



# ANNUAL REPORT 2019



**WHEATBELT**

- COMMUNITY LEGAL CENTRE -

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***“We Respectfully Acknowledge The Past And Present  
Traditional Owners Of The Land  
The Ballardong People – On Which We Meet, Work And Live.  
It Is A Privilege To Be On Ballardong Country.”***



# THE WHEATBELT COMMUNITY LEGAL CENTRE

## Legal services

Information, advice, and advocacy. Legal representation within regional Courts of the Wheatbelt District. Telephone consultations for people residing in remote areas of the Wheatbelt. Face to face consultations through the outreach program.

## Community legal education

A quality community legal education program that increases awareness amongst targeted community groups of the role of community lawyers.

## Policy and law reform

Participation in public policy discussion on family law/domestic violence, child protection issues and access to justice for people residing in the Wheatbelt.

## Program administration and management infrastructure

To enable administration and management of service delivery, including strategic planning and innovation, management of financial, human and office resources.

## Accreditation

Accreditation is gained by having our policies and procedures assessed against standards developed by the National Association of Community Legal Centres (NACLC). Compliance is checked against NACLC Risk Management Guide.



# CONTACT INFORMATION



Robyn Lord  
Manager / Principal Solicitor



Jo Kelly  
Solicitor



Verena Boundry  
Receptionist



Jess Goudge  
Solicitor



Sam Vinnicombe  
Tenant Advocate



Ian Tait  
Bookkeeper

Wheatbelt Community Legal Centre Inc

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# BOARD OF DIRECTORS

Attila Mencshelyi (Chairperson)

Dr Harry Randhawa (Vice)

Kate Turtley-Chappel (Secretary)

Chris Goff (Treasurer)

Kerry Collard

Robyn Lord (Ex Officio)

## CHAIRPERSON'S REPORT

It gives me great pleasure to present the Chairperson's report for the 2018/19 Financial Year following a year of considerable demand for the very professional services, legal advice and assistance and tenancy advocacy that has been delivered to many clients experiencing hardship and disadvantage throughout the Wheatbelt region.

Being a small organisation with limited funding, the Wheatbelt Community Legal Centre has finished the 2018/19 Financial year with a modest surplus through stringent management, excellent planning, due diligence and full accountability to the community and funding providers.

I am indebted to the members who give their time freely to the governance of this preeminent Wheatbelt community service provider namely Harry Randhawa, Kate Turtley-Chappel, Chris Goff and Kerry Collard.

The dedicated, highly motivated and committed team comprising Robyn Lord as Manager and Principal Solicitor, lawyers Jess Goudge and Jo Kelly, tenancy advocate Cameron Hunter who left in June 2019 and replaced by Samuel Vinicombe, our law graduate Richard Dewar who moved onto bigger and better things in May 2019 and Verena Boundry have all made outstanding contributions in their respective roles



in sometimes difficult and trying circumstances. Their inspiration has always been focussed on the greater good of the clients seeking their services and the reputation of the Centre. They are all deserving of considerable kudos for their great effort and achievements.

To our Financial Sponsors, Legal Aid WA, Australian Government Attorney Generals Department, The Law Society of WA, Lotterywest, Sparke Helmore Lawyers, WA Government Department of Mines Industry Regulation and Safety we are eternally grateful to them for the continued solvency of the WCLC and the amazing work that this enables.

Attila Mencshelyi  
Chairperson, Board of Directors

## FINANCIAL SPONSORS

WCLC depends on the support of our funders and sponsors to ensure that we can achieve our strategic intentions of providing legal services, community legal education, and policy and law reform for the people of the Wheatbelt.

Our special thanks go to our valued sponsors Sparke Helmore, Lotterywest and the Law Society.

