

Annual Report 2012-13



Rosemary

**Mt Druitt & Area
Community Legal
Centre Inc.**

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Photo on cover by Nicole Senioli.

Federal Attorney-General, Mark Dreyfus QC, MP and Ed Husic MP with staff and management (from left to right: Tiane Wilson, Vivian Michael, Merleen Millson and Veselko Cuic) outside the Mt Druitt & Area Community Legal Centre during a recent visit on 2 September 2013.

President's Report

During the past year the Mt Druitt & Area Community Legal Centre Inc. (MDCLC/Centre) once again experienced a number of problem situations which were ably handled not only by our solicitors, Administrator and volunteers, but also by the Management Committee.

The calibre of any organisation depends upon its early foundation member's vision and foresight. Who we are and what we stand for presently is because of those principles and values which we continue to maintain through the efforts of the staff and volunteers, whose diligence keeps the vision alive.

The highest priority of the MDCLC is to obtain both Commonwealth and State funding to maintain free, relevant and accessible legal services that are responsive to the needs of our diverse community. The funding assists in the continued employment of our excellent staff which enables them to operate efficiently and effectively in providing service and goodwill within our community.

Merleen Millson, MDCLC Secretary completed the task of writing the MDCLC submission to obtain increased funding from both Commonwealth and State entities. After numerous rejections the submission was given to the Federal Member for Chifley, Ed Husic MP who was able to obtain funding from then Federal Attorney-General, Nicola Roxon. The amount of funding was also given to another four (4) CLC's specifically for the Aboriginal Family Law (AFL) Project.

The goal of the project is to promote Aboriginal Family Law to the local community via forums on Family Law and to include the provisions of legal advice where necessary. Our solicitor Hemal Perera is the Project Manager and he is ably assisted by Veselko Cuic, our Principal Solicitor.

Contact has been made with a well respected and recognised member of the Aboriginal community, Ms Winsome Matthews – *Senior Regional Strategies Officer/Aboriginal Child and Family Centres (Yenu Allowoh & Ngalla Wal) Communities & Early Intervention/Community Services, Dept of Family and Community Service*. Ms Matthews was invited and accepted a position on the Management Committee which the Management Committee welcomes and greatly appreciates. Her assistance and experience in matters

of Aboriginal Family Law and contact network will provide a respectful and knowledgeable understanding of the services to be provided by the MDCLC.

Our solicitor, Vivian Michael, commenced a project on her own volition to create a website for the Centre's clients and the NSW community. She contacted the Law and Justice Foundation NSW who praised her initiative. The Management Committee is proud of her work ethic and wishes her continued success with the project.

The Management Committee and I are in debt to the loyal and committed staff members for their diligence and support: Veselko Cuic, Principle Solicitor; Vivian Michael, Part-time Solicitor; Hemal Perera, Part-time Solicitor; Anita Pemberton, Administrator; Tiane Wilson; Admin Assistant and Volunteers.

We, the Management Committee are constantly in awe of the workload they achieve on a weekly/monthly basis for the members of our community.

On behalf of the Management Committee our thanks are extended to the Federal Member for Chifley, Ed Husic MP who continues to look after all members of this community, and the corporate businesses who have assisted the Centre with funding especially the Blacktown City Council and the West Tradies Club.

On a personal note, I thank the members of the Management Committee who have given their time, not only at monthly Management meetings but also at other times. Your experience from a cross section of backgrounds and work fields assists the Management Committee to make the decisions relevant to the Centre's role in the Community.

Doreen O'Grady

President

September 2013

Our Staff

The permanent staffing at the Centre in the reporting period consisted of one full-time solicitor and two part-time solicitors (total 82 legal service provision hours per week), one full-time Administrator and one part-time Administrative Assistant (total 46 hours per week).

Solicitors and administrative staff have done their best to provide the local community with excellent legal services and representation in ever changing circumstances. During the reporting period they were:

VESELKO CUIC

Principal Solicitor (2006 to current)

For a four month period from late 2004 until early 2005 Veselko conducted his practical legal training at the Mt Druitt & Area Community Legal Centre. From around July 2005 until December 2005 he worked at the Centre as a volunteer solicitor. Veselko commenced part-time work at the Centre in late 2006 and was employed full time in early 2008. In 2011 he was appointed Acting Principal Solicitor and became Principal Solicitor in 2012.

"During my university studies I had always planned on working in a commercial firm. I had approached many commercial firms during 2004 with the view of undertaking the practical legal training component of my Graduate Diploma in Legal Practice.

Every firm stated they had no space available for me; one suggested I try the Mount Druitt and Area Community Legal Centre. I had never heard of a Community Legal Centre before that suggestion.

I have been at the Centre since my PLT stint, apart from 9 months in private practice in 2006. I now find it difficult to believe I wanted to practise in the commercial sphere. I am proud to work with a wonderful group of people and to provide a valuable service to the local community".

ANITA PEMBERTON

Administrator (2001 to current)

Anita started with the Centre in the full-time position of Administrator in March 2001 and has undoubtedly been significant to the smooth and efficient operation of the Centre.

As the Centre's core funding only allows for the employment of 2.5 FTE staff (1.5 solicitors and 1 administrator), Anita has had to juggle and combine the roles and responsibilities of many positions during this time. For larger centres and centres that receive significantly more funding, facets of this position are divided equally into smaller roles and filled by separate individuals.

Thanks to additional one-off Commonwealth funding made available during the reporting period the Centre was able to employ an Administrative Assistant to support Anita with administrative duties while she undertook the Accreditation process on her own.

Anita is currently studying Bachelor of Community Welfare, part-time at UWS.

