

CLSD e-update

November 2012

CLSD PROGRAM UNIT NEWS

CLSD Evaluation – Final Report released

The independent evaluation was undertaken by Penny Ryan and Kitty Ray, Social Policy & Evaluation Consultants. The Evaluation sought to assess the effectiveness of the CLSD model and to provide recommendations as to how the program could best continue to develop.

The evaluation focused on assessing the engagement of regional partners, program management and perceptions of the benefits of the CLSD Program's activities. The Report is available on the Legal Aid NSW website at <http://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/cooperative-legal-services-delivery-clsd-program>

The Recommendations will be implemented subject to funding availability.

They have a Plan!

Our new CLSD partnerships on the Mid-North Coast are going well. Kempsey/Nambucca recently held their first Strategic Planning day in October and have hit the ground running with project ideas including community legal education targeting young people, housing & mental health forums and workshops targeting priority client groups including Aboriginal people and people with disabilities. Taree/Forster will do their planning in March 2013.

What does CLSD do with all that information from regional meetings?

The CLSD Program Unit at Legal Aid NSW regularly reports to the NSW Legal Assistance Forum (NLAFF) on identified legal needs, emerging legal needs and systemic issues raised by our CLSD partners across NSW. Some of these issues are taken up by the NLAFF Working Groups.

The most recent CLSD Report to NLAFF noted the following as systemic issues:

- Identity documents and Birth Certificates in Aboriginal communities
- Traffic offences/licensing/fines – noting harsh sentencing regimes for some traffic offenders in some communities and effect of Habitual Traffic Offender declarations, and very fines debt in areas of high socio-economic disadvantage
- Utility debt: high and rising
- Need for more financial counselling services
- Mental health
- Policing
- Housing

For information on the work of NLAFF, see <http://www.nlaf.org.au/>

Consumer law issues affecting Aboriginal people

The CLSD Program is involved in a new practice area at Legal Aid, called the '*Community of Practice on Aboriginal consumer law*' or 'CoPICL'. CoPICL will look at issues around rogue traders/poor consumer practices targeting Aboriginal communities. CoPICL recently convened a roundtable meeting with government regulators - the Australian Securities and Investment Commission (ASIC) and NSW Office of Fair Trading (OFT) to discuss collaboration. The regulators are currently working on a National Indigenous Consumer Strategy which has

prioritised housing, trading practices and consumer literacy. The trading practices of concern include door-to-door sales, debt collection, book-up and marketing.

If you would like any information on these areas, please contact Jenny Lovric at the CLSD Program Unit on jenny.lovric@legalaid.nsw.gov.au.

CLSD PROJECTS

Current workshops run through CLSD

- Kempsey/Nambucca CLSD Planning Day (October).
- Workshops on Wills, Powers of Attorney and Enduring Guardianship for Aboriginal people in Albury (September).
- Mental Health Training for community workers in Bermagui and Bega (November).
- Workshops on Wills, Powers of Attorney and Enduring Guardianship for parents and carers of persons with impaired capacity in Albury (November).
- "Electricity & Water: Helping your clients stay connected" workshop run by the Public Interest Advocacy Centre (PIAC) in Broken Hill (November).

New publications produced by the CLSD Program Unit

The CLSD Program Unit has produced series of flyers in 14 languages on domestic violence and spouse visas. The message of the flyers is "you can complain about the violence and not get sent home."

Advice about your visa if you've been hurt or harmed by your partner

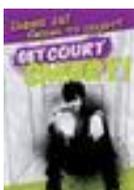


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Available in 14 languages. To order contact publications@legalaid.nsw.gov.au or visit www.legalaid.nsw.gov.au/publications

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Get CourtSmart is a pocket-size booklet on the children's court, sentencing and related topics – and complements the popular *Get StreetSmart*.