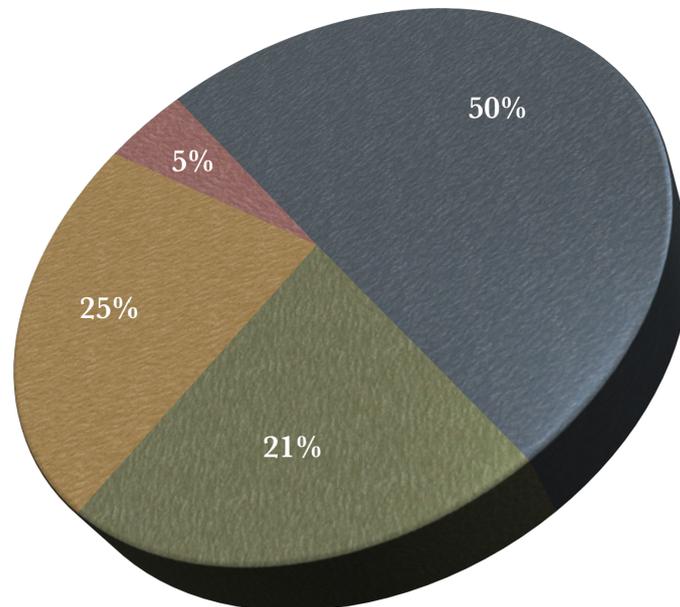


We also gratefully acknowledge the support of the following funders:

WA Department of the Attorney-General  
Federal Department of the Attorney-General  
Legal Contribution Trust and  
Criminal Property Confiscation Grant.



## Funding and Grant Income



- Commonwealth Community Legal Centre funding (family and domestic violence) (\$299,520)
- State Department Mines Industry Regulation and Safety (TAES program) (\$125,444)
- State Community Legal Centre funding (criminal property confiscation grant) (\$148,264)
- Lotterywest (\$27,844)

## MANAGER'S REPORT

This is an exciting time for WCLC as the organisation continues to strive to improve service delivery, efficiency and effectiveness in order to achieve the intended funding and strategic outcomes.

### The Team

Over the course of the year our dedicated team worked tirelessly to make a difference in people's lives. I would like to thank the current team Jo Kelly, Jess Goudge, Samuel Vinicombe, and Verena Boundry. Without you we would not have been able to achieve what we have and would not be in a position to continue to make a positive difference in our client's lives.

To our outgoing team members Cameron Hunter and Donna Moody, who without them we also would not have been able to achieve what we have, thank you for all your efforts while you were with WCLC, you will be missed.

My thanks also goes to our volunteer Richard Dewar for his



invaluable support and assistance throughout the year. Richard now has a paid position in the private sector and his enthusiasm and assistance will be missed.

## WCLC's Network

Yearly the team attend network meetings, seminars and conferences to upskill in their respective areas of expertise. This upskilling directly benefits each of our clients. In August 2018 it was with great pleasure that WCLC was able to send two of our team to the National Association of CLC's conference in Brisbane.

The team is involved in a number of networks relating to their areas of expertise. Formal and informal feedback is often gathered from these networks, from our clients and other resources (increasingly from e-newsletters). This material provides a valuable base for determining the effectiveness of WCLC's current services, for adapting and planning new methods of service delivery. It is also useful for identifying potential partnerships or gaps in community services.

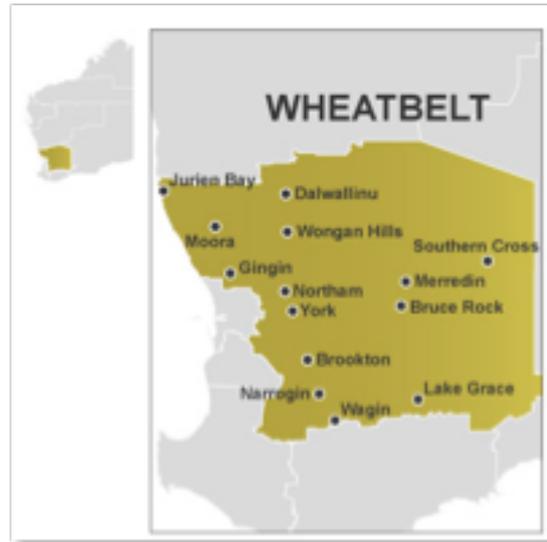
During the 2018/19 year the WCLC has actively contributed to the following professional networks;

