



Northern Suburbs  
Community  
Legal Centre Inc.

*WORKING FOR AND WITH OUR COMMUNITIES*

Family Law

Civil Law

Tenancy Law

Criminal Law

Older People's Rights

Community Legal Education

Community Development

Law Reform

Mirrabooka Community Legal Centre  
10 Cobbler Place  
Mirrabooka WA 6061

Telephone: 08 9 440 1663  
Fax: 08 9 440 1669

Joondalup Community Legal Centre  
Building 1 Edith Cowan University  
270 Joondalup Drive  
Joondalup WA 6027  
Telephone: 08 9 301 4413  
Fax 08 9 301 4426

Web: [www.nsclegal.org.au](http://www.nsclegal.org.au)

## Contents

Board of Management	3
Funding	4
Partnerships	5
Staff	6
Accountability	7
Committee and Network Representation	8
Chairperson Message	9- 10
Client Services	11-12
Family Law	13
FRC & CLC Partnerships	13
Criminal Law	14
Civil Law	15
Tenancy	16
Older People's Rights Service	17
Community Education and Development	18-20
Law Reform	21
Case Studies	21-23
Auditors Report	22 onwards



## Board of Management

Prof Mark Stoney	School of Law and Justice Edith Cowan University	Chairperson
Jennie Hannan	AnglicareWA	Deputy Chair
Shane Edmonds	Department of Housing	Secretary/Treasurer
Rupert Johnson	School of Law and Justice Edith Cowan University	Member
Gerard Raymond	Department of Housing	Member
Richard Klimek	Klimek Family Lawyers	Member
Jan Bayman	Community member	Member



### Commonwealth Attorney General – Community Legal Services Program

- Generalist Program – Mirrabooka Community Legal Centre \$197,500.00
- Elder Law \$ 70,000.00
- CLC & Family Relationship Centre – Project funding \$ 12,500.00

### Legal Contributions Trust Fund – Attorney General of Western Australia

- Joondalup Community Legal Centre \$300,000.00

### West Australian Department of Commerce – Tenancy Program

- Local Service Units – Joondalup and Mirrabooka \$204,558.00

### Department for Communities Western Australia

- Older People’s Rights Service \$184,219.00

### Law Society of Western Australia – Public Purposes Trust Fund

- Culturally and Linguistically Diverse Education Program \$ 75,000.00
- Older People’s Rights Service –Education Program \$ 70,000.00

### Legal Aid WA

- Partnership Family Law Program \$ 95,000.00

### Office of Multi Cultural Interests (WA)

- Culturally and Linguistically Diverse Education Program DVD\$ 15,000.00

### Human Rights – Eastern Community Legal Centre

- Human Rights are Aussie Rules Program \$ 7,500.00

The Board of Management acknowledges and thanks all government departments and organisations for providing us with the resources allowing us to assist the most disadvantaged in our community to access legal and related services.

The Board extends thanks to

the Program Manager’s for the assistance and guidance they have provided to staff during the year



## PARTNERSHIPS

We thank the following organisations for partnering with the Northern Suburbs CLC.

### **Edith Cowan University – School of Law and Justice**

Partners in the Joondalup Community Legal Centre

### **AnglicareWA**

Partners in the Joondalup Family Relationship Centre

### **Advocare Inc**

Partners in the Older People's Rights Services

### **WA Police**

### **WA Dept of Transport/Vehicle Services**

Partners in the development of the booklet and DVD on Driving in Western Australia



## PRO BONO PARTNERSHIPS

### **Klimek & Co Family Lawyers**

Family lawyers providing property law advice every Tuesday in Mirrabooka and Joondalup

### **Bryans Solicitors – Civil Law**

Provided civil law advice in house one day per week

Private law firms offering Pro Bono legal advice is a valuable community service that is welcomed by both the clients and the NSCLC.

On behalf of our community we thank all of those lawyers who attended to provide a much valued service.



STAFF

### Management

Karen Merrin	Manager
Terry Osborne	Principal Lawyer – Mirrabooka
Gerard Cleveland	Principal Lawyer – Joondalup
Sue Chadwick	Asst Manager/Tenancy Team Leader

### Legal Team

Franca Ottolini	Lawyer
Frank La Cava	Lawyer
Ernie Lang	Tenant Advocate
Sarah Webley	Tenant Advocate
Annie Huggett	Social Worker
Laura Post	Lawyer
Jennie Walters	Lawyer
Callum Hair	Law Clerk – Lawyer
Kevin Gammage	Law Clerk - Lawyer
Mary Martin	P/T Administration & P/T Tenant Advocate
Gillian Hodge	Lawyer – resigned December 2010
Martin Allcock	Lawyer – resigned November 2010

### Development and Education Team

Scott Johnson	Lawyer/Educator
Simon Bath	Community Advocate

### Administration Team

June Singh	Finance Officer
Joyce Dennett	P/T Administration
Ann Kendall	Administration
Mary Martin	P/T Administration & P/T Tenant Advocate
Marilyn Thorp	P/T Administration

### School of Law – Law Clerks – 75 day placements

Tim Safe	Hannah Milligan
Rondik Mizori	Catherine Hornby
Chris Cole	Kevin Gammage
Chimpo Bulawayo	Mila Mortimor
Callum Hair	

## **Board of Management**

As required by the Rules of the organisation the Board met six times during the 2010/2011 financial year.