"When I applied for the position of Administrator, almost thirteen years ago, my original covering letter expressed my desire to help people deal with personal and social problems in the community.

We help clients with a diverse range of legal problems, often not of their own making. Due to limited financial and other resources we are often the only source of legal advice and representation available to them. Our client's legal problems are 'non-profitable', and often their life events are affected entirely by the financial and/or legal problems they face.

I share the view that low-income Australians are either excluded from mainstream media and public debate or cast in a negative light. This has left a gap in knowledge of the views and circumstances of disadvantaged people and has disenfranchised them in terms of public policy development.

Collectively, 'we' – the staff and the Management Committee of the Centre are dedicated and committed to the service we provide and proud of our achievements over the past seventeen years."

VIVIAN MICHAEL

Part-time Solicitor (2008 to current)

Vivian started with the Centre as a Practical Legal Training (PLT) Student in about October 2008. Since Admission in 2009, she has been employed as a solicitor, working primarily in Employment Law.

“Undertaking the PLT at a Community Legal Centre and taking on a solicitor role at the Centre has provided me with invaluable work and life experience. The benefits have included:

- *Experience in several practice areas before choosing to specialise;*
- *Developing agility in legal practice; an ability to confidently take on case work in several new practice areas within a short time frame; and*
- *Practical end-to-end management of case work from my date of admission; a rarity in some large private firms. In my first month of admission I successfully represented a client in a serious traffic matter and shortly after was successful assisting a client in a mental health application, the client was accused of defrauding a government organisation.”*

HEMAL PERERA

Part-time Solicitor (2012 to current)

Hemal has been a solicitor in the community legal sector for 15 years. He started his legal career in Australia, in Dubbo NSW, as a Civil and Family Law Solicitor at Western Aboriginal Legal Service, (WALS) where he received good training on the Commonwealth (Australian) and NSW Laws. Hemal’s years of overseas experience helped him to grasp them quickly. He was required to travel to Far West and many Central West locations assisting the Aboriginal people. Family Law and the wide range of civil matters he has handled has made him a Generalist Solicitor. Hemal’s last employer was the Public Interest Advocacy Centre, a legal and policy centre that promotes public interest issues.

“The experience I gained in my previous position stood me in good stead to manage the law practice of the Centre and assist clients in their various legal issues, alone for a month, when my two other colleagues were on holidays.

I conducted an outreach CLE for older Australians of the Probus Club of Mt Druitt where at least 70 members of the Club were in attendance. I spoke about Powers of Attorney, Enduring Powers

of Attorney, Guardianship and Wills where the information was very useful to the appreciative listeners who even asked me questions about the issues they had.

At the Centre I am designated as the Family Law solicitor, but when required I do employment and generalist work. About March 2013 I was given the responsibility to carry on with the Aboriginal Family Law (AFL) Project. The Centre now has a program to provide assistance to Aboriginal people with their family law and children's issues.

My aim in the project is to educate the Aboriginal Community of the avenues available to them to avoid court as far as possible and also to keep the Family and Community Services (FACS) away from their lives, and their children's lives. In this regard I have attended meetings with several Aboriginal organisations and am planning to make a few presentations in the near future.

I also attended the August Koori Interagency Meeting at the Mt Druitt 'Hub'. The Convenor of the meeting agreed to give me an opportunity in November for a presentation. After a short introduction of the AFL Project I distributed our flyers to about 30 participants from different Koori organisations. I informed them that that I will be making a presentation on the theme "Early Intervention" in relation to children's issues at their November meeting. I also said that I am happy to make presentations for their clients, at their offices if requested."

TIANE WILSON

Administrative Assistant (July 2012 to current)

Tiane joined the Centre as the Administrative Assistant in June 2012 to assist the Administrator during the accreditation process. In this newly created role, Tiane handles reception, referral services, CLSIS data collection and general administration.

"I have found this job unique and rewarding in the fifteen months I have worked here. I have learnt so much about running an office and dealing with people from all paths of life. I have dealt with politicians, other Community Legal Centres, clients and other stakeholders.

When clients call this centre, often they don't know who else they can call to give them the help they need when they are at their lowest. Often they have been passed around various other agencies before they find us which adds to their frustrations. They may be earning too much for Legal Aid, but with a mortgage and family, and other debts, they cannot afford a private solicitor. Clients call here when they have no other alternative. They could be desperate, scared or depressed. They could be anxious about losing their children, bankruptcy, mortgage default or possibly even their job.

It is always important that clients feel safe from the first call till the end of the matter. Confidentiality is strictly adhered to within the centre, and clients need reassurance that their private details will not be used in any way without their permission. Clients will only divulge enough information they are comfortable with. Letting clients know that confidentiality is very important and reassuring them that their information will go no further than this office is important to them.

It is not our place to be judgmental and this is something I remind myself. It's not up to me to decide that something is wrong or stupid if a client has done something that has gotten them in trouble. I deal with these clients with respect and hear them out. Then they are put into the system for help.

One aspect I need to keep in mind is the culture of the client. Some may find the questions I ask as rude or insensitive. The way these clients are dealt with need special care. Sometimes the questions I ask will be in a different order to smooth the way for the information I need to get. For example, asking a client where they are from before asking if they are a single parent.

I have also enjoyed helping out the other Community Legal Centres when they are having problems with their CLSIS program. This program was new to me when I started, but doing the courses has helped with confidence that enables me to assist.

A lot of this position is listening to clients and then doing my best to get them an earlier solution or to point them in the direction that I am certain they will get help. The clients want to know that they are being heard, that their problems are important and they can get the help they need. Being thanked for listening to the clients makes my day."

