

Annual Report 2013-14



Mt Druitt & Area
Community Legal
Centre Inc.

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Photo on cover by Kate Barbagallo

Staff from left to right: Veselko Cuic, Vivian Michael, Rosemary Davies and Hemal Perera. Outside the Mt Druitt & Area Community Legal Centre on November 4th 2014.

President's Report

The highest priority of the Management Committee (MC) 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 Mt Druitt and Area 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.

The MDCLC received a Federal boost of funding from the Labor Attorney-General's Department for the amount of \$150,000 payable over three years. The first instalment of \$50,000 to be paid in July 2014. The funding will help to meet the on-going demand for Domestic Violence and Family Law services.

Our Solicitor Hemal Perera, the Project Manager for the Aboriginal Family Law (AFL) has attended a number of community forums on Family Law to provide Legal advice and to promote the Services of the MDCLC to the Aboriginal communities.

The Management Committee is indebted to our loyal and committed staff members for their diligence and support:

Veselko Cuic, Principal Solicitor, Vivian Michael, Part-time Solicitor, Hemal Perera, Part-time Solicitor, Emma Scott, Part-time Solicitor, Anita Pemberton, Administrator, Rosemary Davies, Financial Budget Administrator and our many Volunteers.

The MC is constantly in awe of the workload carried by our staff as they labour tirelessly for the community.

On behalf of the Management Committee our thanks are extended to Federal and State Members of Parliament for their support and the Corporate Businesses who have assisted the Centre with funding, especially Blacktown City Council and the West Tradies Club.

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

Doreen O'Grady
President
September 2014

Our Staff

The staffing at the Centre in the reporting period consisted of one full-time Solicitor and three part-time Solicitors (total 103 legal service provision hours per week), one full-time Administrator and one part-time Administrative Assistant (total 52 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".

Case Study 1 - Vijay

Vijay walked into our office in early October 2013 with a creditor's petition listed for directions at the Federal Circuit Court in Brisbane. He had been a prior client of our Centre's since around 2006 but had failed to mention this debt matter when it first arose in 2008.

Following my advice about an application in a case and affidavit in support, the matter was adjourned to the Federal Circuit Court in Sydney.

The Bankruptcy Notice and Creditor's Petition were based on a Local Court judgement entered by default in 2008. In late October 2013 I drafted a Notice of Motion to set aside the default judgement that was entered in the Local Court. The application was rejected by the registrar and in mid-November I drafted an application to have the Registrar's decision reviewed by a Magistrate.

The listing of each Local Court application resulted in each creditor's petition listing date being adjourned until after the hearing of each Local Court matter.

The matter at the Local Court settled in early January 2014 after the Magistrate was infuriated when a paralegal appeared on behalf of the plaintiff. The Magistrate told Vijay and the plaintiff to go outside and settle the matter. An agreement was reached whereby Vijay would pay the amount of \$16,000 by three instalments over a three month period. This settlement resulted in the Creditor's Petition being dismissed on the Federal Circuit Court in April 2014.

The main thing Vijay needed when he first saw us in early October 2013 was time to settle the bankruptcy matter and organise payment for his other debts. Our assistance gave Vijay seven months to enable him to sell his house, pay his debts and find rental accommodation for himself and his 4 children on his own terms.

Case Study 2 – Chris and Blake Field

Chris and Blake were father and son who operated a business installing fibre optic cables when the rollout for the National Broadband Network started a few years ago. The business collapsed leaving them with personally guaranteed company debts. In late 2012 the two creditors entered default judgment against both clients for just over \$15,000 and just under \$28,000 respectfully.

Chris and Blake were paying both debts off by Court ordered instalment orders.

In mid-September 2013 Chris and Blake entered my office and stated they received some letters from both creditors. The letters were in fact four bankruptcy notices. Chris was at the risk of losing his house at the age of 57.

Some quick research found that the creditors had set aside the time to pay order in the Local Court for non-payment of instalments, which meant that the bankruptcy notices were lawfully served.

Blake protested, stating he had made many payments. After some time it was discovered that Blake was paying the creditors directly, instead of paying instalments into the solicitor's trust account.

I drafted four notices disputing the bankruptcy notices on the grounds of overstatement thereby rendering the notices void.

Following service of the notices of overstatement, I drafted four time to pay applications which were granted urgently upon our request in order to render any future amended bankruptcy notices served void since the enforcement of the judgment was stayed.

Applications to set aside the new time to pay orders were filed by the creditors' solicitor but the matter settled within a month with Chris and Blake paying a settlement amount of just over \$28,000 to settle both matters (saving our clients around \$15,000) and with the judgments against them set aside, clearing their credit histories. The settlement sum was paid by Chris

obtaining an early release of half his superannuation. Following much hard work Chris' house was saved.

I have assisted the Field family on many occasions over a number of years. Blake got a section 10 for a drive whilst disqualified charge that led him to keeping his job and enabled him to make the instalment payments for his debt matters. House repossession proceedings in the Supreme Court by the lender ended following our intervention in mid-December 2013. More recently a \$7,000 toll bill has been resolved by admitting judgment and paying the debt off by instalments.

**client names were replaced with pseudonyms for client confidentiality*

ANITA PEMBERTON

Administrator (2001 to current)

Anita joined the Centre's staff in 2001.

She had limited administrative experience but was able to demonstrate her capacity and willingness to undertake a more demanding range of job tasks.

She also expressed a desire to, "become actively involved with, and contribute to, an organisation which directly benefited the community".

A training programme provided by the Centre was enthusiastically embraced. The result was that her skills base improved substantially which enables her to assume a significant role in the delivery of the Centre's services.

When the accreditation project was introduced into Community Legal Centres, Anita saw it as an opportunity to demonstrate the knowledge she had gained over the years.

In 2012, with confidence in her own ability, she enrolled in a Bachelor of Community Welfare degree course at the University of Western Sydney.

She is currently juggling her studies with part-time work at the Centre.

