

# ANNUAL REPORT

# 2020

## ACCESS TO JUSTICE IN TIMES OF CHANGE



BARWON

COMMUNITY LEGAL SERVICE



# 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.

# Our Mission:

To challenge systemic disadvantage and enable our priority communities to access the support they need to understand their legal rights and overcome their legal problems.



Artwork by Billy O'Toole titled "Connecting to Country" - "Talks about our connection to country from ochre to water. The hands symbolise our connection with Bundjil flying over us".

# Acknowledgement of Country

Barwon Community Legal Service acknowledges the Traditional Owners of the lands on which we work and we pay our respects to elders past, present and emerging. We recognise Aboriginal and Torres Strait Islander peoples' deep and ongoing connection and stewardship of Country, and that the land on which we work was stolen and sovereignty has never been ceded.

We aim to challenge the systemic injustices that cause harm and to listen to and learn from our Aboriginal communities, with full acknowledgement that we have a lot to learn and we will not always get it right.

We acknowledge the sorrow caused by the Stolen Generation and the ongoing impacts that colonisation and the justice system have on our Aboriginal and Torres Strait Islander peoples. We also recognise the resilience, strength, and leadership of Aboriginal and Torres Strait Islander communities and the ongoing contribution they bring to our whole community.

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Cover image: Principal Social Worker Emma Kennedy and social work student Brianna Colautti at 2019 Barwon Month of Action Reclaim the Night March

BCLS assists clients who, due to their vulnerability, do not wish to be identified in anyway. The de-identified case studies throughout this document are representative of clients we have assisted but do not relate to any particular case. They are illustrations of the work that we do.

## Message from Board and CEO

This past year has thrown us some curve balls. It was Bryanna's first year as CEO and we were tracking smoothly whilst working towards a new strategy. And then we hit a pandemic, all staff started working remotely and we were suddenly facing challenges we had never really imagined, for us and our clients.



**Bryanna Connell – CEO**



**Mark Edmonds – Chair**

Our team adapted and coped beyond our expectations. It's been very hard for every single person living through these times. For our team and many others in community service roles, our jobs are to support people through difficult challenges in their lives, whether it be financial hardship or family violence. That our team continue to do this as they face their own challenges is truly admirable.

In May, we welcomed the announcements from both the State and Federal Governments of additional COVID funding for the legal assistance sector. This funding has allowed us to establish integrated partnerships to target youth and CALD (Culturally and Linguistically Diverse) communities, as well as expanding our generalist service to meet demand and we are pleased to be establishing a new family law practice.

One of our biggest challenges since March has been reaching community members, especially those that have had no prior need or knowledge of our service, but suddenly find themselves in a situation where they need legal support for the first time in their lives. To overcome this challenge, we have needed to focus on media and communications, something that we haven't needed to do before. We received funding from the Ecstra Foundation to develop a new website aimed at improving access to information and support to the community. We'll also be adding the capability to deliver online training to community service

providers to assist them to better help their clients to overcome their legal challenges. The new website will help us reach many more people needing access to justice.

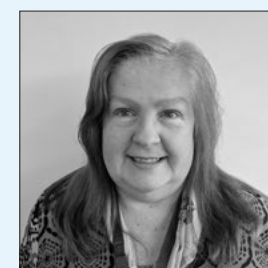
In this report you will read how our ongoing programs continue to successfully support our community, along with new funding for research and educational justice programs, such as SAFEStreets, a Department of Justice and Community Safety grant designed to improve young people's understanding of the justice system. You'll also read our new strategic plan that reflects our response to changing community needs and our commitment to being a holistic service.

This report highlights the success stories of our work, made possible by our funders, organisational partners, board members, students and volunteers. Their contribution is crucial to our service. We thank board member Sophie Ware, who we farewellled in February and welcome new board members Ellie Fakoor and Jude Hunter.

Our staff are our strength, they put their clients first with passion and commitment, despite what is happening in their own lives. We are impressed by their fortitude and willingness to support each other. Thank you. It has, and will continue to be, a pleasure to lead you and enable you to do what you do for our clients.

## Message from Principal Lawyer

Our 2019 financial year commenced as another busy year, and ended with a very different outlook.



**Mandi Hyland – Principal Lawyer**

The call for legal services is never ending. This year we assisted 1,828 clients with legal help and 783 clients with representation in the Magistrates' Court at Geelong and Colac. This is an average of approximately 50 new clients each week, a huge task for our legal team.

We work with clients in a holistic way, not merely addressing a legal issue, but looking at its cause. We do not want to see the same issue for a client over and over, and by addressing the root of a problem we may be able to stop it happening again. We work with our social work team to assist clients build resilience for the future. We deliver community legal education to community members to help them understand their rights. We provide our clients with tools to enable them to help themselves in times ahead, empowering them to make decisions to avoid future legal problems.

Like most of the Australian population, in March 2020 we went home. We urgently ordered laptops and other equipment essential to working from home, we developed processes and filing systems and moved to solely phone based services.

In response to the lockdowns, we took immediate action to expand our services so that those community members experiencing legal issues, particularly those who, for the very first time, have experienced financial related distress because of the pandemic and needed access our legal support. We moved quickly to offer telephone advice appointments to our clients throughout the region. We increased our appointment schedules to extend services in criminal law, general law, and family law, and added tenancy and employment law to address newly arisen client needs.

It is in times of difficulty that the strength of a team becomes evident, and for our team this was that time. Despite the biggest change in our history, our team has continued to look after our clients with legal casework and continued social work support as if it is business as usual. Our lawyers

managed new remote processes at the Magistrates' Courts which made sure that our vulnerable clients were still represented. Everyone in the team handled it with such strength and commitment to our community. We became more solution focused and the notion that 'we are all in this together' showed through.

By early June, our team of lawyers were becoming concerned that victims of family violence were not getting appropriate intervention order outcomes so we returned to court to improve their access to representation. This has led to better results and more appropriate court orders being made.

None of these things could happen without our team. Each and every one contributes in some way to a positive outcome, from offering a friendly voice at reception, to skilled casework, social support, education sessions through to representing in court or making submissions to Royal Commissions. I would like congratulate Geordie Stapleton on her promotion to the position of Supervising Lawyer during the year and recognise her significant contribution since taking on the role.

Our volunteers are a mainstay of our organisation. From our law and social work students, to volunteer barristers and lawyers, they have all made a valuable contribution to delivering services to our community. Thank you. We look forward to welcoming our volunteers back to the office as soon as we return.

The COVID-19 pandemic will eventually pass, and I won't say 'we will return' because, from the clients' viewpoint, we have not been away. We have simply adapted and do things differently. Client support and legal services have continued throughout this current adversity, and I am proud that our team are dedicated to a single purpose of making a positive difference in people's lives.

Congratulations to the whole team for continuing their work to help people in a remarkable year.





# Strategic Plan 2020–2023

Clients are at the centre of what we do

## Priority Communities

We commit to providing accessible and inclusive services to diverse groups within our community. We will actively work to identify and prioritise our most vulnerable in our region who face systemic discrimination or disadvantage, and are more likely to experience barriers to accessing legal help.

## Our Impact

We strive to achieve the highest quality in all our work and focus on delivering targeted and meaningful outcomes to the people and community that we serve.

### Our Objectives

- Our work will be evidence based and capable of being measured to demonstrate impact.
- To evaluate our programs and ensure our impact is measured and documented.

## Our Services

Our work will contribute to greater justice equality at both an individual and community level. Our services will be informed by our clients' needs and take a collaborative and client-centred approach to strengthen the way we work and the value that we deliver to clients and community.

### Our Objectives

- To have an in depth understanding of legal need in our region.
- To deliver services that are accessible, inclusive and targeted to community and clients who are most in need.
- To provide an integrated and collaborative approach to casework, community legal education and non-legal support
- For our clients to experience a holistic approach to how their needs are addressed, through enhanced service models and strengthened partnerships.