Our Management Committee

The Centre has been very fortunate to have a team of dedicated management members. These people give a lot of their time and support to the Centre and the staff. During the reporting period, they were:

Doreen O'Grady	President
Valerie McKinnon	Vice President
Merleen Millson	Treasurer/Acting Secretary
Patricia Ehrke	Secretary
Barbara Gapps	Public Officer

Annita Stratton	Ordinary Member
Joan Husic	Ordinary Member
Patricia Edghill	Ordinary Member
Nicole Seniloli	Ordinary Member
Winsome Matthews	Ordinary Member

Our Volunteers

Volunteer law students continue to offer a significant contribution to the provision of legal services at the Centre by assisting with administrative tasks and legal research. Without these volunteers we would find it difficult to deliver anywhere near the extensive legal services we are proud to provide.

The Centre offers the students practical application of their legal studies and they in turn assist in the provision of an essential service to the community. During the reporting period, they were:

Daniels Obiokolie	PLT Student/Volunteer Solicitor
Sherif Alam	Volunteer Student
Dean Astley	Volunteer Student
Carla Cuanan	PLT Student
Nancy Michail	PLT Student/Volunteer Solicitor
Matthew Gibbs	Volunteer Solicitor

Funding

The Centre is currently funded in the main by the Commonwealth Government and a much smaller grant from the State Government. During the financial year 1 July 2012 to 30 June 2013, the Centre received a total of \$451,144 (exclusive of GST) in Commonwealth and State funding. See Figure 1 for the breakdown of recurrent operational funding and one-off funding. During the reporting period the Centre also received a grant of \$3,000 from the West Tradies Club through the ClubGrants Scheme.

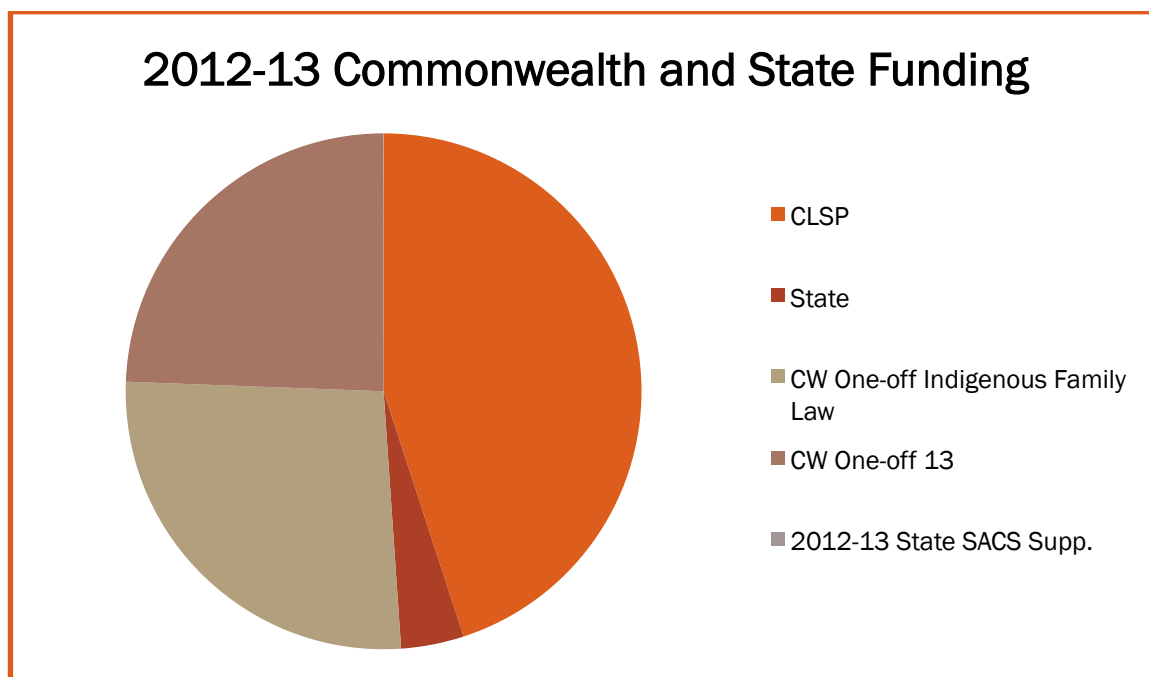


Figure 1 2012-13 Commonwealth and State Funding

2012-13 Commonwealth and State Funding				
CLSP	State	CW One-off Indige- nous Family Law	CW One-off 13	2012-13 State SACS Supplement
\$202,912	\$17,776	\$120,348	\$110,000	\$108

Our Clients

The majority of services delivered by the Centre were provided to people from disadvantaged socio-economic groups. This includes people on low incomes and from non-English speaking backgrounds. See Table 1 for a snapshot of the clients who were served by the Centre during the reporting period.

Table 1 Snapshot of our clients

Eighty eight percent (88%) of our clients were aged between 18 and 64 years with the largest group of clients aged between 35 and 49 years. This group represented thirty six percent (36%) of our client base.

Two percent (2.29%) of our clients identified themselves from Aboriginal or Torres Strait Islander origin.

Fifty percent (50%) of our clients were female and fifty percent (50%) were male.

Sixty percent (60%) of our clients were low income earners and forty nine percent (49%)

were in receipt of government benefits.
Forty nine percent (49%) of clients were born outside of Australia; the highest country of birth being the Philippines (14%), followed by India (10%).
Twenty four percent spoke a language other than English as their main 'at home' language.
Fifteen percent (15%) of clients were sole parents with dependent children.
Four percent (3.25%) of clients indicated as having a disability.
Twenty nine percent (29%) of clients lived in the Mount Druitt postcode 2770.

