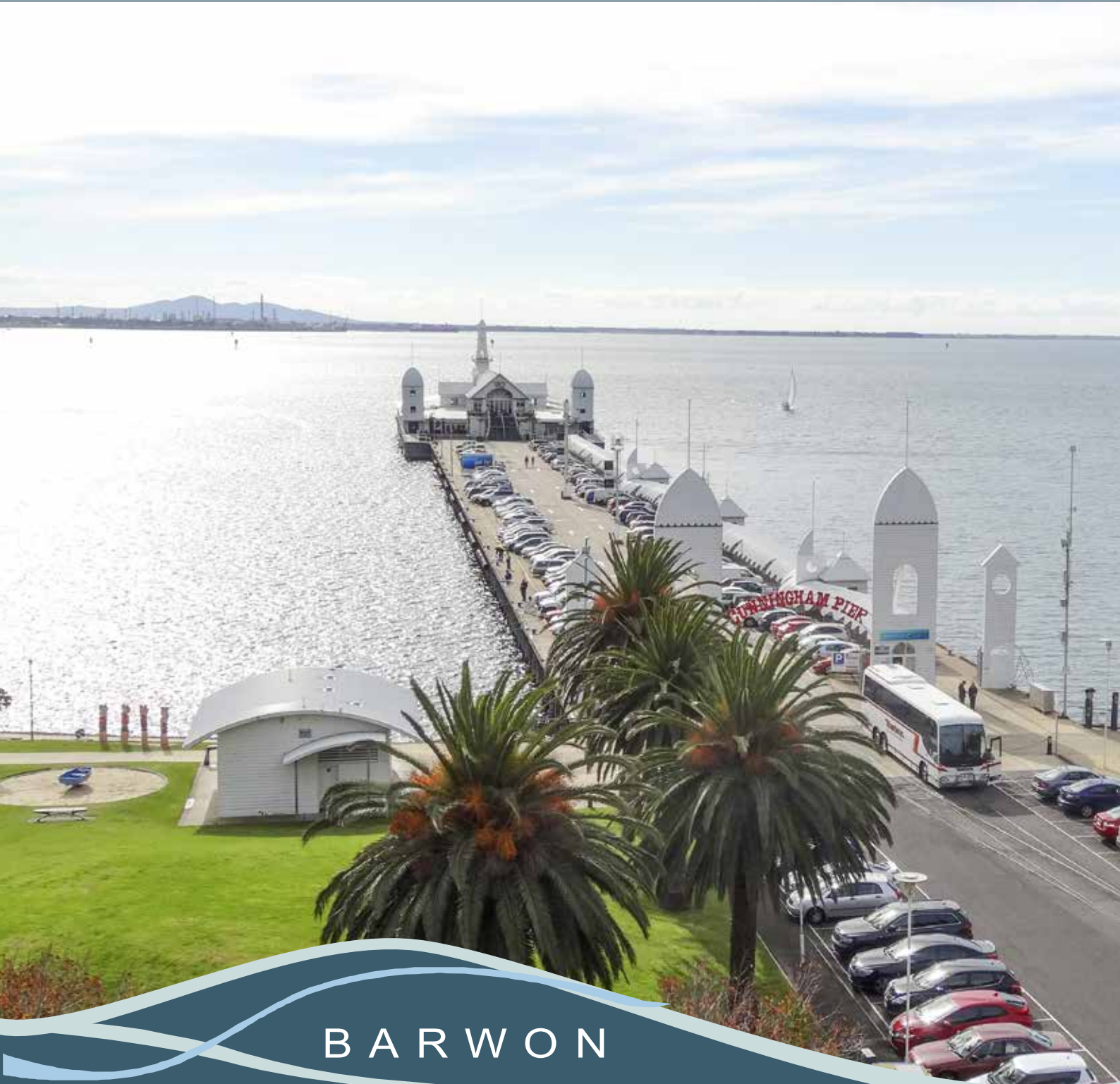


# Annual Report 2015



BARWON

COMMUNITY LEGAL SERVICE

# Acknowledgements

Barwon Centre Against Sexual Assault	Glenelg Libraries
Barwon Health	Golden Plains Shire
Barwon Health – Corio Community Health Centre	Gown Town
Barwon South West Homelessness Network	Hamilton Community House
Bethany	Harwood Andrews
Camperdown District Neighbourhood House	Homero Guerra
Central Highlands Community Legal Centre	Jon Mamonski
Centre for Rural Regional law & Justice	Justice Connect
City of Greater Geelong	Leisure Networks
Colac Area Health	Martin Ching
Crowe Horwarth	Minerva Communities Services
Deakin University	National Association of Community Legal Centres
Deakin University Student Association	Outline Print Design
Eastern Community Legal Centre	Pathways
EMC Group Geelong	Reclaim the Night Collective Geelong
Family Relationship Centre Geelong	Rotary Club of Corio Bay
Federation of Community Legal Centres (Victoria)	SalvoConnect
Fitzroy Legal Service	Staff from the fOrt
Geelong Connected Communities	Surf Coast Shire
Geelong Law Association	Victoria Legal Aid
Geelong Performing Arts Centre	Victoria Police
Geelong Regional Library Corporation	Zonta Club of Geelong

Barwon Community Legal Service (BCLS) receives funding from a range of different government and non-government sources. BCLS provides a range of services including legal advice, referral to specialist casework services, community legal education, community development and policy and law reform activities to assist members of our local community. All advice provided by BCLS is done so by qualified lawyers and our service is governed by the same regulations and professional standards as all legal practices.

BCLS acknowledges the funding gratefully received from the following sources:

	Amount	Program
Commonwealth Attorney General's Department	453,954	CLSP
	22,981	ERO Implementation
Victoria Legal Aid	435,890	CLSP
	48,105	ERO Implementation
Consumer Affairs Victoria	101,122	TAAP
Deakin University Student Association	53,800	Sort It! Legal Service for Students
Deakin University	6,600	Student Law Clinic

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## Vision

A just society in which all people have equal access to, and status under, the law; and a legal system which is humane, fair and equitable.

## Mission

To promote, protect and enhance the rights and interests of individuals, groups and organisations within the BCLS catchment region who are disadvantaged in their access to justice; and contribute to reform of laws and structural inequities to achieve humane, fair and equitable outcomes.

### Staff:

Executive Officer	Nick Hudson
Principal Lawyer	Mandi Hyland
Community Lawyers	Christian Schultink
	Elsie Stokie
	Geordie Konieczka
	Jeanette Connolly
	Lee Bolton
	Louise Thorsen
	Mikala McIntyre
	Sam Hawkins
Community Education & Development Coordinator	Jillian Chapman
Administration Workers	Charmaine Floyd
	Grace Forrest
	Liz Flynn

### Board:

Chair	Ian Warren
Deputy Chair	Tony Palmer
Secretary	Bernadette McCartney
Treasurer	McFarlane Pattinson
	Helen Bolton
	Kerry Murphy
	Kylie Schulberg

# Chairperson & Executive Officer's Report

*Tony Palmer & Nick Hudson*

This year has been challenging and rewarding for BCLS. We have continued to provide excellent legal assistance to our local community, and this year we have assisted even more clients than the previous years. We have also delivered more education sessions and law reform projects. This increased service provision has been achieved through efficiency, system improvement, increased involvement of volunteers in our service and the hard work of our team.

The demand for our services has seen an increase in requests for assistance in areas we do not cover. We have had to refer people to other providers where we have a conflict of interest or where we can't help in the timeframe needed or we don't have the capacity to assist. However in every instance we try to provide information and a referral to other organisations who can assist.

A special mention of the work of Grace and Charmaine, our front desk team, who bear the brunt of all enquiries. It has been a very busy and occasionally frantic twelve months at our reception, and you have both done a fantastic job keeping everyone calm and making appointments and referrals. This increased demand for our services is a result of improved promotion of our service and our increased involvement with other local community service organisations. The list of other local agencies in the acknowledgments section of this report gives an indication of these growing relationships.

On a broader level the year has seen a number of significant events for the community legal sector. The Productivity Commission has reinforced the value of our work, particularly in the areas of law reform and systemic advocacy, and highlighted the desperate need for additional funding to our sector. We are keen to see the Commonwealth Government act on this report and look to provide an increase in funding.