## Our Advocacy for Law Reform

Through partnerships, our work will contribute to addressing systemic causes of justice inequality and disadvantage for the communities we serve. We will work in partnership with others whose values and objectives align with ours.

### Our Objectives

- To increase awareness of, and respond in strategic ways to, access to justice issues for our community.
- To strengthen and develop relationships with community organisations, other CLCs and stakeholders to enhance our capacity to contribute to law reform.

## Our Work in Community

We will take a community development approach to our work, aiming to work with our most vulnerable communities to assist them to understand and enforce their legal rights and build the capacity of the community sector to better support their clients with legal problems, earlier. We will contribute to building the capacity of the community to prevent legal problems from occurring.

### Our Objectives

- To find and work with the most vulnerable communities to enable them understand and enforce their legal rights and know where to get help.
- To build the capacity of community service providers to better understand and support their clients with legal problems and make high quality referrals to our service.
- To work in new and innovative ways to address emerging areas of legal need.



## Our People and Culture

We will foster a well-performing, diverse and inclusive workforce, able to deliver the best possible legal outcomes within available resources and circumstances. This means people we employ have opportunities for career growth and development, staff and volunteer well-being is prioritised, and that there is a culture of trust, with staff empowered to participate in developing new approaches to what we do.

### Our Objectives

- To better utilise capacity and expertise of our staff, students and volunteers.
- Our people feel safe, respected and supported at work.

## Our Enablers

We will enhance our capability and foster an environment that uses progressive infrastructure, tools and resources to support our work and ultimately drive better outcomes.

### Our Objectives

- Our people have the resources they need to do their job efficiently and effectively.
- To embrace new technologies to increase efficiency and sustainability.

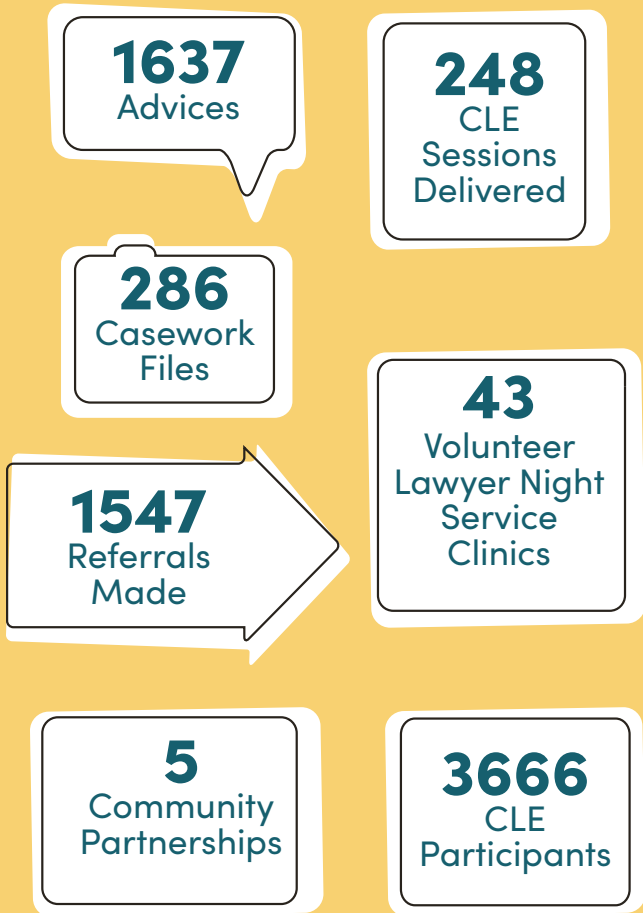
## Our Sustainability

Our work must deliver outcomes to the community that we serve in the most resource efficient and sustainable way possible. We will develop models that deliver financial sustainability over the long term. Our models of service delivery will be flexible and adaptable to meet changes in funding and create opportunities for growth.

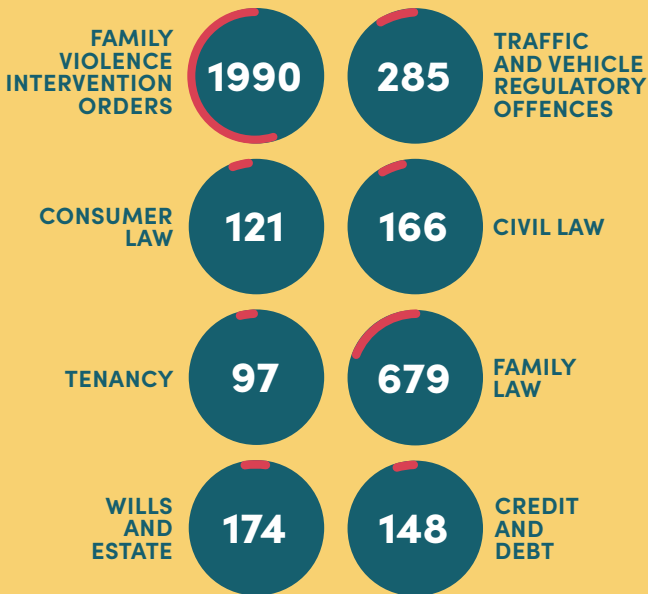
### Our Objectives

- To adequately resource this strategic plan.
- To establish strong and influential relationships with funders and stakeholders.
- To proactively identify and respond to funding opportunities for programs and services that address unmet community need.
- To strengthen risk management planning.

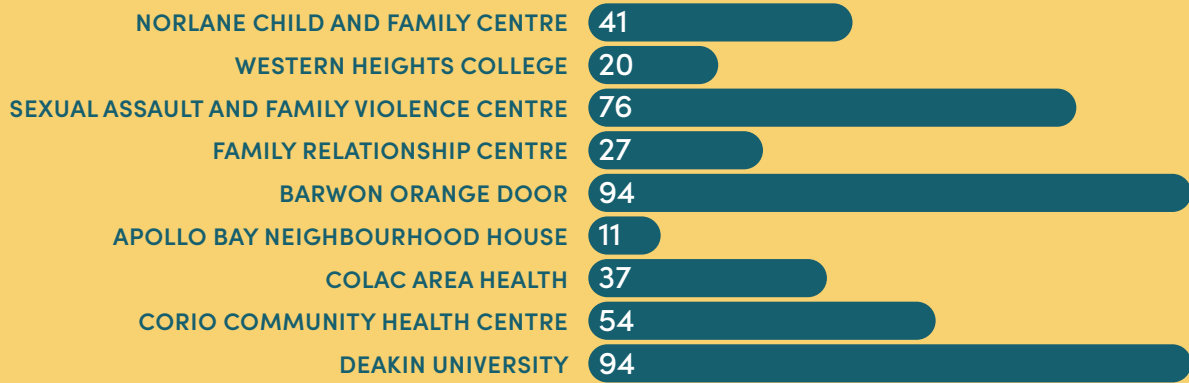
# Our Impact



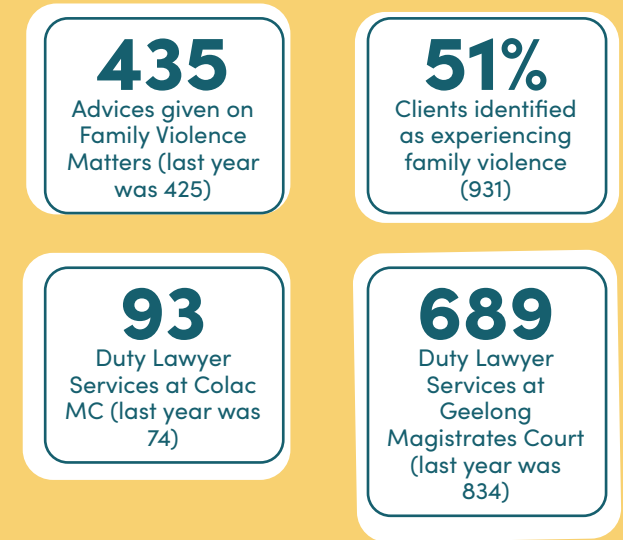
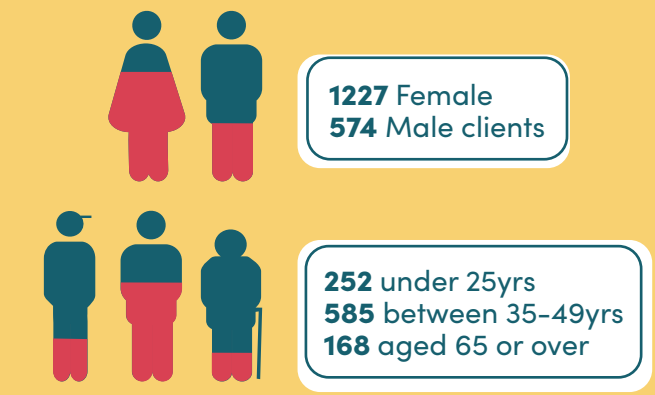
## Most common legal issues by services (excluding referrals and information)