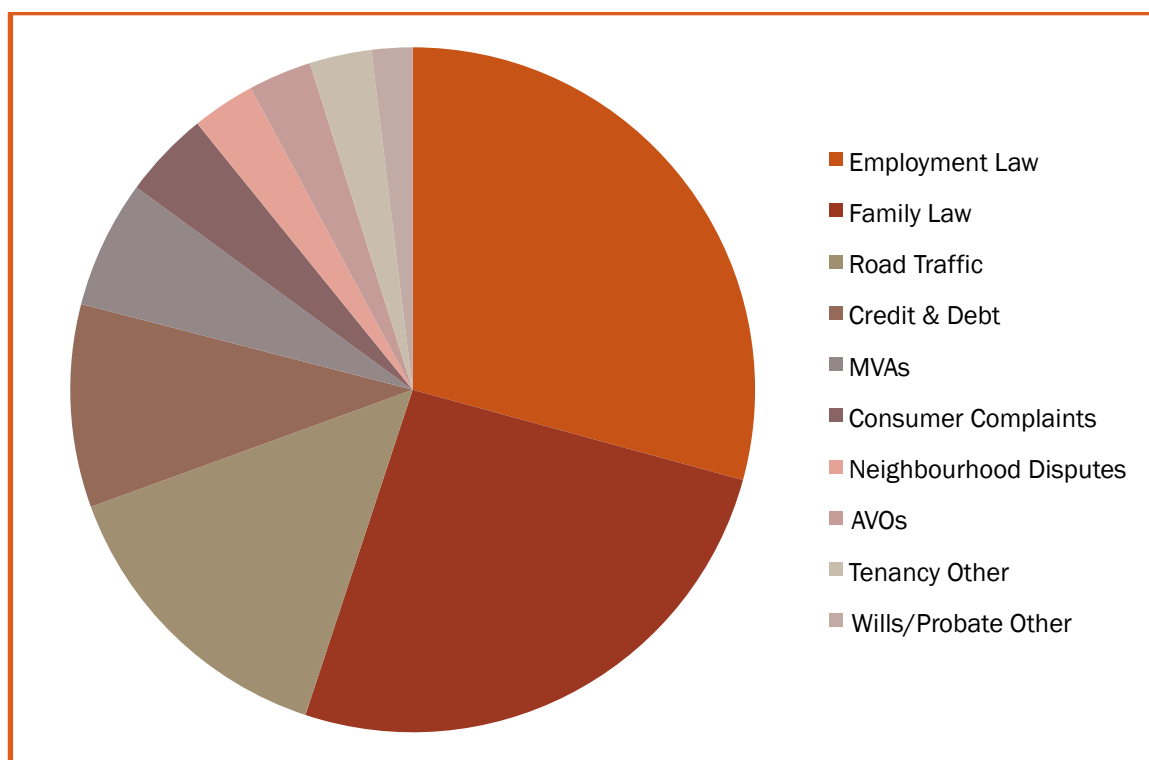
Client Services

The Centre is a generalist community legal centre. During the reporting period we provided advice and casework mainly in employment, family law, road traffic and motor vehicle regulatory offences, credit and debt, motor vehicle accidents, consumer complaints (fair trade/trade/sell practice), neighbourhood disputes, apprehended violence orders, tenancy, Wills and Power of Attorney matters and advocacy in a variety of jurisdictions.

The Centre was responsible for a total of 1,815 advice activities. Legal advice was provided through face to face interviews, telephone advice or by way of written correspondence.

Thus the Centre has assisted people in the community who need ongoing assistance to resolve their legal problems where another form of legal assistance is not available to them.



Figure 2 Top ten advice problem types

Number of Problem Types									
Employment Law	Family Law	Road Traffic	Credit & Debt	MVAs	Consumer Complaints	Neighbour Disputes	AVOs	Tenancy Other	Wills/Probate Other
470	415	231	154	97	66	48	48	47	31

TELEPHONE ADVICE

The telephone advice line is the primary point of contact for clients seeking to obtain legal advice, information or referrals.

The telephone advice line operates on Tuesdays and Thursdays between 2 pm and 4:30 pm. The Centre tries to ensure that all solicitors (full-time, part-time, and volunteer) are available at this time to answer the numerous calls made to the Centre. The service averages 12 – 18 calls each session.

The phone advice line generates appointments for further information, ongoing case work and the identification of law reform issues. We are occasionally required to assist in crisis intervention.

CASEWORK

The Centre continued to provide and manage casework services to clients according to the Centre's policies. See Table 2 for the number of files opened, closed and maintained during the reporting period.

REPRESENTATION

The Centre is also unique in that it provides legal representation for disenfranchised people or those who would be disadvantaged if they were not legally represented. During the reporting period the Centre represented clients at various local courts and tribunals in the family, employment, and victims' compensation jurisdictions.

We particularly focused on representing clients from non-English speaking backgrounds and clients with physical or mental disabilities.

We also provided representation for those people who, without legal assistance would be in an unequal bargaining position or disadvantaged at the time of litigation. See Table 2 for the number of representations in the various jurisdictions.

COMMUNITY LEGAL EDUCATION

We conducted legal education sessions at various venues within the community. These were tailored to suit the needs of particular community groups. The Centre contacted and liaised with local high schools, community groups and service provider agencies to provide Community Legal Education (CLE) that prepares people with the knowledge and skills needed to successfully resolve the law-related problems encountered in their everyday lives. See Table 2 for the number of CLE activities provided by the Centre and in collaboration with other service providers during the reporting period.