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 in assisting a client in a mental health application, where the client was accused of defrauding a government organisation.*

The Centre continues to improve its success rate of settling Employment matters through preventative measures; whenever possible we advocate during negotiations for employees. Further, the Centre is able to simultaneously empower clients in the unfair dismissal teleconference process.

It is pleasing to report that the Centre's approach to assisting clients in Employment matters is now more efficient and has resulted in increased 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 exceptional circumstances as about 85% of matters are successfully resolved at the teleconference stage."

Case Study 1 - Casey

Casey was unfairly dismissed by her employer, the employer stated that the dismissal was because of a redundancy but had not given her the required notice of a restructure and there had been conflict between Casey and her employer immediately before the dismissal.

The Centre was able to assist Casey with drafting a letter of offer to the employer, participation at the unfair dismissal teleconference and terms of settlement.

Casey was empowered by having the opportunity to present her version of events explaining why the dismissal was unfair at the unfair dismissal teleconference. The Centre assisted in the second half of the teleconference by negotiating a settlement on her behalf.

The Centre successfully settled the matter for \$14,400 in compensation and a Statement of Service. This was a pleasing outcome for Casey as the money was particularly useful at the time when she was on maternity leave and unable to work for several months.

Case Study 2 - Ellen



Ellen suffered from a rare disability that reduced mobility and impaired speech. Ellen was in need of round the clock Carers able to work in her home on rotating rosters. She was an employer for the purpose of having Carer's look after her and follow her care instructions.

Ellen required legal assistance with a claim against her by an employee for underpaying wages and assistance with drafting of an employment agreement to clarify expectations of employees.

The Centre travelled to Ellen's home to take instructions and was able to assist her in resolving the claim for underpayment and drafted an Employment Agreement for future use.

The Centre seeks opportunities to prevent employment matters from escalating by prevention; that is, by having the right contracts in place clearly outlining party expectations before issues arise.

**client names were replaced with pseudonyms for client confidentiality*

HEMAL PERERA

Part-time Solicitor (2012 to current)

With 14 years' experience in the Community Legal sector Hemal commenced with MDCLC as a volunteer Solicitor in April 2012. When a part time Family Law Solicitor's position became vacant Hemal was offered the position which he accepted. He soon found himself helping clients in many other areas of law as a Generalist Solicitor.

"As the Family law Solicitor of the Centre I help clients with advice on all areas of Family Law and Care and Protection law. I listen to their issues and tell them how to sort them out. In parenting matters that need court intervention I refer them for mediation. If I find that they could seek exemption from mediation I explain to them that the issue/s can be presented to court without mediation.

I help them with the preparation of court papers. I have prepared emails on different issues that I send to clients depending on their need. My email consists of links to reading material relevant to their issues, the forms to be completed with sample orders, sample affidavits and so on from different service provider websites. As attachments I provide them with simple Initiating Application depending on the nature of the matter. I get them to do their drafts and show me. When they see me with the drafts I fine tune them when necessary with clients who cannot do their drafts or who are not internet literate I take instructions and prepare the court papers for them.

I have also helped clients in Credit & Debt matters, Wills, Powers of Attorney & Guardianship, Neighbourhood Disputes, Local Court Claims and sometimes in Employment issues if our Employment Solicitor is not available. In Local Court claim matters I have drafted Claims, Defences, Witness Statements and other documents for clients.

I have made Presentations on the theme “Early Intervention” relating to Care & protection issues and Family Law at many Aboriginal organisations to their community members and also on two instances to other service providers to take the message to their clients. I made a presentation on the Centrelink Open Day about the work we do to many other service provider participants. This was on the invitation of the Centrelink Manager.”

Case Study 1 – Peter and Kelly, Jonah

Children’s Court places Jonah aged only a few months in the care of Peter and Kelly with Parental Responsibility given to the Minister. After caring for Jonah for about 5 years, Peter and Kelly approached me to seek Parental Responsibility in their favour. I looked up the law and found a provision that could be used to make an application.

It was a tough task to ask for Parental Responsibility for Jonah to be taken away from the Minister, in favour of Peter and Kelly, who were not even related to Jonah. I prepared the application to the court and drafted the supporting affidavits annexing many reports and other documents in support. FACS was supportive of the application but the Aboriginal Advisory Board provided a negative report. We asked for a review and showed the Board the relevant law and also what Jonah had achieved while in Peter and Kelly’s care. The Board then gave a favourable report and the Court made the Order giving Parental Responsibility for Jonah to Peter and Kelly. Later I learnt that some of those people involved in the matter did not know the legal provision we had used as it was rarely used in court.

Case Study 2 – Sara

Sara, an Aboriginal client, phoned and asked for help to obtain a Passport for her daughter (teenage school girl) within 24 hours. It was needed because her father was not available to sign the application for a Passport. This child and another student were selected by World Vision Australia to go overseas as an Ambassador for Australia. Sara had made the application about two weeks earlier but the Passport Office had requested the child’s father’s signature to the application. World Vision needed the Passport within 24 hours to obtain a visa, without a visa the child was going to miss the opportunity to be an Ambassador. There was no time to seek an Order from Court.

I invited Sara to see me ASAP and started to check on the laws and regulations applicable. Before Sara arrived I found that there was a legal provision that can be used in such situations without the need to seek court intervention. When Sara saw me I explained the process to her, prepared the application with supporting material and asked the Sara to lodge the application very early the next day. A few days later Sara told me that she got the Passport with the help of the material I provided. World Vision Australia obtained the necessary Visa and the child was ready to go.

**client names were replaced with pseudonyms for client confidentiality*

Emma Scott

Part-time Solicitor (April 2014 to current)

Emma was admitted as a solicitor to the Supreme Court of NSW in August 2008 and had worked in commercial litigation and insolvency law in a firm in the city since that time.

She also had experience in community law having volunteered as a solicitor in the Mar-rickville Legal Centre for two years in their evening advice clinic.

