



# 2011 Annual Report

Serving the Community in Sydney's West

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Macquarie Legal Centre

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# Macquarie Legal Centre

## annual report 2011

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# Chairperson's Report

John Moratelli

It has been a busy and productive year for the Management Committee.

This year we have dealt with some significant structural issues of the organisation. In preparation for the new Award we undertook a review of all jobs in the organisation. All staff were interviewed, each job was evaluated and new job descriptions prepared in readiness for the transition to the new National Award. Unfortunately, there has been a significant delay in the change to the new classification (as the Equal Remuneration case has also been running).

The Committee has been engaged in a review of the organisation's policies, including its grievance policies, as part of the national Accreditation process for the National Association of Community Legal Centres. For the accreditation we have looked at all our policies, which will enhance the framework for decision-making. It was a useful process and one that we have committed to continuing in 2012.

Management Committee has faced a number of challenges this year, such as the sudden cancellation of Central West Contact Service's lease and the move to new premises within a fairly short period. I am pleased to report that new premises were found in the same street and our service was re-located with minimal disruption for clients.

We conducted a number of workshops on Fair and Respectful Workplace Behaviour for staff. The workshops covered all aspects of appropriate and inappropriate behaviour in the workplace and strategies for dealing with any problem behaviour. The workshops covered the staff's legal rights and responsibilities, the legal framework, decision making and ways of identifying what is and isn't discrimination, harassment and bullying.

All the work that has been conducted in relation to staff issues, classifications and the review of policies, enables some issues which have occupied a lot of Committee time in the past, to be brought within a more manageable structure. I hope that in the year to come, the Management Committee will have more time to spend on strategic issues and organise a Planning Session for 2012.

Throughout the year the Committee has considered staff and financial reports which has kept us abreast of the work of MLC. As well as attending meetings, Committee Members have participated in selection committees. All these activities are voluntary and in addition to the jobs Committee members hold elsewhere. I appreciate the contributions Committee members have made to the work of MLC.

I would like to thank my fellow members of the Management Committee for their hard work. We started off with six members: Eva Abdel Messiah, Salwa Alhag, Paul Crowley, Deb Ronan, John Hargrave and myself. Ken Beilby joined the Committee in June 2011. I thank the members of the Committee for their hard work.

I would like to thank all the staff and the management of the organisation for their assistance during the year.





John Moratelli  
Chairperson 2011  
Treasurer 2010



Paul Crowley  
Secretary 2011



John Hargrave  
Committee Member 2011  
Chairperson 2010

# Management Committee 2010-2011



Eva Abdel Messiah  
Treasurer 2011  
Committee Member 2010



Debra Ronan  
Deputy Chairperson 2011  
Committee Member 2010



Jacqueline Hayles  
Committee Member 2010

Meredith MacDonald  
Treasurer 2010

Salwa Alhag  
Committee Member  
Dec 2010 - Mar 2011

Ken Beilby  
Committee Member 2011



Angelina Gonsalvez  
Secretary 2010

# Manager's Report

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Maria Girdler

## *Year's Highlights*

One of the highlights for this year was starting a new program – The Coordinated Family Dispute Resolution (CFDR) program. This project builds on many of MLC's strengths and has developed well. CFDR involves working with other agencies and those sorts of partnerships take a while to develop. CFDR is a three-way partnership between Uniting Care Unifam, South West Sydney Legal Centre and MLC. We're at a stage in the project where we're seeing clients have good outcomes through a case management approach. I think it is a good way forward for MLC and others to work in these sorts of partnerships.

I took part in two days of Parliamentary Action in Canberra this year. The delegation was organised through the Family Relationships Services Association (FRSA). It brought together services such as our Children's Contact program, Family Relationship Centres and others in the general cluster of Family Relationship services. The meetings at Parliament House were short but intensive and each service left the politicians with packages that described their programs. I took part in four meetings. I met with politicians from Western Sydney: Laurie Ferguson, Member for Werriwa, John Murphy Member for Reid and David Bradbury, Member for Lindsay. I talked about our Children's Contact program, Central West Contact Service and the work we do at Family Relationship Centres as well as our Clinical Education. I believe it's important to talk to politicians and make them aware of our concerns. Just by having a presence in Canberra on days when Parliament was sitting meant that we could put ourselves at the forefront of the political agenda. There were about 30 community service representatives in our group and we had meetings going all day. We had breakfast with one of the Assistant Ministers and on the second day we had a meeting with the Attorney General.

## *MLC's Vision*

Our vision continues to be to provide high quality professional services to low income and disadvantaged people. This remains our core focus.

MLC responds to requests by Government for tenders for new programs.

We lobby Government to ensure they know the good work MLC has done and our programs receive adequate funding to continue the work of assisting the socially and economically disadvantaged of our community. Funding and resources will always be an issue. Unfortunately, MLC can't service everybody who calls upon our services.

## *Social Responsibility*

As Manager of MLC, one of my responsibilities is to ensure that the clients, the staff, the Management Committee and funding bodies all know what is happening in the organisation. Another part of my responsibility is to lobby Politicians, attend community forums, community agencies and maintain a positive public profile and



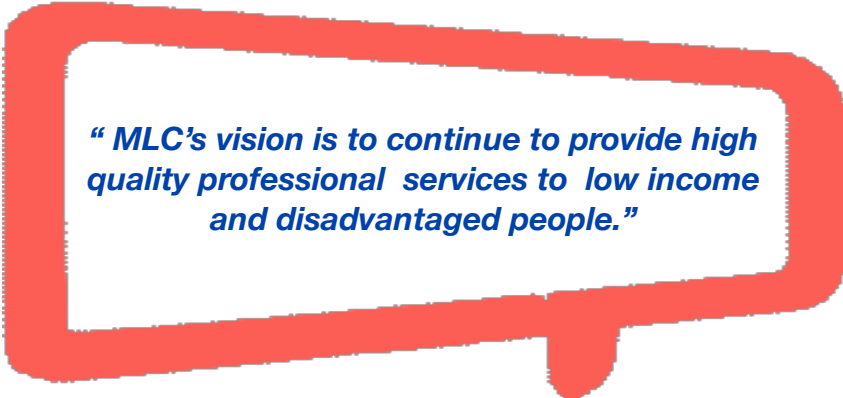


high visibility for MLC as a community service organisation. Part of that is we have to go out to the community. For example, it is important that we go to Migrant Resource Centres (MRC) and talk to their staff. The work MRC's do is different from MLC but complimentary. MRCs assist people who may not come to the legal centre or know that we are an approachable place. We have to network appropriately and be visible in the community service sector.

### *Challenges, Information, Other Services*

One of the challenges our clients face is finding out that MLC exists and getting through any barriers they have which may prevent them from getting through to our service. The lobbying I engage in with other community agencies, assists distribute information about MLC's service and role in the community. There are many people

who find attending an actual Legal Centre challenging. I think the challenge is to have a level of visibility otherwise people do not get access to the information they need.



***“ MLC’s vision is to continue to provide high quality professional services to low income and disadvantaged people.”***

For example, it was important this year to overhaul MLC's website. The website is not just for clients but also for other service providers. The overhaul of the website was undertaken very competently by Leticia Marquez. It is important to see that the information

MLC provides continues to be relevant to people and easy to navigate. I think the new design of the website encompasses this. We also redesigned our leaflets so that they have clearer information on interpreters.

We obtain information about our clients from our own work and use this information to appropriately target our programs. The information we keep is strictly confidential.

We also collect client satisfaction surveys. These surveys provide MLC with feedback that enable us to modify or improve our services. Mostly, the feedback we receive is very good.

Another challenge clients face is to navigate and obtain the appropriate service response when they need it and how they need it. That can be hard. People might telephone and say 'I'm in Court tomorrow' or 'at the Tribunal tomorrow'. Someone may tell us that his or her situation is urgent. MLC must balance the urgency of people's needs with our resources. We have procedures that enable us to do this. A lot of our work on the telephone is to provide the client with the means – in terms of advice and information – to write the letter, to appear at the Tribunal or the appropriate forum. It means that, for the first time, people are able to present their arguments in an articulate, structured way to people they may be in some conflict with.

### *Short and long term strategies and Indicators*

MLC's short-term strategy to meet future challenges is to budget carefully with the money that we are given and the resources that we have. That can be a challenge because we are still a sector in which pay and conditions are relatively low compared to other sectors. Many of the people who work at MLC have made a commitment to be in this environment but it is not easy to sustain.

In the long term, we need to allocate more time for planning. It's easy to get caught up in the immediacy of the short term but it is important to think about the long term. MLC makes plans about our own services, we set ourselves targets and we mostly meet those targets. If we don't meet those targets we look for the reasons and try to improve.

If we get very low levels of client satisfaction or high levels of complaints then that would require serious investigation. It would be my responsibility to investigate whether the systems had broken down and check on staff moral. As it is, MLC has a good to excellent client satisfaction rating.

Other indicators might come from external agencies and who wants to 'partner' with us. I think it was to MLC's credit that we were chosen to be involved in this project. MLC has a good reputation in the community, a public profile and a record for achievement, growth and developing new ideas. Further, the lead agency thought they could work successfully with us. The fact that MLC had four or five new projects the previous year was something that really raised our profile particularly around family dispute resolution. When the CFDR project came along it seemed a natural fit with the other things we were doing and that was useful.

### *Acknowledgments*

It's important to recognise that MLC is made up of the staff. Unless they are working well, the organisation doesn't function. I would like to thank the staff for the contribution they make that is often over and above just 'doing a job'. The commitment of the staff is commendable – they're doing more than 'a job' and they're doing it very well.

I would like to recognise the role of our Management Committee because they are volunteers. The role of any management group is difficult. They are giving their time and expertise to us on top of an existing job. So I wish to thank them for their continued involvement throughout the year. I would particularly like to thank our Chair John Moratelli.

I would also like to thank MLC's volunteers – there are volunteer solicitors and volunteer students – they all enhance the services we provide. Again, due to MLC's profile in the community, students want to participate. I think the clinical programs with students also encourage the students to think they can make a contribution beyond just doing a subject at university. They participate in our family law subject on dispute resolution and see that there's a huge need in the community and that the opportunity exists for contributing to something that is worthwhile as well as educational. Some of MLC's people have contributed throughout their university degrees, become solicitors and returned to offer their time as volunteers. We appreciate this support. MLC has long standing relationships with many of our volunteers and that's important to recognise and value.





Macquarie Legal Centre contributed to:

### THE EXPERIENCE OF MORTGAGE DISTRESS IN WESTERN SYDNEY

URBAN RESEARCH CENTRE  
UNIVERSITY OF WESTERN SYDNEY

Management and Staff of  
CatholicCare Sydney and Anglicare

invites

Maria Girdler

to the official Launch of the Research Report

**Culturally Responsive Family Dispute  
Resolution in Family Relationship  
Centres: Access and Practice –**  
researched and written by Dr Susan Armstrong,  
University of Western Sydney

by

The Hon Robert McClelland MP  
Attorney-General

17th February 2011



### ATTORNEY-GENERAL THE HON ROBERT MCCLELLAND MP

The Hon Robert McClelland MP

Attorney-General

invites you to attend a breakfast

8:00am

Thursday 24 March 2011

House of Representatives Courtyard 27k  
Parliament House, Canberra, ACT

The Attorney-General will deliver an address on reforms to the family law system.