## **Opening Hours**

Joondalup CLC

9.00am to 5.00pm Monday – Friday

Mirrabooka CLC

9.00am to 5.00pm Monday - Friday

## **Access and Equity**

The organisation maintains access and equity as a core principle in the delivery of services and as such maintains

- Accessibility with both offices complying with disability access provisions and arrangements made where necessary for clients to be interviewed off site if attending at the office is unsuitable or inaccessible by public transport.
- Interpreter Services (telephone and on site) are used for clients who request such services including those with English as a second language and people with hearing impairments.
- A fair and equitable complaints management system is in place.

## **Professional Indemnity Insurance**

The organisation has successfully completed the Professional Indemnity Cross Check and has no known claims outstanding against its legal practice.

## **Policies and Procedures (Service Standards)**

Several new policies have been included into the manual this financial year and others updated to reflect changing workplace conditions including a new comprehensive internet use policy.

## **Industrial Relations**

No claims have been made against the organisation this year.

## **Occupational Health and Safety**

The organisation complies with OHS standards. No claims have been made during the year for on site or offsite accidents or incidents.

## **Service Accountability**

The requirements of all service agreements with funding bodies have been met. Financial and written reports were acquitted within time frames.



## Committee and Network Representation

*The organisation is represented on a number of networks and committees:*

- ❖ Community Legal Centre's Association of WA –Chairperson
- ❖ Community Legal Centre's Association – Executive Committee
- ❖ WA Family Pathways Network - CLC Association representative
- ❖ CLC and FRC Network Committee
- ❖ Tenancy Network – Operational and Policy Committee
- ❖ Tenancy Forum – Policy and Planning Committee
- ❖ The Housing Crisis Committee for CaLD communities
- ❖ National Association of Community Legal Centre's – Elder Abuse Network
- ❖ Edith Cowan University – Law Program Consultative Committee
- ❖ Family Law Practitioners Association
- ❖ SWIS Stirling and Wanneroo Information Services (Emergency Relief),
- ❖ Seniors and Carers (Centrelink), NOMUC Northern Multicultural Committee,
- ❖ WANPEA Western Australian Network for the Prevention of Elder Abuse.
- ❖ APEAWA Alliance for the Prevention of Elder Abuse
- ❖ Centrelink Community Consultative Committee

## Chairpersons Message

*“A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty” a quote by Winston Churchill.*

When I sit back and reflect on the achievements of the past year I am constantly amazed at the resilience of the organisation and the tenacity of our employees who work so hard for the community even when presented with what some may consider insurmountable difficulties.

Every year we see an increased demand for services whilst resources remain static yet somehow the optimism displayed by staff surmounts every difficulty placed in their way. *Their mantra seems to be “if there is a way to do it we will find it”* And find it they do, the organisation is booming with more services being offered this year than any other year.

Early intervention and prevention has been the theme this year and we have achieved this by going back and linking our services to the originating values of a community legal centre. Those values are early intervention through education, social inclusion and the values of self determination for our communities.

To this end the burgeoning education unit has blossomed with over 70 education sessions being delivered to more than 1,600 community people and in particular to refugee and humanitarian entrants. A booklet on Driving in Western Australia has been completed and a planned DVD will have been launched by the time of the Annual General Meeting. This area of our services will grow over the coming years and we hope to take with us on this exciting journey many partners who share the same ideals.

It has been our intention over the past few years to work collaboratively with partners and to this end we now have a number of partnerships that provide us with the opportunity to expand and deliver services co-operatively and ultimately achieve positive outcomes for the community. We value partnerships and on behalf of the Board I extend our thanks to all of you for having the confidence to join us on our journey.

Direct client services did not suffer and in fact continued to grow alongside the education unit. Through our Joondalup office we are now providing criminal law advice and representation and in the past year have achieved a number of outstanding results.

The Mirrabooka office and the Joondalup office also offer services in family and civil law with more work being delivered in the area of violence restraining orders.

Offering a variety of direct legal services has meant that law students on placement through the ECU School of Law and Justice are given the opportunity to experience many aspects of the law. As is often the case with their progressive approach to the delivery of services the staff at the organisation grasped the opportunity to develop a further program for graduating students.

In the past twelve months 8 graduating law students have been given the opportunity to take up the practical 75 day component required by the College of law. At the time of this

report three of the graduates are now working full time for the organisation as Restricted Practitioners and dependent on resources we hope that many more will join us in the years to come. Others have gone on into private practice and from all accounts are progressing extremely well.

Working in a community legal centre has many rewards for new graduates. They not only experience variety within the law, they are also exposed to the difficulties encountered by people with disadvantage and have the opportunity of advocating and representing clients early on in their careers. As a Board we are extremely proud and excited about the opportunities that exist for graduates within our service and the sector.