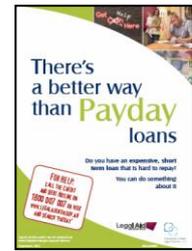
The DV flyers and **Get CourtSmart** (and all our publications) can be viewed, downloaded or ordered online (Free!) at: <http://www.legalaid.nsw.gov.au/publications>. If you have any questions regarding your order or require further assistance please email publications@legalaid.nsw.gov.au

LEGAL AID NSW NEWS AND RESOURCES

Payday Lending Project

The payday lending project is a 12 month project Legal Aid NSW are running in conjunction with the Consumer Credit Legal Centre. The project has four key objectives:

1. Achieve excellent outcomes for more clients with payday loans
2. Eliminate exploitative practices in the payday lending industry, with a particular focus on responsible lending conduct
3. Raise awareness about the problems with payday loans and promote their alternatives
4. Improve consumer protection laws for short term high interest credit



The project will do a lot of work raising awareness about payday lending among financial counsellors and community workers, developing resources to assist you with your matters and making complaints to the Dispute Resolution bodies and ASIC.

Legal Aid NSW has produced resources to raise the profile of the project that can be ordered from Legal Aid NSW [publications](#) or download them from the payday lending [web page](#). The publications aim to promote our two key messages:

- If you have a payday loan get help with it
- If you are thinking about getting a loan there is a better way

For more information on the project, go to <http://www.legalaid.nsw.gov.au/what-we-do/civil-law/payday-lending-project>

Applying for Legal Aid – questions and guide

People may ask you what is required to get legal aid. For information, go to the Legal Aid NSW website at <http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid>

Legal Aid NSW have also produced a **Guide to filling out the Legal Aid application form**, with a series of FAQs that focus on questions that people have difficulty with such as financially assisted persons and also has specific guidance on what to put in Q20 for different types of legal problems.

<http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid/legal-aid-application-form/guide-to-filling-out-the-legal-aid-application-form>

SECTOR NEWS & REPORTS

Justice Reinvestment Inquiry

The Legal and Constitutional Affairs Committee will investigate growing imprisonment rates and the benefits of implementing a Justice Reinvestment approach. The Committee is due to Report by 16 May 2013.

The Inquiry is being asked to inquire into the value of a justice reinvestment approach to criminal justice in Australia, with particular reference to:

- a) the drivers behind the past 30 years of growth in the Australian imprisonment rate;
- b) the economic and social costs of imprisonment;
- c) the over-representation of disadvantaged groups within Australian prisons, including Aboriginal and Torres Strait Islander peoples and people experiencing mental ill-health, cognitive disability and hearing loss;
- d) the cost, availability and effectiveness of alternatives to imprisonment, including prevention, early intervention, diversionary and rehabilitation measures;
- e) the methodology and objectives of justice reinvestment;
- f) the benefits of, and challenges to, implementing a justice reinvestment approach in Australia;
- g) the collection, availability and sharing of data necessary to implement a justice reinvestment approach;
- h) the implementation and effectiveness of justice reinvestment in other countries, including the United States of America;

- i) the scope for federal government action which would encourage the adoption of justice reinvestment policies by state and territory governments; and
- j) any other related matters.

In NSW, the Justice Reinvestment Campaign for Aboriginal young people has been agitating for a new approach to incarceration for some time. The aim of the Campaign is to shift spending that has been allocated for prisons towards community-based programs and services that address the factors that contribute to criminal behaviour in young people.

You can follow what is going on here with the campaign at <http://justicereinvestmentnow.net.au/>

The CLSD Program Unit will keep you posted on Justice Reinvestment news on the CLSD newsletter – and you can join up to receive newsletters from the NSW Campaign at <http://justicereinvestmentnow.net.au/the-campaign/>

Law & Justice Foundation of NSW – LAW Surveys

The LAW Survey is the most comprehensive quantitative assessment of legal needs ever conducted in Australia. It interviewed 20,716 people across all states and territories, including 4,113 in NSW, about the legal problems they experience, the actions they take, where they go for advice and the outcomes they achieve. It measures not only how many people resolve their legal problems but also how many people fail to do so. Additionally, it provides evidence of the disadvantaged groups that are particularly vulnerable to legal problems. This report was produced as part of the Law and Justice Foundation of NSW's Access to Justice and Legal Needs research program. This national research was made possible with the substantial funding support of National Legal Aid. For more information visit www.lawfoundation.net.au/research