Please RSVP by COB Monday 21 March 2011 to [familylawunit@ag.gov.au](mailto:familylawunit@ag.gov.au)

### MUSCLE Launch

Schedule

Friday 25 March, 6pm at Y3A Macquarie University

Time	What	Who
6pm	Welcome Note	Sach Mathur, Lauren Dragicevich, Natalie Wong <i>MUSCLE Co-chairs</i>
6:05pm	Public Interest Advocacy Centre (PIAC)	Lizzie Simpson <i>Acting Senior Solicitor</i>
6:15pm	Legal Aid NSW	Catriona Cotton <i>Solicitor, Criminal Law</i>
6:25pm	The National Pro Bono Resource Centre	John Corker <i>Director</i>
6:35pm	Public Interest Law Clearing House (PILCH)	John Pinnock <i>Executive Director</i>
6:45pm	Maurice Blackburn Pty Ltd	Murray Tavener <i>Associate</i>
6:50pm	Macquarie Legal Centre	John Rafferty <i>Principal Solicitor</i>
6:55pm	Macquarie University	Debra Ronan <i>Associate Lecturer</i>
7pm	Thank You's	Sach Mathur, Lauren Dragicevich, Natalie Wong <i>MUSCLE Co-chairs</i>
7:05pm	Mingling/networking time + refreshments	
7:15pm	Conclusion of event	

### FRSA Parliamentary Briefing Day

#### Purpose:

- To raise awareness of the important work of family and relationship services.
- To speak to our 2011 Pre Budget Submission and current factors impacting on the effective delivery of services to families.
- To forge closer relationships between the FRSA network and the Australian Parliament (including to test interest in a Parliamentary Friendship Group on family support).

#### Participants:

The FRSA membership network consists of over 150 organisations operating in more than 650 locations across Australia (that is 1.5 times the number of Centrelink offices). They provide direct support to over 335,000 people every year and indirect support to many more. Today, 30 CEO/Senior Executives from FRSA member organisations have gathered in Canberra to brief members of parliament. In small groups of 3 delegates will meet with 48 parliamentarians, including both MPs and Senators from across the political spectrum.



**MACQUARIE  
UNIVERSITY**



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16 March 2011

Maria Girdler, Director  
Macquarie Legal Centre  
PO Box 23  
Parramatta NSW 2124

Dear Ms Girdler

I have great pleasure in advising that Academic Senate has awarded the following prize in 2010:  
*The Macquarie Legal Centre Prize for proficiency in the Macquarie Legal Centre Clinical Program* to  
Natalie Wong.

I would like to extend a warm invitation for you, or another representative from the Macquarie Legal Centre, to join us at this year's Prize Night to present Natalie with her award in person.

### 2010 Biennial Fundraising Dinner Supporting the UWS School of Law Scholarship Endowment Fund

### International Visitors

**MACQUARIE  
UNIVERSITY**

Dr Kay-Wah Chan LLB(HK), P.C.L.(HK), GradDip in Japanese, PhD  
Senior Lecturer  
Faculty of Business & Economics  
Department of Business Law

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# Legal Practice

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John Rafferty (Principal Solicitor), Clare Mangiokas & Adele Francis (Solicitor)  
Tanja Podinic (paralegal), Elizabeth True (paralegal)

## *Year's Highlights*

During the year MLC gave 13 Community Legal Education (CLE) seminars and workshops.

Another highlight is the positive feedback from students from the clinical programs conducted by MLC.

## *Our vision*

Our vision is to provide legal information and advice for those who are financially disadvantaged in our geographically specified area and to provide informative and effective community legal education that benefits the disadvantaged in the community.

## *Our social responsibility*

Our social responsibility is to provide legal advice and information to those who are unable to afford private legal advice. We also provide clients with an understanding of areas of law that affect them through community legal education programs.

## *Challenges*

Our clients face challenges which means they lack access to legal advice, information and representation in Courts and Tribunals. Clients also face language barriers and social disadvantage. Clients often are unsure where to begin with their legal matter and by the time they present or are referred to MLC, they are frustration and desperation.



## *Short and long term strategies and Indicators*

Each year we set ourselves targets for the number of clients we expect to see. Our statistics show that we frequently exceed these targets. Our short-term and long-term strategies are based on previous plans and performance targets that we have satisfied in previous years. Targets are based on statistics that have been entered into CLSIS, this information obtained from CLSIS also measures the performance of the legal practice.

## *National CLC's Conference 2010*

The National CLC Conference was held in Melbourne. The theme at this year's conference was "Breaking New Ground". Clare Mangiokas, Tanja Podinic and Reed Langridge attended the conference.

## Overview

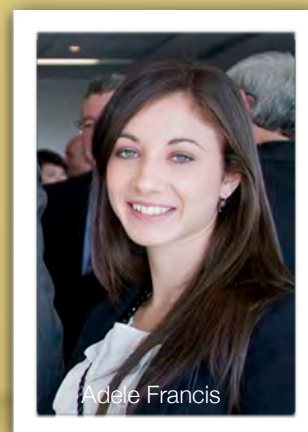
The Legal Practice has maintained its high volume of work over the past 12 months.

We cover a number of different areas of law, such as credit and debt, criminal law, family law, neighbourhood disputes, traffic and regulatory offenses as well as, wills and probate.

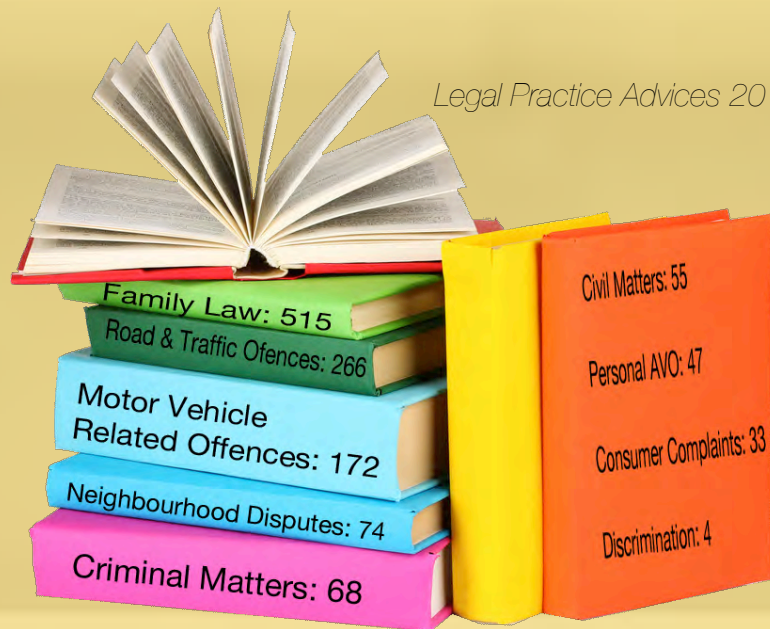
Over the last year, the greatest demand was for assistance with credit and debt issues, family disputes and traffic matters. We also assisted clients with submissions to court, drafting binding financial agreements and making consumer complaints.



## Profile and Statistics 2010-2011







### *Legal Education / Clinical Programs*

The Macquarie University & University of Western Sydney programs cover a number of different areas of law including:

- \* Children's Court
- \* Criminal Law,
- \* Domestic Violence and Victim's Compensation,
- \* Family Law,
- \* Home Building,
- \* Tenancy and
- \* Wills.



Tanja Podinic

### *Acknowledgments*

MLC acknowledges the constant dedication of its team throughout 2010 and 2011. Although the Legal Team provides advice to our clients, MLC would not be able to function without our Administration Team, Front Desk and Manager. Therefore, we would like to thank all the employees of MLC for their continued efforts. These ongoing efforts and hard work enable MLC to assist hundreds of clients within our catchment area each year.

In addition we would like to acknowledge the Volunteer Solicitors for their dedication and assistance and the pro bono law firms that make themselves available to us.

Examples of CLE we conducted are:



### *Legal Education / Clinical Programs*

During the year MLC conducted clinical legal education programs with Macquarie University (MU) and the University of Western Sydney (UWS).

- In conjunction with MU, we continued with the legal clinical program with 8 students per week over two 10 weeks period. 16 students completed this course, 8 in each semester.
- In conjunction with UWS, we continued to conduct a legal clinical program with UWS student with Clinical Legal Placement Program, called the Parramatta Community Justice Clinic (PCJC). This program takes 2 students per week and exposed them to real client files and operations of a legal environment.



Clare acted for a woman and her child who were victims of domestic violence by the woman's former de-facto partner. During the relationship her partner used threats of violence and intimidation. He also physically assaulted her young daughter causing serious injury. Police charged the former partner in relation to the assaults upon the child and he was sentenced to a term of imprisonment.

Clare was successful in obtaining victims compensation on behalf of both clients, the woman and her child. The Victims Compensation Tribunal awarded both clients the maximum amount available for the compensable injury of Domestic Violence, being \$10,000.00. The child was under the age of eighteen at the time of her claim so the Victims Compensation Tribunal determined that her award of compensation would be held in trust by the NSW Trustee & Guardian until she reaches eighteen years old.

The Victims Compensation Tribunal also awarded MLC's professional costs and disbursements in both matters.

We assisted a client who had been a carer for her father for many years. When her father died, she discovered that she was not properly provided for in her father's Will. The executor of the estate was not interested in listening to our client about this matter. Our client was not aware she could contest the Will and claim a greater part of the Estate based on the fact that she had been her father's carer.

We advised our client that she was entitled to a much greater proportion of the Estate than she had previously anticipated. We advised her that she had the right to file a Family Provision Act Claim against the Estate in the Supreme Court and provided her with the details of what that would involve. We also recommended that our client make the Executor and her siblings aware that she intended to make a claim in Court by way of submission to the Executor requesting a greater portion of the Estate.

As a result of our client's submission, the Executor of the Estate indicated that our client's siblings were willing to accept our client's claim, rather than defend an action in Court. This was a very positive outcome for our client. They agreed by way of settlement, that our client should receive a substantial portion of the estate. Our client no longer had to worry about her day-to-day expenses.

# Legal Information and Referral

Nina Jane Lau, Francois Brun, Adam Abboud, Laurice Elten and Mable Koo

## *Our vision*

Our vision is to be helpful. As the first point of contact for MLC, we provide respectful, fast and efficient service to low income and disadvantaged people across approximately 100 suburbs in the Western Sydney region.

## *Our social responsibility*

As part of the 'voice' of MLC, it is our responsibility to gain enough information from clients – quickly, calmly and compassionately – to ascertain which of MLC's programs can best assist them. Depending on the client's legal issue, this might mean MLC has the expertise to assist them or we need to refer them to another agency or service. We must also determine whether clients meet MLC's eligibility criteria for assistance based on geographical location and income. MLC is a busy service and we must strictly enforce our eligibility criteria to ensure our service remains equitable and accessible.

We also keep track of the movements of staff and visitors to MLC for WH&S reasons.

## *Years Highlights*

The major highlight for the last year has been MLC's wonderful student volunteers – the new ones and the ones that have been with us for some time. One of the most important aspects of the Information and Referral role is to work well as part of a team, with the front desk supervisor and each other. We are very lucky to have volunteers that are efficient, able to graciously accept constructive criticism, keen to learn and happy to assist. We have a weekly roster of 20 student volunteers. Our work can be hectic and our volunteers have managed the task very well and have been a lot of fun to work with.