Continuing in the theme of lawyers, in the organisation this year we have continued to address the need to bring salaries to a comparative level with other like organisations such as Legal Aid WA. Although we have a long way to go we are beginning to make inroads into a problem that has existed for many years in community legal centres. The recent "*Mercer Report*" on compatibility of salaries suggests that we are still a long way off the mark but the Board is ever mindful of the discrepancies and will continue to work towards more equitable salaries for all staff.

This year the Board and staff will continue to work towards achieving accreditation as a Best Practices agency in all areas of its operations. We are committed to the organisation and to its principles. We seek to achieve excellence in all areas and as the Chair I am extremely proud of all members of the organisations.

I extend my thanks to Board members who willingly give up their time to serve the community and bring to the organisation a level of expertise and willingness to embrace change whilst we move forward.

To the staff I say thank you. What a wonderful optimistic group of people you are. You work hard, you are innovative and you have a commitment to disadvantage. What more could we ask as a community.

I look forward to serving the organisation as it moves forward into the future into an ever changing world.

Professor Mark Stoney

Chairperson

## Client Services

### Breakdown of Client Statistics

2467 clients received legal services during the 2010/2011 year an increase on last year's statistics. 1853 were new clients with 529 repeat clients and 85 existing clients.

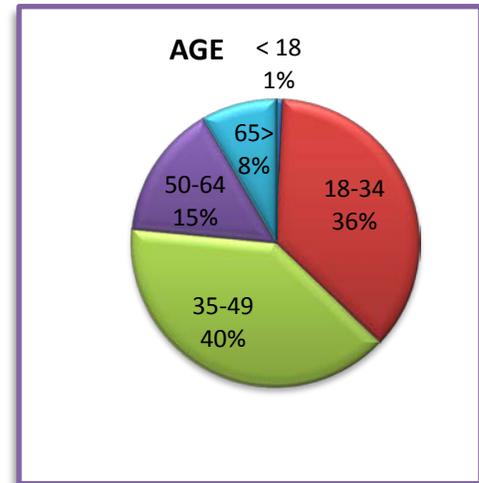
#### Client Activities

No of Clients	2467
New	1853
Repeat	529
Existing	85
Advice	5847
Case Open	898
Minor 0-5 hrs	562
Medium 6-20 hrs	213
Major 20+	42
Court Representation	135
Primary Dispute Resolution	422
Test Case	1
Public Interest	11

Direct advice to clients numbered 5847 with 898 cases opened during the year. Of cases opened 562 were minor cases, 213 medium cases and 42 major cases.

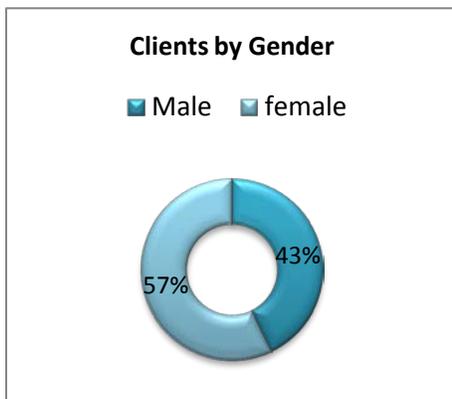
There was a significant increase in court representation with 135 clients being represented. This presented an increase of over 130%

228 cases were resolved through Primary Dispute Resolution. There was 1 Test case and 11 cases of Public Interest. 57% of clients presenting

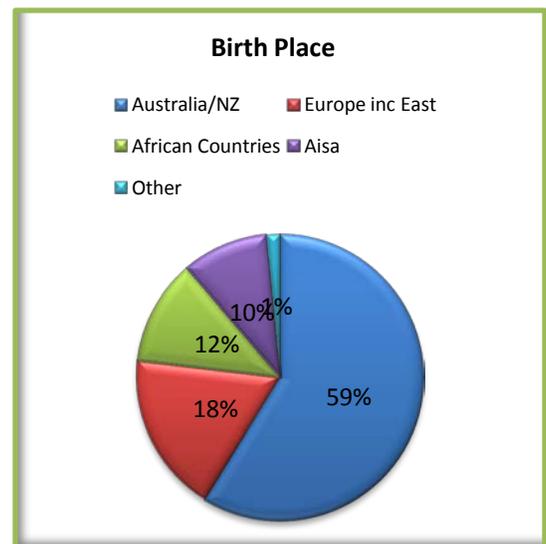


were male and 43% female. This represented a change from last year where the majority was female. 1% of clients were <18 years, 36% 18-34 years, 40% 35-49 years, 15% 50-64 years and 8% 65 years and over. 51% of clients were born outside of Australia

with the highest percentage originating from Europe including Eastern Europe and the UK followed by Africa and Asia. As English was not the first language for many clients'

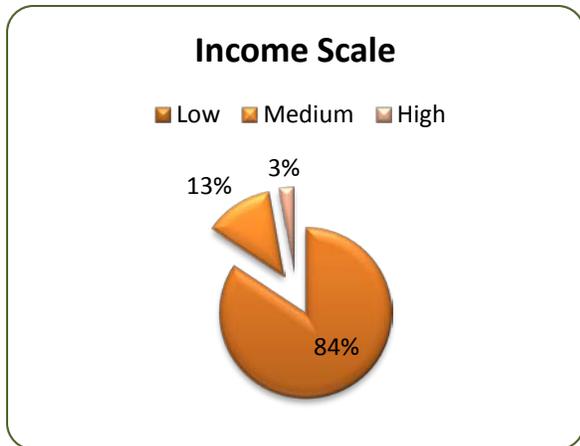


statistics recorded a high percentage of interpreter use both by telephone and in person.