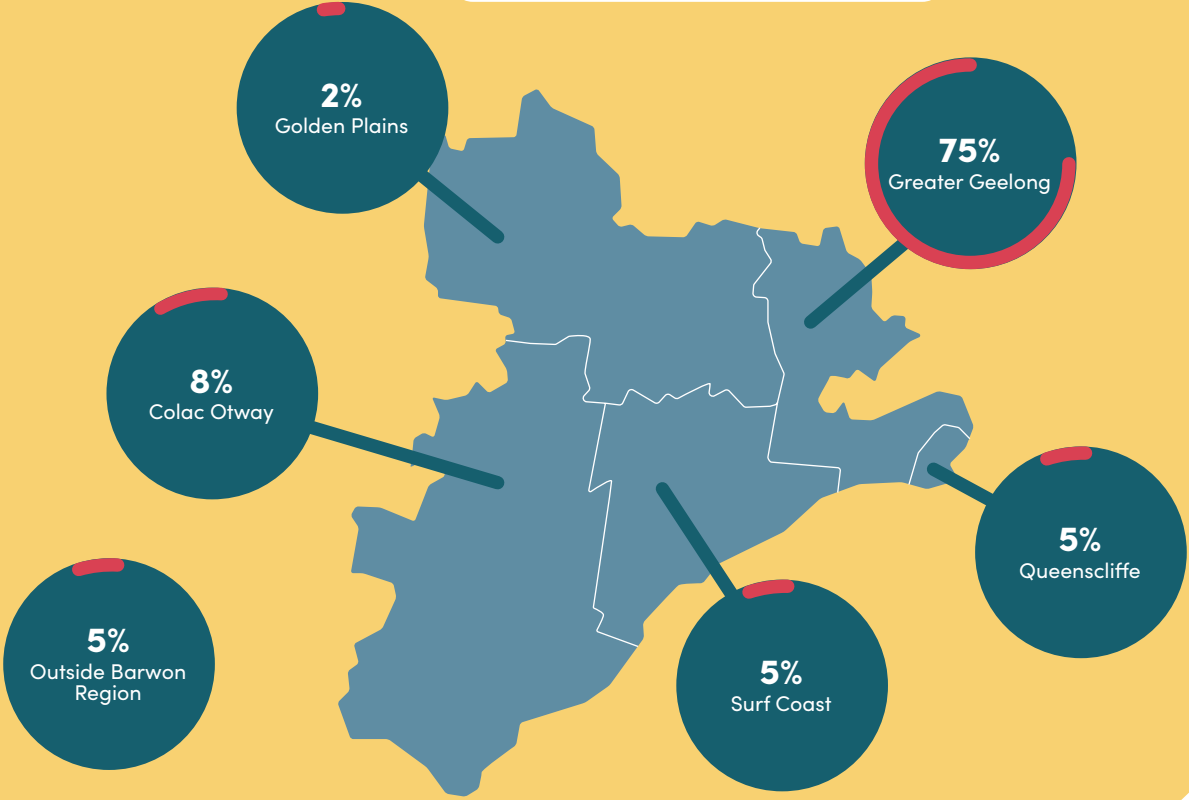
## 9 Outreach Locations Total 454 Appointments



# Our Clients



## Clients by Location





# Our Work

## Connecting Family Violence clients to legal and non-legal help

### Family Violence Programs and Duty Lawyer locations

- Geelong Magistrates' Court
- Colac Magistrates' Court
- Barwon Orange Door
- Sexual Assault and Family Violence Centre (SAFVC)
- In-house Social work support for family violence clients

Our family violence programs continued to be in high demand this year, with over 50% of our clients identifying that they were experiencing family violence.



### We connect family violence clients to legal help earlier in partnership with The Orange Door (Barwon Support and Safety Hub)

Our integrated partnership with The Orange Door continued in 2019-20 with the co-location of a community lawyer within The Orange Door staff team one day per week. This partnership has allowed us to connect to family violence victim survivors earlier and provide them with legal advice that helps inform important safety decisions going forward. This year we have assisted 81 clients through this partnership.

Our co-located lawyer also strengthened referral pathways and relationships with staff co-located at The Orange Door, through providing legal education sessions in collaboration with Victoria Legal Aid and the Family Relationship Centre focusing on Family Violence Intervention Orders and family law.

### We take an integrated and holistic approach to legal assistance for family violence clients at the Sexual Assault and Family Violence Centre (SAFVC)

The SAFVC is part of the Barwon Multidisciplinary Centre (MDC), which is home to multiple agencies who work collaboratively to provide an integrated and holistic response to victims of sexual offences, family violence and child abuse. Through our partnership with the SAFVC we have seen the benefits of providing legal assistance to family violence clients in a therapeutic and trauma-informed setting.

Approximately 60% of clients surveyed during the year reported that the legal help they received significantly increased their ability to plan for the future and get on with their lives. Our SAFVC lawyer assisted clients with a range of legal problems including family violence, fines and infringements, debt and consumer contracts.

Secondary consultations with SAFVC staff and legal education workshops on key areas of law have also proven vital to strengthening our partnership with our local specialist family violence service.

- 20% clients surveyed found that they had more than one legal issue.
- 15% clients surveyed had more than two legal issues arising during their first appointment
- Footnote to data - This is consistent with [Law and Justice Foundation research findings from 2019](#) which found that victim survivors can have as many as 20 legal issues when they first seek assistance.

*"I have found the co-location of BCLS at SAFVC incredibly useful for my clients. I have no legal knowledge, and being able to link clients into a supportive and familiar source has been great. It is really reassuring for the clients to know who will be contacting them, and to know they will be met with a trauma informed legal provider. I have had very positive outcomes with several clients I have linked with BCLS and feel like it is well placed to provide outreach in such a safe and supported space as the Multi-Disciplinary Centre".*

SAFVC Co-located Community Health Nurse

*"It made a difference to everything. I feel safe, I've connected with other services and I did not have to struggle to pay a lawyer for this assistance."*

*"It was such a scary and stressful time and I felt completely safe and listened to by your lawyers".*

*"I felt safer and reassured that I could take action to protect myself and my son".*

Feedback from SAFVC clients

### We support our clients at risk of family violence during COVID-19 pandemic

While our Family Violence Intervention Order duty lawyer service remained busy, COVID-19 has had a significant impact on the courts, with many of our clients experiencing delays and having their matters adjourned. We have also seen an increase in police-initiated family violence

intervention orders, which reflects the increase in family violence generally during the pandemic. Our pre-court family violence triage advice service has been vital in offering support to our clients through an often stressful process.