Key points of interest from the findings for NSW:

- The LAW Survey reports that legal problems are widespread. Half of all NSW respondents reported experiencing a legal problem in the 12 months prior to interview, with 23% experiencing three or more legal problems.
- Based on these findings the LAW Survey estimates 2,825,000 people in NSW experience a legal problem in a 12-month period, including 1,292,000 experiencing three or more legal problems.
- The most common legal problems reported included consumer (21% of respondents), crime (14%), housing (13%) and government (11%) problems.
- Importantly, the LAW Survey shows that some people are particularly vulnerable to legal problems—66% of legal problems were experienced by only 9% of respondents and 87% of problems were experienced by 23% of respondents.
- People with a disability and single parents were more than twice as likely to experience legal problems. The unemployed and people living in disadvantaged housing also had heightened vulnerability.
- More than one-quarter of the NSW population experience a substantial legal problem each year. Financial strain was associated with 29% of problems, stress-related illness with 21%, physical ill health with 20%, relationship breakdown with 10% and having to move home with 6%. Legal problems related to family issues had the most adverse consequences.
- The LAW Survey highlights how people in NSW respond to their legal problems—while they sought advice for 50% of their legal problems, they handled 30% without advice and took no action for 19%. Although taking no action appeared to be appropriate in some cases, reasons for doing nothing were often related to stress (30%), cost (28%) or not knowing what to do (21%).
- Despite the high level of legal need in the community, and among various disadvantaged groups in particular, the LAW Survey revealed there is no 'rush to law'—most people resolve or attempt to resolve their legal problems without using lawyers or the formal justice system.
- Respondents consulted a wide variety of non-legal professionals to try to resolve their problems as well as friends and family. A legal professional was used for only a minority of problems—16% of all legal problems.
- Legal problems were only rarely finalised via formal legal proceedings in a court or tribunal (3%) or via formal dispute resolution or complaint-handling processes (3%).
- Taking no action to resolve legal problems was more prevalent among some disadvantaged groups including people with a non-English main language and people with low education levels.

- People taking no action achieved the poorest outcomes.

A holistic approach to justice

The LAW Survey shows there is considerable diversity in how people experience, handle and try to resolve legal problems. Some people experience many legal problems while others are more resilient. Some know what steps to take to address these problems, while others require considerable guidance and assistance.

Importantly, the survey demonstrates that access to justice for disadvantaged people must remain a priority.

The research concludes that no single strategy will successfully achieve justice for all people. It calls for a 'holistic' approach to justice, comprising multiple, integrated strategies, to cater for the different needs within the community, and suggests tailored, targeted intensive assistance for people with complex legal and non-legal needs.

To see the full report, go to

<http://www.lawfoundation.net.au/ljf/app/EDD640771EA15390CA257A9A001F7D08.html>

Indigenous Young People in the Juvenile Justice System

A new report released on 20 November from the Australian Institute of Health and Welfare has found that Indigenous young people are over-represented in the juvenile justice system, particularly in the most serious processes. Although only about 5% of young Australians are Indigenous, in 2010-11, almost 2 in 5 (39%) of those under juvenile justice supervision on an average day were Indigenous. There were 2,820 Indigenous young people under supervision in Australia on an average day and 5,195 under supervision at some time during the year.

Indigenous young people aged 10-17 were 4-6 times as likely as non-Indigenous young people to be proceeded against by police during 2010-11 and 8-11 times as likely to be proven guilty in the Children's Court (among the states and territories with available data). At a national level, they were, on average, 14 times as likely to be under community-based supervision during the year and 18 times as likely to be in detention.

Among the cohorts of young people for whom a complete juvenile justice supervision history is available (those born between 1990-91 and 1992-93), 14-16% of Indigenous young people experienced supervision at some time when they were aged 10-17, compared with just over 1% of non-Indigenous young people born in each year.