Emma worked part-time in general law, helping clients with a range of matters including traffic offences, residential tenancy disputes, minor criminal matters, credit and debt matters and motor vehicle accidents.

Emma really enjoyed the opportunity to help so many clients.

Case study 1 - Mary

Mary was a young woman with a relatively extensive history of mental illness. She was actively seeking treatment for her condition. Her father contacted the Centre as Mary had a court date quickly approaching but he was concerned she was not prepared. Mary was due to leave the country the next day to return to her home country to be with family and seek further treatment. The Centre contacted Mary and indicated they would like to help.

Mary was facing a criminal charge for possession of a small quantity of illicit drugs. She had no previous criminal convictions. Mary was an intelligent and thoughtful young woman.

When Mary attended the Centre she indicated that she had taken the drugs from an old friend out of concern but had forgotten to discard them. The Centre listened to Mary's story and helped draft some submission in support of section 10 crimes (Sentencing Procedure Act).

Emma Scott, a Solicitor at the Centre at the time, attended Court with Mary and acted as her ad-vocate, making those submissions. The Court was impressed with Mary's genuine attempts to

treat her mental illness and made the orders under section 10 – so that no conviction was recorded against her.

This was important for Mary as she had plans to travel (and some countries prevent people from entering with a criminal record) and hoped to continue her university studies once she felt better – which would ultimately involve her being admitted to a professional body in her field (which may have been jeopardised if she had a criminal conviction)

Mary and her family were delighted and very relieved by the outcome.

Case study 2 - Lisa

Lisa was involved in a motor vehicle accident and was at fault. She had insurance but her insurers were refusing to pay the claim made by the other driver (approximately \$25,000) relying on a range of reasons which the Centre and Lisa viewed as unreasonable and potentially in breach of the relevant Code of Conduct.

The other driver (legally represented) had served a Statement of Claim (to which there was no viable defence) and had threatened to ‘bankrupt’ our client with respect to the ‘Claim’. Lisa was not in a position to pay the claim.

The Centre commenced urgent negotiations with the insurer and ultimately referred the matter to the Financial Ombudsman Service (FOS). While the FOS usually takes 28 days to investigate, in this case, on insistence from the Centre, they reached a position in 48 hours. Ultimately the Insurer paid the complete claim brought by the other driver (including interest and costs).

Lisa had understandably been very anxious and stressed during this time and was very grateful for the Centre’s assistance.

Case study 3 - Rebecca

Rebecca was a young Aboriginal woman who was involved in an AVO dispute with her husband (from whom she was separated). They rented a house together in the area, despite being prevented from accessing the house, she was still having to pay the complete rent for the house, and the landlord’s agent had refused to take her off the lease and return the bond. Rebecca was concerned about finding alternative accommodation with this type of financial liability hanging over her.

Urgent proceedings were commenced by the Centre on Rebecca’s behalf in the residential tenancy division of NCAT (the old CTTT), based on provisions of the Residential Tenancy Act which were designed to deal with this type of situation. As part of NCAT’s process the parties were referred to conciliation (a discussion partly facilitated by a Tribunal Member). This was attended by

Emma Scott of the Centre, Rebecca and the landlord's agent. Orders were agreed during this discussion that Rebecca's name would be taken off the lease immediately, she would not have to pay rent that had accrued in the past few weeks, and she was entitled to return of her bond in full. This helped Rebecca secure her own accommodation shortly afterwards.

**client names were replaced with pseudonyms for client confidentiality*

Scott Paige

Volunteer Solicitor (May 2014 to current)

I found my time at the Mt Druitt Community Legal Centre as being not only a learning experience but also an enjoyable experience. I had initially thought that it would not be as demanding as working in a private legal firm, but I was truly wrong. In fact, I found it more demanding but also more satisfying helping those less fortunate achieve outcomes legally.

Whilst I was there I was involved in numerous matters as a volunteer generalist solicitor, which included:

- 1. Getting instructed via a Turkish interpreter and my Turkish client in relation to a will and drafting that said will for execution.*
- 2. Dealing with the confiscation of an elderly lady's dog and sole companion, which I was able to resolve with the returning of the animal to the client with no charges laid by RSPCA.*
- 3. Giving a client legal advice in relation to copyright infringement.*

Overall, I found this experience which I undertook over a 3 month period not only rewarding for the soul but also for the mind, knowledge and learning wise. I also found the staff to be the best staff I had ever had the pleasure to work with and made many friends as a result of the staff's pleasant and benevolent approach to people and matters. The staff accepted me from day one and helped me settle in and with the other solicitors in the Centre assisted me if I ever required assistance in a pleasant and non-competitive way. It was a pleasure and a privilege to be able to work for the Mt Druitt & Area Community Legal Centre and I would recommend the experience to any lawyer whether young or old. I would furthermore recommend to any Government that Community Legal Centre's are an important part in society's social fabric and need to be supported so they can accommodate societies less fortunate in a humanitarian way.

NANCY MICHAEL

Volunteer Solicitor (2012 to current)



Nancy came from an Engineering and Academic background into law. She graduated from LLB graduate programme at Sydney University in May 2012. She was admitted to the Supreme Court of New South Wales in December 2012 and the High Court of Australia in January 2013. She is bilingual and speaks, reads and writes in both Arabic and English fluently.

“Working at MDCLC has been an exceptionally rewarding experience. Every day brings something new to my understanding of the law and our legal system. In my approximately 2 years with the Centre, I was exposed to a variety of different responsibilities including legal research, intake assessment, putting together submissions, seeing various matters from start to completion in diverse areas of the law and following up with clients to learn of the successful outcomes we were able to achieve for them which left out clients with feelings of gratitude and me feeling rewarded in an intangible sense. I am entrusted to engage with clients experiencing unique legal problems and am mentored by a great team of dedicated solicitors and an outstanding Principal Solicitor.

My time at MDCLC has a significant impact on my personal and professional development. I am deeply inspired by the commitment of the MDCLC team and their passion to give vulnerable members of our community access to justice.