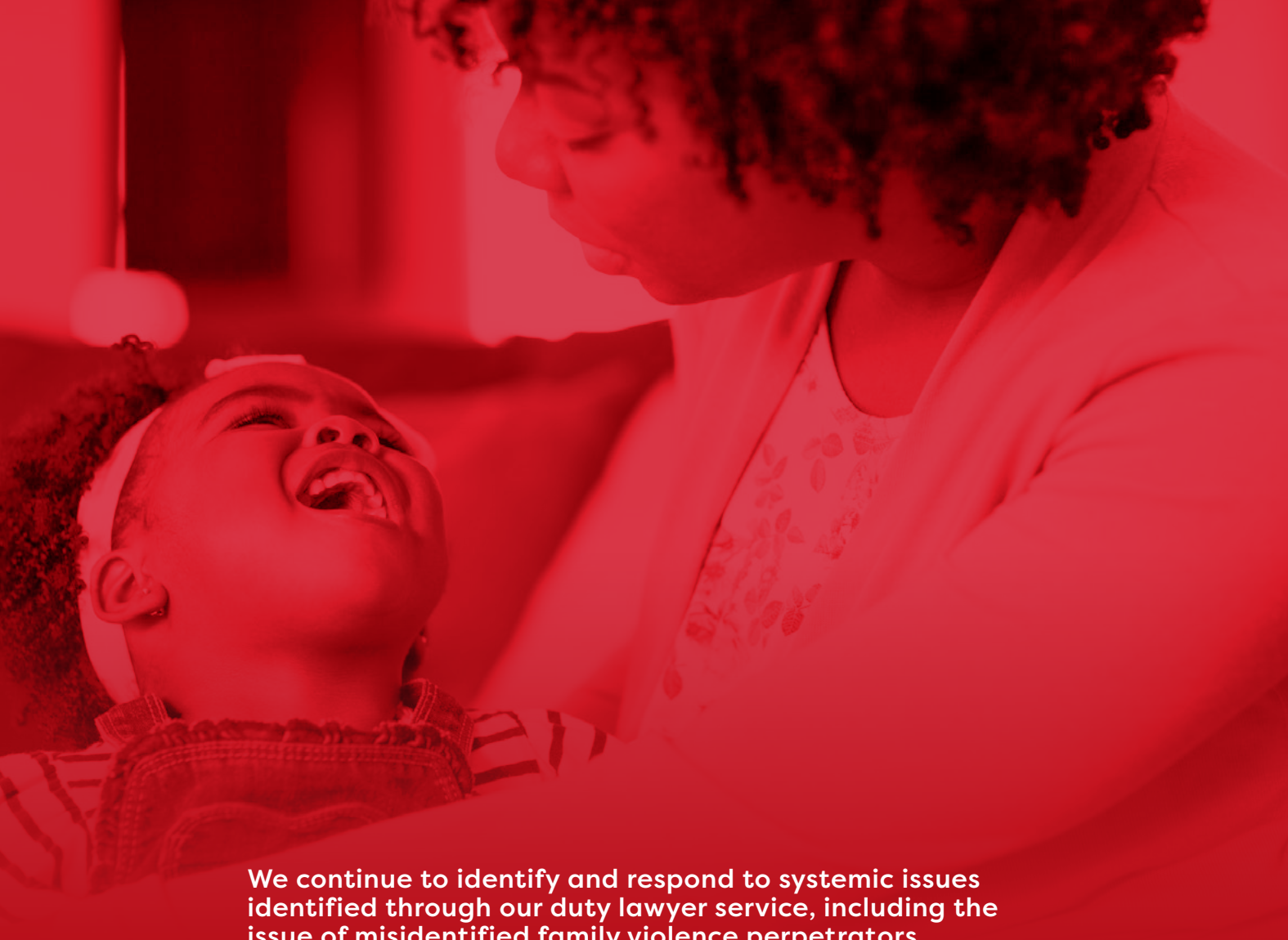
### We collaborate with other legal services on systemic issues that impact our clients

At a state level, we continued our advocacy around the issue of misidentification of the primary aggressors in family violence incidents, through participating in two sector planning workshops in October 2019 and January 2020. This group was convened by Victoria Legal Aid and attended by Community Legal Centres across the state. We participated

in workshops that mapped out and identified issues and points of effective advocacy to address the misidentification of female Respondent's in Family Violence matters attended by Victoria Police. Outcomes of these workshops were fed into the Family Violence Justice Advocacy Network







**We continue to identify and respond to systemic issues identified through our duty lawyer service, including the issue of misidentified family violence perpetrators**

## Aisha's story

A misidentified perpetrator identified at our duty lawyer service

Aisha came to Australia six months ago from Nigeria. She and her husband have a 15-month old baby. Soon after arriving here, Aisha's husband started to control her financially and psychologically. He threatened to stop his support for Aisha's permanent visa application if she did not behave as directed by him. One night, Aisha and her husband had an argument, while our client was using a kitchen knife preparing dinner. The husband called the police and claimed that our client had threatened him with the knife. Police issued an order

excluding Aisha from the house and preventing her from seeing her child. Aisha had no family or friends close by and had limited financial resources, using her last savings to pay for hotel accommodation.

Aisha was referred to our duty lawyer service and our community lawyer was able to identify that our client had been misidentified as the perpetrator of family violence, when in fact she had been experiencing family violence for a significant period of time. Our duty lawyer was able to negotiate with the police prosecutor and make

submissions to the magistrate arguing that police did not follow their own risk assessment practices. The magistrate accepted our submissions and made a six-month Safe Contact Order allowing Aisha to go back home and to be reunited with her child. We were also able to provide her with advice on how to make her own family violence intervention order application against her husband if the family violence continued and reassured her that it would not jeopardize her application for permanent residence.



*"Throughout challenging times I have received invaluable support advice and a listening ear from the social work program at BCLS, this has greatly reduced my anxiety and I am so grateful".*

*"It is reassuring to know when the chips are down, someone is in your corner. The support I have received from BCLS social work has been, supportive, transparent, nonjudgmental and many referrals made when needed, I have felt very comforted in times of great stress".*

**BCLS social work client**

**75**  
clients received  
social work  
support

## We help family violence survivors get on with their lives by addressing their non-legal issues

Our social work program supports women experiencing family violence who not only face complex legal issues, but also a diverse range of non-legal issues.

Throughout COVID-19 it was evident that in addition to their experiences of family violence, many women also faced further financial hardship due to loss of employment, increased caring responsibilities and stresses due to children remote learning from home and not having additional support to assist with caring responsibilities, experiencing more anxiety and depression, social isolation, delayed court proceedings and outcomes due to changes with court processes. It was noted that women found

experiences of court much less stressful as, due to COVID 19 court processes, they were not required to attend in person.

Many clients have reported that they feel better equipped to engage in legal processes when being supported by a social worker to address their other non-legal issues. Clients also find it helpful to speak with a social worker who has knowledge of the legal system. Our social workers and legal team agree that working together in an integrated way informs each other's work and enhances the quality of services that can be provided to clients.

## Kerry's story

Kerry contacted us to discuss a family violence intervention order that police sought against her 19-year-old son. Kerry was quite distressed that her son was asked to leave the family home and her lawyer recognised that she may benefit from some additional support. Her lawyer gained Kerry's consent to refer her to our social work program.

Initially Kerry was quite mistrusting, she explained she felt let down from services over the years and was frightened that someone was going to come along and tell her how wrong she had got everything, and that this was why her son was using family violence behaviours.

Over the next six months Kerry did learn to trust. She was supported to keep her family safe via facilitated safety planning and implementing security measures at her home via a flexible support funding package. Kerry was provided with referrals to other support services for her children, including her son who no longer lived with her. All family members now receive support in relation to exposure to and use of family violence behaviours. Advocacy assistance was also provided to Kerry in relation to debts, reporting breaches and emotional support whilst working through legal issues.





Our family violence casework helps clients move on from debts and other consumer issues related to family violence

## Alexis' Story

Alexis was referred to BCLS from our Corio outreach service. She approached our service after receiving a call from a debt collector asking her to repay a debt she knew nothing about. After making some enquiries, Alexis discovered that she, along with her partner at the time, David, were joint borrowers to a \$41,000 personal loan she had no recollection of.

David and Alexis had been in a relationship for a number of years. Throughout the relationship David was emotionally, physically and financially abusive. David would control when and how Alexis spent money, and took control over their finances. In 2018 a Family Violence Intervention Order was granted against David.