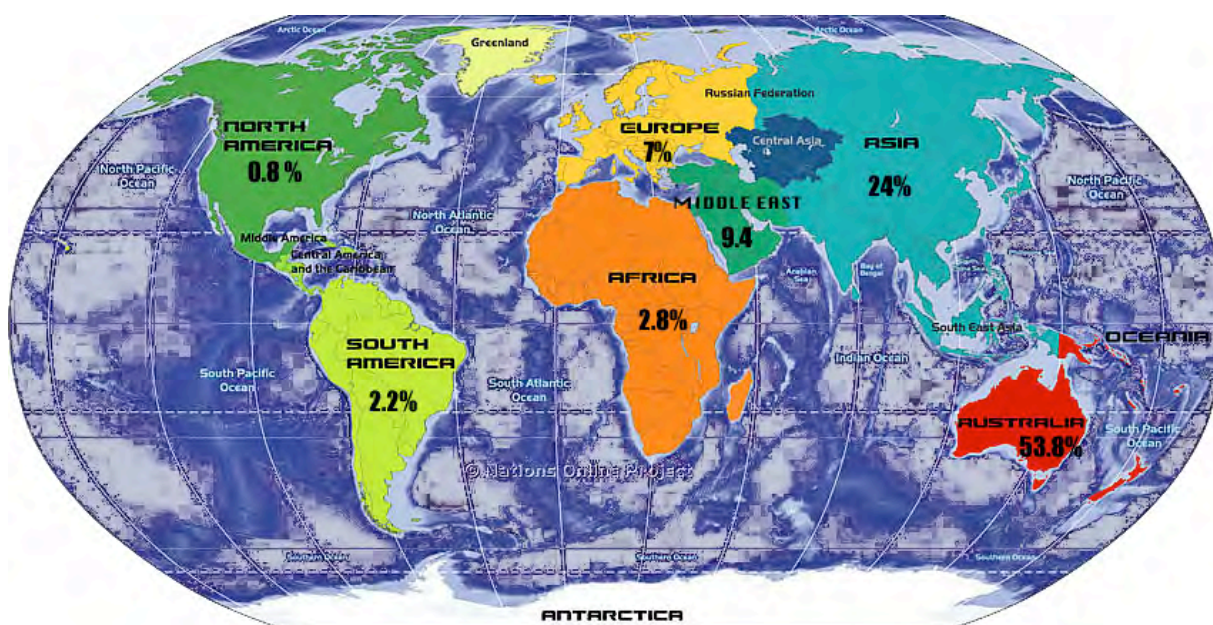
## *Challenges*

One of the challenges our clients face is language. Clients will often telephone without any idea where to start and if they require the assistance of an interpreter. Another challenge is assisting the hearing impaired. MLC is a telephone advice service to begin with, so initial contact with hearing impaired people can be difficult. TIS and the National Relay Service assist us communicate with non-English speaking people and hearing impaired people. The National Relay Service provides the link between us and the client via the telephone and email. This process requires a great deal of patience because it takes longer to get through the information and eligibility process.

We conduct training sessions for volunteers so they know what to expect before they begin working in Information & Referral. The training is quite rigorous and volunteers sit in on advice days, quiet telephone days and client 'call backs' so they gain experience and understanding. Supervisors are available for volunteers to check information during advice and telephone sessions. Supervisors also debrief volunteers after their sessions so that volunteers are supported.



Country of Birth



1884 Clients stated their Country of Birth

1239 Clients did not stated their Country of Birth

Level of Ability



11.5% of our clients speak a language other than English and used an interpreter





# Central West Contact Service (CWCS)

Lesley Humphries (Coordinator), Kim Burton, Gwen Davies (Senior Supervisor), Salwa Israel, Ozra Meshkat, Madhabi Taneja, Lachelle Uzcateguigaymon & Amira Francis (Supervisors), Vicki Vucetic, Tracey Hollywood & Victoria Lucas (Admin Assistants)

## *Years Highlights*

This year, CWCS successfully conducted over 2800 client sessions for 583 clients.

In March, after 11 years, CWCS moved premises to 13 Marion Street, Harris Park. Marion Street is a lovely Federation style cottage with front and side entrances. One of the benefits of the new premises is the disability access ramp and amenities.

## *CWCS's vision*

CWCS's vision is to assist families who are unable to resolve conflict around Contact and Changeover arrangements for their children. CWCS endeavours to provide a relaxed, safe, child-oriented environment for children and their parents.

## *CWCS's social responsibility*

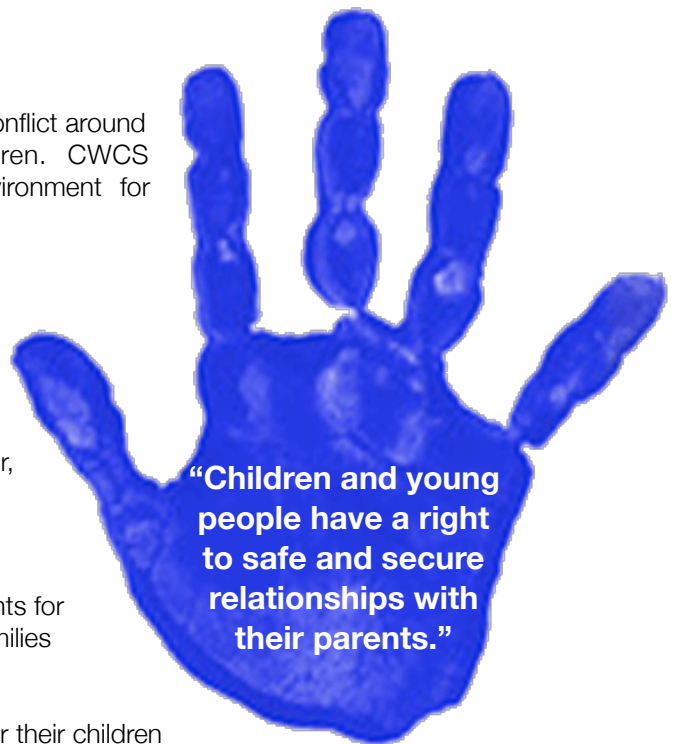
CWCS is committed to providing children and adults with a respectful, non-threatening and empowering experience. CWCS provides children and their parents with the support they need to maintain positive relationships with each other, their families and the broader community.

CWCS has a social responsibility to provide Supervised and Monitored Contact and Changeover / Changeback arrangements for children and their parents / guardians / families. Particularly families that:

- Are unable to resolve conflict around arrangements for their children
- Are unable to find a safe alternative place for contact or changeover
- Have Court Orders in place requiring the use of a Contact Centre, and
- The Department of Community Services has statutory responsibilities for the children

CWCS has a social responsibility to provide:

- Supervised Contact between parents and children with a trained supervisor in the immediate presence of the family at all times during the contact session.
- Monitored Contact between parents and children with a trained supervisor in the immediate area at all times during the contact session.
- Changeover / Changeback between parents and children where CWCS is used as the exchange point only, without parents meeting.





### *Challenges and Information*

Most of CWCS's clients are vulnerable and disadvantaged families. Break-ups are generally very challenging. CWCS's clients have the added struggle of discord. These parents are unable to resolve their difficulties on their own. Their issues are most often resolved for them by the Family Court. This can lead to additional anguish and discontent, particularly when children are involved. Further to this, many of CWCS's clientele suffer from intellectual disabilities, a variety of social and employment issues and many come from culturally and linguistically diverse backgrounds.

We provide Information kits, brochures and newsletters to potential clients, other service providers, the Family Court and legal practitioners. Potential clients from culturally and linguistically diverse backgrounds (CALD) are advised that the service has the capacity to cater to their culture and language needs.

We liaise with organisations such as Ethnic Child Care & Family Support Services, Granville Multicultural Centre, and Parramatta Migrant Resource Centre. CWCS provides special needs clients and clients of varied ability with a number of intervention strategies to assist them. CWCS is equipped with ABS ramps and disability amenities to meet the needs of clients with physical disabilities.

We actively engage in contact and referrals to Cumberland Health Centre, Charmaine Clift Cottages, Unifam Counselling and Mediation, Burnside, Department of Community Services and Disability Services. Similarly, networks are maintained with organisations that can provide on-going support to children. These are Unifam, Burnside Fathers Support Groups, Cumberland Women's Health, Family Support Organisations, Women's Legal Advice line, and Legal Aid.

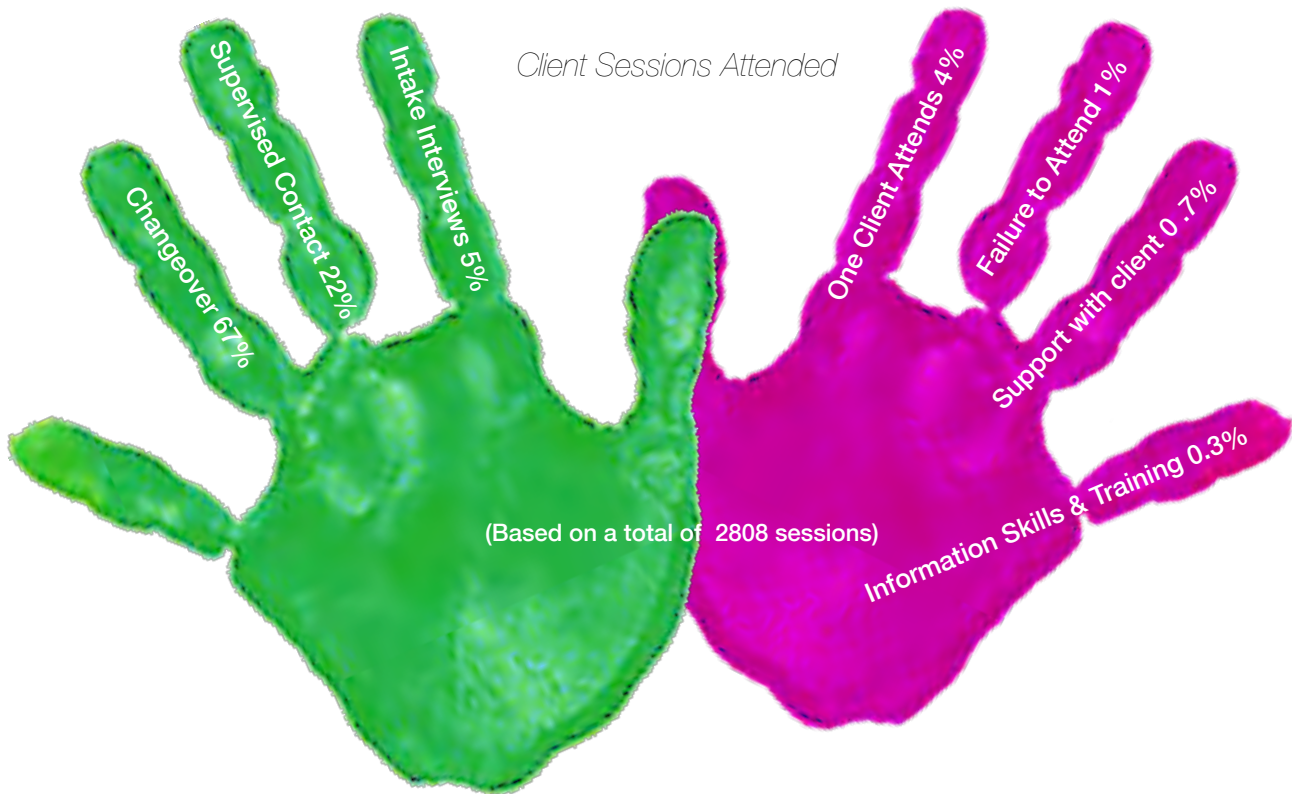
### *Short and long term strategies and indicators*

In the short term, CWCS plans to continue serving the 'best interests' of children as well as the 'best interests' of families and are consistent with 'Best Practice' standards. This means that staff continue to update their skills in:

- Family dynamics
- Disability
- Child protection
- Domestic violence
- Substance abuse
- Families in crises
- Children at risk
- Post separation conflict
- Mental health issues

In the long term, we plan to meet new standards in relation to hard-to-reach families, assist the Federal Government with the 'Close the Gap' program by actively engaging and assisting Aboriginal families in need as well as provide the necessary support and referrals through established networks.