The Family Violence Royal Commission commenced and our staff prepared a strong submission as well as supporting submissions from other organisations. These submissions will inform the Commission's findings on the legal process for family violence survivors and we look forward to their report and working to implement the recommendations.

The National Partnership Agreement for Legal Assistance Services between the Commonwealth and State Governments was renegotiated for five years. After a number of years of single year extensions to our main service agreement we were pleased to receive a two-year agreement with some confirmed funding for the next five years. However there is a proposed funding cut for 2017/18. This forecast cut, if it proceeds, could see BCLS have to review its operations and will significantly impact our ability to deliver client services.

This reduction in funding when we are experiencing increases in demand for our service makes it important for us to work with other stakeholders to convince decision makers of the value of the community legal sector and to have these proposed cuts reversed.

Ideally we believe our funding should be increased so that we can meet more of the legal need in our region.

The year ahead promises to be another busy and exciting one for BCLS. The State Government has extended funding for our family violence work which will enable us to enrich the support we offer clients. We have also received a grant to deliver an innovative holistic service project where social work students on professional placement will work with our clients to identify other issues and assist them to access a broad range of services. This project is an exciting one and will deliver some great outcomes for our clients.

We are immensely proud of the work of the whole team at BCLS this year. We have continued to expand our relationships with other agencies to better support each other and our local community and the ongoing quality and richness of our education and community development program.

Finally we'd like to thank all of our team, volunteer lawyers, students and Board, without your commitment and dedication, none of this work would be possible. We look forward to working with you in the year ahead as we continue to deliver important services to our community.

# Principal Lawyer Report

*Mandi Hyland*

Barwon Community Legal Service continues to provide high quality legal advice and referral for the local residents of Barwon South West. Our legal team consists of nine lawyers, our community education and development coordinator, our great administration team and our volunteers. We could not operate to such great effect, without all of the pieces in the organisation.

We have assisted over 1,300 clients over the past twelve months, including 489 court appearances in family violence matters. Many clients returned to us for more than one legal matter or court hearing.

## What We Do

Family violence matters remain a major part of our legal work, with our office providing duty lawyers at Geelong Magistrates Court three days per week and one day per week at Colac Magistrates Court. With the increase in reporting of family violence and the recent visit of the Royal Commission into Family Violence to the Geelong area, the need for representation and the number of matters heard each day, continue to grow. A few years ago our duty lawyers would be finished at Court before lunch; now it is unusual for them to be finished at court before 4pm. We are hopeful that grant applications we have made will result in more funding for court representation in future years, so that we can better manage this increased demand. This year our lawyer Mikala McIntyre spearheaded our significant submission to the Royal Commission, requesting numerous local improvements in the handling of family violence matters by the many legal and community services involved. The full submission is available on our website.

We are conscious that working in this area of law is also a stress on the mental health of our duty lawyers, but need more funding for more staff in order to alleviate some of the constant call on our staff and our volunteers. Funding continues to be our major need.

Tenancy persists as a strong focus in our legal work and we have also been able to assist over 250 clients with issues relating to their housing. We have made appearances in VCAT in both Geelong and Warrnambool and this year have also expanded our South West services to appearances in VCAT in Portland. In order to further expand our tenancy services, this year we undertook a tenancy “roadshow” promoting BCLS in areas including Port Fairy, Portland, Hamilton, Camperdown and Terang. Lawyers Sam Hawkins and Christian Schultink travelled for several days in the South West, including offering sessions to the community on tenancy law. They were joined for the education session in Warrnambool by our

community education and development coordinator Jillian Chapman and it was a great group effort with lawyer Lee Bolton assisting to organise the program from Geelong. It is always heartening to see our team work well together. The public only sees perhaps the end result and not all of the hard work that goes into organizing it all. Well done team!

The other major area of our work this year has been human rights and Centrelink issues, especially those relating to Newstart and Disability Support Pension entitlements. We are fortunate to have a team of lawyers, including Jeanette Connolly who is part of the National Welfare Rights Network, who are familiar with the intricacies of pension entitlements. There is a surprisingly high number of matters where entitlements are incorrect and it is great to see needy clients receiving the maximum amounts that the government allows after our intervention on the client’s behalf.

## Our Outreach Services

Outreach services are more and more in demand, and whilst our head office remains in Geelong West, we now offer outreach programs to Colac Area Health, Barwon Health Corio Community Health Centre, Deakin University Waurin Ponds and at the Family Relationship Centre, Geelong. We also offer permanent outreach service at Warrnambool.

Visits to Colac are made on a weekly basis, with our lawyer attending the local Magistrates Court in the morning and assisting clients in family violence matters, followed by our outreach visit to Colac Area Health to see clients in the afternoon. These appointments are regularly filled, with many clients driving from outlying country areas to see our lawyers there.

Elsie Stokie continues to be our lawyer for the Corio appointments on Mondays. These are very popular appointments, often booked for weeks in advance. Elsie is expanding the areas of law that we are working in, with many of her clients discussing issues of elder abuse. This will be an area that will increase in the future through all of our services, with the aging population in Victoria. We have a regular intake volunteer to assist Elsie whilst at Corio, in order to help with the busy schedule each week.

We were thrilled this year when Elsie Stokie was named Community Lawyer of the Year by the Law Institute of Victoria. A very well deserved recognition of Elsie’s decades of service to our local community and to assisting those in need of legal assistance.

Deakin University services are offered in conjunction with DUSA at their Waurin Ponds campus and we have



been excited this year to be starting appointments at the Deakin Geelong Waterfront campus also. Jillian and Mikala have made great inroads into building relationships with student bodies and on campus residential services, which has increased the use of our service by the Deakin students. We now take part in O Week activities on a regular basis, with several promotional activities each semester to advise new students of our availability on campus. This year we have also promoted our services at the Warrnambool campus of Deakin University, including dressing up as judges, giving away noodles, legal trivia questions, and photographic competitions.

Geordie Konieczka has remained the champion of our partnership with the Family Relationship Centre in Geelong, where we provide group information sessions to people who are going through mediation to try and resolve issues relating to family law and their children. We also offer one-on-one family law advice appointments at the Centre on a weekly basis, so that the Centre's clients will be better informed in making their parenting plans for the future. Our services are certainly well used, with seemingly an increase in need for such appointments on a regular basis.

Our lawyer, Christian Schultink, continued to run our Warrnambool outreach office, which remains operating from the offices of Victoria Legal Aid there. We appreciate the assistance that VLA has given us in locating our services there. Operating an outreach office so far from our home base continues to be a challenge, but this year we used Skype to great effect so that Christian could join in with regular staff meetings via the internet. I visit Warrnambool on a monthly basis and Christian also joined us in Geelong on several occasions in order to build a closer bond with our other staff.

## **Our People**

Our organisation would not survive without the fantastic efforts of our volunteers. We have volunteer lawyers who come in on Tuesday nights on a regular basis to provide free advice on family law and general law issues. Some have been volunteering for years, and we are very appreciative that they come in after a hard day's work, and often go back to their offices after they have assisted us, to continue on with their own workload. Our volunteer coordinator Charmaine works hard to coordinate both the volunteer lawyers and volunteer students and the system works extremely well. Our student volunteers assist us as personal assistants to the lawyers, as helpers at the Magistrates Court and on outreach. It is a privilege to work with them. Most are dedicated and nothing is too much trouble, whether it is sitting with a distressed client, coming to assist on extremely short notice or finding difficult research. We always suggest that they put their volunteering duties on any job resume that they send in the future and it always feels good

when a future employer rings me and I can tell them how fortunate we have been to have our volunteer assisting us.

I wish to extend a special thankyou to our volunteer lawyer Martin Ching for inviting all our volunteers to his home, as a thank you for all their efforts in assisting us. We all had a wonderful night.

In addition to our staff lawyers, we are ably assisted by our law graduates. Law students who have completed their law degrees are required to complete Practical Legal Training with an organisation from twenty days to up to eighty days. We have been fortunate to have many graduates to assist us this year and now have a wall of photos of our past graduates as they become admitted as lawyers. Our graduates greatly assist our lawyers in running their own files, seeing clients, writing letters and legal documents, researching submissions and assisting with legal education projects. We hope their time with us will teach them about the community legal sector and encourage them to join us in later years. Our lawyer Louise Thorsen came to our employ from being a law graduate and we now have the benefit of Louise's legal and community knowledge as she regularly appears as duty lawyer for us.