Alexis approached our BCLS lawyer to get some advice on how to get her name off the loan, especially due to the family violence situation. Alexis had no money, no car and was a single mother. She was able to walk to the Corio outreach service from her home to meet with one of our lawyers.

One of the advantages of BCLS is the capacity to do some casework for clients. Alexis' situation warranted additional investment in casework. As such, our lawyer engaged in negotiations with the finance provider, however an internal review with the finance provider was unsuccessful. Our lawyer escalated the matter by making a complaint to the Australian Financial Complaints Authority (AFCA). Through this process, the lawyer argued that the loan was unsuitable and unjust, and that Alexis only signed the contract so to not upset David due to the family violence.

Shortly after the complaint was submitted to AFCA, the finance provider contacted BCLS to inform them that they had conducted an internal review and had agreed to waive the \$41,000 owing and take no further action against Alexis. In total, it took our lawyer 14 months to achieve this outcome.

The legal advice and casework that BCLS offered Alexis meant that she was free from the burden of a financial debt that would have otherwise kept her linked to her life with David. Now she is able to heal and move forward.

# Our Work



Helping separating families understand the family law process

**260**

Family law and mediation information sessions delivered to recently separated parents

(pre-COVID-19 face-to-face sessions)

**77**

Online information session provided

(post-COVID-19)

**27**

Clients provided with one on one family law advice session

(July 2019 to March 2020)

## We help separating couples have a greater understanding of Family Law Court proceedings and the mediation process

Our information sessions on the family law and mediation process, delivered in partnership with the Family Relationship Centre (FRC), have been vital in helping separating couples navigate an often stressful experience. Our wrap-around service includes providing both legal information and an opportunity for participants to have a one-on-one advice appointment with one of our

community lawyers. This provides participants with an opportunity to ask questions about their personal circumstances, which can help to reassure clients, and provide clear information about next steps. It is also an opportunity to encourage family dispute resolution and provide a realistic picture of the financial and emotional cost of going through the family law system.

## We continue to offer family law and mediation information sessions online during COVID-19 pandemic

The COVID-19 pandemic has had a significant impact on family law matters. Clients have been unable to attend mediation meetings in person, causing delays in resolving matters and putting a lot of pressure on separated parents. There has also been an increased number of parents withholding contact due to concerns around their children's safety, and much confusion around family law rights and the impacts of COVID-19 restrictions.

To meet these challenges, we adapted our information session and created an online video for separating couples which allowed people to access this important information safely from their own homes.

After our information sessions, participants reported a greater understanding of equal shared parental responsibility and the difference between consent orders and parenting plans.



# Our Financial Impact

Relieving clients' financial stress through legal help

We saved our clients at least  
**\$572,060**

**191**  
clients with fines helped

**\$28,467**  
approximate worth of fines and infringements cancelled, revoked or withdrawn

Many of our clients living in financial stress and below the poverty line often have to choose between spending their money on housing or food. Other clients have faced crippling debt incurred at the hands of a family member or as a result of family violence. Often the source of our clients' financial stress is an underlying legal issue, and this year we achieved some fantastic results for clients.

## We achieve big consumer law wins for clients

Highlights this year include:

- Advocating for the removal of over \$350,000 worth of loans for clients, most of whom were family violence survivors
- Successfully complaining on behalf of clients to the new Australian Financial Complaints Authority about irresponsible and unjust lending practices
- Working alongside Consumer Action Law Centre to advocate for changes to consumer laws to better protect individual consumers

## Valerie's story

Valerie, a single mother of two children, worked for decades as a nurse to pay off the mortgage on the family home. At the age of 68, her eldest son, Wayne, asked her to invest her superannuation in a business he was setting up. Valerie felt pressured to help her son, investing most of her superannuation and signing a number of contracts. When the business failed, she discovered that her home was mortgaged under a Loan Guarantee for \$250,000, which she alleged

she wasn't correctly informed about, and her home was the only asset the bank could sell. She came to our legal service for advice about how she could keep her home being sold by the bank.

We looked into the issues, obtained some specialist advice from Consumer Action Law Centre and assisted Valerie to make a complaint to the Australian Financial Complaints Authority (AFCA) - against both the bank and

the mortgage broker that Wayne hired to set up the loan. **After 8 months of advocacy and negotiation, AFCA made a Determination that the bank had misrepresented the guarantee to the mortgage broker and to Valerie and that it was therefore completely unenforceable. The determination set Valerie free from a \$250,000 financial burden and meant she could keep her home.**

*"Thank you for steering us in the right path of how to begin to fight against the big bank along with all the assistance along the way ... it has been priceless to our fight and we are truly grateful."*

- Valerie, consumer law client





**Emma Cvitak**  
National Social Security Rights Network

Community lawyer Emma Cvitak giving evidence at the Inquiry into Sustainable Employment for Disadvantaged Jobseekers



Community lawyer Emma Cvitak participating in the Economic Justice Australia bi-annual meeting in Canberra

**We help our clients on social security payments by working in and on the system**

We have a busy social security practice assisting clients with the many types of problems they may have with Centrelink (Services Australia) including around eligibility for some types of income support payments, debts which have arisen through overpayment for many reasons, and the appeals process when Centrelink decisions are disputed.

A fair social security system treats all people with dignity and respect



**We share our client stories to achieve systemic change**

We are an active member of Economic Justice Australia (EJA), the peak organisation for Community Legal Centres who provide specialist advice on social security issues. EJA also provide expert advice to government on social security reform to make it more effective and accessible. Our work in collaboration with EJA allows us to communicate issues and trends we see within the community to policy makers and key decision makers which in turn helps to influence positive changes in the social security space to benefit our clients. In November 2019, we attended the Victorian Parliament and provided evidence for the Legislative Assembly Economy and Infrastructure Committee's Inquiry

into Sustainable Employment for Disadvantaged Jobseekers. Our clients' stories and submissions went on to be quoted in the final Parliamentary report which considers the multiple and complex barriers some jobseekers face when trying to find and retain employment, and proposes strategies to address these barriers.

We also contributed to the Department of Social Services evaluation of the Disability Support Pension (DSP) assessment process where we were able to include our observations and five client case studies for consideration by those responsible for creating the policies and processes relating to DSP.

**Sharing our client's stories to influence decision makers.**

**Sasha's story**

Sasha came to us for assistance when Centrelink wanted repayment of a debt they alleged had arisen because of an overpayment of her Disability Support Pension (DSP). Sasha was recovering from substance dependence and suffers from anxiety and depression. This Centrelink debt was having a direct negative effect on Sasha's mental health and recovery.

We assisted Sasha to lodge a Freedom of Information request to obtain all the data relevant to the debt, and through this discovered that there were a number of inconsistencies and debt amounts that were incorrectly raised. As a result, we advised Sasha to appeal the debt to

the Administrative Appeals Tribunal (AAT), seeking the waiver of the debt on a number of grounds. In addition, to further support the waiver, we assisted Sasha to get supporting medical evidence from a psychologist detailing the detrimental impact the debt was having

on Sasha's wellbeing. Based on the submissions and evidence provided at the AAT, the tribunal member waived the entire debt of over \$6,000. Sasha, now debt free and relieved from worrying, was able to continue to receive treatment and focus on getting back to good health.



GEELONG

# Legal centre calls for Fines Victoria to oversee COVID-19 infringement reviews

**A Geelong legal service has called for Fines Victoria to oversee Victoria Police's coronavirus fines review process amid fears the vulnerable are being unfairly issued fines they cannot pay.**

Olivia Shying, Geelong Advertiser

Subscriber only | October 15, 2020 10:51am

Barwon Community Legal Service has officially called for Fines Victoria to oversee Victoria Police's coronavirus fines review process amid fears vulnerable residents are being unfairly issued fines they cannot pay.

## We challenge unfair fines and infringements and advocate for systemic reform

Fines and infringements tend to disproportionately impact our most vulnerable in community. Our lawyers provide legal advice and representation to people who have fines, especially where the fine was caused by their life circumstances such as family violence, homelessness, mental illness and substance addiction. This is especially true during the COVID-19 restrictions for which

over 42% of fines have been issued to people under 25 years of age. This age group is less likely to have stable housing, employment or family supports than other age groups.