One of the highlights from working at MDCLC would have to be helping two clients with an ADVO matter where the charges made against them were dismissed in Court. Further, I successfully helped many clients with complex traffic infringement matters. For example, a client had three traffic offences committed in the same school zone over the period of approximately two days and she is a P1 driver; I was able to get the six months suspension period reduced to only three weeks.

I am currently working on consumer matters with NCAT and a Common Law Tort of trespass claim where the other party is NRMA Insurance.”

Case Study 1 - Bella

Around June 2014 Bella attended our Centre seeking assistance with licence suspension due to exceeding the speed limit in a school zone within a period of approximately 5 days. Bella had two 3 months suspensions going consecutively and adding up to a total of 6 months licence suspension. Bella instructed us to appeal the six months suspension, so I requested that both suspensions be dealt at the same time at the hearing, and provided her with the submissions she was to make at court. Bella’s six months licence suspension was reduced to 21 days only.

Case Study 2 – Ashley and Nathan

Ashley and her son Nathan attended our Centre as an in-law relation applied for an apprehended violence order against them. The hearing was to take place interstate and neither could attend. I arranged for Ashley and Nathan to attend the hearing through teleconference and provided them with their submissions. Ashley and Nathan called to thank us for our assistance as the charges made against them were dismissed.

Case Study 3 - Robert

Robert was dismissed from his workplace due to serious misconduct, therefore the employer was not obliged under the law to pay him any entitlements. I took carriage of the matter the afternoon prior to the scheduled conciliation session with the Fair Work Commission and Robert met with me 30 minutes prior to the commencement of the conciliation teleconference. In spite of the serious misconduct allegations made and sustained by Robert's employer, I was able to negotiate with the employer two months remuneration pay for him. Robert was pleased with the outcome and quite grateful for our assistance.

**client names were replaced with pseudonyms for client confidentiality*

ROSEMARY DAVIES

Budget Administrator (January 2014 to current)

Rosemary started with the Centre in the Part-time position of Budget Administrator in January 2014. In this newly created role, Rosemary is primarily employed to ensure that the Centre's financial obligations are met, which includes upkeep of the financial records and other accounting requirements (payroll, banking, tax, reporting to funding bodies etc.)

Rosemary has completed an Advanced Diploma of Accounting and comes to us after working in a Radiology Practice in Penrith for a Corporate Joint Venture company as their Independent Accountant. Our Centre has benefited from the skills and experience Rosemary has gained from her previous employment and accounting knowledge.

"When I started working for the Centre I knew that the working environment would be different to what I have experienced in my previous employment however I never envisaged the amount of job satisfaction I would get from being part of a team that are dedicated to providing a high quality accessible legal service to disadvantaged and vulnerable people.

While I have been able to apply my accounting knowledge to ensure the Management Committee have a clear and current financial picture of the organisations affairs, I have had to find my way

around a new information system being CLSIS and I would like to acknowledge the support that I have received from my colleagues and from Legal Aid NSW."

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
Patricia Ehrke	Secretary
Merleen Millson	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 make 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
Sheraden Thompson	Volunteer Student
Nancy Michail	Volunteer Solicitor



Scott Paige

Volunteer Solicitor

Carmelle Cuanan

PLT Student

Funding

The Centre is funded mainly by the Commonwealth Government with a very small contribution from the State Government. During the financial year 1 July 2013 to 30 June 2014, the Centre received a total of \$238,805 (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 \$3,216 from the West Trades Club through the Club Grants Scheme.

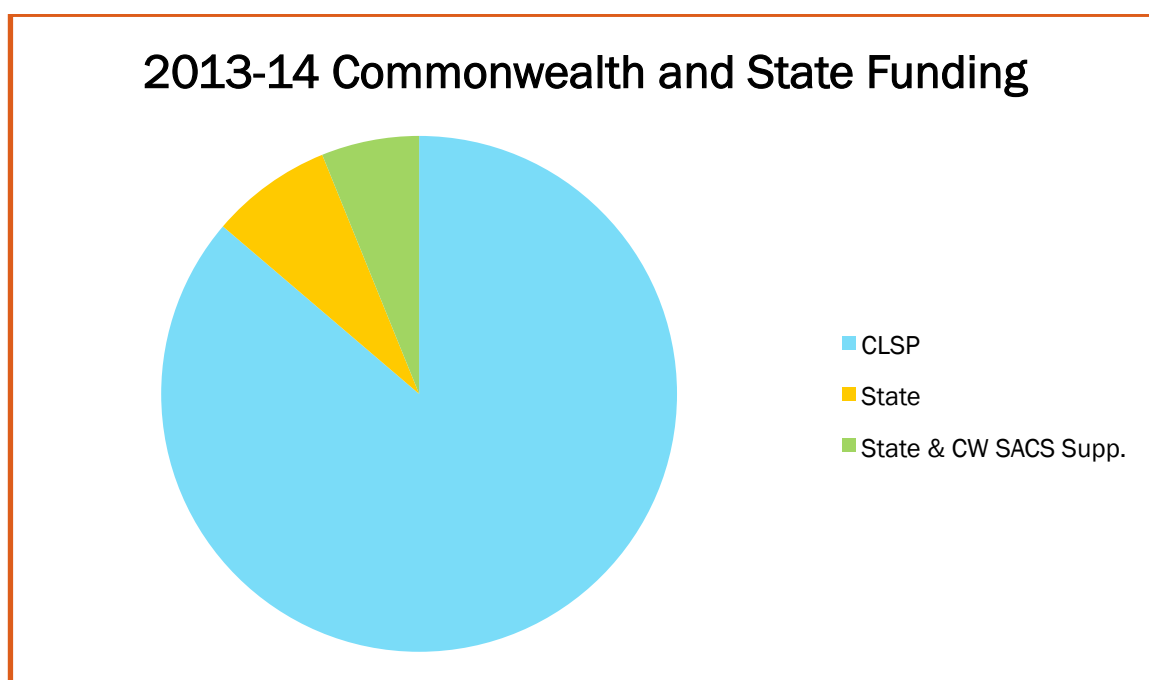


Figure 1 2013-14 Commonwealth and State Funding

2013-14 Commonwealth and State Funding		
CLSP	State	State & Commonwealth SACS Supplement
\$205,954	\$18,216	\$14,635