SUMMARY OF ACTIVITIES

The 2012-13 reporting period saw another productive year of service delivery highlighting the diligent efforts of the Centre's staff and volunteers; in particular the hard work undertaken in meeting or exceeding the vast majority of performance indicator objectives. See Table 2 for a snapshot of the core service activities undertaken by the Centre during the reporting period.

Table 2 Snapshot of our client activities

We provided 1,438 phone advices during the reporting period and saw over 193 clients face-to-face in an interview situation.
We opened 37 new case files during the year, maintained a further 19 open files and we were able to finalise and close a further 46 files.
We served a total of 1,205 clients; 1,004 new clients and 201 repeat or existing clients.
We represented clients in the Victims' Compensation Tribunal (1), local courts (3), the now Federal Circuit Court (1) and the Fair Work Commission (5 – including teleconferences).
We provided 6 CLE and information sessions to students at Nirimba TAFE (2) and St Andrews College (1), Chifley Seniors Forum (1), a local Probus group (1), and a mortgage hardship talk in collaboration with CCLC, to a group at the Mt Druitt Hub.

EMPLOYMENT LAW – Vivian Michael

The Centre has been successful in improving the success rate of settling employment matters through active involvement; we participate whenever possible as an advocate during negotiations for employees. Further, the Centre is able to simultaneously empower clients in the process.

I am pleased to report that the Centre's approach to assisting clients in employment matters has become efficient and has resulted in regularly obtaining successful outcomes; the Centre can now assist most clients from the lodgement of an unfair dismissal claim through to representation at a Fair Work Commission teleconference and with the preparation of a Deed of Release to finalise the matter. The Centre assists with hearings in limited circumstances.

Case study one: Lucas:

Lucas worked regular and systematic hours as a casual truck driver. Lucas suffered a workplace injury. His employer had assured him that as soon as he received clearance from a doctor for pre-injury duties, he would be given work again.

Shortly after receiving clearance from his treating doctor, the employer took Lucas' yard keys, telephone sim card and truck keys and did not contact him about any work shifts. The employer maintained he did not dismiss Lucas during the Fair Work Commission teleconference, but emailed him that day offering him the opportunity to re-apply for his truck driver position by sending his resume. The Centre assisted Lucas with negotiations with the employer, similar to case study two; the Centre assisted with the unfair dismissal teleconference and empowered Lucas by having him present a statement about why the dismissal was harsh at the teleconference.

The Centre appeared at a determinative conference presided over by a Vice President at the Fair Work Commission in August 2013 on behalf of the client, failing any offer to compensation by the employer.

The Centre was successful in proving that Lucas had been unfairly dismissed and compensation of \$8,400.00 was awarded.

Case study two: Benji

Benji suffered from anxiety attacks and was seeing a psychiatrist and taking medication for his condition. He was anxious about representing himself during a teleconference with the Fair Work Commission and his employer for an unfair dismissal.

A week before the teleconference, Benji was booked in for an appointment to prepare notes for the teleconference; a summary of the matter and settlement options.

The Centre empowered Benji by having him present his statement during the teleconference, he explained the reason why his dismissal was harsh, unjust and unreasonable using the notes prepared a week earlier.

The Centre participated during negotiations, explaining the reasons why Benji's case would be successful if it progressed to hearing and offering settlement options.

The Centre was able to successfully obtain a payout of \$4,320.00 for Benji and drafted a Deed on his behalf protecting him from disparagement.

Case study three: Tom

This was an unlawful dismissal matter that was listed for a teleconference. Tom was legally blind and had only worked for 7 months when his employment was terminated for not meeting the prescribed targets.

There wasn't much merit in the application and Tom was contemplating withdrawing the application. I advised him to stand his ground and offered to sit with him at the teleconference and support his claim.

Tom had a very good outcome with some compensation, a written Statement of Service and an offer to provide a reference if requested and a Separation Certificate. Tom was very pleased with the settlement.

MT DRUITT & AREA COMMUNITY LEGAL CENTRE (MDCLC) – unfair dismissal assistance: matching need and capability (Report by Hugh McDonald 2013)

This study is part of a research program undertaken by Hugh McDonald, Senior Researcher of the Law and Justice Foundation of New South Wales, concerning the access justice and legal needs of disadvantaged people in New South Wales.

MDCLC is located in an area of social disadvantage. Employment matters comprise a quarter of the Centre's matters. Clients seek help for unfair dismissal in about one-third of employment matters¹. Clients are typically at crisis point, often stressed, anxious and seeking urgent advice. Problems such as unfair dismissal often have substantial adverse impacts, including flow-on legal (e.g. credit/debt, mortgage default, family and children problems etc.) and non-legal (e.g. physical illness, depression, having to move home, relationship breakdown etc.) consequences.

In 2012, to achieve better outcomes for clients within existing resources, MDCLC changed their service model for employment matters. Compared to the way assistance is now provided, the previous model of service was characterised as a "light touch" – clients typically receiving standard legal information and advice about their employment rights and entitlements, as well as advice as to how to pursue them.

Solicitors, however, found a number of clients were unable to successfully action the advice. Some returned seeking further assistance, usually after having filed a poorly drafted

¹ Based on MDCLC statistics recorded for the July 2012 to June 2013 reporting period.

application for unfair dismissal with the Fair Work Commission, or after a poor result following a mediation session. Some were too stressed and fearful of now having to face a hearing to pursue their claim; others were seeking assistance for consequential legal problems. Solicitors found that clients with low personal capability were particularly vulnerable and lacked the confidence and skills necessary to negotiate a successful outcome at mediation.