### *Year's Highlights*

Leah Cruickshank was nominated for the 2011 Law & Justice Foundation of NSW, Aboriginal Justice Award. The Aboriginal Justice Award is presented to an Aboriginal individual or group who has demonstrated outstanding commitment to improving access to justice for Aboriginal people in NSW. Leah joined MLC in 2007 and since that time, has assisted thousands of children and their families on their day in Court, before and after their Court appearance. She goes above and beyond this role and takes a genuine interest in the welfare of all the children she assists. Leah is a strong advocate for Aboriginal children and endeavours to make sure they have access to justice, are treated fairly and with the respect they deserve. The ceremony for the 2011 Justice Awards will take place in October.

Legal Aid NSW conducted a Review of Children's Court Assistance Scheme which will report later in the year. The feedback we have received so far indicates that our CCAS's model of service is very successful. This is largely due to the experience and expertise of the staff. A few stakeholders have advised the Review of their support for the scheme:

- "I see the great work the team does with Aboriginal clients. This is greatly helped by the Co-ordinator being Aboriginal herself but all the staff members are trusted and sought out by the Koori clients because they know they have their best interests at heart".
- "If you could just have 10 [of Leah Cruickshank] in every court, clone her".

Another highlight was the appointment of a President to the Children's Court of New South Wales. This appointment saw numerous changes take place to the delivery of court processes. The changes have increased our workload, particularly our support to young people at Parramatta Children's Court. We have enjoyed working with the President to provide high quality support to all young people before the criminal justice system.

### *CCAS's Vision*

Our vision is to ensure that young people and their families receive high quality support services to assist them manage the court process. CCAS support workers are 'youth focussed' and use a positive approach to assist young people identify their strengths and identify their abilities to make positive changes.

## Children's Court Assistance Scheme (CCAS)

Leah Cruickshank (Coordinator & Aboriginal Specialist Worker), Vikram Craig, Stan Small, Sue Underwood, Chantel Cotterell & David Willis (Court Support Workers)



## CCAS's Social responsibility

It is our social responsibility to provide information, referral and court support services to young people with a range of criminal and other matters across the Sydney metropolitan area.

### Challenges, Information & Other services

The court process is a very confronting and frighteningly formal process for young people. Our team ensures that each young person sees a lawyer, is provided with the correct forms where relevant, determines if a young person is accompanied or not, liaises with families, identifies support needs and refers to support agencies. Young people and families who have never been to court before are prioritised for more support to ensure that they do not become bewildered by the court process. It is also important that young people see the same worker when they return to court. This provides the opportunity to build trusting relationships with those that need them most.

### Short & Long term Strategies & Indicators

Our short term strategy is to continue to provide high quality support services to young people and their families across the Sydney metropolitan area. In the long term, we would like to increase the number of court support workers to better meet the demand.

Top issues for young people:

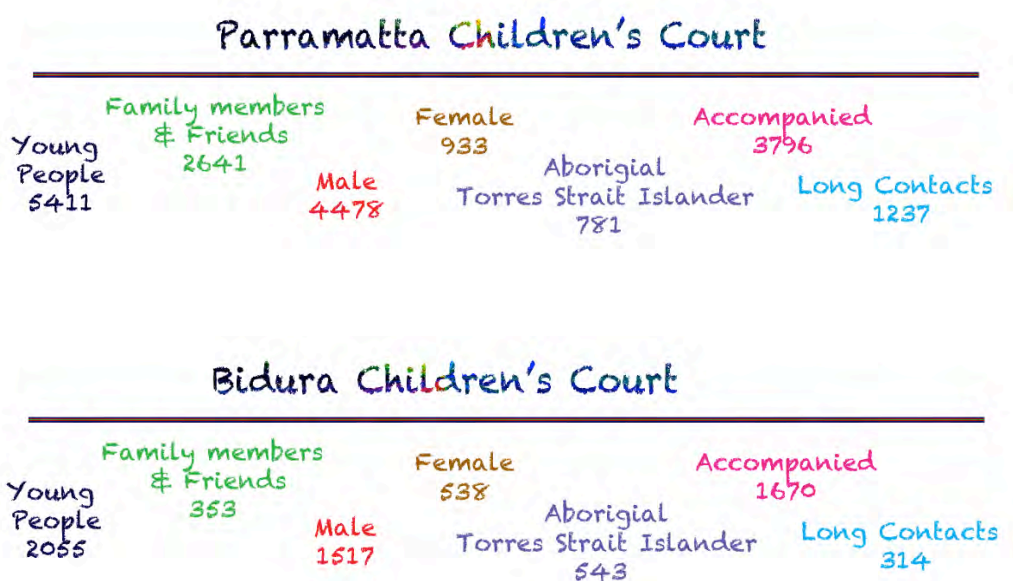
- Court processes
- Schooling
- Financial support
- Drug and alcohol
- Fines or debts
- Domestic or family violence
- Sexual or physical assault
- Homelessness / need for accommodation

### Other projects

The CCAS Coordinator assisted with the 4<sup>th</sup> edition of *Youth Justice: Your Guide to Cops and Court in NSW* (2010).

The CCAS Coordinator provided support and guidance to all established CCAS's in NSW in relation to dealing with Aboriginal young people and their families in a culturally appropriate manner.

### Statistics



# Coordinated Family Dispute Resolution Program (CFDR)

John Rafferty & Adele Francis (Solicitors) Bridget Purcell (Coordinator WDVCS and Women's Consultant) Samiha Alameddine (WDVCAS Women's Consultant) and Christine Smith (WDVCAS Women's Consultant)

## *Overview*

The Coordinated Family Dispute Resolution (CFDR) is a partnership with between Unifam Counselling & Mediation Parramatta, South West Sydney Community Legal Centre (SWSCCLC) and Macquarie Legal Centre (MLC). MLC provides legal advice through a Solicitor and Women's Consultants. CFDR is a pilot project funded by the Federal Attorney General's Department and based in Western Sydney. The project has been implemented in only 5 locations across Australia. The others are in Newcastle (NSW), Hobart (TAS), Perth (WA) and Brisbane (QLD). The project works with families post separation, where domestic violence has been, or continues to be a factor in the relationship. It aims to provide supported and legally assisted family dispute resolution to parents to enable them to develop safe and appropriate arrangements for the children. By providing coordinated assistance to people participating in the program, we hope to empower victims to obtain positive outcomes for themselves and their children.

## *Year's Highlights*

One of the highlights has been watching the clients change their focus from the relationship problems to focusing on what's in the best interests of their children.

## *Our Vision*

The project's vision is to test and evaluate a multidisciplinary approach to family dispute resolution for clients that have current or past family violence. The objective is to offer these families counselling, legal advice and mediation.

## *Our Social Responsibility*

Our social responsibility is to ensure that victims of domestic violence are empowered through this process.

Clients that are deemed suitable for CFDR progress to Family Dispute Resolution sessions. Clients that are screened out of the process can still receive counselling and legal advice about their matter.

Initial assessment involves a legal advice appointment, attending legally assisted mediation sessions, liaising with Women's and Men's Consultants and with the other party's Solicitor from South West Sydney Community Legal Centre. MLC assists one of the parents and South West Sydney Community Legal Centre assists the other parent. Once the mediation sessions are complete, the agreements are usually drafted into Consent Orders, ready for filing with the Court.





## Challenges

Our clients face the challenges of experiencing domestic violence in their relationships. This often involves power imbalances and safety concerns.

## Short and long term strategies and indicators

Our short and long term strategies are to ensure that clients feel safe and supported throughout the dispute resolution process. The process takes several months to complete and for this reason, the statistics are low.

## Statistics

Advice, Referrals and Casework

Total number of clients: 6

Total cases open during the period: 4

## Client Feedback

"We would not have been able to go through this process alone. Having you here has been so great"

## Case Study

Sue and Ben had been together for ten years and have three children. Before they separated, Ben became physically and verbally abusive towards Sue. Sue had an ADVO taken out against Ben but the abuse continued and she was worried that Ben would take the children without her consent. The children were becoming increasingly stressed and scared of the situation between their parents. Sue approached Unifam for support and advice about the arrangements for the children. Unifam assessed Sue and Ben's case as potentially appropriate for CFDR.

To begin the process, Sue met with the women's consultant and explained her concerns. Sue said she was no longer physically afraid of Ben but was afraid of his erratic and unpredictable behaviour.

The children spoke with the Child consultants and expressed the stress and fears they were feeling. The children's concerns were explained to their parents and for the first time their father began to understand that his behavior was affecting his children. Both parties received legal advice and Sue's safety concerns were discussed. Ben saw a male consultant to discuss the impact of his abuse and harassment on Sue and the children.

When mediation took place the parents were able to come to agreements about how to communicate respectfully and when the children were to spend time with their father. Sue and Ben participated in two more mediation sessions. The women's consultant made a follow up call after the mediation and Sue told her the children seemed less stressed and things were starting to improve.



Michelle Brown, Elfet Eid (Solicitors), Reed Langridge, Alistair Macleod,  
Stephen Matulewicz & Vanessa Yung (Paralegals)

### *Years Highlights*

We had some very successful Consumer Trader & Tenancy Tribunal (CTTT) outcomes this year. A number of cases have gone well. Examples include:

We assisted a sight-impaired client. The client was a Centrelink recipient with children. His matter was about variations.

Our client was given a very low contract amount, say \$160,000, to build a house and then the builder charged our client an extra \$60-70,000 for variations.

With the assistance of a highly qualified expert, we managed to find a clause in their own contract that actually traps the builder. The Contract states that our client could withdraw and/or terminate the contact if costs were over 5% of the contract price in variations.

We have been assisting this client for a number of years. The matter falls under the Phoenix Principle. This means that a builder deregisters their company and re-opens the company in another name to escape the obligations of the previous company. The client's builder reopened his company in a different name. The new company operated under exactly the same circumstances. Under the old company name, the builder was paid for work he didn't complete. Under the legislation, successful outcomes in these cases are low. We tried to settle the matter. The Builder was very aggressive. Eventually, the builder signed terms of settlement under the new company name. This was a very good outcome because it is unlikely that a builder would usually agree to sign terms in the new company's name. The settlement terms became Court Orders and the builder didn't comply with the orders. The Builder was supposed to finish the work, which he didn't. We filed an application to convert the Court order into a monetary order. This means that the builder has to pay the client the costs of work uncompleted.

Our client was an elderly woman in severely disadvantaged circumstances. She was a Centrelink recipient caring for her son who had suffered a brain injury. The dispute involved the painting of her deck and the costs involved were quite substantial. We negotiated a really good outcome for the client and also received cost orders. We were able to settle the matter before the CTTT hearing.