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 nine percent (89%) 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 seven percent (37%) of our client base.
Three percent (3%) of our clients identified themselves from Aboriginal or Torres Strait Islander origin.
Fifty two percent (52%) of our clients were female and forty eight percent (48%) were male.
Fifty four percent (54%) of our clients were low income earners and six percent (6%) were high income earners.
Forty seven percent (47%) of clients were born outside of Australia; with the highest number coming from the Philippines (12.5%), followed by New Zealand (8%).
Ten percent (10%) of clients were sole parents with dependent children.
Six percent (6%) of clients indicated as having a disability.
Twenty six percent (26%) of clients lived in the Mount Druitt postcode 2770.

Client Services

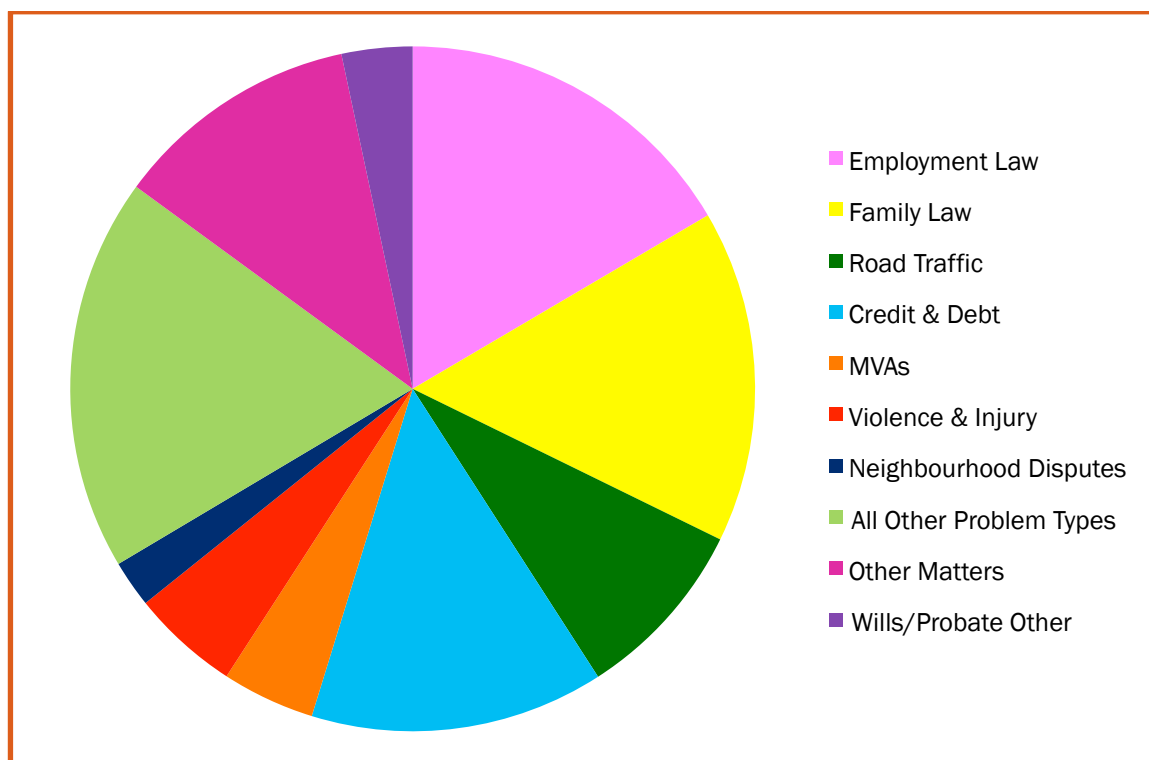
The Centre is a generalist community legal centre. During the reporting period we provided advice and casework mainly in employment, family law, road traffic and motor vehicle regulatory offences, credit and debt, motor vehicle accidents, consumer complaints (fair trade/trade/sell practice), neighbourhood 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 1,963 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									
All Other Problem Types	Employment Law	Family Law	Credit & Debt	Other Matters	Road Traffic	Violence & Injury	MVAs	Wills/Probate Other	Neighbourhood Disputes
445	396	376	332	278	207	122	105	80	53

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 14 – 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 almost 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 2013-14 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 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 1300 phone advices during the reporting period and saw over 478 clients face-to-face in an interview situation.

We opened 79 new case files during the year, maintained a further 12 open files and we were able to finalise and close a further 58 files.

We served a total of 1,134 clients; 876 new clients and 258 repeat or existing clients.

We represented clients in the Civil & Administrative Tribunal (1), local courts (4), the Superannuation Complaint Tribunal (1) and the Fair Work Commission (13 – including teleconferences).

We provided 3 CLE and information sessions to students at Nirimba Tafe, Salvos Legal and Inspire Logistics.

ABORIGINAL FAMILY LAW (AFL) PROJECT – Hemal Perera

I am entrusted with the responsibility to run the Aboriginal Family Law Project that commenced about March 2013. I contacted many Aboriginal organisations and made presentations on the Aboriginal family law project to their community members. I also contacted the NgalluWal Aboriginal Child and Family Centre. They put me on hold until their new building was complete.

When I learnt that the building was complete by 1 May 2014 I attended their Centre by appointment with our Administrator Anita Pemberton. We were well received and were shown around their building, part of it which was a child care facility. We discussed the possibility of conducting an outreach “Legal Clinic” at their premises. We were delighted our offer was accepted to run the legal clinic when their service was fully functioning. About mid-June they confirmed with us that the outreach Clinic could be held on the second and fourth Fridays of each month, commencing in July 2014. They invited us to run a stall at the NAIDOC event on 2 July 2014 to introduce our Centre to their people and we accepted the invitation.