Assisting clients with unfair dismissal after mediation is resource intensive. Because around 80 per cent of unfair dismissal matters are either settled at mediation or are later withdrawn, MDCLC changed its model of service to provide “a more holistic service, from beginning to end”.

Clients receive advice and minor assistance prior, during and after mediation (e.g. advice on entitlements, the mediation process, how to negotiate, gathering supporting material, settlement terms, deed of release etc.). Providing legal assistance at the “point where help is most needed” — during mediation — was considered critical for “equalising” an imbalance of legal capability between the parties.

Clients lacking in “ability to help themselves” are targeted for greater assistance, such as those with cognitive issues that impair their ability to understand legal advice, focus on the legal aspects of disputes, put a good “case” at mediation and negotiate appropriate terms of settlement. Other low capability clients targeted include those facing substantial financial disadvantage, those that have been bullied, exhibit high anxiety and powerlessness, and having poor literacy or English skills.

The new service model has substantially improved client outcomes without increasing expenditure, with not only a higher proportion of unfair dismissal claims being settled in clients’ favour, but also higher recovery of employee entitlements, such as unpaid wages, annual leave and leave loading.

FAMILY LAW – Hemal Perera

The Family Law practice that the Centre manages has a wide range of Family Law issues for advice and guidance viz. parenting, location orders, relocation, property & financial issues, change of name, paternity, divorce, Child Support etc. Most of it ends with long advice sessions. Initially we refer parenting issue clients to mediation after explaining the

mediation process at a Family Relationship Centre (FRC) as mediation is a pre requisite before taking such issue to court.

The clients who seek advice and guidance fall into high income, medium income, low income or no income categories. The high and medium income people were provided one-off advice and explained that the service is meant for the low income or no income people or in other words marginalised or disadvantaged people in our area. However the high and medium income clients sometimes contact us for further help to complete their court papers and we help them with advice.

The “*Low income*” people are the ones who do some casual or part-time work or receive Centrelink benefits. The “*No income*” can be identified as a parent who was a home maker who raised the children when the other parent was employed and recently separated from the other parent. Some of the “*Low & No income*” people owned their houses with or without a mortgage.

The “*No income and low income*” people who owned houses are normally declined a grant of legal aid. This places them in a severely disadvantaged situation when the parenting issues go before court as the other parent who might be employed may have the services of a lawyer, when the *no income* parent has to do it alone. We try to fill this vacuum but we cannot do it properly due to lack of resources as the number of clients in this category is heavy. We try to help clients who are really in need of assistance with their pleadings i.e. with applications, affidavits etc. Others we send them an email that we have prepared with several web links to sample orders that are likely to help a novice to do his/her paperwork. Our inability to spend a day in court for one matter makes those clients whom we help with paper work really handicapped in court if other party is represented.

In our view it is in the best interests of the disadvantaged and more particularly their children if Legal Aid could provide grants of aid only in relation to the parenting issues, to the said no income or low income people who own houses giving them some leniency in the means test.

Case study four: Rhonda

Rhonda requested some help in changing her child's surname to hers as the father has not been in the child's life for several years. The Father's whereabouts was not known. I helped Rhonda

with drafting all her paperwork to be filed in Court and advised her about the Court process. After about six weeks she informed me that her application was granted without any hiccup.

ABORIGINAL FAMILY LAW (AFL) PROJECT

About March 2013, our Centre received a special grant from the Federal Government to assist the Aboriginal people in their Family Law issues. Aboriginal Legal Service NSW, the Women's Legal Service and several other CLCs also received similar grants to serve the Aboriginal People in their family law issues.

To be used in the AFL project, we printed flyers inviting the Aboriginal People who had family law or children's issues that they contact us for assistance. Our flyers also invite the Aboriginal organisations who are happy to host a CLE Forum to contact us. We have planned to hold a series of presentations to educate the Aboriginal people how they could sort out issues preventing the issues being left to be determined in court and also to prevent the intervention of Family & Community Services (FACS) formerly known as DOCS in their lives in relation to children. This is "Early Intervention". We made our first presentation on this to a group of parents at the Yenu Allowah Aboriginal Child & Family Centre.

We have offered our services to the FRC's to draft settlements with a view to seek consent orders in matters involving Aboriginal participants. We did not offer this service to all Family Law clients as the demand was going to be heavy.

Our Family Law Solicitor attended the August 2013 Koori Interagency Meeting at Mt Druitt Hub where our flyers were given to about 30 participants from different agencies. We expressed our desire to make a presentation on the AFL project. We have been advised that our presentation can be made on 27 November after their monthly meeting

The Convenor of the Koori Interagency Meeting helped for the sessions on 27 November to be a Collaborative effort. Legal Aid made a presentation on Civil law, we made a presentation on AFL, the Welfare Rights Centre made a presentation on the Centrelink issues and a Gambling Counsellor for Aboriginal communities from Mission Australia also made a short introduction of their work.

FAMILY LAW REFORM

If the parenting plans made at mediation can be placed before court for consent orders that may help the parties in the long term as non compliance of the Parenting Orders is punishable. We have had clients seeking advice for non compliance of Parenting Plans. They complain that they spent so much time with no benefit to them at the end. In frustration they complain that parties cannot be compelled to comply with the settlements/parenting plans and that they cannot do much thereafter.

In this regard we wish to suggest to the authorities to provide training to FRC mediators on how to draft settlements acceptable to court. They can be provided with draft/sample orders to be used in settlements, where necessary with modifications. We also suggest that if the Family Law Act can be amended suitably for the FRC and other Mediators to forward to Federal Circuit Court the settlements signed by parties to the mediation together with an application for Consent Orders after a nominated cooling off period for them to be converted into Parenting Orders that may really help the Family Law clients and also reduce the number of applications coming to court.

