School and Kyogle Youth Centre.

#### **CLE**

We participated in a panel presentation about law reform aimed at removing discrimination against GLBTI people. The public forum was organised by Angela Pollard and speakers were from Inner City Legal Centre, Legal Aid and ACON. We spoke about Centrelink matters for same sex couples. Inner City conducted an extremely well attended advice session the next day in our offices.

We attended “Weaving the Net”, a training program at Casino TAFE for Aboriginal women about protecting communities from family violence. We spoke about our service and then conducted client interviews after the session.

We wrote an article about sexual harassment in the workplace, which was published in the business section of the Northern Star newspaper.

The LIAC co-ordinator at Casino library asked us to partner with them in promoting the library’s law services and our monthly outreach at the library. We were asked to do a seminar on Wills, Probate and Enduring Powers of Attorney during Law week. The library staff promoted the seminar locally. On the day staff had set up a display of law reference books and information packs about access to legal services.

The seminar was attended by 58 people, including the Mayor and several Councillors. We stressed the need for regular review of Wills to ensure they are still operating as intended and discussed pitfalls of inappropriately planned wills, with a few horror stories to demonstrate the need for people to not be naive about what could happen after their death. We encouraged people to seek the help of solicitors or the Public Trustee. We talked briefly about family provision claims and highlighted the differences between power of attorney (general and enduring) and enduring guardianship.

There were many questions during and after the session. Library staff were pleased with the event.

We conducted other CLE sessions as follows:

- On-Q Employment – Discrimination and OH&S in the workplace for youth with a disability.

- Kyogle Youth Centre - Youth rights in public space and fines
- ACON - Phoenix Workshop- Employment issues for HIV positive men re-entering employment.
- Tweed/Mingunbul Aboriginal Cultural Centre – Victims Compensation
- Kyogle Youth Service – Graffiti and Parties (Police rights of entry)
- TAFE – Welfare students – Domestic Violence
- Kyogle Youth Centre - Mobile Phone debt
- Bonalbo Central School - Mobile Phone Debt
- Nimbin Central School - Mobile Phone Debt
- Human Rights Consultation for Service Providers - education on human rights protection in Australia
- Ozanan Villas - Human Rights Consultation
- Pine Vale Villas - Human Rights Consultation
- Richmond River High School - Human Rights education and consultation
- Maranoa Aged Care Facility - Human Rights Consultation
- On-Q Employment, Kyogle - Discrimination and OH&S in the workplace for youth with a disability.

### **Generalist Court Support Service (GCSS)**

The GCSS is an unfunded service, coordinated and administered by the NRCLC and staffed by volunteers, who provide information and referral to people attending list days at the Lismore and Casino Local Courts. The service also assists the Legal Aid Commission and the

clients by distributing legal aid forms and assisting people to fill them out.

Ordinarily people attending court would not be met by anyone who could answer their questions on what to expect and what to do. Clients often express their gratitude for the service and particularly, the wonderful volunteers, without whom the service would not operate.

Volunteers for the GCSS come and go, however the service is kept afloat by a core group of volunteers who are always there and who contribute in excess of the time expected to be given.

The NRCLC would like to thank Janet Winterton (who has been with the service in Lismore since 2005); Colin Grisinger (who has also been with us for a long period of time); Julia Sidnell (who left us recently but continues to offer assistance when she can); Gay Bransgrove (who not only volunteers in Lismore regularly, but with whose assistance we have been able to recommence our service in Casino Court); Paul Underhill (who has become a GCSS regular); Michelle Lyons (who has given extra time and actually organised the GCSS filing system, for which I will be eternally grateful!) and Kathleen Cross (who loves this work and would do it every day if she could)

The NRCLC would like to thank Judi Muller for having volunteered in Byron Bay Local Court for many years. Judi started volunteering for the GCSS in 1998! This volunteer position has been difficult to fill since Judi's departure. We sincerely hope that Judi will return to us in the future.

Some client feedback includes "Court support helped a lot. Without them I don't know what I would do"; "They were very helpful in telling me the way things would happen"; and "They were very helpful in the understanding of issues affecting young people".

NRCLC

### **Tweed Office**

NSW Attorney General, John Hatzistergos, officially opened our new Tweed Valley office in March 2009. Tweed Shire service providers attended the opening and spent time networking with our staff. The media releases regarding the opening of our Tweed Valley outreach had a huge impact in promoting our service, with appointment times booked out 3 weeks in advance. As expected, appointments in the Tweed Valley continue to be filled weeks in advance.