The client also contacted us to assist her with a plumbing issue. The prospects for that case weren't high because she had signed a contract which means she had agreed to terms. In the beginning the Builder refused to negotiate but when we proceeded with the matter he changed his mind. We obtained an expert report that indicated the builder had excessively over charged her. The builder has since indicated that he wants to settle the matter and provide Home Warranty Insurance, which he didn't do originally.



## Our vision

Our vision is to assist clients in an efficient, effective and timely manner. The quicker matters are resolved, the better it is for the client. When someone's home and savings are at risk it's an emotional and stressful time.

We aim to educate and empower disadvantaged consumers in building disputes across New South Wales. As a telephone advice service, we assist many clients by providing them with an awareness of their rights and obligations, legal knowledge and the resources to represent themselves at the CTTT. This is an incredibly empowering process for clients. In many cases, clients are unaware that they have options when it comes to dealing with the difficulties they are having with a builder. In other cases, the best outcome for the client is to settle the matter outside of the CTTT.



## Our social responsibility

Our social responsibility is to ensure that the consumers receive adequate support and assistance with their legal disputes. Some clients have put all of their savings into building a home. When something goes wrong they don't have extra money to pay the costs of private legal advice. Our social responsibility is to assist people in that position to fix problems that are not their fault. Some builder's walk away from jobs when their work is defective.

We assist clients with small claims as well as large claims. The CTTT is not a formal Court system. If a dispute is under \$30,000, costs are very difficult to claim. Clients with a dispute of this amount would be charged from \$6,000 to \$15,000 by a private solicitor, depending on the complexities and length of the case. We assist with larger claims as well. Costs over \$30,000 are easier to claim.

We like to ensure that clients who are unable to represent themselves, are represented properly and will not run the risk of being charged costs if they have unsuccessful claims.

It is also our social responsibility to participate in consumer community education of home building issues, submit recommendations for proposed legislation change and report the consumer perspective and common problems with builders to our funding body, NSW Fair Trading.

## Challenges

- Breakdown in communication between the client and their builder.* In extreme cases, this breakdown can include incidents of verbal and physical abuse. This results in the client needing us to liaise with the builder on their behalf and creates anxiety for the client when matters proceed to the CTTT.

- Clients overall lack of knowledge of their legal rights.* Many clients are unaware that they have a five day cooling-off period in which they can cancel their agreement with a builder; many clients sign agreements they don't understand, and clients often don't have insurance to cover themselves if a builder goes bankrupt.



Elfet Eid, Michelle Brown & Reed Langridge

- Self-representation at the CTTT.* The CTTT is a consumer friendly environment that offers consumers the opportunity to self represent. Clients often panic about this process. It's scary for them. We explain that the CTTT is an informal process and that the Tribunal Member will communicate with them in plain English and not legal jargon. This involves explaining to the client how to write letters, obtain applications for the CTTT, collect the correct information such as quotes and expert reports and so on. Discussing this process tends to alleviate client concerns.

NSW Fair Trading assists consumers with building difficulties. When a consumer has a problem with a builder – defective works or incomplete works – they complain to NSW Fair Trading. Usually NSW Fair Trading will send out an Inspector to inspect the works, write a report and make recommendations. Unfortunately, any recommendations made by an Inspector are not binding. In most cases, builders ignore them. The Inspection is the platform from which clients have the opportunity to proceed further, if the work is indeed defective or incomplete. We do not assist unless Fair Trading has inspected the works. Only Fair Trading conducts inspections for free. This process becomes complicated when builders are unlicensed. NSW Fair Trading will not intervene if a builder is unlicensed. The burden is on the consumer to obtain a private experts report on the workmanship. This means that the consumer/client has to incur costs before they know what kind of a case they have against a builder. The next step is to take the builders to the CTTT. Even if the claim is over \$30,000 there is no guarantee of costs being awarded – it depends on the Tribunal Member and the matter in question.

### *Short and long term strategies and Indicators*

Our short term strategies are to keep up with the demand which is always substantial. We continue to empower clients towards self-representation, stepping in to assist at the CTTT if clients are unable to manage.

Our long term strategies include exploring opportunities for increased funding so that the service can be expanded to include more case management as well as the same amount, if not more, telephone advice. Expanding the service would allow us to adjust the eligibility criteria so that more people in need can access the service.

We are interested in developing community legal education seminars which specifically provide consumers from non-English speaking backgrounds with legal knowledge and awareness of our service. The majority of our clientele are from English speaking backgrounds but we are aware that consumers from non-English speaking backgrounds suffer the same issues with builders and we are planning ways to increase our profile and accessibility to these groups.

We use CLSIS to collect statistical information which also indicates performance. There are difficulties with measuring successes and losses as a telephone advice service. Many clients call for advice and we send them the information kit that we have developed relevant to their matter. These clients might achieve fantastic results but there is no follow up. Some clients return for further assistance if they have ongoing difficulties. Others might decide to seek private legal advice. We would like to create a client satisfaction survey specific to our service to better monitor the quality of assistance provided, rather than the just having accurate records of the quantity of service provided. This would provide greater information regarding our impact, particularly if clients are successful in self-representation.

### *Statistics*







Michelle Brown was quoted in *Build Home Magazine* (Issue 18.1)

As Michelle Brown, a solicitor at the Home Building Advocacy Service (HoBAS) – a NSW Fair Trading-funded initiative that provides assistance to consumers who are involved in building disputes – explains, “Undoubtedly the most common cause for a dispute with your builder can arise from defective works resulting from poor workmanship. This type of dispute is closely followed by unforeseen costs arising from contractual variations that prospective homeowners have not included in their budget,” she adds. “These variation costs do not become apparent until work is in full swing, that is, not in the tender or contract.”

“If the details of the contract are not clear, then you should seek advice from the builder for clarification,” Michelle from HoBAS says. “An independent opinion should also be sought, preferably a legal practitioner with residential home building experience.”

NSW Fair Trading may also refer consumers to HoBAS if the matter remains unresolved, where a specialist home building solicitor can offer invaluable legal information and advice free of charge on home building rights and dispute resolution options. In some circumstances, HoBAS may also negotiate on behalf of consumers, be involved in the mediation process or represent consumers at CTTT hearings.



# Legal Services at the Family Relationship Centres (FRC)

Sarah Hart & Helen Taranto (Solicitors)

## *Year's Highlights*

One of the year's highlights has been participating in legally assisted mediations. This means that we attend mediations with our clients and are on call for legal advice throughout the mediation process. Many clients feel that mediations are quite difficult without the legal knowledge to make decisions for themselves and their children. We are able to provide on-going support and advice which enables them to make decisions that are in the best interests of their children while they're going through that process. Successful mediations have helped reduce conflict between parents and kept them out of Court.

Another highlight has been teaching the students from Macquarie University. The students participate in three intensive programs that last 10 weeks. At MLC we teach them various aspects of Family Law and the students accompany us to the FRC to observe the legally assisted mediation process.

## *FRC's vision*

Our vision is to ensure that FRC clients have access to legal advice during mediations which will keep them out of Courts and empower them to make decisions that are in the best interests of their children. It is also our vision is to provide the community of greater Western Sydney with access to family law advice and assistance.

It is also our goal to assist as many people in the community as possible. The Legal Information Sessions that we run at the FRC allow people from the community to access legal advice without having to go through the FRC process.

It is also our goal to continue teaching the students. This involves updating and enhancing the teaching program so that the students continue to gain the best possible knowledge and enjoyment from participating in it.

## *FRC's social responsibility*

It is our social responsibility to provide the community with access to family law advice and assistance. At the FRC we embrace this responsibility through our involvement with mediations and the legal information sessions. We ensure that our clients understand family law and the effect of mediation on reaching an agreement.



## Challenges, information and other services

Many of our clients face multiple challenges - financial, mental health, drugs, alcohol and domestic violence.

Mediation can also be a very challenging process for both parents. Mothers are often nervous about the ability of their ex-partner to care for the children during contact time. They want to make sure that the children are safe. Fathers often face the challenge of the mother refusing to let them spend time with their children and that can be very distressing for both the father and the children.

We obtain a lot of information about our clients from our own statistics: where they're from and what they're going through, their socio-economic background and whether there's a risk of homelessness. We also find out about our FRC clients' needs by liaising with FRC staff. The FRCs have mediators, counsellors and child consultants. We are in constant liaison with FRC staff to ensure our clients needs are met. They advise us what specific information our clients might need so we can adequately assist them. The liaison with FRC staff enables us to learn more about how to better assist our clients. We also liaise with other staff from relevant services.

## Short and long term strategies and Indicators

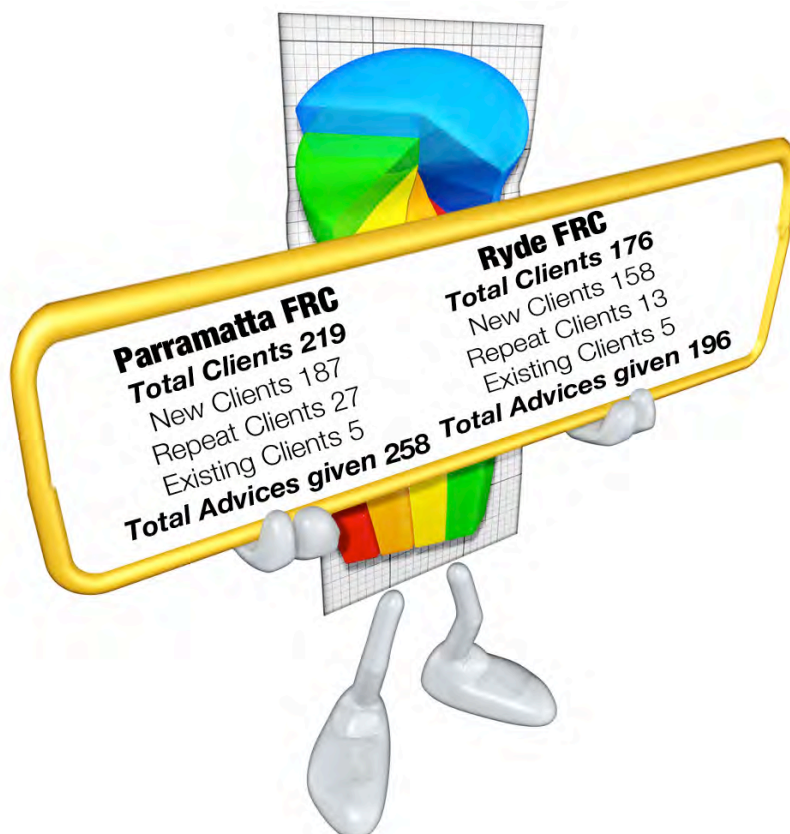
Our short term strategy is to continue to promote the legal advice and support we offer to the mediation process at the FRCs, as well as the work at family support groups such as Pendle Hill Family Support, Centrelink and similar services. Our liaison with other services and agencies ensures that the community is aware that our advice and information sessions are available to them.

Our long term strategy is to conduct more community legal education seminars so that the community is provided with more information about all aspects of family law.

## Other activities

Sarah Hart attended the Family Relationship Services Australia (FRSA) conference entitled *Diversity: Everyone Benefits* on 3-5 November 2010 in Melbourne, Victoria.

## Statistics



Sarah assisted a client at Parramatta FRC. The client had not seen his children for over 6 months. The mother had stopped the children from spending time with him because he had failed to pay child support. The children were aged 9 and 4. Sarah provided legal advice during mediation as well as further advice outside of mediation. The parties finally agreed that the children would continue to spend every second weekend with their father. This agreement will be filed as consent orders in the Court which will make it legally binding.