We sent our above suggestion to the Law Society NSW Family Law Committee for their consideration and further action if they see any merit in our proposal.

CIVIL LAW – Veselko Cuic

Clients seek assistance from the Centre for a variety of matters including: neighbourhood disputes, minor traffic matters, driver licence appeals, Victims Compensation Tribunal applications for compensation and opposing restitution orders, consumer complaints, motor vehicle accidents, unfair dismissals, tenancy issues, family law matters, mortgage defaults and credit and debt issues.

Most of the clients we assist cannot get assistance from other services such as Legal Aid NSW of the Pro Bono Solicitor Scheme.

The last year saw an increase in advices, most notably in the areas of family, employment and traffic law. There was a significant decrease in the number of credit and debt matters, which may be due to the great reduction in official interest rates over the last few years.

The assistance in relation to licence suspension appeals has led to the vast majority of clients keeping their driver licences. This has enabled them to keep their jobs and apprenticeships, which in turn has prevented other legal problems from arising such as unfair dismissal, mortgage defaults, and debt issues. The assistance is usually limited to the drafting of applications and submissions but it is pleasing to us that such brief, but valuable, assistance has provided such a great benefit to clients.

Assistance with documentation in other civil areas such as the drafting of statements of claim, defences, statements of evidence, Local Court applications, and Victims Compensation applications, has led to the vast majority of clients obtaining favourable outcomes without the need for legal representation. Legal representation was provided in very few instances where clients could not represent themselves, for example, if poor English skills or a disability led to the client being at a disadvantage. A good example was the assistance we provided to a client with next to no English skills. Our assistance enabled him to obtain a Housing NSW house within two weeks of eviction and a settlement of \$50,000 in excess of the original offer that was made prior to our assistance.

Below are two case studies illustrating the assistance we provide. Client names were replaced with pseudonyms for client confidentiality.

Case study five: Michael

Michael came to me for assistance with getting his driver licence suspensions overturned. Michael had a total of 43 years' worth of licence suspensions on his record, including 4 habitual traffic offender declarations. He was 51 years old when he sought our assistance and was entitled to get his licence back at around 67 years of age.

Michael had certain strange mannerisms. After much questioning he revealed he suffered from a mental illness. Michael had suffered a terrible childhood that led to him taking illicit drugs to cope with his depression and anxiety. The drugs in turn caused him to develop a mental illness. The mental illness was a significant factor in Michael's traffic offences in his early adulthood. Michael stated that none of the lawyers who assisted him before me had questioned him in relation to him having a mental illness.

I prepared an Application to the Local Court to quash Michael's three remaining Habitual Traffic Offender Declaration suspensions, submissions and a Government Information Public Access Act application to gain access to Michael's medical records.

The application was successful with all three Habitual Traffic Offender Declaration suspensions being quashed by the Local Court Magistrate.

Michael was extremely pleased with the result.

Case study six: Wang

Wang had a poor history as a self-employed electrician. Many of his private clients did not pay him or did not pay him the full amount for his services. Wang had incurred some speeding fines but could not afford to pay the fines after paying his mortgage payments because he was not receiving payments from his clients. His licence was suspended due to the non-payment of fines but he kept on driving in order to earn an income so he could pay his mortgage and other bills. In a two and a half month period in 2009 he was convicted of driving whilst suspended and given two driving disqualifications of two years each served consecutively. As a result he could no longer work and barely made his mortgage payments whilst receiving his income from the New Start Allowance.

Wang approached me for help with getting his licence back. At first I thought this to be impossible since the disqualifications were Court imposed suspensions and Wang was out of time to lodge appeals. After much research I discovered that there was a change in legislation after Wang's second offence. The Magistrate imposed a penalty according to the repealed law, not the new law.

I represented Wang at Court in an application pursuant to section 43 of the Crimes (Sentencing Procedure) Act 1999 to correct the sentencing error. The disqualifications were corrected resulting in the first 2 year suspension being reduced to just 3 months and the second 2 year suspension being back dated to the end of the 3 month suspension.

Wang was very happy with the result. A week after Court he applied for his licence and was granted a test date. Within a month Wang had obtained his licence. This enabled him to gain employment which will hopefully lead to him gaining his pilot's licence and fulfilling his dream of flying.

Community Development

The Centre maintained its commitment to develop and maintain relationships with those organisations and individuals who represent and who are representative of the target communities in our catchment area.

The contacts can also be seen as an effective tool in collective problem solving and utilising collective resources. It also helps to promote the Centre's services. Many community contacts were made over the course during the reporting period.

Staff attended the SWLSG meetings held at Penrith Legal Aid in August, November 2012 and February 2013.

Staff attended International Day of the Girl and the Mt Druitt Hub in October 2012.

Staff attended quarterly CLCNSW Network meetings and training sessions in November 2012, February and May 2013.

Staff attended the Women Lawyers Association Cocktail Event in November 2012.

Staff attended the Family Law Interagency Meeting in February 2013.

Centre staff met with key members of the Pro Bono team from the International law firm Ashurst in February 2013.

Staff met with Andrew Palasio of Legal Aid NSW at the Mt Druitt Local Court in March 2013.

Staff met with Susan Winfield of Consumer Credit Legal Service in March 2013.

Staff and management met with Bronwyn McCutcheon and Benjamin McDougall of Legal Aid NSW in April 2013.

Staff met with Zachary Armytage of Community Legal Centres NSW in April 2013.

Staff attended FRC & Partners meeting in June 2013.