Indigenous young people aged 10-17 who were proceeded against by police (in the states and territories with available data) were more likely than non-Indigenous young people to be in the youngest age groups (age 10-12). In addition, the majority (58%) of Indigenous young people under supervision in 2010-11 had first entered supervision when they were aged 10-14, compared with less than one-third (32%) of non-Indigenous young people (excluding Western Australia and the Northern Territory, as standard data were not provided).

In 2010-11, Indigenous young people tended to complete slightly shorter periods of supervision than non-Indigenous young people (median duration 62 days compared with 68; excluding Western Australia and the Northern Territory as standard data were not provided). However, they completed more periods during the year, on average, and spent just over 3 weeks longer (200 days compared with 178) under supervision during the year.

In the 5 years to 2010-11, there was a slight drop in the level of Indigenous over-representation in supervision, as shown by the rate ratio. Indigenous young people were 15 times as likely as non-Indigenous young people to be under supervision on an average day in 2010-11, down from 16 times as likely in 2006-07. The largest decrease in over-representation was in detention, where the rate ratio dropped from 28 to 24 over the period.

For the full report – go to <http://www.aihw.gov.au/publication-detail/?id=60129542246>

Centrepay Review

The Federal Minister for Human Services, Senator Kim Carr, has announced an independent review into Centrepay. This follows the release of a Report by Financial Counselling Australia (FCA) titled "Centrepay: A good idea that has lost its way". The report called for a review of Centrepay to identify its core purpose and to assess the criteria and assessment processes for granting business access to the system.

“Centrepay was set up to help Centrelink recipients budget for essential costs, such as rent and utilities,” said Fiona Guthrie, Executive Director of FCA. “At the request of a Centrelink recipient, a regular amount is deducted from their benefit to pay bills, with Centrepay crediting this money directly to the relevant business and deducting an administration fee. “

“It’s a great service which currently helps more than half a million Australians manage and prioritise their money. Financial counsellors strongly support the principles underpinning Centrepay. We do, however, have very serious concerns about the way in which Centrepay operates in practice.”

The concerns identified in the report involve predatory or unfair behaviour of some businesses, where some consumers are being harmed rather than helped by Centrepay. Some of these concerns include:

- Access to Centrepay by rental and lease companies. These contracts end up costing consumers at least two to three times the retail cost of the goods. Many consumers would have been better off accessing a community-based No Interest Loan;
- Unconscionable selling practices by some companies, including targeting vulnerable Indigenous consumers, selling door-to-door (in breach of Centrepay contracts that prohibit this form of sale). There are cases where goods sold in this way would cost consumers more than eight times the retail price;
- Consumers continuing to pay for goods after the contract term has ended;
- Limited checks and balances about the affordability of Centrepay deductions, with individuals able to allocate up to 100% of benefits to Centrepay;
- The ability of Centrepay to adequately monitor and enforce compliance of businesses using the system.

To see the Report '*Centrepay: A good idea that has lost its way*', go to <http://www.financialcounselingaustralia.org.au/Corporate/Publications/Reports>

To read a related article on Centrepay and how an unscrupulous trader has been abusing the Centrepay facility, see article '*Centrepay's Integrity in the Spotlight*' at <http://www.milduraweekly.com.au/2012/11/16/centrepay-integrity-in-the-spotlight/>

Human Rights and Anti-Discrimination Bill – exposure draft released

The Federal Government has released its exposure draft of the *Human Rights and Anti-Discrimination Draft Bill 2012* for public consultation. The Draft Bill is intended to replace the five separate pieces of Federal legislation which currently regulate anti-discrimination law in Australia.

If the Draft Bill becomes law, discrimination, sexual harassment, racial vilification and victimisation will continue to be unlawful and complaints will continue to be dealt with by the Australian Human Rights Commission (AHRC) in the first instance. Complaints that are not resolved by the AHRC will continue to be heard by the Federal Court or the Federal Magistrate’s Court if the complainant elects to proceed.