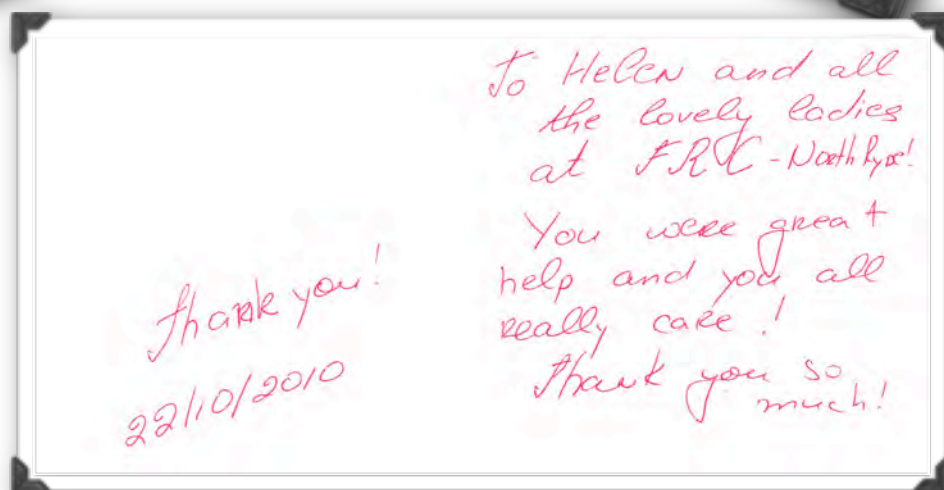
Helen assisted a young women at North Ryde FRC. The client had a 2 year old son. The boy was spending erratic time with the father. Our client was very nervous about leaving the child with his father because she didn't think he could feed the child properly and had other concerns. She would only let the father have the child for very short periods of time. Helen advised the client during legally assisted mediation. The father was able to explain to her how he cared for the boy and that he had new accommodation (which she was happy with). The parents reached an agreement and our client agreed that the boy could spend every second weekend and some overnight with his father.

Helen assisted a young woman whose 12 year old son lived in Brisbane with his father. She had not seen her son for about a year. She had tried to arrange mediation but the father refused to participate. We wrote a letter to the father proposing a contact arrangement so the mother could spend some time with her son during the school holidays. The father agreed to that arrangement. We drafted consent orders to lodge to the court so the mother will be able to spend time with her son.



Helen Tarranto, Sarah Hart & students from Macquarie University







# Macquarie Women's Domestic Violence Court Advocacy Service (WDVCAS)

Bridget Purcell (Coordinator), Shalini Kumari (Acting Coordinator), Christine Smith (Assistant Coordinator), Samiha Alameddine & Sanam Faiz (CALD workers), Elva Wright (Aboriginal Worker), Cheri Barrett & Tracey Hollywood (Administrative Assistants)

## *Year's highlights*

One of the highlights for this year was the production of a DVD to educate police officers in the use of the 'yellow card', our services and how we assist women at Court. All the support workers in the team are in the DVD. This was a joint project with South West Sydney Community Legal Centre's WDVCAS and Bonnie Women's Refuge. Bonnie Women's Refuge was the driving force behind the project. The DVD will be used for police training in response to domestic violence incidents in private homes as well as Parramatta and Campsie Local Courts. Funding for this production was received from the NSW Attorney General's Department and an independent film maker produced the DVD. The DVD will be launched in November 2011.

This year we also distributed a large number of flyers about our service at the NAIDOC celebrations in Parramatta.

We received extra funding from Parramatta City Council to reproduce our *Safety, You and Domestic Violence* Booklets. The booklet offers information and support for anyone at risk of violence in the Parramatta and Holroyd Areas.

At the beginning of the year, the government provided the Domestic Violence Practitioner Scheme (DVPS) to enhance the services offered to women and children experiencing violence in our area. Under the DVPS scheme, private practitioners register for a panel and once accredited are paid by Legal Aid NSW to provide free services such as advice to clients on ADVOS, family law, care and protection, and victim's compensation matters. DVPS solicitors undertake representation at mentions and hearings, including cross-applications. The Scheme is working very well for our clients.

We were actively involved in White Ribbon Day in 2010. This is Australia's campaign to stop violence against women. White Ribbon Day encourages men and boys to swear an oath "to never commit, excuse or remain silent about violence against women" and publicity proclaims this on their website.

## *WDVCAS's vision*

Our vision is to empower women survivors of domestic violence by supporting them through the criminal justice system.

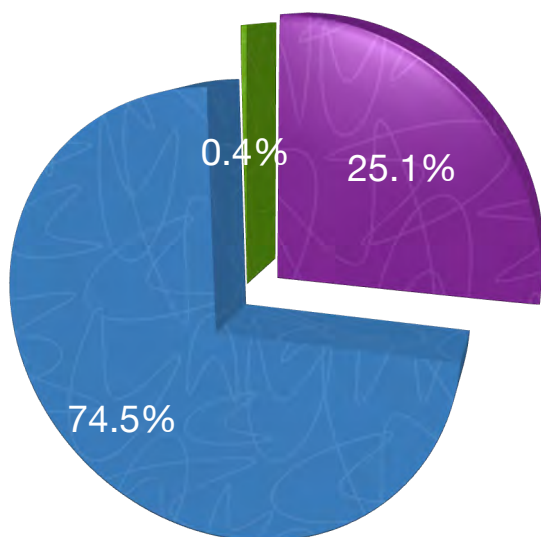
### WDVCAS's social responsibility

It is our social responsibility to provide support, advocacy, information, legal representation and referrals for women attending court for apprehended violence orders at Parramatta and Ryde Local Courts. We work within the framework of social justice principles. It is our social responsibility to ensure that women have adequate access to criminal justice system and other service providers. We liaise closely with the Police Officers and Prosecutors on behalf of our clients to eliminate fear and confusion.

### Short and long term strategies and Indicators

In the short term we would like to conduct community legal education for Culturally and Linguistically Diverse and Aboriginal communities to increase awareness of our service, provide information, raise issues and build networks of our service. In the long term we would like to continue to address to issues of domestic violence in our society.

### Statistics



- Criminal Charges
- ADVO
- APVO

Total Matters 1067

### Challenges, Information and other services

Our clients face the following challenges:

- fear of the justice system
- fear of reprisal from partners and/or community
- cultural & linguistic differences
- stereotyping
- misinformation about AVOs
- misinformation about the justice system
- misunderstanding about services
- feeling intimidated, and
- isolation (specifically women on spousal visas)

We work in conjunction with a number of agencies to provide women with the best possible assistance. These are:

- Bhanin Association
- Brighter Futures (St Michael's Family Centre)
- Christian Community Aid
- Cumberland Women's Health Centre
- Erin's Place, Women's Refuge
- Granville Multicultural Centre
- Hills Family Centre
- Parramatta / Holroyd Family Support
- Pendle Hill Crisis Centre
- Ryde Community Mental Health Team
- Ryde Family Support
- Ryde Hospital, and
- Telopea Family Support



# Parramatta Community Justice Clinic (PCJC)

Adele Francis (Solicitor)

The staff at the PCJC are: Michaela Byers, UWS Academic and Immigration Law Solicitor, operates an Immigration Law Clinic on Thursdays and oversees the academic aspects of each student's placement at PCJC. PCJC also has a roster of volunteer students. Nicole Miller, UWS, is the Project Manager of PCJC. Allan O'Connor, UWS Academic, is PCJC's University pro-bono solicitor.

## *Year's Highlights*

In March 2011 the Clinic relocated to level 2 of Parramatta Local Court. This relocation has increased PCJC's exposure to the community and accessibility to clients. Our presence at Court and strong working relationship with the Court Registrars and Registry has led to an increase in referrals.

## *Our Vision*

Our vision is to ensure the community of greater Western Sydney has access to justice where a private solicitor cannot be engaged due to economic and/or social disadvantage. Our goal is to increase awareness and recognition of the Clinic in the greater western Sydney region so that we increase referrals to, and the client base of PCJC.

## *Our Social responsibility*

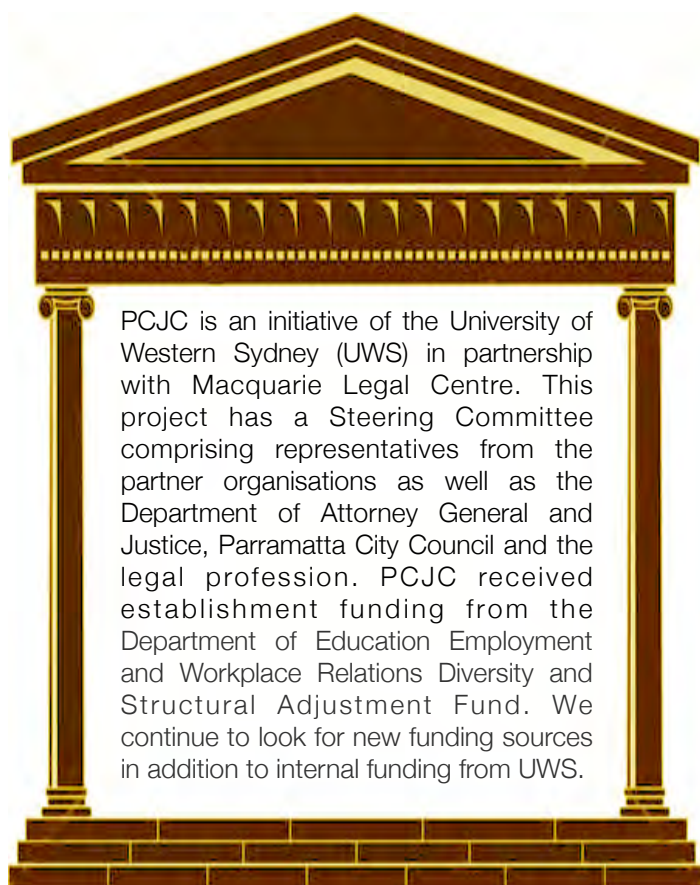
It is our social responsibility to provide access to justice, legal advice and legal information to disadvantaged members of the community. We provide clients with an understanding of areas of law that affect them through individual client sessions and community legal education programs.

We also have a social responsibility to educate UWS students so that they obtain genuine 'real world' legal experiences and client contact while they are studying.

## *Challenges*

Our clients face challenges (financially and socially) which means they lack access to legal advice, information and representation in Courts and Tribunals. Clients also face language barriers and other forms of disadvantage.

It is a great benefit to clients to have the Clinic located at the Local Court. Co-operating with the Court Registrars to provide legal assistance at the Court means that we can deal with client matters that are referred by the Court as they happen. Clients often are unsure where to begin with their legal matter and being on-site allows for immediate access to someone to talk to. This immediacy alleviates client anxiety.



### *Short and long term strategies and indicators*

Our short and long-term strategies are to continue to utilize the unique opportunity of providing a legal function within the Court system. A comparison of this year's statistics with last year's indicates that our total client base has increased by 180%. The percentage of the total client base, which is new clients, is 81%. Advices given have also increased by 139%.