We help people to request a review of their fine, ask for them to be withdrawn, or have their special circumstances taken into account.

## We advocate for a fairer system of fines and infringements

We are a member of the Infringements Working Group (IWG) which includes 38 other organisations including other community legal centres, financial counselling services and Victoria Legal Aid. Together, the IWG has extensive, client-centered knowledge of the strengths and weaknesses of Victoria's fines system, and we are regularly consulted by the Victorian Government and Fines Victoria on all aspects of the system. This year, as a member of the IWG, we advocated for law reform about the Family Violence Scheme to assist

survivors of family violence, the Enforcement of Fines and Payment Arrangements, and how COVID-19 fines were disproportionately affecting disadvantaged people who could least afford to pay them. We also worked towards, in collaboration with Victoria Legal Aid, creating opportunities for our clients to "work off" their fines by providing workshops to local Geelong organisations on how to become registered as part of the Work and Development Permit Scheme.

## We help our clients to understand and exercise their consumer rights

Motor vehicle accidents are stressful experiences and insurance is there to help us – financially and for support when needing to work through the process of an accident. However, when claims aren't processed many people can be left in the lurch and fail to obtain the benefits they are entitled to.

## We provide employment law support and information to people impacted by the COVID-19 pandemic

Our experience with the Temporary Work Visa project meant that we were able to immediately respond to community need when the COVID-19 pandemic hit. Concerns about work rights and redundancies understandably increased and the introduction of JobKeeper payments also generated an increase in enquiries from concerned community members.

With so many common questions relating to employment, our team worked quickly to undertake a community education campaign, and produced fact sheets and a video relating to work rights during COVID which were distributed widely. Our legal team also provided legal information through our regular radio segments on 94.7 FM the Pulse Community Radio and K-Rock 95.5 FM.

## We help temporary work visa holders understand their work rights

In partnership with Job Watch and Goulburn Valley Community Legal Service, the Temporary Work Visa Project (TWVP) aimed to help temporary work visa holders in the Barwon South West region to better understand their work rights. During the project, legal education and advice was offered to locally based working holiday makers and international students in the region.

A marketing campaign was conducted to encourage temporary work visa holders to speak up and seek legal advice about their work conditions. The campaign included community billboards, mail outs to accommodation providers, a dedicated Facebook page and the development of a television commercial that aired on Channel 31 during December 2019 – January 2020.

Over the course of the project, we assisted 28 clients with employment law advice and case work. The majority of clients assisted were international students from Deakin University and the Gordon TAFE. The most common legal query was in relation to underpayments which is a major issue for international students.

Whilst the project formally ceased in March 2020, the service continues to benefit from the employment law expertise gained through this project allowing us to adjust quickly to community needs when the COVID pandemic hit and enquiries relating to employment issues increased rapidly.

Community lawyer Victor Galaz helping Study Geelong ambassadors understand their work rights.





# Our Work

Addressing barriers faced by young people in accessing legal help

## We help those hardest hit by the COVID-19 pandemic to get fair tenancy outcomes

When the COVID-19 pandemic hit, we were able to quickly adapt our Deakin Student Legal Service (DSLS), run in partnership with Eastern Community Legal Centre, to provide free legal advice, information, referral and legal education to students virtually. This has expanded the reach of the service by allowing video conferencing with students overseas that have been unable to travel back to Australia. Over half of our matters since April have concerned tenancy. The complexity of these matters increased hugely for many reasons including substantial and multiple changes in tenancy laws due to COVID-19, and inter-related legal, financial and social needs including students losing income, inability to pay rent, breakdown of relationships with co-tenants and deteriorating mental health.

We were able to respond to an urgent request from Deakin University via the Deakin University Student Association concerning approximately 50 international students located in Geelong who were experiencing severe hardship, and many who had ongoing tenancy disputes. While the details to book an appointment with DSLS had been provided to the students, they were reluctant to engage with support services out of fear. In less than a week, we were able to provide students with fact sheets and self-help kits outlining the new tenancy laws, informing students of their rights, and provided step-by-step instructions on how they could seek rent reductions or end their leases. This situation also influenced the DSLS team to produce a new tenancy webinar for students in trimester two. This interactive webinar was presented again in July 2020 and was received positively.



Deakin Student Legal Service stall at the International Student Welcome event



## Jamal's story

Jamal arrived in Australia in February 2020 to study a master's course at Deakin University. His family had made great sacrifices to support his final studies in Australia.

When Jamal arrived he rented his own room in a share house, sharing the property with six other students. Each of the other students knew each other and were all from the same ethnic background – different to Jamal. The other students had a few late night parties and Jamal couldn't study, so he mentioned it to the real estate agent. Even though Jamal was doing the right thing, when the other housemates were reprimanded by the agent they blamed Jamal and started bullying him, quite severely. He felt this was

manageable until the COVID-19 pandemic hit and suddenly Jamal was in a lockdown, bullied by six other people and unable to leave the house. His family back home was also in lockdown, and could no longer afford to send him enough money to pay the rent.

Jamal's mental health declined and he was diagnosed with anxiety and depression. A relative in Australia offered him free accommodation in another city so he could recover. Jamal asked the real estate agent if he could break the lease early, however the

landlord refused stating that Jamal would have to pay lease break fees of hundreds of dollars as well as future rent until a new tenant was found. Jamal contacted us through the Deakin Student Legal Service and we negotiated with the landlord on the basis of the changes made to residential tenancies laws to assist renters who were in 'severe hardship' due to how COVID-19 had affected their lives. The landlord quickly agreed that Jamal could move out with absolutely no cost and full return of his bond, which he did.

"Thank you for your great help. I was very helpless at that moment, but after I contacted you I got the confidence to face this."

Jamal, Deakin University Student Legal Service client



## School Lawyer short films series

*"Just wanted to let you know I thought your videos were great. They explained your role really well and in a style that I'm sure the students will be able to relate to."*

**Teacher, Western Heights College**

*"Absolutely fantastic work... really engaging and the students will appreciate them."*

**Teacher, Western Heights College**



**EMMA - SCHOOL LAWYER**

### Our School Lawyer at Western Heights College works to overcome the barriers young people face in accessing legal help

Our School Lawyer Program (SLP) embeds a community lawyer on campus two days a week at Western Heights College (WHC), providing free and confidential legal advice and casework to students, as well as legal education information sessions. Our school lawyer is part of the wellbeing team and aims to overcome the barriers students face in accessing legal services and helps to build a better understanding of legal rights and responsibilities, and the legal system.

Delivering legal education to students in school aims to build their confidence in identifying legal issues and connecting to legal help when needed. Pre-COVID, our school lawyer delivered 26 legal education workshops in the classroom covering varying topics including family violence, sexting, age of consent, employment law, discrimination and cyberbullying.

Virtual learning as a result of COVID-19 has meant that our school lawyer has transitioned to providing this legal support and education online and over the phone to young people at WHC. We have delivered legal education sessions via Google Classrooms and created short films encouraging young people to reach out for legal help.

*"I know it's your job and all, but your work and help was life changing for my daughter and now she can concentrate on just being a kid again and finally enjoying her life".*

**Parent, Western Heights College**



## Our Work in Community

**Christin Couzens MP with Alexandria Jones and Emma Cvitak from BCLS alongside the Barwon Respect Cup Planning Committee**

### We create community legal education resources with young people, for young people

This year we secured funding from the Department of Justice and Community Safety through the Community Safety Fund to create a place-based community education campaign that is designed by young people living in the City of Greater Geelong, for young people. The project was established in March 2020 to work with young people and key local stakeholders to co-design an education and

awareness campaign aimed at establishing consistent messaging around young people's rights and responsibilities with Victoria Police and Protective Service Officers. This has been a particularly important project in the context of the COVID-19 pandemic, following which we adapted the project to be delivered via virtual workshops with young people, youth workers and key stakeholders.