Before the end of the financial year I made all arrangements to run the MDCLC stall alongside a few other NGO Service Providers, some NSW Government Agencies and NSW Police. At the time of writing this note I am happy to say that the MDCLC ran a stall at the NAIDOC event on 2 July 2014 that was organised by NgalluWal Child & Family Centre in Doonside.

There were a lot of Aboriginal men & women and some non-Aboriginal people visiting the stalls. Our volunteer Solicitor Scott Paige was present and helped me with the work that day. This made the task easy for me as we shared explaining to the visitors to our stall what areas of the law we assist people, in how we can be contacted for help and the help we give sometimes with papers to be filed in court. We gave some of our brochures and business cards to the visitors.

My outreach visits to the NgalluWal Child & family Centre are scheduled to commence from 11 July 2014. This will be a fortnightly arrangement. I am looking forward to this exciting challenge. I will not confine myself to Family Law advice as I intend to also provide a Generalist legal advice. I know the outreach service will be very successful.



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, mortgage defaults and credit and debt matters.

In the 2013-2014 year a slight decrease in traffic and car accident matters was offset by a very large increase in credit and debt matters.

The balance from a funding grant made in 2009 enabled us to employ a part-time civil law solicitor 3 days a week. Trevor Collier was employed in this position until April 2014 with Emma taking over from April 2014. This enabled us to assist clients with matters that required much attention.

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 Sydney West Legal Services Group (SWLSG) meetings held at Penrith Legal Aid in September, December 2013 and February 2014.

Staff attended quarterly CLCNSW Network meetings and training sessions in August, November 2013, February and May 2014.

Staff attended the West Sydney Koori Interagency Meeting in August 2013.

Staff attended NSWYL Business Law Committee in January, February, March, April and June 2014.

Staff attended Senior Forum at the Hub Mt Druitt in March 2014.

Staff attended the NSWYL Workplace Health & Safety Committee in October and November 2013.

Staff and management met with Bronwyn McCutcheon and Benjamin McDougall of Legal Aid NSW in March 2014.

Staff met with Steven Kline at Housing NSW Mt Druitt in November and twice in December 2013.

Staff attended Ivy Rose Tuesday Club in July 2013.

Staff attended Mt Druitt Centrelink Open Day in March 2014.

Staff attended Sydney Aboriginal Family Law in March 2014.

Staff attended Mt Druitt Hub Talk on AFL in November 2013.

Staff attended the Yenu Allowoh Aboriginal Child & Family Care Centre in October 2013 and the NgallaWal Aboriginal Child & Family Care Centre in May and June 2014.

Staff attended Bidwill for Presentation on AFL in October and November 2013.

Staff Professional Development

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



Staff attended Aboriginal Cultural Awareness training in January 2014.

Staff attended quarterly CLCNSW Network meetings and training sessions in August, November 2013, February and May 2014.

Staff completed LAC Craig In House Early Intervention Training in May 2014.

Staff completed Anti-Bullying Webinar in March 2014.

Accreditation

In June, the Centre received notification that the requirements of Certification, in accordance with the National Accreditation Scheme and the rules of the National Association of Community Legal Centres (NACLC), had been met,

The Centre is now licensed to use the NACLC Trademark.

The news was greeted with relief rather than a sense of achievement. Even though we were pleased to finally reach this goal, the drain on both our physical and financial resources has exacted a toll on staff and Management Committee members.

The financial price to date, is approximately \$55,000. The physical cost is the money diverted from employing additional hours to assist our staff meet an unrelenting demand for legal services, to paying costs related to financing the project.

Accreditation is a good idea. The Centre has always supported its purpose and implementation. However, like all good ideas, the execution comes at a cost and as we have demonstrated the cost to the Centre has not been insignificant.

We acknowledge that with most worthwhile projects, difficulties may occur from time to time. Our Centre however, is small in the number of staff employed, small in the amount of recurrent funding received from both Federal and State Governments but, very large in the size and diversity of the population serviced by the Centre.

The impact of the project on our small Centre has often placed almost seemingly impossible demands on our resources. Whilst we have prevailed, we suggest that our difficulties should be noted for reference when the planning stage for any similar reform is being considered.

The Centre – looking to the future

How to sustain the Centre's services with inadequate resources has dominated and underpinned every plan, decision and action taken by successive management committees from the day the Centre opened its doors to the community.

The pressures placed on staff working in an environment where resources were so limited was significantly reduced during the years the corporate law firm Blake Dawson and Waldron, now Ashurst, supported the Centre.

We will always be indebted to the firm for the huge contribution, made over many years, which led to the Centre being in a position to deliver a legal service which successfully responded to community needs.

The challenge for us since 2011, when the last payment was made by Blake's, was to maintain the same level of service delivered to the community without their support.

It is a challenge that at times it appears overwhelming. Thankfully, in early 2013 we received two one-off payments. This meant that together with the residue of a one-off payment made in 2009 the Centre's services have been maintained for this financial year.

At about the same time that financial support from Blake's came to an end the journey to accreditation began.

The imperative to make financial savings, and or, secure additional government funding to maintain a level of service that meets community needs with the imperative to become licensed to use the NACLC Trademark were inexorably linked. We needed to find savings to help maintain acceptable levels of service delivery into the future and, at the same time, pay for costs incurred from the accreditation project. It was not a question of choice because it would be unrealistic to believe that the Centre would continue to receive government funding, regardless of how inadequate that funding may be, if the Centre failed to qualify to use the NACLC Trademark. This has been the major challenge faced by the Centre since the accreditation project began.

The funding for Family Law services to the Aboriginal community will be exhausted by April 2015. This is a worthwhile project that has real value for the community. The service will be terminated unless we are able to secure additional funding. We will also have to terminate the services of a valued member of staff.