Staff attended meeting with local Family Relationship Centres in April 2013.

Staff attended Family Law Court Users Meeting in Parramatta in May 2013.

Staff met with Rick Welsh, Coordinator at The Shed, in May 2013.

Staff and management met with Winsome Matthews, Senior Regional Strategies Officer/Aboriginal Child and Family Centres (Yenu Allowoh & Ngalla Wal) Communities & Early Intervention/Community Services, Dept of Family and Community Service in June 2013.

Staff attended the Aboriginal Family Law Road Show in June 2013.

Staff Professional Development

Staff were provided with the following professional development and training opportunities during the reporting period:

Staff participated in CLSIS WebEx training in August 2012.

Staff attended a NSW Young Lawyers Advocacy Seminar in September 2012.

Staff attended the Salvos Lecture Series in November 2012 and March 2013.

Staff attended quarterly CLCNSW Network meetings and training sessions in November 2012, February and May 2013.

Staff attended two-day Aboriginal Cultural Awareness training in January/February 2013.

Staff attended a Law & Justice Foundation Grant Seeker Workshop in February 2013.

Staff attended two-day Intensive Employment Law training in February/March 2013.

Staff attended an HAC Community & Advocacy Agencies Information Forum in March 2013.

Vivian Michael completed the College of Law Practice Management Course in May 2013.

Accreditation

The Management Committee and staff of the Centre are committed to legal centres gaining accreditation status.

As a recipient of Taxpayer's money we strongly believe that our Centre must be held accountable for ensuring that policies and procedures are in place which meet all the tests for exercising good governance in all aspects of the operational and decision making processes undertaken by the Centre.

We have demonstrated that commitment by diverting scant financial and human resources to the process.

However, we believe that in the future, greater consideration should be given to assessing the impact of any such or similar proposals on very small centres such as the Mt Druitt & Area CLC.

The process has sapped the energy, financial and human resources which are so limited in such a small centre.

We are determined however, to becoming an accredited legal centre.

The Management Committee wish to place on record our thanks to the Administrator, Anita Pemberton, for the competent and dedicated way she has taken carriage of the project.



Photo taken by Anita Pemberton.

Meg Houston, Regional Accreditation Coordinator, CLCNSW with Veselko Cuic during the Accreditation visit on Wednesday 18 September 2013

The Centre – looking to the future

The sustainability of services delivered to the community which meet the Centre's values, vision, mission and objectives has been the subject of an on-going conversation from the time the Centre opened in December 1996.

As early as 1999, the Management Committee unsuccessfully made representation to the Commonwealth Government to review recurrent funding arrangements.

The Centre, too often, faced situations where it could not adequately meet the level of demand for services from the resources provided by Commonwealth recurrent funding.

In 2001, the Centre was successful in attracting the support of Blake Dawson Waldron, now Ashurst. Over a ten year period which lasted until the end of 2011, the Centre was able to deliver the services demanded by the community with the considerable physical and financial resources provided by Ashurst.

The Management Committee during that period planned and took action which would help mitigate against the impact on the services when the support came to an end.

Consequently, the Centre was able to continue to maintain staff numbers required to meet the demand for services after the ten year period however, the Centre's capacity to do so could only continue for a finite period.

In July 2012, a submission was presented to the Commonwealth Government which detailed the uncertain future the Centre faced and with a request for a review of recurrent funding arrangements so that services could be maintained.

The submission was actively supported by the Federal parliamentarians whose electorates formed all or part of the Centre's catchment area.

We would like to thank Hon. Ed Husic, Federal Member for Chifley; Hon. Michelle Rowland, Federal Member for Greenway and the former member for Lindsay, Mr David Bradbury for their considerable assistance.

The submission was unsuccessful in having recurrent funding arrangements reviewed.

In January 2013 however, advice was received from the Federal Attorney-General's Department that the Centre was to receive a one-off grant to assist the Centre's delivery of services to the Aboriginal Community. Subsequent to that one-off grant, another one-off grant was received to assist in the provision of general services. In addition, a further arrangement has been made for three grants to be made annually for a three year period.

The grants have enabled the Centre to maintain staff numbers above numbers able to be employed from recurrent funding and thus meet the demand for services from the community.

The Centre's future is assured in the short-term, three to four years, but in the medium to long-term will face an uncertain future without similar assistance provided by the State Government to most other centres.

In the meantime, the Management Committee and staff are deeply appreciative and grateful to be able to continue to service our community by delivering a service which makes a difference to their lives.

We would like to thank the former Labor Government for understanding the legal needs of the community and providing the resources to meet those needs.

We would also like to thank Ms. Bronwyn McCutcheon, Manager of the Community Legal Centre Program, Legal Aid NSW, for her support, advice and assistance given to the Centre as it grappled with all the issues relating to the sustainability of the Centre's services.

We move forward with a positive approach to our future.

Acknowledgements

The Centre would like to thank the following people and organisations for their contribution to the Centre in 2012-13:

- Ashurst (Pro Bono Team)
- Attorney-General's Department
- Blacktown City Council
- Daniels Obiokolie
- Carla Cuanan
- Community Legal Centres NSW (CLCNSW)
- Consumer Credit Legal Centre NSW
- Dean Astley
- Ed Husic, MP
- Family Relationships Australia
- Law Access NSW
- Legal Aid NSW
- Lyndal Gowland
- Matthew Gibbs
- National Association of Community Legal Centres (NACLC)
- Nancy Michail
- Law and Justice Foundation of NSW
- P.J Roseby & Co
- Rick Welsh



- Sherif Alam
- The Law Society of NSW
- West Tradies
- Winsome Matthews

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