The Draft Bill contains a number of significant differences when compared to the current regime, including:

- A single test for discrimination will apply with respect to all grounds of discrimination (for example, race, age, gender etc) in order to simplify the law. This test focuses on unfavourable treatment rather than less favourable treatment, making it broader than the current test
- New grounds of discrimination will be introduced to reflect State anti-discrimination law and to harmonise with protections contained in the Fair Work Act. These will include protections against discrimination on the grounds of sexual orientation, gender identity and the extension of marital status to include same sex relationships
- A ‘streamlined approach’ to what will amount to an exception from unlawful conduct will be introduced. There will be a new defence to discrimination based on ‘justifiable conduct’ taken in good faith for a legitimate aim, which is intended to be developed through case law. In addition, a common exception will apply to all grounds of discrimination based on the inherent requirements of the job
- New measures will be introduced to assist businesses comply with their obligations under the proposed legislation. Importantly, businesses will be able to invite the AHRC to audit their practices and policies for a fee. The AHRC will provide a report and a court may have regard to that report

where appropriate when considering discrimination complaints. It is also intended that compliance codes and industry codes will be introduced. A compliance code will be a legislative instrument and steps or measures taken in accordance with a code will not be unlawful

- The complaints process is to be streamlined and simplified. This will include giving the AHRC increased scope to dismiss unmeritorious claims.
- There will be a shifting burden of proof so that the complainant bears the onus of establishing the alleged discriminatory facts and once that burden is discharged, the conduct will be presumed to be unlawful unless the respondent proves otherwise.
- A new rule will be introduced requiring that each party to litigation must bear their own costs unless the Court orders otherwise in the interests of justice
- Courts hearing discrimination complaints based on any of the recognised grounds of discrimination will have a broad range of remedies available to it, including awarding damages, ordering reinstatement and/or ordering a respondent to do any reasonable act or engage in a course of conduct aimed at ensuring that the respondent does not engage in the same or similar unlawful conduct.

Source: Gilbert + Tobin <http://www.gtlaw.com.au/category/publications/employment/>

Aboriginal driving offences – longer jail sentences?

According to research undertaken by the Aboriginal Legal Service ACT/NSW Ltd (the ALS), Aboriginal offenders convicted of driving while disqualified in remote and regional NSW are being sentenced to jail at three times the state average. That assessment is based on an analysis of 264 cases involving Aboriginal clients charged with driving while disqualified who had been sentenced between 2006 and 2012.

The exercise revealed 46 per cent had been given prison sentences. That figure rose to 60 per cent when suspended sentences were taken into account. The [study](#), which included all matters in which the ALS has acted in Dubbo and NSW circuit courts since 2006, showed that not only were jail sentences for indigenous people handed out more often, but they were also for longer than the state average.

To see the ALS Report, go to http://www.alsnswact.org.au/news_items/62

Millions of dollars waiting to be found

The Australian Securities & Investment Commission (ASIC) has launched a national campaign to help re-unite Australians with their lost money. ASIC's database of unclaimed money has risen to a record \$677 million, an increase of more than \$40 million from 2011.

Last year Australians recovered \$56 million. This year 33,022 parcels of money have been added to the database and are awaiting collection. There are parcels of unclaimed money waiting to be recovered in all regions of Australia including \$992,750 from a dormant bank account in Carlisle, WA, \$195,268 from a deregistered company in Gilston, QLD and \$286,165 from a matured life insurance policy in Camberwell, VIC.

ASIC Commissioner, Peter Kell says, 'You might not know it yet, but you could have thousands of dollars sitting in an old bank account, shares, or a life insurance policy.'

Go to ASIC's [MoneySmart](#) website to find out. Click on the link to [unclaimed money](#) and type in your name. You can even search for family and friends. It's quick, easy and free. We encourage you to share it on Facebook and Twitter using the hashtag #findmoney. There are huge amounts waiting to be claimed.

You may have unclaimed money if you:

- moved without leaving a forwarding address;
- haven't made a transaction on your cheque or savings account for over seven years;
- stopped making payments on a life insurance policy;
- have noticed that regular dividend or interest cheques have stopped coming; or
- were executor of a deceased estate.

Log onto ASIC's free online database at www.moneysmart.gov.au, follow the link to unclaimed money, and type in your name.