In June 2013, the Centre signed an agreement or as it is called a Deed of Execution. The Centre, according to the terms set out in the Deed, was to receive three payments; each payment made would be for \$50,000 with the first payment to be made in the 2014/15 financial year.

We were ecstatic when notification of the terms of the Deed of Execution was received at the Centre. It meant that with prudent financial management the Centre's services would be sustainable through to the 2016/17 financial year.

In May this year we received advice that the Deed of Execution had been cancelled by the Commonwealth. The only payment that we were to receive was the \$50,000 for the 14/15 financial year. To say that we were devastated would be an understatement.

The challenges beyond this financial year are multilayered. We are fortunate however, to have employed Rosemary Davies earlier this year as the Budget Administrator. Rosemary

has considerable skills and expertise in financial management. She has already made a significant and valuable contribution to confronting the challenges that the Centre faces.

Finally, the staff and Management Committee assures the community that it will continue to investigate and explore all options available to us to sustain the Centre's services. We will be tireless in our efforts.

Acknowledgements

The Centre would like to thank the following people and organisations for their contribution to the Centre in 2013-14:

- Attorney-General's Department
- Blacktown City Council
- Carmelle Cuanan
- Community Legal Centres NSW (CLCNSW)
- Daniels Obiokolie
- Family Relationships Australia
- Financial Rights Legal Centre
- Hon. Ed Husic, MP
- Hon. Michelle Rowland, MP
- Hon. John Robertson, MP
- Hon. Richard Amery, MP
- Law Access NSW
- Law and Justice Foundation of NSW
- Legal Aid NSW – Bronwyn McCutcheon, Benjamin Dougall
- National Association of Community Legal Centres (NACLC)
- Nancy Michail
- NgalluWal Aboriginal Child & Family Care Centre
- P.J Roseby & Co
- Sherif Alam
- The Law Society of NSW



- West Tradies
- Winsome Matthews

Hours of Operation

76 Rooty Hill Rd North
Rooty Hill NSW 2766

PO Box 93
Rooty Hill NSW 2766

Telephone: (02) 9675 2009

Facsimile: (02) 9675 2110

Email: Rosemary_Davies@clc.net.au

Office Hours: Monday – Friday, 9:30am to 4:30pm.
Closed for lunch between 1 pm and 2 pm daily.



INDEPENDENT AUDITORS' REPORT TO
THE COMMITTEE OF MANAGEMENT OF
MT DRUITT & AREA COMMUNITY LEGAL CENTRE INCORPORATED

Scope

We have audited the financial statements of Mt. Druitt & Area Community Legal Centre Incorporated for the financial year ended 30th June, 2014, consisting of the Profit and Loss Account and Balance Sheet.

The Committee of Management is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the members of the Committee.

Our audit has been conducted in accordance with Australian Auditing Standards to provide assurance whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) and statutory requirements so as to present a view which is consistent with our understanding of the Legal Centre's financial position, the results of its operations and its cash flows.


The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In our opinion, the financial statements of Mt Druitt & Area Community Legal Centre Incorporated are properly drawn up:

- (a) So as to give a true and fair view of:
 - (i) The state of affairs of the Legal Centre as at 30th June, 2014 and the results and cash flows of the Legal Centre for the financial year ended on that date; and
 - (ii) The other matters required by Divisions 4, 4A and 4B of Part 3.6 of the Corporations Law to be dealt with in the financial statements;
- (b) In accordance with provisions of the Corporations Law; and
- (c) In accordance with applicable Accounting Standards and other mandatory professional reporting requirements.

DATED at Rooty Hill on 15th September, 2014


P. J. Roseby & Co.,
Certified Practising Accountants,

Phillip J. Roseby
Principal

*MT DRUITT & AREA COMMUNITY LEGAL CENTRE
INCORPORATED*

FINANCIAL STATEMENTS

FOR THE YEAR ENDED

30TH JUNE, 2014

P. J. ROSEBY & CO.

CERTIFIED PRACTISING ACCOUNTANTS

37 CATHERINE CRESCENT, ROOTY HILL 2766

TE: 02 9625 9051 FAX: 02 9832 2478

MT DRUITT & AREA COMMUNITY LEGAL CENTRE

PROFIT AND LOSS STATEMENT FOR THE YEAR ENDED 30TH JUNE 2014

Last Year		This Year	
\$		\$	\$
<u>GROSS INCOME</u>			
<u>CLC Funding</u>			
202914.06	- Commonwealth Government	205953.76	
17883.64	- State Government	18216.48	
220797.70		224170.24	
3000.00	CDSE Funding	3216.00	
230348.00	One-off Commonwealth Funding	-	
-	CW SACS ERO	14332.00	
-	SACS ERO (STATE)	303.48	
18.00	Miscellaneous Income	3816.00	
710.24	Expenses Recouped	1512.55	
\$454873.94		\$247350.27	
<u>Add: Other Income</u>			
9234.87	Interest Received	11769.14	
\$464108.81		\$259119.41	
<u>LESS: EXPENDITURE</u>			
<u>Office Overheads</u>			
798.03	- Postage	692.65	
435.00	- Printing	450.00	
3013.66	- Office Supplies	1384.15	
1102.00	- Cleaning & Rubbish Removal	730.12	
442.21	- Photocopier Charges	267.68	
834.00	- Computer Software	-	
-	- Equipment less than \$1,000	5555.45	
195.75	- Equipment Repairs & Maintnc	-	
2260.00	- Computer Hardware Maintnc	969.00	
739.09	- Computer Support - MYOB	763.64	
	- Occupation Health & Safety		
410.00	Costs	-	
261.88	- Entertainment Expenses	12.01	
238.12	- Staff Amenties	811.15	
10729.74		11635.85	
<u>Other Premises Costs</u>			
12000.00	- Rent	12927.00	
	- Council Rates & Domestic		
1414.63	Waste	1428.04	
2232.92	- Electricity	2101.88	
459.12	- Security	459.12	
-	- Cleaning	1070.00	
435.11	- Repairs & Maintenance	-	
55.84	- Washroom Service	55.84	
1335.07	- Archival Storage	1345.84	
17932.69		19387.72	
5519.00	Depreciation	6613.00	
<u>Employment Expenses</u>			
207599.77	- Wages & Salaries	301372.52	
-	- Long Service Leave Provision	25073.69	