We are collaborating with local justice and youth organisations to help oversee and deliver this project, including the City of Greater Geelong's fOrT Youth Centre, Victoria Legal Aid, Barwon Adolescent TaskForce, Barwon Child Youth and Family, and Victoria Police. We look forward to launching this project next financial year.

### We work with non-legal organisations to deliver respectful relationship education to schools

We love being involved in the Respect Cup, a community-based initiative that works with regional secondary schools (Government, independent and Catholic) to support students to take the lead in promoting healthy relationships, gender equity and respect.

We continued our involvement this year, raising awareness around gender based violence, and building the capacity of the students to identify the early warning signs of relationship violence. Nine secondary schools and 120 students participated in

our interactive workshops which we co-delivered alongside Barwon Health, Netball Victoria and Women's Health and Wellbeing Barwon South West.



**Western Heights College Respect Cup workshop winners**

**Colac Secondary College Respect Cup Netball winners**





Community Development Manager Alexandria Jones presenting to Diversitat's Healthy Living Centre participants on elder abuse prevention

## We champion elder abuse prevention work in the Barwon region

We continued our work convening the Barwon Elder Abuse Primary Prevention (BEAPP) Network. This project supports a network of organisations across the legal, local government, health, aged care and community safety sectors to work together to raise awareness and increase capacity to address elder abuse in our region.

On the 28th November, the BEAPP Network co-hosted the second Older Wiser Know Your Rights forum for 2019 at the Colac Bowls Club in collaboration with Colac Area Health and the Strengthening Health Services Response to Family Violence team. The community forum attracted over 60 participants, mostly older people living in the Colac Otway region and featured presentations from the Commissioner for Senior Victorians, Gerard Mansour, and Seniors Rights Victoria. The forum provided an opportunity for older people to have a voice on issues that impact them, particularly around safety and the actions that older people can take to protect themselves from elder abuse.

The forum also brought together an expert panel of local services who answered questions from the audience including – financial counsellor Rhonda Mahoney (Colac Area Health), Regional Assessment Service Suzanne Parkinson (Colac Otway Shire), welfare worker June Day (Colac Area Health) and community lawyer Shane Foyster (Barwon Community Legal Service). The event included the launch of a brand new elder abuse resource developed by Seniors Rights Victoria – **“Concerned About An Older Person?”** aimed at people who might be supporting someone who is experiencing elder abuse.



2019 Colac Older Wiser Know Your Rights Forum - CEO Bryanna Connell, Community Development Manager Alexandria Jones with the Commissioner for Senior Victorians Gerard Mansour and Seniors Rights Victoria, Colac Area Health, and Colac Otway Shire







2019 Barwon Month of Action Reclaim the Night March

## We are an active member of the Barwon Month of Action to prevent men's violence against women and their children

We are proud to support the Barwon Month of Action, a long running campaign that aims to raise awareness and educate our community about men's violence against women and children. We work with individuals, groups and organisations in the Barwon region to unite in their commitment to ending men's violence against women and children by hosting or participating in an event or activity.

This year we marched through the streets of Geelong CBD for Reclaim

the Night and the launch of the Barwon Month of Action. We also partnered with the Geelong Regional Library and organised a free night of storytelling centring on the theme of HERSTORY - lifting the voices of women past and present, women of our First Nations People, women of all backgrounds and cultures, their stories, their struggles and their achievements and the important role that women play in building and maintaining our communities, our towns and our institutions.



Geelong Regional Library  
Barwon Month of Action  
Herstory event



Community Lawyer Victor Galaz, Community Development Manager Alexandria Jones with Mitchell Dye presenter on 94.7 FM the Pulse Community Radio

## We help our local community workers understand legal issues impacting our community during the COVID-19 pandemic

We regularly participate in Law Week, an annual festival of the law that provides Victorians with access to important information about their legal rights and responsibilities. This year due to COVID-19, we participated in the first ever virtual Law Week in partnership with the Victoria Law Foundation and delivered our first live webinar to over 80 community workers and members of the public, focusing on tenancy rights during COVID-19.

## We use local radio to connect with our community on important legal issues

We have continued our partnership with 94.7 FM the Pulse Community Radio and have regularly presented our monthly **"Without Prejudice - Q & A with Barwon Community Legal Service"**. Our radio segments have been particularly important during the COVID-19 pandemic.

We also launched a month long radio segment with K-Rock 95.5 FM which we presented on both the Breakfast and Drive shows on key areas of law impacting the community during the health crisis, including Centrelink concerns, family law, tenancy and employment law issues.



Thank you to our Board and all of our staff who have made a positive contribution to our work and our community in 2019-2020:

## Our Board

Mark Edmonds, Chair  
Julie Clarke, Secretary  
McFarlane Pattinson, Treasurer  
Charlie Agar  
Dominique Saunders

Ian Parsons  
Tom Lynch  
Jude Hunter  
Ellie Fakoor

## Our Staff

**Bryanna Connell**  
Chief Executive Officer

**Mandi Hyland**  
Principal Solicitor

**Geordie Stapleton**  
Supervising Lawyer

**Alexandria Jones**  
Community Development Manager

**Emma Kennedy**  
Principal Social Worker

**Sharon Kerlin**  
Community Development Project Worker

**Charmaine Floyd**  
Administration Manager

**Melisa Veljan**  
Administration Assistant

**Grace Forrest**  
Administration Officer

**Liz Flynn**  
Administration Officer

**Elsie Stokie**  
Lawyer

**Sam Hawkins** (joined February 2020)  
Lawyer

**Victor Galaz**  
Lawyer

**Megan Alford**  
Lawyer

**Marijana Hawkins**  
Lawyer

**Lauren Hutson**  
Lawyer

**Louise Thorsen**  
Lawyer

**Emma Cvitak**  
Lawyer

**Shane Foyster**  
Lawyer

**Damien Pitts** (left December 2019)  
Lawyer

## WAVE YOUR APPRECIATION FOR VOLUNTEERS



BCLS staff waving appreciation for National Volunteers Week 2020

## Our Volunteers

We rely on volunteers, both students and lawyers, to assist with the delivery of our services. We would like to acknowledge and thank all of our valued volunteers for their ongoing commitment and contribution to our organisation. Your dedication to advancing access to justice cannot be understated and we are extremely grateful for all the work you do.

## Our Team

18 staff

26 Volunteers (25 Lawyers and 1 Barrister)

32 Law Students

3 Deakin Student Interns

11 Practical Legal Training Students







**Supervising Lawyer Geordie Stapleton with Deakin Student interns: Kaitlyn, Holly and Natasha**

*“I really enjoyed working with people from all walks of life and actually having autonomy over my own matters, without being completely left in the dark either. I think I have learnt more practical legal knowledge over my time at BCLS than I might have done throughout Uni”.*

### Our Deakin University intern program provides real life community law experience for law students

We continue to provide valuable real life community law experiences for Deakin University law students while increasing our capacity to see more clients. This year we hosted three interns during 2019 trimester two. Kaitlyn, Holly and Natasha completed their internship over 15 days and were provided with the opportunity to undertake legal work across diverse areas of law including wills and supported decision making, social security, consumer law, family law and divorce, license suspensions and fines.

Our interns were able to experience the full breadth of the work

undertaken by a community lawyer including attending Geelong Magistrates’ Court where they observed our lawyers representing clients in family violence matters, and observed our family law legal information sessions at the Family Relationship Centre. They also each successfully completed a community legal education project focusing on young people and the law, driving and the law, and criminal law.

We look forward to resuming our Deakin Intern program and welcoming interns back into our office when we are back providing in-person services.