### *Community Legal Education (CLE):*

- Elder Law Community Information Session- John Rafferty, Principal Solicitor of Macquarie Legal Centre, was a keynote speaker
- Immigration Law Community Information Session – Michaela Byers, UWS Academic and Immigration Law Solicitor, was a keynote speaker
- The Role and Services offered by PCJC presented at the Lions Club, Parramatta – Adele Francis was the keynote speaker

### *Client Feedback*

"Thank you so much for all of your help. I knew what was going on in Court which made me feel so much better"

"I wouldn't have been able to prepare my case without you. I'm so happy I came here"

"We are very grateful for all of the hard work you put into the matter. A great deal of pressure has now been lifted. Please feel free to use our file as a learning tool for your students. Thank you so much"

*PCJC Statistics 2010-2011 show a significant increase compared to the previous year.*



The client approached PCJC for advice in relation to a Statement of Claim regarding an alleged motor vehicle accident several years ago.

The other party alleged that the client was liable for damage caused to his vehicle of approximately \$10,000.00. However, the client stated that she had been a witness to the other party losing control of his vehicle and she had no role at all. At the time, the client offered her assistance to the other party, offered to take him to the hospital and gave her contact details to him "just in case".

The client was extremely stressed and worried about receiving the Court document, as she had acted out of her own good will to assist the other party and denied the allegations that she had been involved in damaging his car.

We assisted the client by drafting a Defence and preparing the client's statement and evidence in the matter. The client was successful in having the other party's claim dismissed. The client was very happy with this outcome and grateful to us for the assistance she was provided.

The client approached us for assistance to have his declaration as a habitual traffic offender set aside.

The client was a young man who had a history with drugs, alcohol and a series of Court imposed licence disqualifications. However, he was determined to get his life back on track, and with the assistance and support of his family, had enrolled in University, drug and alcohol rehabilitation programs and gained employment.

The client's elderly grandfather had become responsible for driving him to all of his appointments and work shifts. This placed a great deal of pressure on the client and his grandfather.

We drafted the appropriate Court documentation and also prepared a submission to the Court outlining the need for the declaration to be set aside based on the client's individual circumstances. The client was successful in having the Court set aside his declaration as a habitual traffic offender. Upon obtaining a current licence from the RTA, the client was permitted to drive again. The burden on his family was alleviated and the client was able to regain his independence and continue to mend his destructive past.



# Western Sydney Tenants' Service (WESTS)

Jessica Abi Khattar (Team Leader), Shelley Alvarez, Linda Grady, Bridget Kennedy, Liam Meagher, Mirjana Zagani & Marissa Sandler (Tenant Advocates) & Tanja Podinic (Community Education Officer)

## *Year's Highlights*

This year, the Residential Tenancies Act 1987 was repealed and the Residential Tenancies Act 2010 came into effect January 31, 2011.

The NSW Office of Fair Trading provided us with additional funding to assist with the implementation of the new Act. This funding was used to employ Tanja Podinic on a part-time basis in the role of community education officer. Tanja did great work educating the community about the changes to tenancy laws. She also updated our community education resource materials.

We conducted a pilot series of community education sessions for inmates at Parramatta Correctional Facility and Silverwater Women's Correctional Facility. This project was in partnership with Legal Aid. The sessions were very successful and well received by inmates and prison staff.

Jessica Abi Khattar along with Ned Cutcher, the Policy Officer from the Tenants Union NSW, attended a meeting with various government and non-government bodies to develop a new Housing and Mental Health Agreement. This Agreement aims to assist all services to work together more effectively when responding to people with mental health problems living in social housing, or who are homeless or at risk of homelessness.

Shelley Alvarez met with Chris Martin, the Policy Officer from the Tenants Union NSW, Heather MacDonald, a researcher from the University of Technology Sydney (UTS) and other tenant advocates and community workers, to provide input into the research UTS was funding. The project aimed at identifying and recording discrimination in the rental application process. Shelley was able to provide insight into different forms of discrimination tenants faced in Western Sydney. UTS will continue this research project over the next few years.

Shelley Alvarez and Bridget Kennedy regularly attended the Tenants Union Legal Working Party. This group met monthly to discuss current legal issues relevant to tenancy law, including the recent changes to the Residential Tenancies Act, significant cases and policy issues. Attendees included several tenant advocates, Tenants Union legal and policy staff, Legal Aid civil law solicitors, and other community workers. Shelley and Bridget found their involvement in the working party beneficial in gaining a deeper understanding of these legal issues and contributing towards their resolution.

On behalf of WESTS, Bridget Kennedy attended the Tenants Union/Housing NSW Client Service Officer liaison meeting. This meeting gave tenant advocates the opportunity to raise operational issues with Housing NSW and discuss solutions.



Bridget also successfully tested an area of law concerning repudiation in two cases at the Consumer Trader & Tenancy Tribunal (CTTT). We have not run any cases of this nature previously. Bridget successfully argued for termination of the tenancy when proper notices of termination had not been issued.

### *Our Vision*

Our vision is to ensure that tenants in the Western Sydney region receive excellent tenancy services.

Our goal is to ensure that tenants in NSW are aware of their legal rights and responsibilities, particularly considering the recent changes to tenancy laws. We provide advice, advocacy and education to tenants with the aim of assisting them sustain their tenancies.

### *Our Social Responsibility*

We have a social responsibility to provide access to justice for disadvantaged consumers. We assist clients resolve their legal issues, when they do not have the capacity or resources to assist themselves.

It is also our social responsibility to ensure that the community is aware of how to access our service and other tenancy services. We achieve this by attending community events and providing community education seminars.

### *Challenges*

The most challenging issue our clients face is the risk of homelessness. Increasing rental costs, high demand for rental properties and the long waiting lists for social housing means that economically disadvantaged clients are more at risk of homelessness. Other common challenges our clients face are:

- Financial stress
- Physical and intellectual disabilities
- Lack of Education
- Language barriers
- Cultural differences (for example: some communities fear the CTTT due to experiences in their home country of corruption and violent reprisals)
- Domestic violence
- Lack of employment opportunities


Migrant Resource Centres (MRCs) are another service that deal with many of our clients on a daily basis and understand the social challenges they face. Migrants face challenges such as applying for housing, dealing with agencies, repair issues and bond disputes.

The Tenants Union (TU) website is a fantastic resource for clients. It provides useful information concerning basic tenant rights and responsibilities. The TU puts people in touch with other Tenancy Advice and Advocacy Services (TAAS) across NSW.

### *Short and Long Term Strategies and Indicators*

Our short-term plan is to continue to deliver regular community education on tenancy issues. In the long term, we plan more duty advocacy including obtaining greater feedback from clients, members and conciliators about the usefulness of our service. We would also like to participate in more outreach projects. The feedback we have received from MRC's indicates the high demand for information and advice on housing matters. In the long-term, we would also like to work with NSW Housing and their policies to better support and assist clients.





Sarah committed a serious offence, was convicted and sentenced to 20 years imprisonment. She did not have any plans for her housing upon release. Sarah queried whether she could be placed on the housing waiting list while she was in jail.

We informed Sarah that if she was placed on the waiting list, as long as Housing NSW knows that she is in jail, her application would be inactive. This would mean that while she is in jail, no offers of accommodation will be made, and once Housing NSW are aware of her release, the application will be reactivated and the original application date will still apply.

John lived in a converted garage which wasn't Council approved, and therefore not lawfully permitted to be used as a dwelling. The premises had severe mould issues and the landlord was not rectifying the problem. The landlord's failure to maintain the premises in a reasonable state of repair was a breach of the residential tenancy agreement. The mould issue was adversely impacting the tenants' health.

We managed to negotiate compensation for \$2400, as well as 2 weeks rent.

In 2010-2011 we gave information/advice to 1421 tenants in the Western Sydney area. We referred 298 clients to other services.



# Youth Education Program (YEP)

Leta Webb (12/10 – 1/11), Truda Gray (1/11- 3/11), Carolina Saez (from 3/11 to date) (Youth Legal Educators) and Leticia Marquez (Executive Assistant).

## *Year's Highlights*

We received funding from the Law and Justice Foundation that permitted YEP to produce a revised and updated second edition of the Youth Justice Playing cards.

In addition to our annual funding from the NSW Department of Human Services in 2011, we received a one-off top-up to our funding.

We also received funding from the Shell Community Program and Holroyd City Council to carry out 'Think Before you Act Workshops'.

The Second Edition of the Youth Justice Playing cards was finalised and launched in November 2010. The cards are a popular and successful way of imparting basic legal information to young people. Each playing card contains a legal tip or information about legal or youth services. Tips cover such issues surrounding contracts, debts, drugs, alcohol, robbery, assault and police powers. Now it is over to us to distribute and evaluate the cards! So far the kids love them!

The Youth Justice Book: Your Guide to Cops in New South Wales 4th edition was edited and published in 2010. The book is a practical guide for young people who come into contact with the police or the criminal justice system in NSW. This is an ongoing project of Macquarie Legal Centre. The 4th edition was produced in partnership with The Shopfront Youth Legal Centre.

We conducted 5 Think Before You Act workshops since March 2011 with more to come.

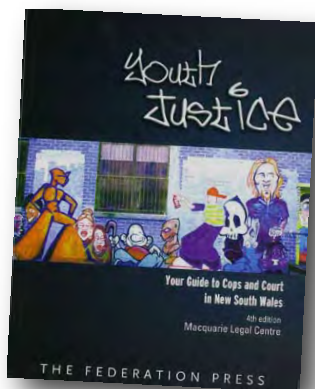
Anglicare approached us to do a workshop on Sexual Health and the Law for young people attending Auburn Youth Centre.

We have also been invited to participate in the Youth Expo held by Holroyd Council in Merrylands in July 2011.

## *Our vision*

Our vision is to provide legal education training and resources to young people and those who work with young people. Taking part in community development projects is an integral part of this process.





### *Our social responsibility*

We have a social responsibility to develop training programs and resources to ensure that young people in our catchment area are provided with relevant, accurate and easy to understand information about the legal system and their legal rights and responsibilities.

It is also our social responsibility to liaise with youth advocate agencies and local governments to ensure that the community is aware of our services and how to access them.

### *Challenges*

Overall, 19.1% of the population in our catchment area is aged between 12 and 25, compared with 17.8% for the Sydney Statistical Division (WSROC).

One of the major challenges for us is to reach young people. To overcome this challenge we have networked with other youth advocate agencies in Sydney and Greater Western Sydney. This includes attending Youth Justice Coalition (YJC) meetings, maintaining a membership of YAPA (Youth Action and Policy Association) and developing a relationships with Children's solicitors at other community legal centres and Legal Aid.

YEP has tried to keep abreast of the proposed changes to laws in the following issues (as they relate to young people):

- Bail laws
- Graffiti laws
- Sexting
- Cyberbullying
- Driving laws

As a result, Carolina Saez updated the workshops to incorporate and update the information on the above topics to the young people attending the workshops.