1. Community Legal Centres Association (WA)
2. National Association of Community Legal Centres
3. Tenants Advisory Service network
4. Regional, Rural and remote networks
5. Professional Indemnity Insurance Committee
6. Domestic Violence Legal Workers Network
7. Indigenous Mental health training workshop
8. District meeting of Department of Child Protection
9. Community Legal Education Network
10. Criminal lawyers Association

WCLC's strong partnerships with community groups is fundamental to our success and effectiveness. I like to recognise the working and professional relationships WCLC has with Share & Care, Holyoake, KEEDAC, Department of Communities, WANSLEA, Magnolia Women's refuge, Sparke Helmore, Aboriginal Legal Service, Legal Aid (notably legal aid lawyers delivering the duty lawyer assistance Jack Trainor and Peter Brindall), social workers and various Community Resource Centres throughout the Wheatbelt.

## Outreach

WCLC's doors are open to people from all cultures, backgrounds and those at risk. We are acutely aware of the pressing need to be present in more remote areas of the Wheatbelt and provide support to those most vulnerable. In recognition of this, we have continued our outreach program to Moora and Merredin on a regular 3-week cycle with an overnight stay to maximise the effectiveness of the long journey to these towns. It is hoped that the regularity of the visits and the extension of time spent in these towns, will enable more people to access our services.



## Board

I thank our dedicated Board for their time and efforts and sound governance. The commitment of the Board and support is invaluable for the development of the WCLC and also as we progress through reviews of our policies and procedures to safeguard service standards compliance. Where identified, the Board oversaw the research and implementation of new policies and procedures. On occasion, this has meant a consultation with the community stakeholders in planning and evaluation of our strategic plan.

## Strategy

The strategic direction of the organisation remains the focal point of the Board, including marketing, IT and Systems, development of social media platforms, and retention of high-level skills to enable WCLC to become an effective Centre. Following a successful re-branding last year and keeping with our new look the Board approved funds for new signage, a mobile pull-up banner, notepads and pens for general marketing and awareness.

One initiative that coincided with our strategic plan of improving client service delivery was participation in CLCA(WA)'s co-design project. Its aim is to scrutinise the journey of clients of CLC's to identify fail points of



clients, where they may feel unsupported, confused or get off track. The information gathered is used as a basis to develop best practises in client service delivery. Those who are supported effectively in the legal process have better wellbeing and outcomes.

## Community Legal Education

It is widely accepted that people who have attended legal education may be better informed about the legal system and their expectations may be more realistic. Community Legal Education also provides an opportunity to open up a dialogue with community members. Those community members are instrumental in word of mouth referrals when needed. The WCLC has conducted the following CLE activities this year:

- Presentation at CLC (WA) quarterlies regarding the interplay between Family Law, Child Protection and FVRO's as well as individual case studies of matters that intersect all three areas of law. A refresher of resources that are available was also given. WCLC also participated in a panel discussion of how more legal support/services can be given to parents whose children are under care and protection orders.
- Presentation to caseworkers at Magnolia House (women's refuge) regarding FVRO's, process and procedure, important information that women seeking protection need to be aware as well as developments in changes in tenancy laws and domestic violence.
- Discussion with Wyalkatchem District high school students regarding their legal rights and responsibilities as they journey towards adulthood
- Presentations to caseworkers at Wanslea regarding legal issues affecting clients facing family and domestic violence issues, including our referral system for Child protection and FVRO applications/trials.
- Presentation to Silver Wings Senior Citizens on Seniors and the Law, providing information regarding EPA's and EPG's and when they are required/useful. Information on what makes a Will valid, and issues to consider when drafting a Will, the role of the executor and what to consider when choosing an executor.
- Radio segments with 101.3FM from York. Each segment touches on a different legal topic such as rental arrears, bond disputes, fines and enforcements, police matters, motor vehicle accidents and neighbourhood disputes.