**Janet, Tony, Greta and John Hatzistergos**

### **Volunteers**

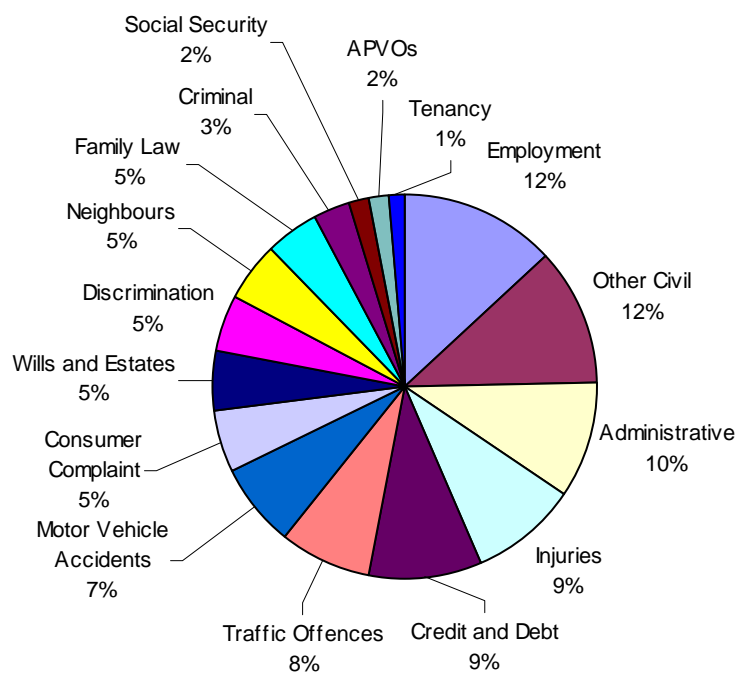
The legal service is grateful to the students and private practitioners who volunteered their services throughout the year.

Thursday evening advices are conducted by practitioners who have worked all day then travel to our Lismore office to commence by 6 pm. Many thanks to Steve Bolt, Michelle Paskins, Barry Jeffress, Rebekah Jones, Darryl Quigley, Robert Parry, Sahm Ryder, Eoin Johnston (barrister), Claire Rippon and Paul Gallagher. Special mention also to Craig Simpson, barrister, who has given us invaluable pro bono assistance throughout the year.

Since the Centre's inception we have had numerous law students volunteering to assist with administration and research. Currently we have only a few volunteers as the changes to SCU's semesters has put severe time restraints on the students with little time available to volunteer.

So a very big thankyou to the following for their time during the past year: Brendon Ross, Caroline Hale, Emily Wade, Emily Ridgway, Luke Stofmeel, Julia Sidnell, Inke Loos, Nathan Job, Jasmine Knight-Smith, Chris Borthistle and Ursula Lang.

### Advices by Problem Type



**Total Advices = 797**

**Total Cases = 180**

# TENANTS ADVICE AND ADVOCACY SERVICE

The Tenants Advice and Advocacy Service has been established in the Northern Rivers for 14 years. The Service provides advice and advocacy to tenants from Grafton to Tweed Heads, and out west to Drake.

The Service operates an 1800 phone advice line, Monday to Thursday. Each week the Consumer Trader and Tenancy Tribunal (CTTT) sits in a number of locations in the Region – Tweed Heads, Murwillumbah, Lismore and Grafton. Tenant Advocates provide dedicated advocacy to priority clients who are case managed. At least fortnightly, the Service provides duty advocacy at the Lismore hearing rooms.

Rental affordability was the source of a steady stream of media reports this year. Real Estate Agents reported a lack of low cost rental accommodation. The impact of this on tenants, apart from homelessness, is significant. Tenants can find themselves with few options for housing. Housing NSW waiting lists are very long, and only those tenants who can demonstrate extreme needs get bumped up the priority list. Mere homelessness alone, does not get a tenant up the list.

Indigenous people in the region face homelessness at a greater rate than non-Indigenous people. In Tweed Heads 81 per 10,000 Indigenous people are homeless each night. In Lismore, the number rises sharply to 401 per 10,000 (ABS Census 2006).

While there is a dedicated Aboriginal Tenants Advice Service located in Grafton, 5% of our clients are Indigenous. Most of these tenants have complex tenancy matters, and require many hours of casework from staff. We work very hard with landlords to keep the tenancy viable.