## Client Services cont.

84% of clients registered as being on low income or Centrelink benefit.



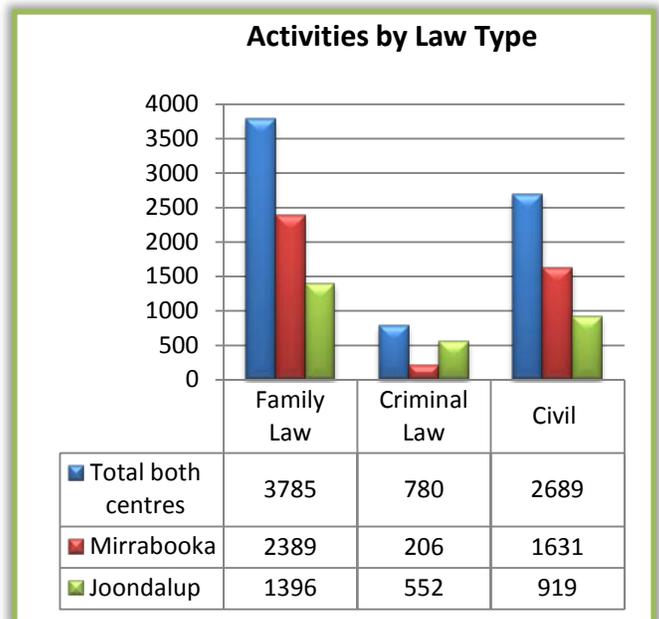
Approximately 25% of clients were one parent family with dependent children living at home whilst 16% were two parent families with dependent children living at home and the remaining 59 were either single people living in other circumstances e.g. boarding house, shared accommodation or were couples without children.

12.5% of clients reported as having a disability with approx 25% having low literacy and low English skills.

### Direct Legal Services

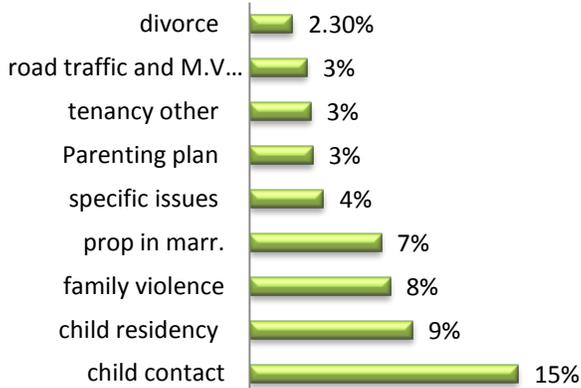
As predicted last year criminal law has been the marked improver this year with 780 clients provided advice and advocacy in criminal law matters.

Family law remains the dominant statistic in both offices whilst civil law has increased this year particularly in Mirrabooka. This is due to the increase in education activities to the culturally and linguistically diverse communities and the increasing number of newly arrived refugees and humanitarian entrants seeking assistance on legal and related matters. For law types civil law also includes tenancy and elder law (Older People’s Rights Service), separate programs that are reported on further in this document.



Family law also contains statistics from the Legal Aid Partnership Program and the Family Relationship and Community Legal Centre Program.

**Top 9 Problem Type**



The top nine problems types are consistent with the 2010 report in that child contact and child residency were dominant areas in family law. This is consistent with the relationship the organisation has with the Joondalup Family Relationship Centre and with FRC/CLC partnership. Clients accessing Family Relationship Centres are offered legal advice through partnerships with community legal centres.

**Family Law**

23.9% of clients accessing family law services were seeking advice on contact with 14.4% seeking advice on child residency.

12.5% of clients were seeking advice on family violence.

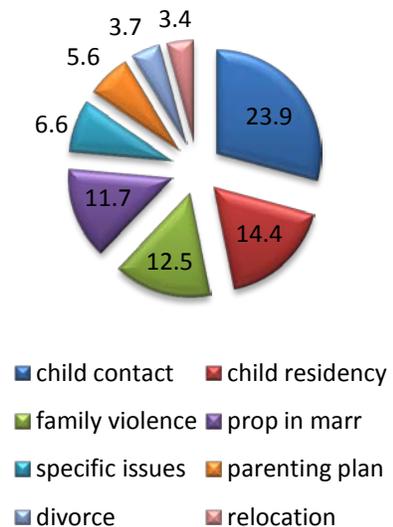
The figures in both graphs include those clients referred from Family Relationship Centres through the Family Relationship Centre and Community Legal Centre partnership.

11.7% were provided advice on Property in Marriage and Property in De facto relationships.

The high percentage in this area is due mainly to the provision of advice on Tuesdays in the Mirrabooka and Joondalup offices by our Pro Bono partners, Klimek and Co Family lawyers. In house advice was also being provided for small property settlements but has now ceased due to lack of resources.