On a more junior level we still participate in the Deakin University Law Internship program. We take on three undergraduate students each semester to come to us for a fifteen day period. Students are given a thorough induction program for two weeks and then take on their own clients, generally preparing wills and powers of attorney, or simple car accident or debt matters. Students are closely supervised and I appreciate the valuable assistance of my colleague Geordie Konieczka for joining in their supervision. All the staff at BCLS are involved in this program and their input is significantly valued. This is an important course and it is heartening to see our students leave with so much more confidence and experience with real client situations. They also have an insight into being a community lawyer and our role in law reform and legal education. We remain hopeful that we will increase the number of students on this program when we find suitable premises to do so.

Our administrative team are at the forefront of our services and have a challenging job balancing client requests with our capacity to assist those in need. Grace, Charmaine and Liz together with our Executive Officer Nick Hudson keep our organisation wheels turning with great effect.

The aim of BCLS is to provide valuable legal assistance to our clients and within our local community. We achieve this with a wonderful team of dedicated lawyers and our administration crew. It is an honour to be the Principal Lawyer in such a great team.

# Volunteer Report

*Charmaine Floyd*

As ever, volunteer recruitment remains strong at BCLS with 85 student applications tendered in the last financial year and the addition of six new volunteer lawyers. We have been assisted in our provision of services to the community by 27 private lawyers and 34 law students (and a general volunteer sourced from Volunteering Geelong specifically for Seniors CLE events and related activities).

Our volunteer lawyers see clients for family and general law appointments on our Night Service every Tuesday evening from 6pm-8pm. As BCLS is not funded for family law and it remains a high needs area, aided by volunteer lawyers we are able to provide six advice only appointments during the Night Service and tend to be booked at least four weeks in advance. Efforts were made by our Principal Lawyer and other in-house lawyers with family law knowledge to clear this backlog by making extra appointments, but this did not prevent us from still persistently being booked out for weeks ahead. As we are likewise not funded for criminal law matters, Stary Norton Halphen and WS Lawyers provide a Tuesday afternoon Criminal Law Clinic of four advice only appointments alternating every fortnight or so. Client services noted a trend that began to appear around June 2015 where we were receiving a spike in calls related to unpaid traffic fines and more specifically, the need for clients to complete special circumstances applications. The Criminal Law Clinic was overloaded and booked out for a month in advance with these matters and as they could only provide advice, BCLS in-house lawyers were required to undergo specialist legal training in this unfamiliar area to meet the need of clients who were unable to prepare special circumstances applications themselves.

Almost every in-house lawyer at BCLS has a student assistant or sometimes even two to assist them with casework as the demand for our services seems to increase each year and hence the workload and diversity of what we practice. We also have six students attend court with the duty lawyer on a Tuesday, Wednesday and Friday morning to assist

with Family Violence matters and have two students present during the Night Service to complete client intake and observe advices. In addition to this, we engage our volunteer students in CLE activities, a Divorce Clinic for completing applications that is run on the first Monday of every month from 1pm-3pm, our Law Place Corio clinic on every late Monday afternoon from 4pm-6pm at the Corio Community Health Centre and other general legal projects as needed.

All volunteers were invited to Martin Ching's home in December 2014 for a Christmas Function and also to celebrate Law Week in May 2015 and for the Spring Carnival in September 2015. These events were fully catered and staffed and through Martin's generosity, allowed BCLS to invite our volunteers to a get together in surroundings and style which we would not otherwise have been able to provide. Our volunteers deserve to be celebrated and acknowledged for the contribution they make to our service and how they help us to serve the community better.

We have also been ramping up our PLT (Practical Legal Training) involvement and have hosted nine PLT law graduates and opened our service to yearly applications for this program. It is hoped that the amount of PLT participation will become on par with our regular law student volunteers allowing us to enhance our legal practice and service delivery to capture more areas of need in the community and provide timely and effective legal advice.

It is often our experience that rather than just having a temporary relationship, volunteers become a part of the service and return to us in different roles from law student to law graduate to lawyer. Many of them stay with the service for years, and their wellbeing is important as we recognise the demands and potential vicarious trauma experienced by workers in the CLC sector. We will be working over the year ahead to put in place better access to support and debriefing for our volunteers which will make their involvement with our service even more rewarding.



# Volunteers

## Lawyers

Amelia Rayson	TAC
Andrew Weinmann	Slater & Gordon
Andrew Zingler	Stary Norton Halphen
Ashleigh Lincoln	Perisic Lawyers
Brendan O'Halloran	Roger O'Halloran & Co
Caetlyn Wells-Simon	WS Lawyers
Christie Dunn	Stary Norton Halphen
Guanqi (Lucky) Zhou	Forefront Legal
Hannah Dawes	TAC
Ian Munt	
Jaz Cornish	Cornish Lawyers
John Butler	Whyte Just & Moore Lawyers
Kim Lamb	Cahill & Rowe Family Law
Kristen Vienna	Whyte Just & Moore Lawyers
Luke Griffin	KG Lawyers
Lorraine Clarke	Whyte Just & Moore Lawyers
Natasha Vanderheyden	WS Lawyers
Mara Knezevic	Cahill & Rowe Family Law
Martin Ching	Lawyer
Megan Alford	TAC
Michelle Fielding	Crown Melbourne Ltd
Mikarla Perisic	Perisic Lawyers
Panayiota Karnis	Foley's List
Paul Cahill	Cahill & Rowe Family Law
Paul Cott	Lawyer
Rebecca Hocking	TAC
Robert Hay QC	
Robyn Davis	Greater Geelong Legal
Stephanie Mawby	Michael Brugman Barristers & Solicitors

## Law Student / General Volunteers

Aaron Shrimpton	Madeline Revell
Aleks Dukovski	Maria Civisic
Amber Colbourne	Mariah Khoury
Annica Akerfelt	Martina Salazar
Bianca Sealey	Meg McNeel
Bronte Wright	Mercy Wanyonyi
Caitlin Doble	Nikki Hui
Charrie Mata	Rachael McInnes
Damian Fazio	Raphaelle Meikle-Stewart
Dorna Pakzamir	Roslyn Hames
Gemma Carroll	Ryan Barritt
James Sullivan	Ryan Robertson
Jess John	Stephen Hunt
Jessica Lenehan	Tanith Margetson
Josh Everson	Tim Hancock
Joy Choong	Tom O'Grady
Lauren Hutson	Wendy Gersh
Laura Mills	

## Practical Legal Training (PLT) Students

Anna Oesten-Creasey	Stephanie Chow
Francis Ngare	Tamara Splatt
Jessica Casey	Tom O'Grady
Louise Thorsen	Vanessa Mantella
Robert Considine	

*Volunteers Rachael McInnes and Dorna Pakzamir with friends at volunteer event*



## Elsie Stokie named Community Lawyer of the Year

Elsie Stokie has been named the Law Institute of Victoria's 2015 Community Lawyer of the Year and was also a finalist for the Regional Lawyer of the Year award.

We are incredibly pleased that Elsie's decades of hard work and dedication to the legal service and her community has been recognised. Elsie herself was taken aback by her nomination and subsequent win:

*I was surprised by my unexpected nomination, and really touched by the letters of support from people I have worked with over the years. It was an honour to be nominated and to be aware of their good opinion of my work. The award night was a highlight of my career – an exciting evening. It has been a privilege to be doing work that I believe is really worthwhile: providing access to justice for the disadvantaged and lobbying for law reform. It has also been a pleasure to work with past and present colleagues who share these views.*

Elsie established the Geelong Community Legal Service (now the Barwon Community Legal

Service) and became its first employee in 1986 and since then has advocated for further funding and expansion. Elsie also co-authored the innovative Family Law Booklet – a plain language document for the benefit of the community that inspired similar subsequent publications. Among many other tireless accomplishments, Elsie has worked on a number of group actions and was a lead litigator on behalf of consumers against the credit practices of Waltons Stores in the 1980s and 90s. It was a number of cases that CLCs ran against Waltons during this period that led to the introduction of our current consumer protection legislation.