Ask LOIS

Ask LOIS is a secure website providing a free legal online information service for community workers in New South Wales, who are rural and regionally based, and are responding to women with legal needs.

Ask LOIS provides community workers with free online training on legal issues such as domestic violence, apprehended violence orders, family law, child protection, victims compensation and much more. Ask LOIS also provides community workers with access to resources, case studies, discussion forums and links to domestic violence services in NSW.

Ask LOIS is an initiative of Women's Legal Services NSW. For more information, and to join up go to <http://www.asklois.org.au/>



CUT OFF III examines power disconnections

The Public Interest Advocacy Centre (PIAC) has commissioned the third instalment of its research into people's experiences of being disconnected from electricity, gas and water in NSW. Cut Off III will examine the ways people become disconnected, the social impact of this disconnection, and how people manage to reconnect to utilities.

Over 18,000 homes were disconnected from electricity in 2010/11. This trend is expected to continue following a recent 18% increase in electricity prices. PIAC has commissioned an independent research company, Urbis, to collect data for the study.

From 1 October 2012, major utility providers will distribute 4800 surveys to customers who were disconnected from utilities, or who had restricted access to utilities, during July, August and September 2012. PIAC has also partnered with several community organisations to distribute the survey to 400 clients. These organisations will also provide referrals for potential interviewees, who will be asked in more detail about the impacts and issues surrounding their disconnection.

Clients who receive the survey are encouraged to complete and return the survey by 5 November 2012. The research report will be published early in 2013. Although utility providers are assisting with survey distribution, the study is independent from these energy and water companies.

PIAC will use the research findings to advocate for better assistance for people who are struggling to remain connected to essential services.

For more information about PIAC's work in this area, see <http://www.piac.asn.au/project/disconnections>



More Power to You: Electricity and people with physical disability

A new report, released today by PIAC and the Physical Disability Council of NSW (PDCN), highlights the inequity experienced by people with disability when it comes to electricity use and pricing.

[More Power To You: electricity and people with physical disability](#) finds that people with physical disability face four layers of disadvantage:

- Low incomes mean people with disability struggle to afford electricity
- Disability brings additional general costs associated with wheelchairs and medicine
- Disability brings additional energy costs associated with heating, cooling, mobility, communication and life-saving equipment
- Disability can inhibit people's capacity to adopt energy efficiency measures.

'There are approximately 1.1 million people in NSW with physical disability and a substantial number of these people use electrical aids and equipment to assist with mobility, communication, breathing and life support,' said the report's author, Carolyn Hodge.

Ms Hodge, who is the Senior Policy Officer at PIAC's Energy & Water Consumers' Advocacy Program, said it was often impossible for people with disability to reduce their energy consumption or switch to off-peak supply because doing so would be life threatening.

'Energy efficiency measures and time-of-use pricing cannot solve the problem of rising energy prices. PIAC and PDCN have released this report to highlight the social impacts that rising electricity prices have on people with physical disability,' Ms Hodge said.

The report includes action plans to guide government and industry on ways to reduce the disadvantage that exists in our energy markets. To see the Report, go to <http://www.piac.asn.au/publication/2012/11/more-power-you>

Energy and Water Ombudsman (EWON) Report 2011-2012

Customer complaints to EWON during 2011-12 EWON increased from the previous year by 43%. Electricity remained the main subject of complaints; the majority of cases concerned retail matters. The main issues were disputed billing, affordability of bills, debt collection and credit default listing, solar feed-in tariffs, energy marketing and account transfer, and customer service. Compared with last year there was nearly a four-fold increase in referrals to suppliers that failed because the supplier either did not acknowledge the referral or did not contact the customer.

Affordability was a key underlying issue for a large proportion of the customers. The Report notes: "It was disconcerting to find there were many instances where we could assist the customer to resolve the present, acute situation in which they found themselves, but where there was clearly an underlying issue of long term affordability that suggested they would have problems managing their future bills."