The organisation has priority guidelines in its legal practice and in family law the risk of abduction or the risk of abuse to children takes priority over all other matters.

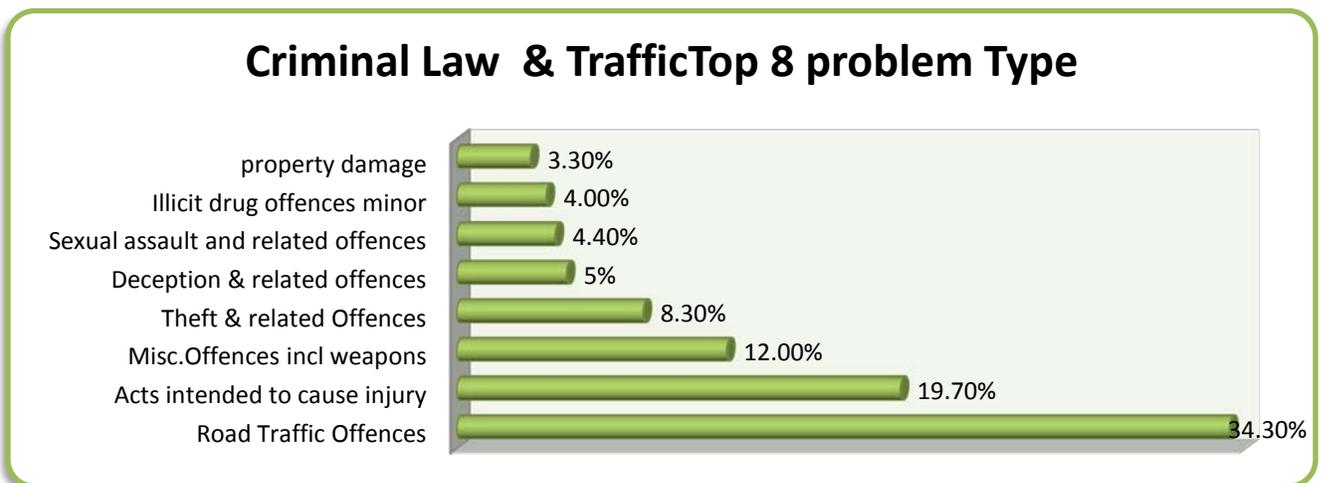
**family law top 8 problem type**



### Family Relationship Centres and Community Legal Centres Partnership

This is the second year of a very successful program introduced by the Attorney General. As reported last year this was a pilot program and has been reviewed in the past twelve months. The review conducted across Australia provided the government with excellent results. Funding for this program was continued into this financial year.

### Criminal Law



During this year we agreed to take Legal Aid referrals from criminal matters where it was unlikely that the clients matter was likely to attract a grant of legal aid. The referral protocol became part of our Legal Aid/NSCLC agreement. With a massive 34.30% of advices, Road Traffic Offences was the most prominent of the statistics. A high percentage of Road Traffic Offences were alcohol related offences and Driving whilst under suspension. Acts intended to cause injury – assaults, bodily harm, unlawful wounding was the second highest statistic at 19.70%.

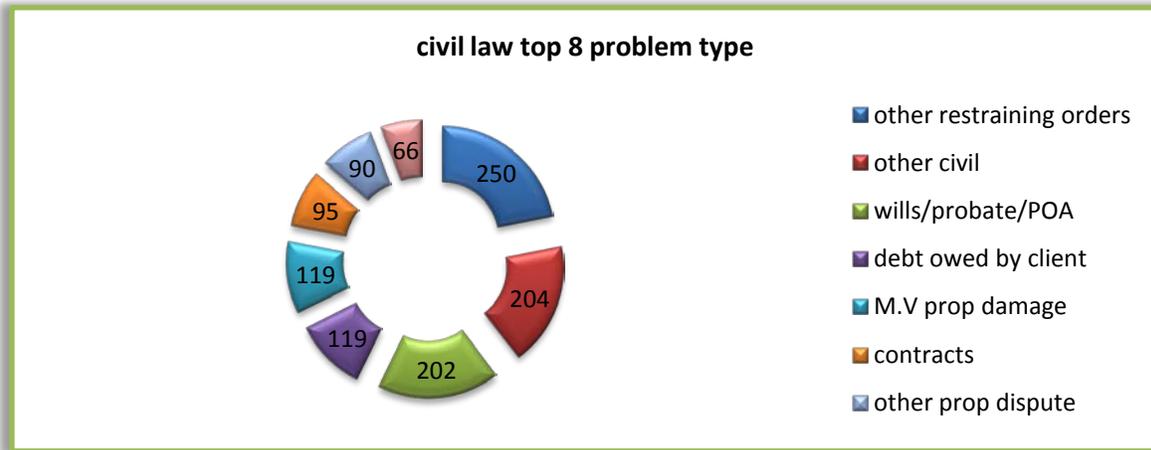
The criminal legal team in Joondalup have worked out of Joondalup, Perth, Fremantle and Midland courts during the year and in many cases have had successful outcomes for their clients and in several cases have had costs awarded.