Elsie was very passionate and vocal about developing and staffing a legal service in Corio. Due to her determination, 'The Law Place Corio' was launched in May 2011. Elsie now does outreach appointments at the Corio Community Health Centre every late Monday afternoon and is constantly booked out, proving just how valuable this service is.



Elsie Stokie and Katie Miller, President Law Institute of Victoria

# Family Relationship Centre Partnership

*Geordie Konieczka*

Barwon Community Legal Service continued our partnership with the Family Relationship Centre (FRC). We delivered weekly information sessions to recently separated parents, and also provided weekly Family Law advice to their clientele.

Our Family Law advice mainly focussed on issues such as shared care arrangements, travel issues and Child Support. The advice was offered on outreach at the FRC to make it easier for their clients to attend.

We continued our involvement in the local Family Relationship Service Providers Network which met quarterly to discuss issues affecting families in Geelong. This network was a great opportunity for us to meet with practitioners that work with families in our region, and also enabled us to provide holistic services to our clients, through referrals to their services and programs.

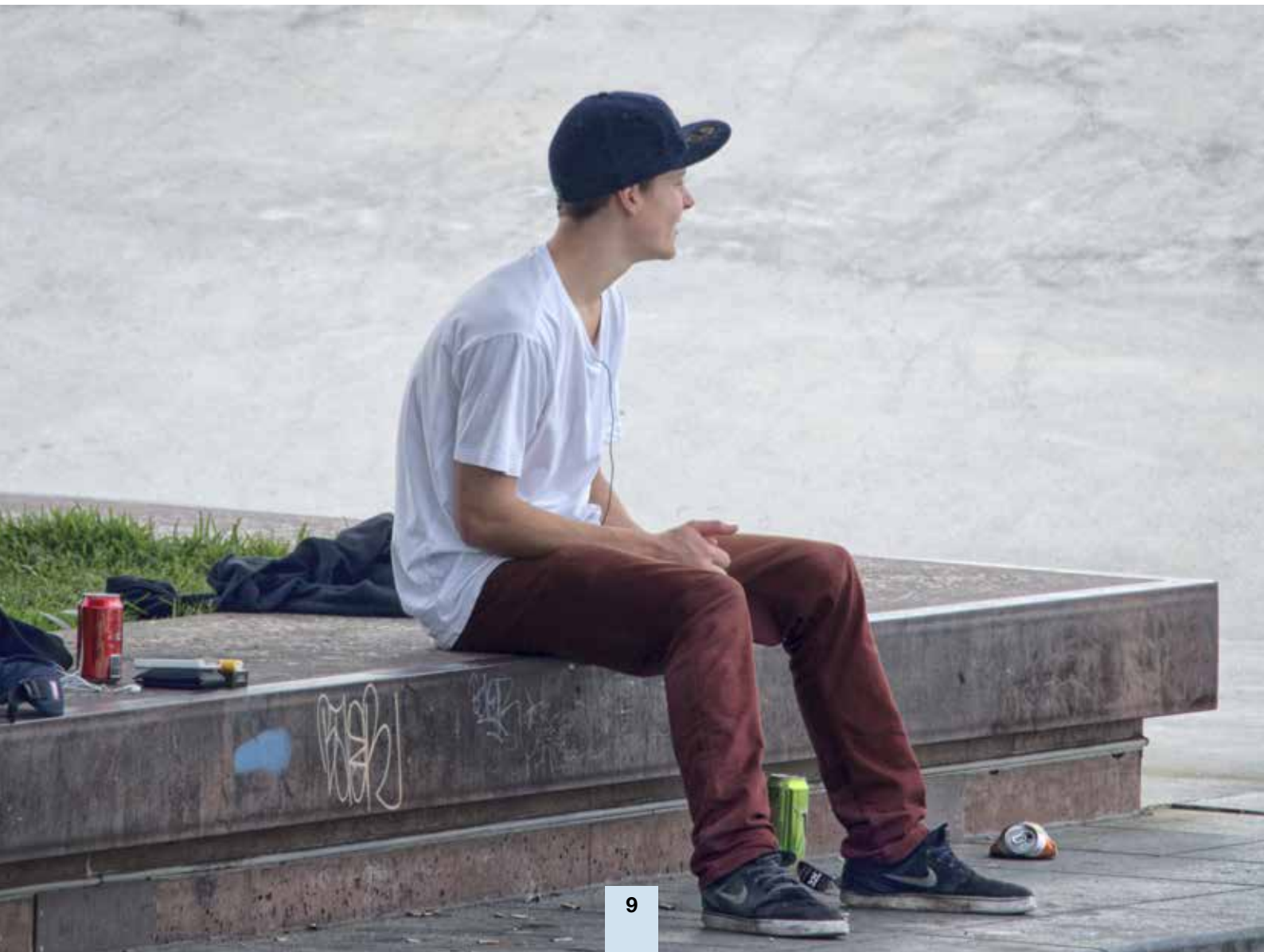
Towards the end of the financial year the Family Law Group was established. This allowed lawyers from

Community Legal Centres in Victoria to come together to discuss common issues and concerns. Guest speakers are also invited to speak to members.

## CASE STUDY

Sarah\* attended at the FRC to try and mediate with Joshua\* in relation to the issuing of a passport for their daughter Rose\*. Rose had been accepted to go to Vietnam as part of a year 10 educative trip with her school. Sarah believed this was a great opportunity for Rose, however as Rose was not spending a lot of time with Joshua, he refused to sign the passport application. Joshua refused to attend mediation and Sarah was issued with a certificate. BCLS assisted Sarah to draft her Court documents for the Federal Circuit Court. Sarah attended at Court and was granted Orders to allow her to apply for a passport for Rose, without Joshua's permission.

\*Not real names





# Child Support

Geordie Konieczka

Barwon Community Legal Service continued to provide legal advice, representation and education to members of the community on Child Support related issues.

In late August 2014, Geordie was asked to appear before the Parliamentary Inquiry into the Child Support System. Several questions were put to her, mostly relating to how the earnings of self employed people are treated by the ATO, and the propensity of some parents to attribute a percentage of their income to their new spouse for tax purposes. The Inquiry has now concluded and a report of findings has been published. There were 25 recommendations made. One of the recommendations relates to mediation, and it is expected that if parents agree on child support payable, it will increase the likelihood that the child support will be paid. There were also suggestions for the Child Support Agency (CSA) to review the formula used to calculate child support, for CSA to improve their communication with clients, for CSA to work closely with clients experiencing family violence issues, and for CSA to look into the viability of guaranteeing child support payments when they are not paid, as occurs in some other countries.

Geordie and Elsie continued their membership of the Federation of Community Legal Centres' Child Support Working Group. This group consists of representatives from the Barwon Community Legal Service, Springvale/ Monash Legal Service, Springvale Community Aid and Advice Bureau and Victoria Legal Aid. Members meet four times a year to discuss common issues being experienced by our collective Child Support clients and share information on what can be a quite technical area of law.

One of the key difficulties that arose for legal practitioners state wide, in this past financial year, was the establishment of the Victoria Legal Aid panels. Practitioners have to be members of the panels in order to receive funding for clients' legal matters, and the membership requirements are fairly onerous. BCLS will continue to work with VLA to try and overcome any issues.

Geordie also continued to be an active member of the State Child Support Stakeholder Engagement meetings which run three times a year. These meetings allow the Child Support Agency to educate members on updates to their practices and technology. At this meeting Geordie has raised several Emerging issues. One related to how the Federal Government's 'Small Business Tax Breaks' will affect peoples' taxable income, and consequently their obligation to support

their children. Another was in relation to how multi case allowances are considered by CSA, and who has the right to challenge CSA's decision to grant a paying parent a multi case allowance.

In April 2015 as part of the Law for Community Workers Community Education Series, Geordie presented to a group of local workers in Colac, on Child Support and Family Law.

As has been the trend for a few years now, the main child support issues for which clients seek assistance, are matters relating to establishing the paternity of children, and difficulties that clients experience with the enforcement and collection of arrears.