## Staff

One word describes what has been going on in the Service – **babies!** Both TAAS Coordinators – Kate Chapman and her maternity leave replacement Hayley Foster now have new additions to their families.

Hayley Foster stepped into the role managing the Service, while Mary Flowers took on her casework hours. Then Mary became acting Coordinator pending Kate's return to work.

Amanda Elgazzar was appointed to the position of Tenant Advocate, and provides much needed assistance to tenants and residents in the Tribunal.

Jenny Walton-Smith returned to the role of Intake Officer, as the first point of call for most clients. She combined this role with Community Education.

Deirdre Dowsett continued as Senior Advocate, overseeing the casework the Service does, and attending Tribunal for all those tricky matters requiring specialised legal knowledge.



## Team TAAS

### Volunteers

TAAS administered two training programs in the last year. This has yielded a small group of dedicated volunteers. We have been fortunate to have the following wonderful people make a valuable contribution to our work: Inke Loos, Matt Meir, Emma Dunn and Kate Davis.

Volunteers mainly spent time on the Advice Line speaking directly to tenants. This required them to think on their feet, and to apply the law to tenants' problems. Our volunteers also assisted with preparation for Tribunal matters, observed conciliation and hearings at the Tribunal, and took part in file management and general office tasks.

Two of our volunteers have been given some locum work, to keep the Service operating at optimum levels, during periods of staff leave and high demand.

Considerable staff time has been spent, both in the initial training program, and in ongoing supervision and support. A big thanks to both staff and volunteers for providing such excellent service to tenants in the region.

### Statistics

During the last 12 months, TAAS has assisted 1266 tenants and residents in the Northern Rivers.

Most of our clients are sole parents with dependent children, and almost half of all clients stated that Centrelink was their primary source of income.

Staff and volunteers are faced with increasingly complex matters, not only related to tenancy, but numerous social problems. Over 17% of clients told us they had a diagnosed disability.

The tenancy issues have not changed over the years, we get most Advice Line calls about termination of tenancy. Other common problem areas are: repairs, landlord breach of peace and quiet enjoyment, bond disputes and rent arrears.

### Consumer Trader and Tenancy Tribunal (CTTT)

When deciding whether or not to provide representation to clients at CTTT, TAAS focuses on the most disadvantaged clients. There must usually be serious matters relating to their security of tenure, or serious injustice due to the action/inaction of a landlord or park owner/manager.

Our social housing clients make up only 7% of our clients. These clients often involve considerable contact, not just with the clients, but also with the housing provider and CTTT.

Caravan Park residents account for 20% of our clients. Our Senior Caseworker, Deirdre, is kept on her toes assisting them on the phone, in person and at the CTTT. Some are quite elderly, and can be vulnerable to unscrupulous park owners and managers.

### Funding

The Service submits a detailed work report and budget to the Office of Fair Trading every six months. We are now in our second year of triennial funding.

### TAAS in the Community

TAAS never misses an opportunity to meet with other organisations and individuals, to provide quality information about tenancy matters, and about how the Service operates.

In the last 12 months, we have met with Northern Rivers Tenant Resource Service, Aids Council of NSW (Lismore), North Coast Community Housing, Housing NSW, Far North Coast On Track, Casino Neighbourhood Centre, Legal Aid, Northern Alliance of Park Residents' Association, and Southern Cross University International Students. We took part in: Northern Rivers Housing Forum, Human Rights Protection Forum, Caravan Park Forums in Tweed heads and Ballina, Community Radio broadcasts. We provided comments to the local media on topical issues.

## Our Stories

### At the Tribunal's Discretion:

We represented a social housing tenant with medical and psychiatric conditions, who had been living independently for the first time for 18 months.

Our tenant had endured ongoing harassment from an abusive neighbour in the social housing complex.

At 9:30pm, our tenant was sitting in front of the TV with a drink, when the neighbour began calling out and banging on the door. Our tenant was witnessed striking the neighbour several times with a shovel – breaking the neighbour's arm.

The majority of other residents in the complex (most of whom were aged in their 70's and 80's) had also endured harassment from this person and were frightened of them.

This was a serious breach, so no termination notice was required for the matter to go straight to the Tribunal for vacant possession. Our tenant was also charged with assault.