**PROFIT AND LOSS STATEMENT
FOR THE YEAR ENDED 30TH JUNE 2014**

Last Year		This Year	
\$		\$	\$
	<u>On Costs</u>		
18624.96	- Superannuation	22771.43	
-	- On Costs Provision	6099.66	
909.35	- Workers Compensation	715.79	
<hr/>		<hr/>	
19534.31		29586.88	
	<u>Staff Related Expenses</u>		
690.91	- Professional Indemnity Ins	229.05	
2608.19	- Staff Training & Recruitment	3977.27	
2085.45	- Practising Certificate	2800.00	
620.81	- Parking & Travel Expenses	192.37	
132.00	- Travel Reimbursement	82.67	
<hr/>		<hr/>	
6137.36		7281.36	
	<u>Communication Expenses</u>		
8060.50	- Telephone	10881.22	
654.59	- Internet Fees	490.95	
<hr/>		<hr/>	
8715.09		11372.17	
	<u>Financial & Accountability Corp</u>		
1450.00	- Audit Fees	1450.00	
440.00	- ATO Charges	-	
523.44	- Bank & Govt Charges	695.40	
1927.66	- Building & Public Liab Ins	1168.47	
500.00	- Accounting Services	500.00	
1273.60	- Other Professional Services	-	
51.00	- Annual Statement Fees	52.00	
<hr/>		<hr/>	
6165.70		3865.87	
	<u>Library, Resources & Subscriptions</u>		
2287.27	- Professional Publications	-	
1781.41	- Reference Books	284.73	
535.43	- Dues & Subscriptions	1475.35	
1145.45	- Legal Centre Levies	2320.91	
<hr/>		<hr/>	
5749.56		4080.99	
<hr/>		<hr/>	
288083.22		420270.05	
<hr/>		<hr/>	
(\$176025.59)	<u>NET DEFICIENCY FOR THE YEAR</u>	\$161150.64	

MT DRUITT & AREA COMMUNITY LEGAL CENTRE

**BALANCE SHEET
AS AT 30TH JUNE 2014**

Last Year		This Year
\$		\$
	<u>ACCUMULATED FUNDS</u>	
\$280131.12	Credit Balance 1st July, 2013	\$456156.71
	<u>LESS:</u>	
(176025.59)	Net Deficiency for the Year	161150.64
<hr/>		<hr/>
\$456156.71	<u>Credit Balance 30th June, 2014</u>	\$295006.07
	Represented by:	
	<u>CURRENT ASSETS</u>	
200.00	Petty Cash Float	200.00
	Bond Deposit - Blacktown	
3000.00	Council	3000.00
	Cash at Bank - Commonwealth	
139827.78	Bank	70238.95
<hr/>		<hr/>
\$143027.78		\$73438.95
	<u>FIXED ASSETS</u>	
12184.00	Fitout - at cost	12184.00
-	Less: Accumulated Depreciation	305.00
<hr/>		<hr/>
12184.00		11879.00
21455.00	Furniture & Fixtures - at cost	24362.00
21366.00	Less: Accumulated Depreciation	24310.00
<hr/>		<hr/>
89.00		52.00
50756.00	Computers, Modems - at cost	16295.00
45621.00	Less: Accumulated Depreciation	13372.00
<hr/>		<hr/>
5135.00		2923.00
13496.00	Office Equipment - at Cost	4260.00
13409.00	Less: Accumulated Depreciation	4255.00
<hr/>		<hr/>
87.00		5.00
33283.00	Photocopier - at Cost	9740.00
25252.00	Less: Accumulated Depreciation	5684.00
<hr/>		<hr/>
8031.00		4056.00
1338.00	Staff Amenities - at cost	639.00
1336.00	Less: Accumulated Depreciation	639.00
<hr/>		<hr/>
2.00		-
<hr/>		<hr/>
25528.00		18915.00

**BALANCE SHEET
AS AT 30TH JUNE 2014**

Last Year \$		This Year \$	\$
	<u>INVESTMENTS</u>		
	Term Deposits - Commonwealth Bank		
45011.30	- Term Deposit - 50084213 - Employee Leave Provisions	67118.44	
41963.92	- Term Deposit - 50110135 - Capital Expenditure Provisions	44302.40	
28665.02	- Term Deposit - 50115091 - Safety Net	25192.02	
25000.00	- Term Deposit - 50146744	-	
65000.00	- Term Deposit - 50146736	-	
	- Term Deposit - 50146963 - One Off	102352.02	
100000.00	- Term Deposit - 50148512 - CW	14500.00	
-	- Term Deposit - 50148686 - FLATSI	40000.00	
-			
<u>305640.24</u>		<u>293464.88</u>	
<u>\$474196.02</u>	<u>TOTAL ASSETS</u>	<u>\$385818.83</u>	
	<u>CURRENT LIABILITIES</u>		
	Trade Creditors	370.07	
14539.31	ATO BAS Liability	8779.55	
	Annual Leave Provision	44808.94	
	Long Service Leave Provision	13388.00	
	Superannuation Payable	2180.85	
	Current On Cost Provision	4972.00	
3500.00	Provision for Capital Expense	3500.00	
<u>18039.31</u>		<u>77999.41</u>	
	<u>NON-CURRENT LIABILITIES</u>		
-	Long Service Leave Provision	11685.69	
-	Non-Current On Cost Provision	1127.66	
<u>-</u>		<u>12813.35</u>	
<u>\$18039.31</u>	<u>TOTAL LIABILITIES</u>	<u>\$90812.76</u>	
<u>\$456156.71</u>	<u>NET ASSETS</u>	<u>\$295006.07</u>	