### *Short and Long term strategies and indicators*

We are continuing to look forward to future projects. In 2011/2012 YEP will be:

- Conducting workshops for the Youth Justice: Your Guide to Cops and Court in NSW;
- Distributing and Evaluating the Youth Justice Cards;
- Conducting further Think Before You Act workshops in the Parramatta and Auburn LGA's; and
- Conducting workshops, information and referral on legal issues that affect young people and as requested

Launch of the 'Real Deal Youth Justice Cards  
2nd Edition November 2010



Leta Webb, Geoff Mulherin (Law & Justice Foundation)  
& Maria Girdler



Think Before You Act Workshops conducted in 2011

**45%**  
of young  
people  
found the  
workshop  
fun and  
entertaining

**39 %**  
of young  
people said  
they learnt  
something at  
the workshop

**79.8%**  
of young  
people said  
that the  
workshop  
will  
influence  
their  
behaviour  
and  
actions

**75.9 %**  
of young  
people said  
that the  
workshop will  
change the  
way they  
think about  
crime



Carolina Saez (YEP)  
Con. Allen Clapham,  
Daniel Lesmeister  
David Lang &  
Nina Fernandez (Sydney  
Talent Company)



Year 11 Students from Pendle Hill High





# MLC Staff

- \* Jessica Abi Khattar , WESTS
- \* Adam Abboud, LIRO
- \* Samiha Alameddine, WDV CAS
- \* Shelley Alvarez, WESTS
- \* Vanita Assani, Administration
- \* Cheri Barrett, WDV CAS
- \* Michelle Brown, HoBAS
- \* Francois Brun, LIRO
- \* Kim Burton, CWCS
- \* Chantel Cotterell, CCAS
- \* Vikram Craig, CCAS
- \* Leah Cruickshank, CCAS
- \* Erick Culala, LIRO
- \* Gwen Davies, CWCS
- \* Laurice Elten, LIRO
- \* Elfet Eid, HoBAS
- \* Sanam Fiaz, WDV CAS
- \* Adele Francis, PCJC
- \* Amira Francis, CWCS
- \* Truda Gray, YEP & Administration
- \* Linda Grady, WESTS
- \* Giehan Gergis, Office Administrator
- \* Maria Girdler, Manager
- \* Sarah Hart, FRC
- \* Tracey Hollywood, CWCS & WDV CAS
- \* Lesley Humphries, CWCS
- \* Shalini Kumari, WDV CAS
- \* Salwa Israel, CWCS
- \* Bridget Kennedy, WESTS
- \* Mable Koo, LIRO
- \* Reed Langridge, HoBAS
- \* Nina Lau, LIRO

- \* Victoria Lucas, CWCS
- \* Alistair Macleod, HoBAS
- \* Clare Mangiokas, LP
- \* Leticia Marquez Gonzalez, Executive Officer
- \* Stephen Matulewicz, HoBAS
- \* Celine McMahon, CCAS
- \* Liam Meagher, WESTS
- \* Ozra Meshkat, CWCS
- \* Tanja Podinic, LP
- \* Bridget Purcell, WDV CAS
- \* John Rafferty, PS, LP
- \* Jayd Raffoul, LIRO
- \* Carolina Saez, YEP
- \* Marissa Sandler, WESTS
- \* Jessica Shah, Administration
- \* Stan Small, CCAS
- \* Christine Smith, WDV CAS
- \* Helen Taranto, FRC
- \* Madhabi Taneja, CWCS
- \* Elizabeth True, LP
- \* Sue Underwood, CCAS
- \* Lachelle Uzcateguigaymon, CWCS
- \* Vicki Vucetic, CWCS
- \* Leta Webb, YEP
- \* David Willis, CCAS
- \* Elva Wright, WDV CAS
- \* Elizabeth Wulff, Projects Officer
- \* Vanessa Yung, HoBAS
- \* Mirjana Zagani, WESTS



# Volunteer Solicitors

-  Rosemary Aloisio
-  Eleanor Barker
-  Christos Christaki
-  Christopher Dunn
-  Keiran Elliot
-  Ray Finch
-  Rene Forshaw
-  Angie Godden
-  Cathy-Anne Grew
-  Mark MacDiarmid
-  Jamal Maroon
-  Catherine McCarthy
-  Carolyn Munk
-  Kenneth Ti

# Volunteer Students

-  Adam Abboud
-  Nancy Barakat
-  Francois Brun
-  Daniel Bunoza
-  Elizabeth Burnheim
-  Erick Culala
-  Vanessa Daaboul
-  Alice Deng
-  Laurice Elten
-  Jessica Farr
-  Roxanne Findlay
-  Golam Hadi
-  Fevzi Halil
-  Sophia Jiang
-  Nicholas Krastev
-  Mabel Koo

-  Vivien Lee
-  Michael Napoli
-  Frances O'Brien
-  Catherine Pittaway
-  Judy Poon
-  Nilofar Rahmani
-  Jayd Raffoul
-  Marc Rossi
-  Marie Sassine
-  Amy Shi
-  Monica Stanley
-  Andrea Tomic
-  Michael Tran
-  Claudine Villanueva
-  Maheesha Wijesuriya
-  Michelle Xiang
-  Allina Yang
-  Sylvia Zhou



# Funders

## *Commonwealth*

- \* Attorney General's Department
- \* Department of Families, Housing, Community Services & Indigenous Affairs (FaHSCIA)

## *New South Wales*

- \* Attorney General's Department
- \* Department of Human Services
- \* Legal Aid Commission of NSW
- \* NSW Fair Trading

## *Local Government*

- \* Holroyd City Council
- \* Parramatta City Council

## *Non Government*

- \* Unifam
- \* Law & Justice Foundation
- \* Macquarie University
- \* University of Western Sydney
- \* Shell

# Pro Bono Law Firms

- \* Blake Dawson
- \* Clayton UTZ
- \* DLA Phillips Fox
- \* Gilbert & Tobin
- \* Ryan Lawyers





# Financial Summary

Giehan Gergis (Administrator) & Vanita Assani (Administrative Assistant)

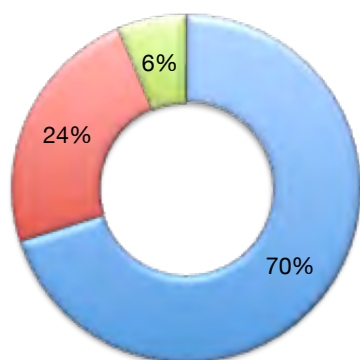
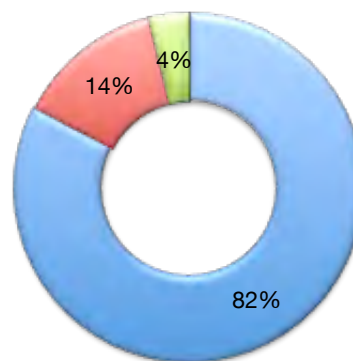
## Operating Results

Macquarie Legal Centre achieved an operating surplus of \$ 11,157.54 for the financial year ended 30th June 2011.

## Income

Income increased by 11% during the 2010/2011 financial year. There were increases in the grants and interest, donation & other income, while the CWCS income decreased.

- Grants
- Interest, Donation & Other Income
- CWCS Income



- Wages & Oncosts
- Services Operation
- Other Costs

## Expenditure

Expenditure increased by 12.8% in the 2010/2011 financial year. The increased expenditure was in all areas.

## Financial Position Overview





## DENIS MERRICK

(INCORPORATED IN AUSTRALIA)

CERTIFIED PRACTISING ACCOUNTANT  
ABN: 72 306 249 090

RUSSELL MERRICK B.Bus, CPA  
CONSULTANT: DENIS MERRICK FCPA

### AUDIT REPORT TO THE MEMBERS OF MACQUARIE LEGAL CENTRE INC.

#### SCOPE

I have audited the attached Financial Statements, which consist of Profit & Loss Statements, Balance Sheet, a Statement of Cash Flows and Notes to the Financial Statements being a special purpose financial report of Macquarie Legal Centre Inc. for the year ended 30th June 2011.

The Centre's Management Committee is responsible for the preparation and presentation of the Financial Statements and have determined that the accounting policies used are consistent with the financial reporting requirements of Macquarie Legal Centre Inc. I have conducted an independent audit of these Financial Statements in order to express an opinion on them to the Members of the Centre. No opinion is expressed as to whether the accounting policies used are appropriate to the needs of the Centre.

The Financial Statements have been prepared for distribution to Members of the Incorporated Body for the purpose of fulfilling the Management Committee's accountability requirements. I disclaim any assumption of responsibility for any reliance on this report or on the Financial Statements to which it relates to any person other than the members or for any purpose other than that for which it was prepared.

My audit has been conducted in accordance with Australian Auditing Standards. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the Financial Statements. 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 the requirements of the Associations Incorporation Act.

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

#### AUDIT OPINION:

In my opinion, the Financial Statements of Macquarie Legal Centre Inc. present fairly the financial position of the Centre as at 30th June 2011 and the results of its operations for the year then ended.

The policy and rules relating to the administration of the funds of the Centre have been observed.

DENIS MERRICK FCPA  
PENRITH 20 October 2011  
REGISTERED AUDITOR NO. 1549

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1 First Floor Cana House 22 Woodriff Street Penrith 2750  
info@denis-merrick.com.au admin@denis-merrick.com.au  
Registered under a scheme approved under Professional Standards Legislation

# Macquarie Legal Centre Inc

FINANCIAL STATEMENTS  
For the Year Ended  
30 June 2011

#### Contents

Statement by Management Committee  
Auditor Report  
Consolidated Profit & Loss Statement and Balance Sheet

#### Individual Grant Profit & Loss Statements

MLC	Macquarie Legal Centre
DVCAS	Macquarie Women's Domestic Violence Court
	Advocacy Services
YEP	Youth Education Project
CWCS	Central West Contact Service
CCAS	Children's Court Assistance Scheme
HoBas	Home Building Advocacy Service
TAAP	Tenants Advice Advocacy Program
FRC	Family Relationship
PCJC	Parramatta Community Justice Clinic
Maq Family	Macquarie University Family Law Clinic
CFDR	Coordinated Family Dispute Resolution
CLE TAAP	Rental Bond CLE Tenants





**STATEMENT BY THE MANAGEMENT COMMITTEE  
OF  
MACQUARIE LEGAL CENTRE INC**

In the opinion of the members of the Management Committee

(a) The accompanying Income & Expenditure Statements of:

MLC	Macquarie Legal Centre
DVCAS	Macquarie Women's Domestic Violence Court Advocacy Services
YEP	Youth Education Project
CWCS	Central West Contact Service
CCAS	Children's Court Assistance Scheme
HoBas	Home Building Advocacy Service
TAAP	Tenants Advice Advocacy Program
FRC	Family Relationship
PCJC	Parramatta Community Justice Clinic
Maq Family	Macquarie University Family Law Clinic
CFDR	Coordinated Family Dispute Resolution
CLE TAAP	Rental Bond CLE Tenants

are drawn up so as to give a fair and true view of the results of the financial year ended June 30, 2011 and the state of affairs as of that date.

- (b) The accompanying balance sheet is drawn up so as to give a true and fair view of the state of affairs of the Centre as at June 30, 2011
- (c) At the date of this statement there are reasonable grounds to believe that the organisation will be able to pay its debts as and when they fall due.

The Centre has, during the financial year:

- i) Kept such accounting records as correctly explain the transactions and financial position of the Centre;

- ii) Kept its accounting records in such a manner as would enable true and fair accounts of the organisation to be prepared from time to time: and
- iii) Kept its records in such a manner as would enable the accounts of the Centre to be conveniently and properly audited in accordance with Australian Auditing Standards;

The Accounts for the Centre have been properly prepared by a competent person.

Signed in accordance with a resolution of the committee.  
Place: Parramatta, NSW

Date: 27/10/2011

Member: JOHN MCAFEE

Signature: [Signature]

Committee Position: CHAIR

Date: 31/10/2011

Member: DEBRA RONAN

Signature: [Signature]

Committee Position: DEPUTY CHAIR