- Presentation to financial counsellors at Share and Care regarding Centrelink debts, Administrative Appeals Tribunal matters, process and procedure in the Minor cases jurisdiction in the Magistrates Court and a general Q&A.

A crucial part of our responsibility as the Wheatbelt CLC is to identify inequalities in the laws, legal systems, administrative systems and work towards legal and social change. To that end, we have prioritised our working schedule to accommodate important events. Once such event was in March when WCLC attended the Child Protection Symposium. This was a multi-agency approach to addressing the challenges of families with children under Care and Protection Orders and the paucity of legal representation in this space for parents whose children are the subject of these Orders. WCLC provided feedback following this symposium. WCLC have also tried to keep the conversation going by presenting at CLC (WA) quarterlies on these important issues.



I am proud of and congratulate the years achievements by the WCLC family (the Team and Board members). I thank WCLC supporters and the community for their continued support and confidence.

The challenges are many. I am committed to further building the capacity and focus of our networks and sustainable programs.

Robyn Lord BA LLB  
Manger / Principal Solicitor



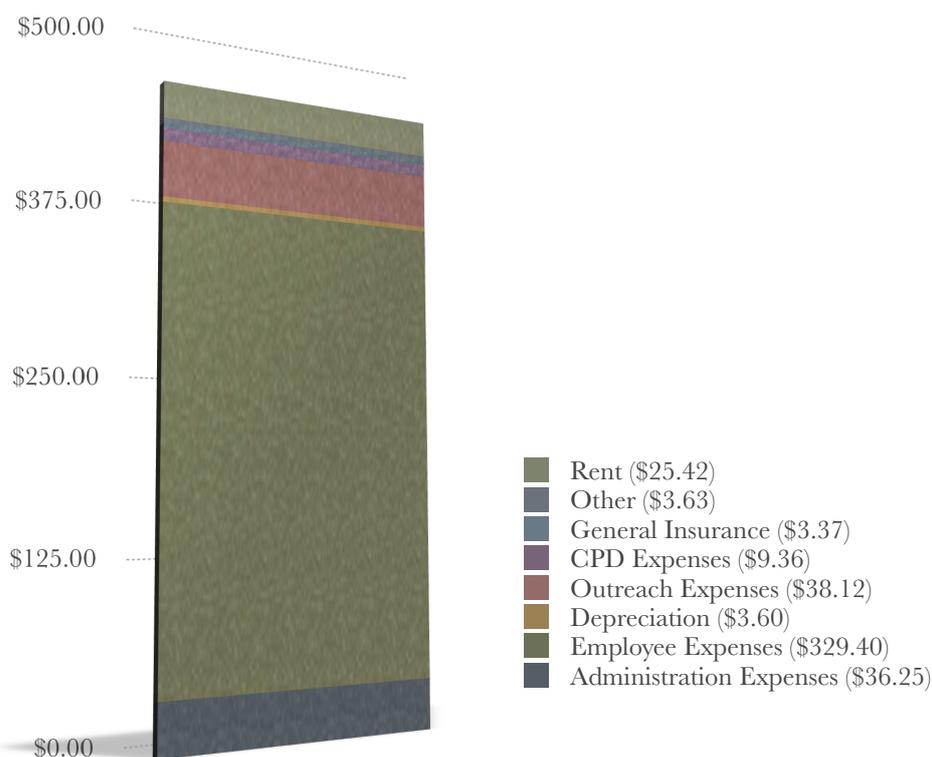
# FINANCIAL SUMMARY

Although the year had many challenges, the organisation achieved an operating surplus for the financial year of \$9,030.00 (previously \$35,232.00). The increase of outreach that WCLC undertook this year directly lead to the decrease in this years surplus. The cost of this outreach not only included direct costs such as overtime, meals and accommodation for the lawyers but also room hire, wifi services (eg nighthawks) and mobile phones.