Our tenant required private amenities for hygienic maintenance of the medical condition, which meant our tenant's lifestyle was primarily focused around the home.

A health care worker described our tenant's condition as having been stable over the past 8 years. The tenant's medication had been reduced shortly prior to the assault.

Our tenant was well liked and well supported by the other neighbours in the complex. Our tenant received support in the Tribunal from a previous landlord, a health care worker and a support worker. The witnesses spoke about the unexpected behaviour that our tenant displayed, and they were aware of the constant harassment from the problem neighbour.

Preparing for this matter in the Tribunal involved considerable time. The Tribunal heard evidence of a number of incidents of harassment by the problem neighbour, including: pouring soapy water over our tenant and over our tenant's beloved veggie patch; yelling of abuse for a range of reasons; slamming windows; banging on doors; general derogatory comments and intimidation. Our tenant's usual response was to follow the form of the elderly tenants and ignore the tirade.

The outcome of this matter was disappointing. The member's decision was made with careful consideration to terminate, despite the complexity of the case he had before him. Our tenant's breach, which resulted in the tenancy being terminated, could have been prevented.

Our tenant and other neighbours did not know to report the interference to their peace and quiet enjoyment to the Housing Provider. The problem neighbour did not direct complaints to the Housing Provider, so that they could be investigated. Social Housing policies were not followed.

Our tenant was evicted but he was successful in the Local Court in having no conviction recorded with the support of evidence used in the Tribunal.

Local Housing Providers are still working to re-house our tenant.

their own loss by failing to take Tribunal action within a reasonable timeframe (having been physically and emotionally incapable of taking any action on their own behalf).

With the help of a sympathetic real estate agent, the tenants have found a new place to live, but cannot take their furniture into the house as it is embedded with mould spores. Hopefully a charity will be able to assist with refurbishing.

This is just one of any number of sad stories which regularly presents to our Service. These people have some supports in place, but without case management are left extremely vulnerable when things go from bad to worse.

Hopefully, sufficient evidence will emerge to provide at least a rent reduction and some compensation.

#### **Health and Tenancy:**

We were contacted by tenants with a fixed term agreement who had been living for over eight months in an extremely mouldy house. The tenants were a seriously ill mother who was caring for her adult disabled child.

Mould spores led to both tenants suffering respiratory problems and destroying most of their belongings.

The tenants were sleeping on a verandah as their bedrooms were uninhabitable due to the awful smell.

The tenants expended a lot of money trying to rectify the problem themselves as their landlord refused to take any action on repairs until rent arrears were paid and was verbally abusive to the tenants. The rent was in arrears due to the tenants' high medical expenses.

We are assisting the tenants with an application to the Tribunal for compensation. However, the problem is that it may be difficult to prove the mould is the landlord's fault. An award of economic compensation for lost goods may also be problematic, because the tenants may have contributed to

#### **Residential Park Matters:**

As always, there have been many complex park matters in which we have provided advice or representation in the CTTT.

One issue of major concern is the implications of the Residential Parks Act for those buying and selling homes in parks. For that reason, TAAS combined with the Tenants Union of NSW and Legal Aid to provide seminars in Ballina and Tweed Heads. These seminars were for residents planning to sell their homes, and those wishing to buy.

Failure to take the correct steps before buying or selling can result in disaster. For example, an ex-resident who has sold their home and moved on, can find they are still responsible for site fees. On the other hand, someone who has purchased a home (and some are extremely expensive) can discover they have no residential site agreement and therefore no right to have their new home located in the park.

There is often a great deal of confusion and anguish, with the possibility that someone may lose their home, or acquire a lot of debt. Many residents bought their homes some years ago, when there was little legislation defining and restricting residential site agreements, so when they sell, they assume the same situation applies.



For these reasons, we have been very proactive trying to get the message out - residents who plan to sell should contact us for advice before the sale, while there are still actions they can take.

We continue to run community education sessions for park residents on this subject, and have provided newspaper articles and letters, as well as radio interviews. In order to avoid conflict, we do not give advice to potential buyers. By arrangement, we refer these people to Legal Aid.

The Residential Tenancies Act has been completely overhauled and will be released for public comment in October/November 2009. We have been told there are many changes to the 1987 Act.

We have been contacted by the Office of Fair Trading Compliance Department, to provide information about Real Estate Agents who direct debit tenants' bank accounts.