These clients are really disadvantaged as they are often excluded from receiving legal assistance due to the nature of the charge. The criminal law area has proved to be a successful training ground for our new graduates.

Criminal law and mental health have become an important part of our work and further work in this area will be on our agenda for next year.

## Civil Law

The graph below lists the top 8 problems clients requested advice on during the year. Contracts, debt owed to, restraining orders, motor vehicle and other civil sought advice through the generalist program whereas property disputes and wills/probate are statistics pertaining to the Older People's Rights Service.

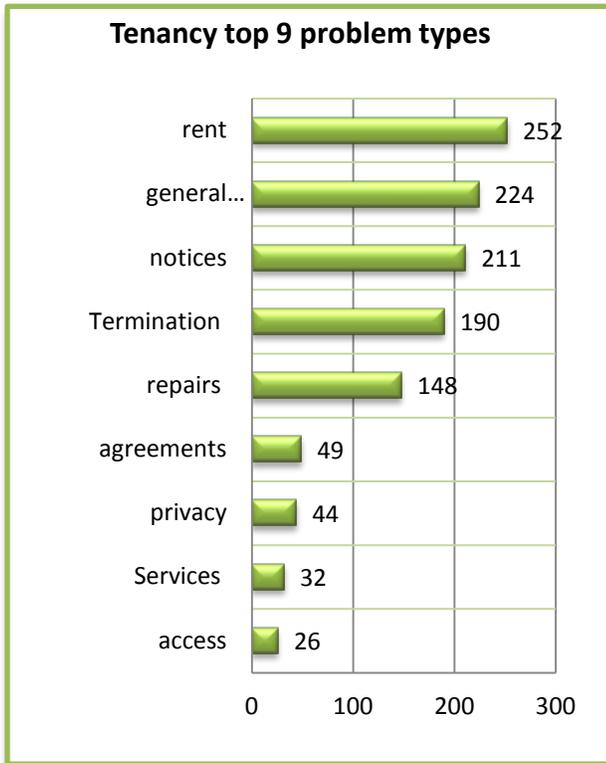


Motor vehicle accidents (property damage) and the failure to obtain third party or comprehensive insurance remain high in the percentages of advice sought whilst Debts owed by clients maintains a steady level.

Advice on Restraining orders (Violence and Misconduct) is growing area in our advice bureaus with most lawyers now practicing in this area. NSCLC advises applicants and defendants. Many Violence Restraining order matters are linked to Family Law.

## TENANCY SERVICES

The NSCLC is part of a network of tenancy services operating throughout Western Australia and funded by the Dept for Commerce. We manage two local services units – Central North and Upper North operating out of the Mirrabooka office and Joondalup offices respectively.



During the period 397 clients were given legal advice and information.

1 client was <18 years of age, 118 were 18-34 years of age, 158 were 35-49 years of age,

68 were 50-64 years of age and 20 were over 65 years of age.

110 were single parents with dependent children whilst 136 were couples with dependent children.

59 had low English proficiency and 26 were Aboriginal or Torres Strait Islander. 57 clients presented with a disability.

A high percentage of clients were born overseas and were humanitarian or refugee entrants.

There were 238 “cases opened” during the period a further increase on last year’s figures. 194 of the cases were minor (0-5hrs) 28 medium cases (6-20hrs) and 2 major cases (20plus hours).

Note: “Cases opened” are cases opened from 1 July – there are also cases open and carried over from the previous year.

39 education and non casework projects were conducted during the period with 459 attendees at information sessions.

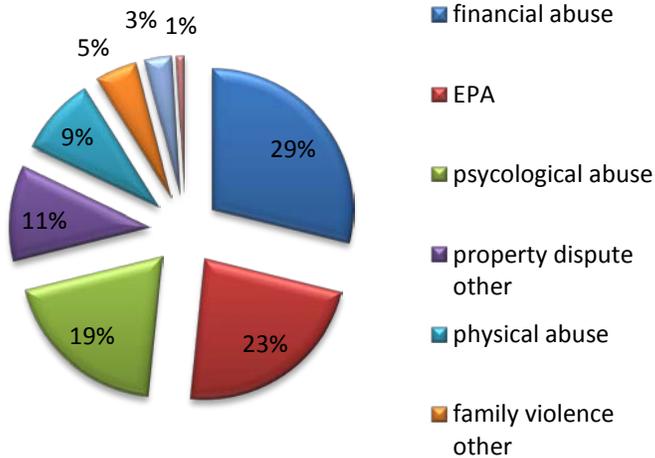
Termination, rental affordability, bonds termination and repairs were major issues during the year. Clients seeking public housing were frustrated by the long term wait on both the Priority and Wait turn Public Housing lists.

During the year the organisation committed itself continue on the HACaLD committee, local community based organisations involved in seeking housing and other support services for clients from diverse backgrounds.

We have also been made aware that new penalties for Public Housing tenants who breach the behavior policies set down by the Dept of Housing will be introduced.