We have increased the hours of the family lawyer to accommodate the increased demand for family law services, particularly in the areas of child protection.

We put more resources into providing the lawyers and tenancy advocate with more professional development opportunities, such as attending the National Conference in Brisbane, and other fee for service based learning.

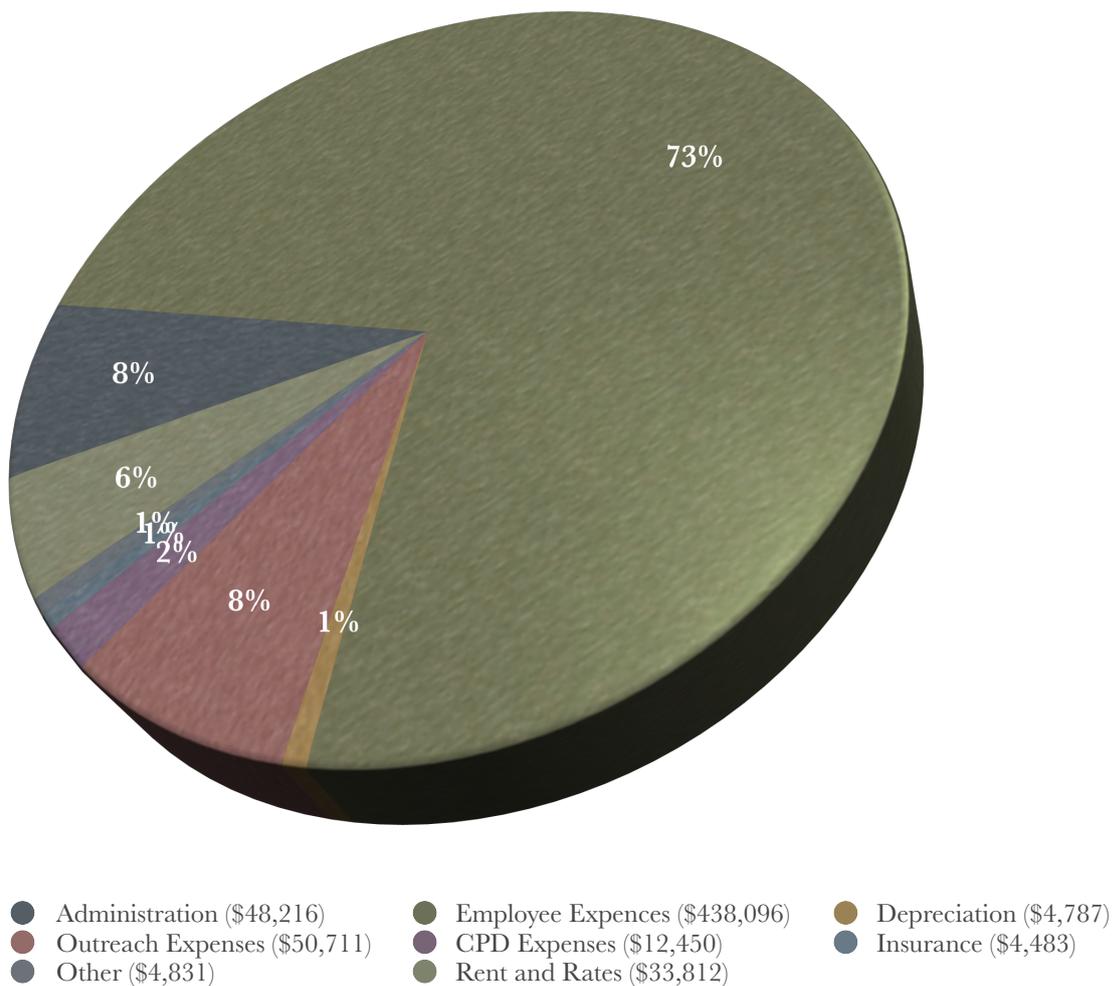
The Centre still endeavours to ensure that, where possible, expenditure commitments are kept to a minimum. As we are a service organisation, this principally involves keeping staff costs to a minimum. We have recruited the assistance of volunteers to assist with answering telephones and other household duties. The Principal Solicitor has combined her normal duties with the role of