The Service participated in the CTTT Consultative Forum, to provide feedback on the operation of the Tribunal. We were successful in getting Murwillumbah listed on the CTTT website, as a hearing venue.

#### **Ahead**

TAAS is excited to be moving to new office premises, where we will be in much closer proximity to the other services. This can only engender a more productive working relationship for the benefit of all of the NRCLC clients.

## **Policy and Legislation**

# WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY SERVICE

The Northern Rivers Women's Domestic Violence Court Advocacy Service provides a free domestic violence court advocacy service to women and children at Ballina, Byron Bay, Casino, Kyogle, Lismore, Mullumbimby, Murwillumbah and Tweed Heads Local Courts. The service offers advocacy, information and referral in relation to Apprehended Domestic Violence Orders and Local Court process.

During the last year we have seen the consolidation of our service and a marked improvement in our relationship with key stakeholders in the region. Although we had to face the usual challenges: staff changes, new legislation and physical difficulties meeting the safety requirements for clients and staff at some local courts, we have managed to overcome them with the invaluable contribution of a very dedicated team of workers.

We have successfully met the objectives set up in last year's planning day of improving access and equity to all women living in the Northern Rivers. One of our main goals has been to continue providing quality services to a high number of Aboriginal clients as well as women from culturally and linguistically diverse communities, women with disabilities, lesbians and geographically isolated women.

We are effectively addressing access to our service by Aboriginal women by appointing a specialist Aboriginal worker who has spent a significant amount of her time developing links with local Aboriginal communities to promote the services of the WDVCS and encourage women to use the services of the WDVCS.

We have also developed solid working relationships and referral networks with local services that respond to the particular needs of Aboriginal women and children.

Lots of work went into the development of the NSW Legal Aid tender submission that successfully secured further funding for our service for the next three years. Thanks particularly to Lisa, Kiernyn and Angela for their combined effort.

## Staffing

At the end of the June the team consists of:

- Lilian, Regional Coordinator,
- Deb, Marguerita, Rachel and Sally, part-time Assistant Coordinators
- Kasandra, (to be replaced by Gina for six months) Specialist Aboriginal worker
- Rose and Marg, Locums
- Maree and Jenny, Volunteers
- Julia, Administration assistant

The service has had a busy year with staff changes, staff leave and new locums. Kiernyn had to take compassionate leave for the best part of a year; Sally took a year of leave without pay and Marguerita was away on leave without pay for six months. We had to say goodbye to exceptionally good workers that had greatly contributed to the service, such as Kiernyn and Lisa.

We acknowledge the significant contribution to the continuity of our services provided by Deb, Rachel, Lisa, Alison, Kim, Marg, Rose, Maree and Jenny; it is thanks to their dedication and commitment that we were able to provide quality services throughout this difficult period.

Deb was employed in the Ballina/Casino position in August and she did a wonderful job, covering other courts when required. Lisa was appointed as casual Regional coordinator while Kiernyn was on compassionate leave.

Lilian was employed as Regional Coordinator in May, after Kiernyn's resignation. Kasandra was employed as Aboriginal Specialist worker, she started working in October.

Gina was appointed as Aboriginal Specialist worker at the end of June when Kasandra went on maternity leave.

Locum staff is still assisting at Tweed and Lismore courts to alleviate high workloads.

### **Volunteers**

We have negotiated with the funding body to continue using volunteers in our busiest courts while we try to obtain seconded workers for a roster. We have been given interim approval until the end of March 2010, following our promise to prioritise

investigating the recruitment of seconded workers.

Maree and Jennifer are still working at Lismore and Casino and being supervised by Deb and Sally.

### **Training**

The following training was undertaken by team members:

- Child protection training was undertaken by the team
- Self defence course attended by WDV CAS and CLC staff
- Rose and Deb attended the WDV CAP core training
- All new workers attended induction sessions with Cathy Kerr on Confidentiality and Conflict of Interest.
- All new workers attended an OHS induction with Angela.
- Kasandra, Kim, Marguerita, Lilian & Lisa attended the WDV CAP core training
- Conflict Resolution training was attended in February
- Aunty Gwen's Mystery tour was attended by the whole team in March

Lilian has attended the two day mandatory course on OH&S at Lismore.

### **Service improvements**

Two outreach court locations have been changed to improve safety conditions for staff and clients and to enable better service provision as workers are now based within the court for list days.