# OLDER PEOPLE'S RIGHTS SERVICE

## OPRS problem type



### Client Activities - OPRS

No of Clients	121
New	.87
Repeat	17
Existing	17
Advice	.264
Case Open	.93
Minor 0-5 hrs	.47
Medium 6-20 hrs	.20
Major 20+	16
Primary Dispute Resolution	39

This year The Older People's Rights Service dealt with 121 clients of cases of Elder Abuse with the overwhelming majority consisting of financial/property related abuses. Of these cases an estimated 70% - 80% involve Family Agreements and in many situations we have witnessed older people losing their family home and/or life savings. Of the remaining 20 - 30% percent of our Elder Abuse cases, the majority generally involve Enduring Powers of Attorney (EPAs) or more accurately - *the misuse of EPAs*. In some cases we have facilitated criminal proceedings with the Major Fraud Squad resulting in convictions of perpetrators of Elder Abuse with orders for restitution being awarded to the victim.

### Non Case Work Projects

Total projects	11
Minor	11
Medium	0
Major	0
Projects still open	3
Law Reform Projects	0
Minor	0
Medium	0

In essence our cases highlight the financial nature of Elder Abuse, which generally mirrors the stats around the globe, namely that Elder Abuse is abuse of a predominately financial nature and one that is most often committed by a family member.



## Community Development Education and Law Reform Unit

### **INTRODUCTION**

NSCLC commenced its Community Education Program (CEP) back in 2009 and has since escalated implementation and further refined our services to the community and relative stakeholders. Our CEP services have been focused on the specialised delivery of legal education workshops targeting at-risk segments of the community; namely CaLD groups (including newly arrived migrants and humanitarian visa holders) and other non English speaking communities.

The background to the CEP stems from issues we identified including the fact that the WA Police have advised us that Mirrabooka today is recognised as the most ethnically diverse suburb in Australia having surpassed Cabramatta, NSW in this regard. Further, NSCLC's physical location puts our legal centre in the centre of the migrant/refugee/CALD population.

It is noted that a significant segment of our local population are from Africa, Middle East and Asia with these ethnic groups thus making up a large portion of Mirrabookas new immigrants. One feature of these groups are that many of them have spent significant parts of their lives in refugee camps and have had little if any formal education which impacts upon their ability to integrate into our ever increasing modern society. It is noted that similar disadvantages face our own indigenous citizens.

Accordingly, it is these groups that we have targeted and the primary recipient stakeholders or partners of our CEP services have been TAFE's that deliver the Australian government's Adult Migrant Education Program (AMEP) and other settlement grant agencies such as Edmund Rice Centre and Mercycare (whose clients are specifically CaLD migrants and humanitarian visa holders). Many of the NGOs are contracted through the Department of Immigration and Citizenship.

In consultation with our lawyers and advocates and other relevant NGO's in the Mirrabooka area we had identified four key areas of which we then specifically developed educational workshops as preventative legal education. These areas/topics are as follows:

1. Finance and Consumer Issues
2. Family Relationships and the Law
3. Residential Tenancy Issues
4. Driving in WA: Getting a Licence and other Common Driving Issues

These educational workshops are tailored for non English speakers and involve role play and interactive techniques in educational delivery. The response has been positive with settlement grant agencies further requesting our services.

It should be noted that 23 CEP sessions below have been delivered specifically to seniors and that this topic falls outside of the CaLD (newly arrived migrant and humanitarian visa) target group. However, as this program is within our program the stats are also included.

The following chart below outlines our CEP program for the timeframe of this annual report (01 July 2010 – 30 June 2011).

**76 CEP sessions in total.**

- |                                    |             |             |
|------------------------------------|-------------|-------------|
| • Family Relationships and the Law | 17 sessions | 228 persons |
| • Finance and Consumer Issues      | 22 sessions | 319 persons |
| • Residential Tenancy              | 5 sessions  | 82 persons  |
| • Driving in Western Australia     | 7 sessions  | 111 persons |

***Misc Topics***

- |                     |           |            |
|---------------------|-----------|------------|
| • Wills and Estates | 1 session | 14 persons |
| • Internet Scams    | 1 session | 16 persons |

**Elder Abuse**

- |               |             |             |
|---------------|-------------|-------------|
| • Elder Abuse | 23 sessions | 876 persons |
|---------------|-------------|-------------|

GRAND TOTAL: 76 Sessions totaling an estimate 1,646 Persons

## Publications

### Driving in Western Australia:

#### ***Booklet***

In addition to delivery of our CEP sessions “Driving in Western Australia” NSCLC completed an accompanying educational driving booklet (by the same name) which was officially launched at our last AGM. Initially 5000 copies of the booklet were produced and many NGOs and settlement grant services have since utilized them. The booklet was designed as both a teaching aid and a booklet for individual persons. For example Cyril Jackson High School and the Department of Corrective Services, Driver Educational Services have utilised the booklet as part of their driver education services.



## *DVD/Video on “Driving in Western Australia”*

At the time of this Annual Report the DVD will have been completed and officially launched. This DVD video project received funding from the Office of Multicultural Interests and was produced in association with the Department of Transport and the Western Australian Police. The DVD is proposed to be a 42 minute video two part video, with Part 1 describing the 6 stages to getting your driver’s licence and Part 2 which describes 18 common issues with driving in Western Australia. .