Average cost per client contact \$449.16

manager of the WCLC and provided, together with our other staff members, numerous hours of pro bono work to ensure WCLC is a professional, and compliant CLC.

The cost of increased compliance requirements is making it difficult for us as a smaller not for profit organisations. These costs divert services away from the “front line,” however, we are committed to working with our peak body (both National and State) as well as Government for effective sustainability.



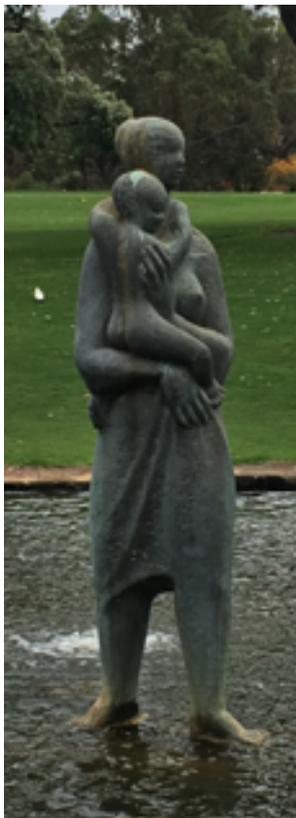
# FAMILY LAW REPORT

Over the past 12 months there was a noticeable increase in the number of clients seeking more than basic assistance regarding their family law disputes. We saw a rise in the level of complexity and correspondingly a rise in the time and resources spent for those clients.

Dealing with the Department for Child Protection can be understandably overwhelming for parents and is compounded by the inability to access appropriate information and representation. Clients are often fearful of the unknown, of the process and of the anticipated outcome. We support clients at this critical time, providing information about the process, explaining their options and appearing in court with them when appropriate. Information is power and improving access to legal information can be life changing for many.

Jo Kelly MBA LLB  
Solicitor - Family Law

## FAMILY LAW CASE STUDY



*We first engaged the client Mother in March 2019. She presented as frustrated and distraught having recently separated her husband and the Father of their Son aged five.*

*The Mother was on Centrelink for family benefits and Newstart and the Father was a mining FIFO worker 3/2.*

*The Mother and Father lived together for eight years and equally shared the care of their child until separation. After the separation the child lived with the Mother at their rural Wheatbelt family home and the child spent time with the Father every third weekend at his city rental. Both parents had a legal interest in the family home as joint tenants. The family home was freehold and financially debt free. They bought the family home together within the first year of their relationship and they equally shared the costs.*

*The Mother stated that in her relationship with the Father she felt and experienced power imbalance and family violence. We explained to the Mother the Magistrates Court of WA process and relevant statutory provisions of the Restraining Orders Act (WA). The Mother gained a good understanding of the definition of family violence, exposure to children, when family violence restraining orders may be made and matters to be considered by court. The*

*Father's behaviour towards the Mother consisted of unreasonably denying her financial autonomy and preventing her from making or keeping connections with family and friends. Although the Mother recognised family violence, she was unwilling to apply for a family violence restraining order as she believed the Father's behaviour has improved since their separation.*

*We explained to the Mother the Family Court of WA process and relevant statutory provisions of Family Law Act (Cwth). The Mother gained a good understanding of the best interests of the child, shared parental responsibility and presumption, equal time, substantial and significant time, family violence and family dispute resolution. To further empower the Mother's understanding and knowledge we provided the Mother with helpful Legal Aid WA information sheets 'Best Interests of the Child' and 'Making arrangements for your Child'. We also explained the Stanford four step process used to determine financial agreements.*