## CASE STUDY

Alicia\* came to BCLS for assistance. She had been unable to get the father of her child to pay child support, and was suffering financially, as Centrelink had reduced the amount of Family Tax Benefit that they were paying her. We firstly advised Centrelink that we were assisting Alicia to determine parentage of her child, thus ensuring that her Family Tax Benefit was paid at the correct amount. We then made an application to Victoria Legal Aid for funding to pay for the testing, and made an application to the Geelong Magistrates' Court on her behalf. The father of the child ('Brian') avoided the service of his Court documents, so BCLS then made an application to the Court for substituted service. Brian was then able to be served his documents by mail, and via Facebook. Despite being ordered to do so, Brian refused to provide a sample for paternity testing. Following three Court appearances, Alicia was finally granted an Order that Brian was the father of her child, and that she was accordingly entitled to seek child support from him.

\*Not her real name



# Community Legal Education and Community Development

Jillian Chapman

## Our Work

Barwon Community Legal Service develops and participates in community legal education projects to provide support and information to community members and service providers living in the Barwon South West Region. The projects increase knowledge about legal rights and build the capacity of community agencies in responding to legal matters.

## Our Staff and Volunteers

BCLS employs Jillian Chapman as a part-time Community Legal Education and Development Coordinator with most staff spending a proportion of their time being involved in community development and education activities. Over the last 12 months, BCLS has appreciated the hard work provided by number of community legal education volunteers. Wendy Gersh, Madeline Revell, Nikki Hui, Annica Akerfelt and Caitlin Doble have played an integral part in the community legal education project by maintaining the publication library, preparing and presenting legal information sessions, undertaking research and assisting with special events.

## Our Impact

The community legal education undertaken by BCLS is both proactive and reactive and during the past year BCLS has continued to respond to requests for information sessions from the community, undertake regular service visits and be involved in community development activities.

BCLS has responded to requests for legal information sessions from a variety of organisations and groups, some of these being:

- Barwon Youth
- Barwon Health
- Diversitat
- Bethany
- Deakin University
- Local libraries
- The Gordon TAFE
- St Vincent de Paul Society
- University of the Third Age

Some of the session topics included:

- Wills and Powers of Attorneys
- Elder Abuse – what is it and where to get help
- Family law – how to get a divorce and parenting after separation

- Child Support
- Family Violence and Intervention Orders
- Social Security Law
- Where to get Legal Help

BCLS has regular community legal education commitments too, for instance, running family law sessions at the Family Relationship Centre every fortnight and sessions on child protection at Diversitat as needed.

## Newly arrived Communities

Again this year, we have been involved in providing legal information to newly arrived communities. Information sessions ranged from an introduction to Australian law, human rights law, driving law to family law matters. Additionally, in partnership with Victoria Police, we ran Australian law sessions and regular popular tours of the Geelong Law Courts as part of the orientation program organised by Diversitat.

## Seniors Month

To celebrate Seniors Month we invited senior community members to join us for a game of Legal Lingo Bingo at their local library. Jillian, Elsie, Geordie and Mandi ran sessions at Queenscliff, Waurin Ponds and Corio libraries and received lots of positive feedback!

This fun interactive game explored a range of common legal issues through a variation of the traditional bingo format. (Learn about where to get free legal help and information about wills, power of attorneys etc). Players matched picture squares to their playing sheet while the facilitator explained each one, giving examples of problems that could arise and services available. As with the traditional format, a player matching five squares in a row calls 'Legal Lingo Bingo!' and wins a prize.

*"Thank you so much for the most informative morning at the Corio Library. I am sure we are all the wiser – my husband and I will review our wills and power of attorneys and try not to speed or get fines. A big thank you!...number 1 seniors week event!"*



## The Elephant Project

We are always looking for innovative ways to educate the community and raise awareness about Family Violence. In 2010, we heard about the Hume Riverina Community Legal Centre's excellent Elephant project. In 2012, we borrowed the Elephant and took it on a three month tour of our catchment area stopping at eight venues.

Building on this project, in 2014 we distributed 70,000 drink coasters to over 100 venues in our catchment area. On one side of the coaster we are asking the same question – is there an elephant in your room? AND on the other we display the shocking statistic that 1 in 3 Australian women experience FV and where they can get help. We hope that one day the topic of family violence will be less of an Elephant in the Room!



## Pom Poms to raise awareness of violence against local women

BCLS supported the fantastic work of Reclaim the Night Geelong's Purple November initiative. Purple November is a campaign where shop fronts across the region are decorated with purple pompoms and bunting as a symbol to raise awareness of violence against women. Our reception area was beautifully decorated with purple pompoms and Elephant in Your Room? posters to raise awareness of the issue of family violence.

We ran two craft workshops for young women at The fOrT as part of our Purple November activities.

We also had two very successful craft workshops, with one being a part of the Wellbeing Day held with the newly arrived communities at Diversitat, and the other as part of the Sisters Day Out program with local Koori women organised by the Aboriginal Family Violence Prevention and Legal Service Victoria. The pompoms were displayed at Diversitat and the Wathaurong Aboriginal Co-op during the month of November. BCLS staff also signed the Purple November pledge which signifies the commitment towards upholding the rights of women, particularly the right to be safe.

## Human Rights Day

To mark Human Rights Day we joined members of the Surf Coast Rural Australians for Refugees, local counsellors and community members to spread the important message that it is a legal and human right to seek asylum in Australia.



*Members of the Surf Coast RRR Group*

## Law Week

This year we partnered with Victoria Legal Aid and SalvoConnect to celebrate Law Week and ran a community BBQ and legal health checks for residents at the local Salvos in Belmont.

Many people are often not aware that the fines they have or that Centrelink or Child Support debts they are paying off are actually legal issues and do not know where to seek advice. Our aim was to have informal chats with members of the community to identify any unknown or unresolved legal matters and let them know how we could help.

The legal health checks brought up a number of legal issues, most involving unpaid fines and debts that residents were struggling to understand and cope with financially. Residents made follow-up appointments with BCLS lawyers at SalvoConnect to receive ongoing assistance to hopefully settle their matters.

## Law for Community Workers information sessions

One major focus for this year has been to roll out 18 Law for Community Workers free information sessions across the Barwon South West region. Our lawyers Sam Hawkins and Geordie Konieczka delivered several sessions (including Tenancy Law, Child Support and Family Law) and we also invited guest speakers from a number of different agencies (including Victoria Legal Aid).

We kicked off the year with BCLS Lawyer, Lee Bolton, joining staff from the Fitzroy Legal Service to hold a Community Workers Forum in Geelong in February. Fitzroy Legal Service presented an overview of criminal law, sentencing and the duties of care

and confidentiality. Lee's session focused on fines and infringements and local workers were given the opportunity to learn more about the fines system and the options available for dealing with an infringement.

### **World Elder Abuse Awareness Day 2015**

Most people have heard about child abuse, but what about Elder Abuse? The 15 June 2015 was World Elder Abuse Awareness Day - the one day in the year when the world voices its opposition to the abuse and suffering inflicted on older people. This year the Barwon Elder Abuse Awareness Network, (member organisations include Barwon Community Legal Service, Karingal, St Laurence, City of Greater Geelong, Mercy Health and Baptcare,) hosted two free events.

The first was the Elder Abuse Awareness and Education Forum for workers and members of the public to increase knowledge and awareness of the issue with some 80 people attending.

The second was a free screening of the film *The Hundred-Foot Journey*, with afternoon tea and information provided. This was a popular event with over 150 senior members of the community attending.

### **Looking forward**

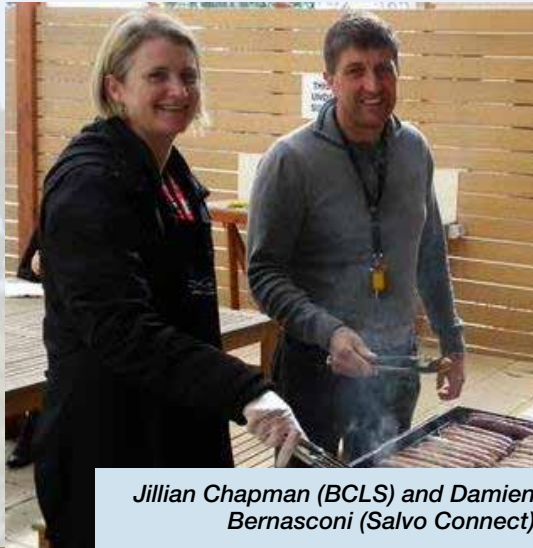
BCLS has a strong history of providing Community Legal Education as part of its core services to the community and will continue to do so in the next 12 months.