## Acknowledgements

- |   |   |
|---|---|
| Barwon Child Youth and Family                       | KC Law Group                                    |
| Barwon Health                                       | KG Lawyers                                      |
| BATForce  | Leo Cussen Centre for Law                       |
| Bellarine Community Health                          | Libby Coker                                     |
| Better Place Australia                              | Loddon Campespe Community Legal Centre          |
| Cahill & Rowe Family Law                            | Marrar Woorn Neighbourhood House, Apollo Bay    |
| Chris Oldham: (Barrister)                           | Martin Ching                                    |
| Christine Couzens                                   | Norlane Child and Family Centre                 |
| City of Greater Geelong                             | Outline Print Design                            |
| Colac Area Health                                   | Peninsula Community Legal Centre                |
| Community Legal Centres Australia                   | Perisic Lawyers                                 |
| Cornish Lawyers - Family Law                        | Pixled  |
| Criminal Lawyers Geelong                            | Prestige In Home Care                           |
| Deakin University                                   | Reclaim the Night Collective Geelong            |
| Deakin University Student Association               | Refugee Legal                                   |
| Dementia Australia                                  | Regional Information and Advocacy Centre        |
| Diversitat  | Roger O'Halloran & Co                           |
| Dr Ian Warren                                       | SalvoConnect                                    |
| Dr Lee FitzRoy                                      | Sarah Henderson                                 |
| Dr Liz Curran                                       | Senior Rights Victoria                          |
| Eastern Community Legal Centre                      | Sexual Assault and Family Violence Centre       |
| Economic Justice Australia                          | Social Security Rights Victoria                 |
| Ecstra Foundation                                   | Stary Norton Halphen                            |
| Family Relationship Centre Geelong                  | Surf Coast Shire                                |
| Federation of Community Legal Centres (Victoria)    | Tenants Victoria                                |
| Fitzroy Community Legal Centre                      | The fOrt  |
| Foley's List  | The Orange Door                                 |
| Geelong Law Association                             | Trapski Family Law                              |
| Geelong Law Courts                                  | Victoria Legal Aid                              |
| Geelong Regional Library Corporation                | Victoria Police                                 |
| Gerard Mansour - Commissioner for Senior Victorians | Victorian Aboriginal Legal Service Co-operative |
| Gippsland Community Legal Centre                    | Victorian Law Foundation                        |
| Give Where You Live                                 | Western Heights College                         |
| Goulburn Valley Community Legal Centre              | WestJustice                                     |
| Hume Riverina Community Legal Centre                | Whyte Just & Moore Lawyers                      |
| Inner Melbourne Community Legal                     | Women's Legal Service                           |
| JobWatch  | Worksafe  |



	2020 \$	2019 \$
<strong>STATEMENT OF COMPREHENSIVE INCOME FOR YEAR ENDED 30 JUNE 2020</strong>		
Revenue from ordinary activities	1,873,202	1,673,940
<strong>Expenses from ordinary activities</strong>		
Employee benefits expense	1,432,063	1,359,100
Depreciation	32,947	25,817
Administration expenses	264,184	289,388
<strong>Total expenditure from ordinary activities</strong>	<strong>1,729,194</strong>	<strong>1,674,305</strong>
<strong>Net result from ordinary activities</strong>	<strong>144,008</strong>	<strong>(365)</strong>
Other comprehensive income	-	-
<strong>Total comprehensive income for the year</strong>	<strong>144,008</strong>	<strong>(365)</strong>

<strong>STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2020</strong>		
<strong>Current assets</strong>		
Cash	785,331	606,991
Receivables	238,674	21,936
Total current assets	1,024,005	628,927
<strong>Non-current assets</strong>		
Fixed assets	103,009	113,176
Total non-current assets	103,009	113,176
<strong>Total assets</strong>	<strong>1,127,014</strong>	<strong>742,103</strong>
<strong>Current liabilities</strong>		
Payables	425,855	236,658
Provisions	244,816	195,567
Total current liabilities	370,671	432,225
<strong>Non-current liabilities</strong>		
Provisions	18,600	16,143
Total current liabilities	18,600	16,143
<strong>Total liabilities</strong>	<strong>689,271</strong>	<strong>448,368</strong>
<strong>Net assets</strong>	<strong>437,743</strong>	<strong>293,735</strong>
<strong>Equity</strong>		
Reserves	9,040	9,040
Retained profits	428,703	284,695
<strong>Total equity</strong>	<strong>437,743</strong>	<strong>293,735</strong>

FUNDING

We receives funding from a range of different government and non-government sources. We acknowledge the funding gratefully received from the following sources:

- Commonwealth Attorney General's Department
  - Victoria Legal Aid
  - Department of Justice and Community Safety
  - Department of Health and Human Services
- Department of Economic Development, Jobs, Transport and Resources
  - Deakin University Student Association
  - Victoria Law Foundation
- Western Heights College
  - City of Greater Geelong
  - Deakin University
  - Ecstra Foundation

	2020 \$	2019 \$
<strong>CASH FLOWS FROM OPERATING ACTIVITIES</strong>		
<strong>Payments</strong>		
Payments to employees	(1,380,357)	(1,357,525)
Other operating expenses	(188,021)	(299,454)
<strong>Receipts</strong>		
Government grants	1,642,393	1,458,762
Interest received	8,156	7,511
Other operating income	117,716	199,378
<strong>Net cash provided by operating activities</strong>	<strong>199,887</strong>	<strong>8,672</strong>
<strong>Cash flow from investing activities</strong>		
Payments for purchase of fixed assets	(21,547)	(5,437)
<strong>Net cash provided by investing activities</strong>	<strong>(21,547)</strong>	<strong>(5,437)</strong>
Net increase in cash held	178,340	3,235
Cash at the beginning of the reporting period	606,991	603,756
<strong>Cash at the end of the reporting period</strong>	<strong>785,331</strong>	<strong>606,991</strong>

<strong>STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2020</strong>			
	Retained profits \$	Reserves \$	Total \$
<strong>Balance at 1 July 2018</strong>	285,060	9,040	294,100
Total comprehensive income for the year	(365)	-	(365)
<strong>Balance at 30 June 2019</strong>	284,695	9,040	293,735
Total comprehensive income for the year	144,008	-	144,008
<strong>Balance at 30 June 2020</strong>	428,703	9,040	437,743

Note:  
(a) The concise financial report cannot be expected to provide as full an understanding of the financial performance, financial position and financing and investing activities of the entity as the financial reports of Barwon Community Legal Service Inc; and  
(b) further financial information can be obtained from the financial reports of Barwon Community Legal Services Inc and these reports are available, free of charge, on request to Barwon Community Legal Service and from its website barwoncls.org

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF BARWON COMMUNITY LEGAL SERVICES INC

Report on the Concise Financial Report  
Opinion

The concise financial report, which comprises the statement of financial position as at 30 June 2020, statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and related notes, are derived from the audited financial reports of Barwon Community Legal Services Inc for the year ended 30 June 2020.

In our opinion, the accompanying concise financial report, is consistent in all material respects, with the audited financial report, in accordance with AASB 1039: Concise Financial Reports.

Concise Financial Report

The concise financial report does not contain all the disclosures required by Australian Accounting Standards applied in the preparation of the audited financial reports of Barwon Community Legal Services Inc. Reading the concise financial report and the auditor's report thereon, therefore, is not a substitute for reading the audited financial reports and the auditor's reports thereon. The concise financial report and the audited financial reports do not reflect the effects of events that occurred subsequent to the date of our report on the audited financial reports.

Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 to the financial reports, which describe the basis of accounting. The financial reports have been prepared for the entities for the purpose of fulfilling the directors' financial reporting responsibilities under the ACNC Act. As a result, the financial reports may not be suitable for another purpose.

The Audited Financial Report and Our Report Thereon

We expressed an unmodified audit opinion on the audited financial reports in our report dated 2 November, 2020.

Directors' Responsibility for the Concise Financial Report

The directors are responsible for the preparation of the concise financial report in accordance with AASB 1039: Concise Financial Reports.

Auditor's Responsibility

Our responsibility is to express an opinion on whether the concise financial report is consistent, in all material respects, with the audited financial report based on our procedures, which were conducted in accordance with Auditing Standard ASA 810: Engagements to Report on Summary Financial Statements.



Stephen Kirtley  
Director

Dated this 2<sup>nd</sup> day of November, 2020

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