## **Law Reform**

Law reform is ongoing at the Northern Suburbs CLC and is not always recognised as such.

During 2010/11 we continued work with the Housing and Crisis CaLD committee seeking to reduce the gap in housing options for people from CaLD and Indigenous backgrounds.

This is important ongoing work that has resulted in a number of publications.

Submissions to the Corruption and Crime Commission were made during the year on issues alerted to us by our clients.

## **Case Studies**

### **Assault Occasioning Bodily Harm and Violence Restraining Order**

The client came from a poor part of Somalia. With her husband, she and her five kids came to us through a referral from the Edmund Rice Centre in Mirrabooka.

She was initially facing a VRO as a result of an assault with an acquaintance in the Somali Community. It seemed from the evidence initially that our client was aggressively pursuing the OP, a claim our client denied through her interpreter. She indicated that there were many social factors involved about which the police were unaware or unwilling to explore.

The other party, according to our client, was from a higher “caste” and the OP had lent her family money and been involved in borrowing through a Community Bank. That “bank” operates informally within the Somali community. This was not disclosed by the OP to the police. In fact, the OP claimed not to have known our client at all, except through distant contacts in the Somali community and the occasional meeting at or near the Mosque.

When our client challenged the OP on an issue concerning domestic matters within the community, the OP indicated that our client was of a lower caste and should not challenge the authority of the Somali families who have been in Australia much longer. The OP indicated that she could have our client deported at any time. The OP speaks perfect English, has assimilated with Australian culture and is well educated. The police took the

word of the OP at *face value* and did very little investigation of the above matters in spite of our centre's encouraging them to do so.

The essence of the charges is that matters got worse and worse until one day when our client went to visit the OP at her home. On that day, she witnessed something occur between the OP and her husband and as a result, the OP became very angry that our client saw this happen. (The allegation is that the OP was not telling her husband the truth about a matter.)

The OP drove our client home and once at our client's home a fight ensued and our client was charged an assault occasioning bodily harm. The OP received a very large subdural haematoma to her forehead which look very serious initially. Several of the OPs family arrived at our client's home following the fight and they all gave police similar statements that our client was irrational and violent and that she had initiated the fight because she was mentally unstable.

In spite of the OP and her family throwing large rocks through our client's windows in her home narrowly missing small children, no charges were laid against the OP or her family. The police case seemed very biased against our client in terms of the level of investigation that occurred. Our client could not tell her story with the same level of detail because of the translation problems.

We tried to negotiate with police following the charges, but the detectives were adamant they wanted to go ahead and were determined NOT to investigate the matter any further.

At trial it was highlighted by our lawyers that very little police forensic effort took place at the scene. During cross examination it became apparent that police made almost no effort to consider our client's statements.

After a two day trial with strikingly contrasting evidence from both sides, our client was acquitted and the centre received \$8,000 dollars in costs.

### **Why this case matters:**

This was an important case because it highlighted for the larger community generally and the Somali community specifically that unlike other jurisdictions, access to money, education and social status are not what determine justice. Our client told our lawyers that she was glad to be in Australia because she had a chance to escape that feeling that she was less than others because of her appearance or her wealth or her social standing.

It was, in our view, why Legal centres like ours exist. We assist the most vulnerable clients and Ms. H most certainly met the criteria of those who most need our assistance. In a famous quote mocking the law, Anatole France said that the *majestic egalitarianism* of the law prohibits both rich and poor alike from sleeping under bridges and begging for food. We believe that cases like this, and centres like ours, give lie to Frances' words.

## **Residential Tenancy and Violence Restraining Order**

The client (a tenant) comes from Kenya. He consulted us in relation to two matters, namely tenancy issues and a Violence Restraining Order matter.

The Landlord went to the rental property in April 2011 without notice to do an inspection. While there he abused the client and his wife and called them bush people. He told them that he wanted them out of the house. He then alleged that the client assaulted him. The client denied the allegations of assault. As the situation was getting out of hand, the Police were called (by both parties).

A few days later The Landlord filed a Form 12 Application in the Residential Tenancy Court seeking an order for immediate eviction. The client sought advice in relation to the Form 12 and was advised to defend the matter on the grounds that the Landlord had not given proper notice. This Application was subsequently struck out by the RTA.

Approximately 6 weeks later the Landlord filed a Form 1C in the RTA seeking an order that the client vacate the rental property in 60 days. Two days later he applied for and was granted an Interim VRO. One day after the VRO application, he filed another Form 12 seeking immediate eviction.

The client objected to the VRO but mistakenly put down the wrong address for service on the Notice of Objection (he had just voluntarily moved out of the rental property into a new house and he got the street numbers mixed up). Accordingly, the client did not attend at the mention hearing for the VRO and the interim order was made final.

We decided to represent the client and applied for the final order to be set aside and the matter be listed for a Trial. This application was successful.

At the Trial, we argued that the Court could not be satisfied that there were grounds for making a VRO. We further argued that the Landlords application was vexatious and frivolous and an abuse of process. The Court dismissed the VRO Application. It found that the Application was vexatious and frivolous and made an order for costs in our favour in the sum of \$1,500.