*The Mother was very keen to develop a parenting plan and financial agreement with the Father by family dispute resolution. We referred the Mother to a registered family dispute resolution practitioner. The Mother initiated family dispute resolution and consequently the service and the parents agreed to shuttle mediation. The parents attended three mediation sessions (via telephone and in person) and consequently after six weeks they developed a parenting plan in the 'best interests of the child' and a financial agreement that was 'just and equitable'. The parents filed their family court application for minute of consent orders, and the court granted the orders in the terms agreed between the parents.*

*This case study illustrates that complex family law parenting and financial disputes can be resolved by engaging a family dispute resolution practitioner. The Family Law Act (Cwth) and the Family Court Act (WA) state there is a mandatory obligation to make a genuine effort to resolve parenting disputes by family dispute resolution (unless exempt), before filing a Family Court of WA application for parenting orders. Although this mandatory obligation does not apply to financial disputes, it makes good common sense that both disputes can be resolved by family dispute resolution together. It is important to note, that parenting plans should be developed prior to financial agreements, particularly when the child's family home is part of the asset pool.*

*In conclusion, in most cases parents find family dispute resolution proves to be timely, less stressful and more cost efficient than entering the Family Court of WA. Family dispute resolution aims to achieves results that are in the 'best interests of the child' and 'just and equitable'. We advocate for resolving family law disputes through family dispute resolution and make referrals appropriately. It is likely had we not helped the Mother she may not have had such a successful resolution to her matter, still be distraught and more frustrated with the whole process.*

*Jo Kelly*



# TENANT ADVOCATE'S REPORT

I commenced the Tenant Advocate role in June this year following a handover period with Cameron Hunter, who stepped down from the role at the end of May. Cameron's advocacy and efforts over the past year were of great assistance to his clients, and he is highly spoken of by those who worked with him across the Wheatbelt. Stepping into the role, my aim has been to continue developing and deepening relationships with community service providers and stakeholders, while delivering quality advocacy for tenants in the Wheatbelt region. One of the most rewarding aspects of the role has been engaging with the Indigenous community throughout Wheatbelt not only as clientele, but also as key stakeholders and partners.

While the WCLC assists a broad range of tenants, a significant amount of time and energy has been given to assisting clients experiencing significant disadvantage. These clients share a number of 'risk factors'. Many are experiencing homeless or are at real risk of becoming homeless. An unfortunately high number have also experienced family violence in their tenancy. Perhaps the most common denominator is financial stress, often exacerbated by substantial debts.

Advocating for these clients is often challenging but also arguably the most valuable service that the WCLC provides through tenant advocacy. These clients are some of the most marginal members of society, with little control or agency over their circumstances. Without the services provided by our Centre, there is a real doubt as to what other viable options these clients would have had in obtaining assistance with their tenancy and housing matters.

One of the priorities for the year going forward is broadening the scope and range of the outreach services across the Wheatbelt. The regular outreach to Narrogin has become a cornerstone in our tenant advocacy service and should serve as a model for further planned activities. The on-going support of the Kaata-Koorliny Employment and Enterprise Aboriginal Corporation (KEEDAC) has been invaluable in the Narrogin outreach, and is an example of the valuable role of inter-agency engagement in delivering services within regional centres.