The Report also notes an increase in debt collection and credit default listing issues, particularly credit default listing for small amounts – for example for less than \$300. The use of expensive 'credit repair' agents by consumers who might not know about EWON's free service presented an additional cause for concern.

EWON also notes an increase in energy marketing activity and a consequent increase in complaints to EWON about marketing practice and conduct, particularly door to door marketing, that has continued into 2011–2012. These included complaints about pressure and misleading marketing, as well as marketing to vulnerable consumers where informed consent was an issue.

The Report notes that 95% of complaints were from residential customers 4% of complaints were from small business customers 26% were from regional, rural and remote areas of NSW, 49% female, 51% male, 83% contacted EWON by phone 10% used its online form to submit their complaint.

The figures below confirm what many people in regional NSW already know: people in regional NSW are being disproportionately affected by energy issues – especially those in the Far West, Richmond-Tweed and the Mid-North Coast.

Complaints - region	2011/2012	2010/2011	% change
Central West	702	406	+73%
Far West	64	24	+167%
Hunter	2305	1727	+33%
Illawarra	1589	1077	+48%
Mid North Coast	1049	444	+136%
Murray	606	335	+81%
Murrumbidgee	366	196	+87%
North Western	357	173	+106%
Northern	474	230	+106%

Richmond-Tweed	829	319	+160%
South Eastern	730	429	+70%
Sydney Inner	6195	4588	+35%
Sydney Outer	7785	6021	+29%
Sydney Surrounds	1869	1425	+31%

The EWON Report contains other useful information about complaints from Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds. To read the full report, go to: <http://www.ewon.com.au/index.cfm/news-articles/released-ewons2011-2011-annual-report/>

Home Energy Saver Scheme (HESS)

HESS is part of the Australian Government's climate change plan, [Securing a Clean Energy Future](#) Link to external website, and was developed in the context of the expansion of the Low Carbon Communities Program. Funding for the Scheme is \$50.5 million over four years (until 2014-15) to support low-income households across Australia experiencing difficulty meeting and paying for their energy needs.

HESS is provided through community organisations around Australia and can help by offering low-income households experiencing difficulty meeting and paying for their energy needs with:

- information about easy and affordable ways to use less energy in the home
- one-on-one budgeting assistance
- information on whether you are getting the right rebates and assistance
- help to understand your energy bills and the energy market
- advice, advocacy and support
- links to other services that may be able to assist you, and
- help to access no or low interest loans to purchase energy efficient appliances.

For more information contact the HESS Helpline on 1800 007 001 or contacting a local HESS provider - see <http://www.fahcsia.gov.au/our-responsibilities/communities-and-vulnerable-people/programs-services/financial-management-program/home-energy-saver-scheme>

Tenant's Rights Manual – 4th edition now available

The new edition of the Tenants' Rights Manual answers questions such as: What can you do if your rent is going up? Who is responsible for repairs? When can you be evicted?

Practical and easy to use, the Manual explains tenants' legal rights and obligations and how to resolve problems before they become major disputes. It includes 44 sample letters for corresponding with landlords and real estate agents.

This edition has been updated for the Residential Tenancies Act 2010 including new provisions about rent arrears, sales of premises, share housing and tenant databases. It has an expanded chapter on social housing – including eligibility, rent rebates and public housing policies – and a new chapter on marginal renting – with information for boarders and lodgers on the new Australian Consumer Law.

The *Tenants' Rights Manual* is available for purchase in print from Federation Press, 02 9552 2200, www.federationpress.com.au; or on the 'Legal Books Online' website (from late November), www.legalanswers.sl.nsw.gov.au/guides.

Court decision a ringing endorsement of the Do Not Knock sticker

The Consumer Action Law Centre, creator of the *Do Not Knock* sticker and the organisation behind www.donotknock.org.au, has welcomed a Federal Court decision which found that salespeople who ignore visible Do Not Knock stickers are breaking the law and that their actions could result in fines of up to \$50,000.



The case, brought by the Australian Competition and Consumer Commission against an energy retailer and its

marketing sub-contractor, found that a salesperson that ignores a visible *Do Not Knock* sticker is breaching the provision of the Australian Consumer Law that requires salespeople to leave when requested to do so.