*Community members attend an event to mark World Elder Abuse Day*  
Photograph provided by City of Greater Geelong



*Members of the Barwon Elder Abuse Awareness Network (including Jillian & Elsie from BCLS)*





*Jillian Chapman (BCLS) and Damien Bernasconi (Salvo Connect)*



*Mary Foley (VLA) and Geordie Konieczka (BCLS) delivered sessions in Colac*



*Community Workers attending a session*



*Tamara Kotowicz (VLA), Sam Hawkins and Christian Schultink (BCLS) delivered sessions in Warrnambool*



*Elsie (BCLS) and members of the community at Queenscliff Library*



*Staff from BCLS*





*Sisters Day Out event*



*Nick Hudson (BCLS) with others at Western Heights College*



*Students at Western Heights College*



# Sort It! Deakin Legal Service for Students



Nick Hudson

The Sort It! Deakin Legal Service for Students has been running since 2012. The service is a partnership between Barwon Community Legal Service (BCLS), Eastern Community Legal Centre (ECLC) and Deakin University Student Association (DUSA). Between us we operate an on-campus legal service offering advice to students about a range of issues. ECLC services the Burwood campus and we provide services at Geelong and Warrnambool while off-campus students can access legal assistance via telephone.

Over the year we have worked to deliver interesting and engaging activities as part of DUSA's orientation and other themed week events. With three campuses and five themed 'weeks' per semester, we were kept very busy with these events which we used raise awareness amongst the students about legal issues generally and about the Sort It! service specifically.

Although the service has been gathering momentum since commencement, this concerted awareness raising and service promotion has paid off, with record numbers of students making appointments to see our lawyers during the year. These students present with a broad range of legal issues. We conducted a

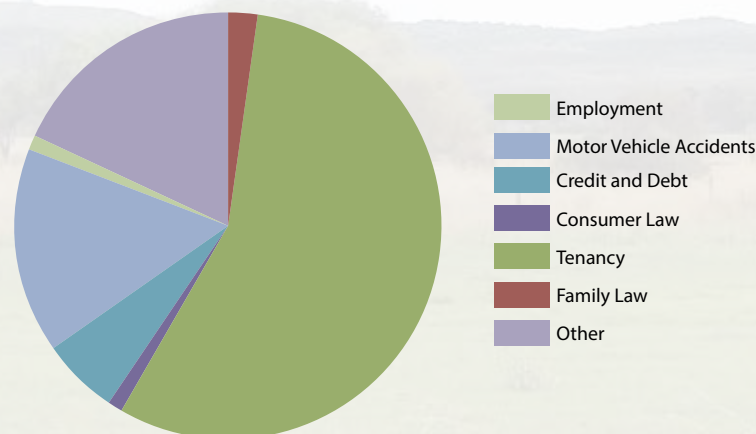
survey of students during O Week and it revealed that consumer problems, fines and infringements, tenancy, Centrelink and immigration were the top five issues with which students wanted assistance.

We have continued to work closely with our partners in the service to co-ordinate our activities and share expertise. We shared ideas and props for education and promotion events and also referred students to each other for advice. This referral was particularly valuable where we had a conflict of interest or if the student wanted advice with employment or visa issues which ECLC has specialist skills in delivering.

Lee Bolton from BCLS together with Jacinta Maloney, Connie Chen and Beth King from ECLC, delivered a well-received presentation about our experiences running the Sort It! service at the inaugural Deakin Youth conference.

We look forward to continuing to work with our partners in the year ahead as we expand our advice appointments to include Waterfront as well as Waurin Ponds and Warrnambool campuses. We also have some great ideas for upcoming orientation and other weeks.

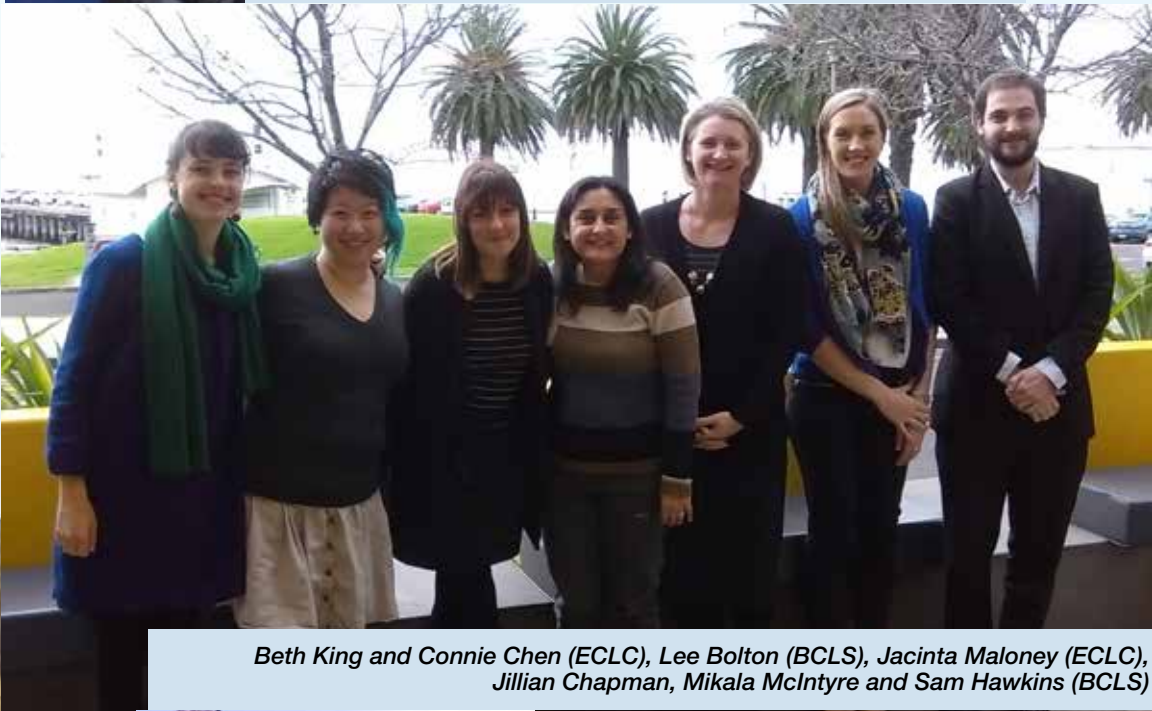
Clients by Problem Type







*Deakin University students having fun at the Sort It Deakin Legal Service events*



*Beth King and Connie Chen (ECLC), Lee Bolton (BCLS), Jacinta Maloney (ECLC), Jillian Chapman, Mikala McIntyre and Sam Hawkins (BCLS)*





## Law Reform: Water Leaks – Who Pays, And Why?

A recent initiative of the BCLS legal team has seen the drafting of a proposal to reform the law which sets out liability for water and other leaks on a tenanted property. As it presently stands, the law says that if a water pipe should burst, for example, without a tenant causing the leak or failing to report the leak, the tenant is still responsible for the cost of any lost water. When a leak is significant or takes some time to detect, this can result in a sudden bill of hundreds or even thousands of dollars.

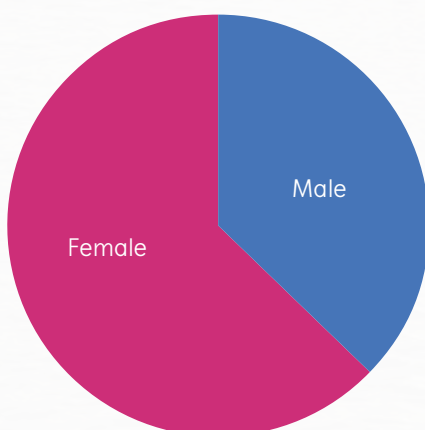
In one example which we have dealt with, a tenant who was used to paying less than a hundred dollars per bill for water suddenly received a water bill of over six thousand dollars. A leak was found and fixed by the landlord- it was not the tenant's fault- but under the law, the six thousand dollars had to be paid by the tenant. There was no way the tenant could pay that amount, so they came to BCLS for assistance. Our research showed that unfortunately, the law as it presently stands said that the tenant had to pay the bill. Thankfully our lawyers had a good relationship with the billing staff at the water authority, and those staff also were reasonable and could see that making the tenant pay was just not fair, and they agreed

reduce the bill to its usual amount of less than a hundred dollars.