These are:

- Casino Court day location has moved from Casino police station veranda to an office at Casino Court House.
- Mullumbimby Court day location has moved from the Santos office to the reception area in the court.

The service is still negotiating with both Registrars to further improve safety conditions in these offices.

A Client Policy was developed in accordance with the Safety policies/audit project.

*What Else & What Next* brochures have now merged into one, minimising the amount of written material given to clients.

Brochure '*Information For Women Attending Hearings*' has been updated and condensed for easy reading for those attending a hearing.

The Client Form has been reviewed and modified to enable data collection in line with the new data system.

New/updated service information brochures and business cards have been ordered. Some of the business cards are in red, black and yellow to lift our profile in Aboriginal communities as suggested by Kasandra.

The television set donated by Zonta has been finally installed in the Lismore Court Women's safe room. It is a very valuable improvement because women can watch relevant information that will assist them in the future, while they wait to get into the court room.



**Rachel (WDVCAS) receiving cheque for upgrade of Tweed Safe Room from Kaye (Zonta), Bob (Police Prosecutor) and Paul (Sheriff's Office)**

## **Community Development**

Our workers have been busy assisting in community development and making sure our services are well known by the local communities.

Our service has been proactive in the enhancement of working relationships with key stakeholders such as Court personnel and the Police service, resulting in better services all around.

One example of the effectiveness of such activities is the implementation of the Yellow Card system which enables police (with client's permission) to refer women to our service after their first contact by police, thus allowing us to better prepare clients for Court and demystify the legal process allaying many fears.

The outcome of this activity is an increase in the number of women that turn up at court after the police has applied for an ADVO on their behalf.

Marguerita has attended the Cavanbah Reconciliation Group monthly meetings. She has also assisted on information stalls at Blues Festival Indigenous stage and Reconciliation Week at the Byron Community Centre. Marguerita also plays a significant role in the Byron Shire Committee Against Domestic Violence, she also had a meeting with the Byron Community Centre management committee and presented a brief on our services as well as providing them with service brochures.

Rachel has attended the Tweed Shire Integrated Response to DV meeting and provided information on the implementation of Yellow cards.

Deb had a meeting at the Richmond Valley Family Violence Centre; she also provided training at the Young Women Rising activity at Hastings Point.

Lilian has started meeting with other stakeholders to introduce herself with the expectation of establishing solid working relationships that might lead to them providing seconded workers for our service.

Kasandra has attended several community events; Evans Head Weaving The Net women's gathering; Brighter Futures Program and Lismore Interagency meeting.

16 Days of Activism activities including White Ribbon Day were attended by staff in various locations. Deb attended a breakfast at Casino. Marguerita was involved with activities at Byron Bay.

Tweed Shire DV Forum took place in November, although WDVCS staff did not attend, statistical and other information was given to the Tweed Integrated Response Committee for use at the Forum.

### **Community Legal Education**

The service provided education sessions at the following events:

- Community health services – Tweed/Byron region
- Tweed Shire Women's Service in Murwillumbah
- "Law for Non Lawyers" two day workshop for Aboriginal Workers held at Casino
- "Legal Information morning" provided by the Legal Aid Commission for the Sudanese community.
- Information stall at Splendour in the grass festival

Committees the service attended:

- Tweed Integrated Response to Domestic Violence
- Abuse of Older Adults Prevention Group
- Advisory Committee of WDVCS
- Network meeting of WDVCS
- Cavenbah Reconciliation group

- DV Committees throughout the Northern Rivers
- Lismore Interagency
- Indigenous Interagency
- Regional Coordinator sits on the Management Committee of Lismore Women's Health Centre until September

### **Statistics**

Over the last year we have provided a service to 1474 clients. We provided services to 614 new clients with the remaining 860 being either clients seen more than once or clients who had previously had contact with the service.

14.8% of our clients are Indigenous, while a further 14.8% are from culturally and linguistically diverse backgrounds, 5.7% spoke a language other than English; 7.3% of our clients stated having a disability. During the last year 713 clients obtained an ADVO and a further 43 obtained an APVO.

We had face to face contact with 1040 clients and telephone contact with a further 418 (many of them on several occasions).

### **The Future**

Now that our service has a full complement of staff and secure funding for the next three years, we look forward to further consolidating our team, further enhancing access to our services for women and children in the Northern Rivers, ensuring that their special needs are met and contribute to building local capacity to respond to domestic violence through continuing to enhance partnerships with Government and non-government organisations.