'This order is a ringing endorsement of the *Do Not Knock* sticker and endorsement of consumers' right to choose who knocks on their door,' said Gerard Brody, Director of Policy and Campaigns at Consumer Action.

'We created the sticker because of consumer complaints about being misled, pressured and lied to by door-to-door salespeople and we thought consumers should have the choice to opt out of this kind of marketing. And by the way the community has embraced the sticker, we know that most Australians are looking to escape pushy salespeople,' said Mr Brody.

"The sticker is a clear, unequivocal message to salespeople that they're not welcome, and it's a message that should be respected. Unfortunately, we've recently received reports that some industries were ignoring the sticker or claiming that it didn't apply to them—this decision shows that the sticker has significant legal weight and should be adhered to.'

The Federal Court case looked at the practices of Neighbourhood Energy Pty Ltd and Australian Green Credits Pty Ltd which consented to pay a total of \$1 million in penalties. Mr Brody said the outcome would act as a warning to door-to-door sellers that their actions can have significant detrimental consequences for them and the companies that engage them.

'This case removes the grey area under the Australian Consumer Law—people and companies involved in door-to-door selling can no longer claim ignorance or dispute the legal force of the sticker. It's also a timely decision because with the introduction of flexible energy tariffs and the roll out of the NBN we expect the number of door-to-door sales to increase and for deals on offer to become more complex.

'We'd encourage all Australians to get themselves a *Do Not Knock* sticker to avoid the dodgy practices of door-to-door sales. The stickers are available for free from www.donotknock.org.au and we can now say with even greater confidence that they're legally enforceable under the Australian Consumer Law,' said Mr Brody.

Source: Consumer Action Law Centre Media Release at: <http://consumeraction.org.au/media-release-landmark-federal-court-decision-a-ringing-endorsement-of-the-do-not-knock-sticker/>

For more information about the Do Not Knock campaign and how to download the sticker, go to <http://consumeraction.org.au/get-the-do-not-knock-sticker/> or www.donotknock.org.au,

NSW Civil and Administrative Tribunal (NCAT)

The NSW Attorney General, Greg Smith SC has announced a plan to simplify the state's "complex and bewildering" tribunal system.

Mr Smith said 23 of the state's tribunals will be integrated into a new overarching tribunal that will provide a simple, quick and effective process for resolving disputes, supervising occupations and reviewing executive action.

"The NSW Civil and Administrative Tribunal (NCAT) will be a one-stop shop for almost all state tribunals, ranging from relatively small bodies such as the Chinese Medicine Tribunal through to the much larger Consumer, Trader & Tenancy Tribunal," Mr Smith said. Mr Smith said the new integrated body would be divided into five specialist divisions – Consumer, Administrative and Equal Opportunity, Occupational and Regulatory, Guardianship, Victims - and staff will continue to use their specialised expertise.

Further information on NCAT including the list of Tribunals to form the foundation of NCAT, the structure and governance of NCAT and implementation and timetable is set out in the Government Response to the Standing Committee on Law and Justice Inquiry into Opportunities to consolidate tribunals in NSW on the NSW Parliament website at

[http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/d7563a349d93087dca2579c8007b50c6/\\$FILE/121029%20Government%20response%20Tribunal%20Final.pdf](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/d7563a349d93087dca2579c8007b50c6/$FILE/121029%20Government%20response%20Tribunal%20Final.pdf)

Work & Development Order (WDO) Project - contact list

The Work and Development Order (WDO) Service is a specialist service of Legal Aid NSW delivered in partnership with the Department of Attorney General and Justice the State Debt Recovery office (SDRO) and the Aboriginal Legal Service. The Service provides free legal information, advice and assistance to organisations that are interested in becoming approved organisations, health practitioners who are interested in becoming approved registered health practitioners, or clients who would like to apply to work off their fines through a WDO.

If you would like to find out more about WDOs including an organisation near you, go to <http://www.sdro.nsw.gov.au/fines/eo/wdo.php> or you can contact our team below for more information.

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