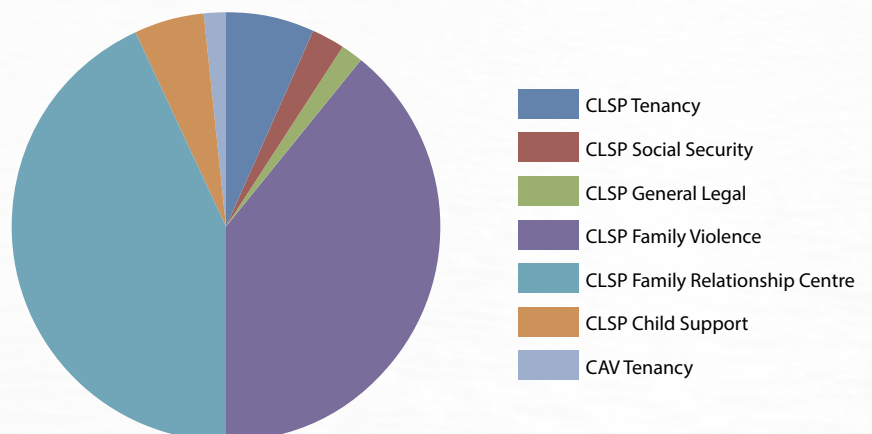
The fact that the law remained unfair to tenants was still of concern to our lawyers, and indeed was of concern to that particular tenant who didn't want the same thing to happen again. We began researching the matter with a view to changing the law for the better. The BCLS legal team has now drafted a proposed law reform which, if adopted, will make sure that tenants are not liable for these excess costs that are not their fault. We hope to send the proposal to the Victorian Law Reform Commission in the near future.

This is where you can help us. We have heard in general terms that this problem is widespread across Victoria, but we need to hear the stories of these cases so that we can put them before the Victorian Law Reform Commission in support of the proposal. Do you have a client who wishes to share a similar story? We would be very grateful if you could obtain their consent and pass it on us. If you are able to indicate your general support for the proposal, or provide any suggestions, these would be welcome too. Thanks for helping us improve the law!

Clients by Gender



Total Activities by Practice Area



## CASE STUDY

Joan\* visited BCLS with a failure to comply with a fire prevention notice and a fine of \$1500 for not maintaining her yard. She was living solely on a Disability Support Pension and was very fearful that such a fine would ruin her.

Joan had been in hospital with a serious illness when the fine was first issued and she continued to have medical treatment throughout the year. Her health was a huge issue and a source of constant stress in her life. Although Joan had made attempts to explain her situation, she was not able to write a letter to request to have the fine waived.

Our graduates wrote to the relevant authority on Joan's behalf, explaining her situation and providing evidence of her hospital treatment, intellectual disability and financial circumstances. In consideration of these issues, they requested that the fine be withdrawn.

With the help of our graduates, Joan's fine was withdrawn and she could get on with her life with one less thing to worry about.

Needless to say, Joan was very pleased with the outcome.

\*not her real name.

## CASE STUDY

Imagine being an uninsured driver involved in a low speed car accident which seems to have caused only minimal damage and then receiving a claim for more than \$10,000. This is the unfortunate trend we have seen recently with some uninsured drivers who have been at fault in an accident involving a taxi vehicle.

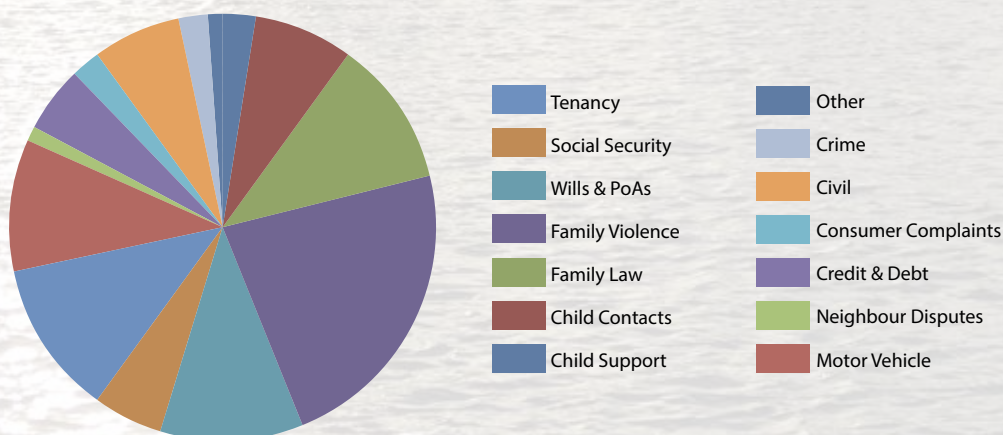
The claims made were often for thousands of dollars and the first notification of the claim came from law firms acting on behalf of the taxi owner or the taxi insurance clubs. The damage being claimed to the taxi was often well in excess of the damage that our client had witnessed. It is normally possible to have the taxi independently assessed at a cost which may assist in any disagreements about the amount of damage being claimed.

These were complicated matters and the lawyers assisting the taxi owner often commenced Court proceedings quickly. Once Court proceedings started the costs to our client went up significantly as they were then responsible for the court fees and legal costs of the taxi owner.

We assisted a young client in this situation who had only been driving for a few years and had little to no ability to repay the amount claimed. If our client did not dispute the claim they would have owed a large debt, financially crippling them at such a young age.

After a lot of negotiation and responding to Court documents we helped the client obtain a huge reduction in the claim to an amount that she could reasonably afford and pay in a couple of instalments.

Clients by Problem Type



# Social Security

Jeanette Connolly

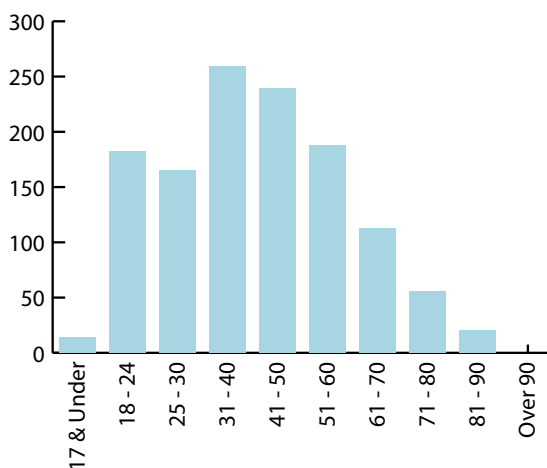
BCLS assists in Social Security matters throughout Victoria. Advice is flexible and can be by drop-in, telephone or by appointment. Jeanette is our Social Security practice lead, undertakes advice and casework, updates and assist colleagues and provides community legal education. Other BCLS lawyers also provided advice and casework assistance in Social Security matters.

We received an overwhelming number of requests for assistance with Disability Support Pension rejections and cancellations following review. Unfortunately, these requests far outweighed our capacity to assist. We also assisted with many Centrelink debt matters also. During the year we built on an existing National Welfare Rights Network resources and created a DSP Information Kit for community members to attempt

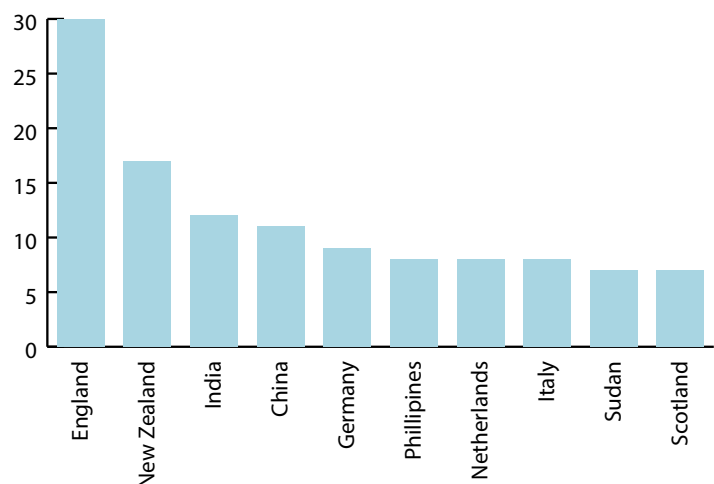
to meet the large volume of unmet requests for assistance with Disability Support Pension rejections and cancellations

BCLS continues its membership of the National Welfare Rights Network (NWRN). We work together to identify systemic issues to inform and advocate to government to improve the Social security system and other welfare related outcomes informed by our casework. NWRN have received secretariat funding from the federal government last year for the next 2 years as recognition of their work. NWRN also works closely with other peak bodies such as ACOSS to strengthen and add volume to the voices of the vulnerable and disadvantaged clients affected by the system and legislative changes.

Clients by Age



Top 10 Country of Birth (Excluding Australia)





## CASE STUDY

Michael's\* third application for a Disability Support Pension (DSP) application had been rejected for not meeting the 20 points impairment rating. Michael was living with severe mental and physical health conditions and had taken mental health medication for 20 years, been an involuntary mental health care patient on several occasions and had therapy and counselling in the past. Michael had undergone unsuccessful operations to improve his physical health and been working until he became too ill to continue. The medical report from Michael's doctor included mental health conditions and set out his major physical conditions. However, it did not include all conditions or a diagnosis from a psychiatrist or clinical psychologist.

Michael met with a BCLS lawyer who provided legal advice at BCLS main office in Geelong and by telephone. We undertook casework including requesting a written diagnosis from a psychiatrist/clinical psychologist and supporting letters from relevant doctors, psychiatrist, counsellors addressing the DSP criteria, and writing a submission to Centrelink's Authorised Review Officer.

As a consequence of our assistance, Centrelink granted Michael's DSP application and paid arrears for the previous eight months, which included the initial assessment and appeal process. Michael can now pay for medication, physical therapy and regular psychology sessions to improve his mental health. Michael is currently studying for a qualification in aged care to improve his future employability, and he and his wife are expecting their first child.

\*Not his real name





**INDEPENDENT AUDIT REPORT  
TO THE MEMBERS OF BARWON COMMUNITY LEGAL SERVICE INC**

**Report on the Concise Financial Report**

The accompanying concise financial report of Barwon Community Legal Service Inc comprises the statement of financial position as at 30 June 2015, the statement of comprehensive income, the statement of cash flows and the statement of changes in equity for the year ended then ended, derived from the audited financial report of Barwon Community Legal Service Inc for the year ended 30 June 2015. The concise financial report does not contain all the disclosures required by the Australian Accounting Standards.

**The Committee's Responsibility for the Concise Financial Report**

The Committee is responsible for the preparation and presentation of the concise financial report in accordance with Accounting Standard AASB 1039 Concise Financial Reports. This responsibility includes establishing and maintaining internal control relevant to the preparation of the concise financial report; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility**

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Our procedures in respect of the concise financial report included testing that the information in the concise financial report is derived from, and is consistent with, the financial report for the year, and examination on a test basis, of evidence supporting the amounts and other disclosures which were not directly derived from the financial report for the year. These procedures have been undertaken to form an opinion whether, in all material respects, the concise financial report complies with Accounting Standard AASB 1039 Concise Financial Reports.

Our responsibility is to express an opinion on the concise financial report based on our audit procedures. We have conducted an independent audit, in accordance with Australian Auditing Standards, of the financial report of Barwon Community Legal Service Inc for the year ended 30 June 2015. Our audit report on the financial report for the year was signed on 30 September 2015 and was not subject to any modification. The Australian Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report for the year is free from material misstatement.

**Independence**

In conducting our audit, we have followed applicable independence requirements of Australian professional ethics pronouncements.

**Auditor's Opinion**

In our opinion, the concise financial report of Barwon Community Legal Service Inc for the year ended 30 June 2015 complies with Accounting Standard AASB 1039 Concise Financial Reports.



Stephen Kirtley  
**Director**

Dated this 27<sup>th</sup> day of September, 2015.

**Davidsons Assurance Services Pty Ltd**  
**101 West Fyans Street**  
**Geelong Victoria 3220**

## Statement of Comprehensive Income for the year ended 30 June 2015

	2015 \$	2014 \$
REVENUE FROM ORDINARY ACTIVITIES	1,149,974	1,088,965
EXPENSES FROM ORDINARY ACTIVITIES		
Employee Benefits Expense	837,803	859,591
Depreciation	22,348	22,561
Administration Expenses	204,638	208,448
TOTAL EXPENDITURE FROM ORDINARY ACTIVITIES	1,064,789	1,090,600
NET RESULT FROM ORDINARY ACTIVITIES	85,185	(1,635)
OTHER COMPREHENSIVE INCOME		-
TOTAL COMPREHENSIVE INCOME FOR THE YEAR	85,185	(1,635)

## Statement of Changes in Equity for the year ended 30 June 2015

	Retained Profits \$	Reserves \$	Total \$
BALANCE AT 01.07.13	155,417	9,040	164,457
Total comprehensive income for the year	(1,635)	-	(1,635)
BALANCE AT 30.06.14	153,782	9,040	162,822
Total comprehensive income for the year	85,185	-	85,185
BALANCE AT 30.06.15	238,967	9,040	248,007

These concise financial statements should be read in conjunction with BCLS Financial Statements and accompanying notes which are published separately and available upon request.

## Statement of Financial Position for the year ended 30 June 2015

	2015	2014
	\$	\$
<b>CURRENT ASSETS</b>		
Cash Assets	510,495	368,064
Receivables	7,121	3,904
<b>TOTAL CURRENT ASSETS</b>	<b>517,616</b>	<b>371,968</b>
<b>NON-CURRENT ASSETS</b>		
Fixed Assets	41,685	62,281
<b>TOTAL NON-CURRENT ASSETS</b>	<b>41,685</b>	<b>62,281</b>
<b>TOTAL ASSETS</b>	<b>559,301</b>	<b>434,249</b>
<b>CURRENT LIABILITIES</b>		
Payables	120,383	94,186
Provisions	145,736	117,784
<b>TOTAL CURRENT LIABILITIES</b>	<b>266,119</b>	<b>211,970</b>
<b>NON-CURRENT LIABILITIES</b>		
Provisions	45,175	59,457
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>45,175</b>	<b>59,457</b>
<b>TOTAL LIABILITIES</b>	<b>311,294</b>	<b>271,427</b>
<b>NET ASSETS</b>	<b>248,007</b>	<b>162,822</b>
<b>EQUITY</b>		
Reserves	9,040	9,040
Retained Profits	238,967	153,782
<b>TOTAL EQUITY</b>	<b>248,007</b>	<b>162,822</b>

These concise financial statements should be read in conjunction with BCLS Financial Statements and accompanying notes which are published separately and available upon request.

## Statement of Cash Flows for the year ended 30 June 2015

	2015	2014
	\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES		
<b>PAYMENTS</b>		
Payments to employees	(797,936)	(825,280)
Other operating expenses	(207,855)	(175,534)
<b>RECEIPTS</b>		
Government grants	1,062,054	1,013,289
Interest received	10,801	8,906
Other operating income	77,119	69,549
<b>NET CASH PROVIDED BY OPERATING ACTIVITIES</b>	<b>144,183</b>	<b>90,930</b>
 CASH FLOW FROM INVESTING ACTIVITIES		
Payments for purchase of Fixed Assets	(1,752)	-
<b>NET CASH PROVIDED BY INVESTING ACTIVITIES</b>	<b>(1,752)</b>	<b>-</b>
 NET INCREASE IN CASH HELD	 142,431	 90,930
 CASH AT THE BEGINNING OF THE REPORTING PERIOD	 368,064	 277,134
<b>CASH AT THE END OF THE REPORTING PERIOD</b>	<b>510,495</b>	<b>368,064</b>

These concise financial statements should be read in conjunction with BCLS Financial Statements and accompanying notes which are published separately and available upon request.

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