Sam Vinnicombe LLB

Tenancy Advocate



# TENANT ADVOCATE CASE STUDY

## Case study 1

*A client was referred to us by an Aboriginal corporation in relation to outstanding rent arrears. The client was a public housing tenant and the Housing Authority had indicated that they were going to commence proceedings to terminate the tenancy on the basis of the rent arrears. The client was not aware that rent had not been paid from her Centrelink statements. There were concerns about the welfare of the client and her young child if the tenancy was terminated. It was unclear as to why the client's rent payments had stopped.*

*We made some enquiries on the client's behalf and determined that there had been an administrative error with Centrepay and as a result the client's payments had been cancelled. We further assisted the Client by referring and advocating for emergency relief support. As a result she received \$500 in emergency relief support. The \$500 emergency relief assisted the client with reducing her rent arrears.*

*The Housing Authority did not commence legal proceedings to terminate the client's tenancy and client was assisted in entering a new Centrepay arrangement and began making rent payments again.*

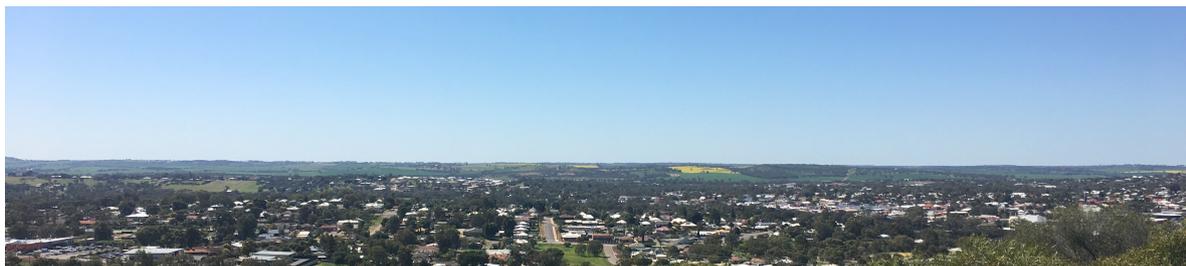
## Case study 2

*A Client was referred to us by an Aboriginal corporation in relation to a termination notice issued by a community housing provider that the Client was renting from. Termination was on grounds of failure to maintain property in reasonable state of cleanliness. There had been 14 breach notices issued in the 6 months prior to the termination notice. The lessor also claimed \$1,300 in rent arrears, unpaid bills and tenant liability charges.*

*After taking instructions we advised the Client on her options in relation to the termination notice and the threatened eviction. We negotiated with the community housing provider to obtain a 3-month fixed term tenancy agreement. The Client was also referred to a number of support services to obtain financial counselling and emergency relief. The Client has been provided with ongoing support and advocacy in relation to her tenancy.*

*The 3-month fixed-term tenancy has provided the Client with stable housing since the initial engagement and negotiations are ongoing to obtain a further extension of the lease. With our support the Client has attended financial counselling and paid off \$600 of the lessors claimed amounts, including all of the rent arrears and unpaid bills. The Client has been engaged with the support and advocacy we have provided and as a result has good prospects of renewing her fixed-term lease and providing her family with ongoing stable and secure housing.*

*Sam Vinnicombe*



# CIVIL/CRIMINAL LAW SERVICE'S REPORT

It has been a busy 12 months as we have expanded the areas of law that WCLC is able to assist with in the general law program. We continue to assist clients with criminal law matters and have formed a great working relationship with the Legal Aid lawyers in both Moora and Merredin. In Moora particularly, we are providing court representation and advice for clients both on the day of Court and ongoing advice. We have found that working collaboratively with Legal Aid has helped streamline Court processes and reduces Court time as clients can receive their advice on the day and have their matter dealt with immediately.

We are continuing to assist clients with their Criminal Injuries Compensation applications and have found the demand in this area is increasing as well as applications for Extraordinary Drivers Licences, restraining orders and fines/infringements.

I was very grateful to have been able to spend some time at Legal Aid this year to shadow the civil lawyers and gain experience and knowledge in specific areas of civil law. Due to the expansion in our knowledge but we are now able to offer assistance to clients in matters of debt, including Centrelink debts and minor civil matters. This is a particularly important service as there are no other legal services in the Wheatbelt that can assist clients with these matters and this service has been in high demand.

Jess Goudge JD, BSc(Nursing), GDLP  
Solicitor - Civil/Criminal Law



## CIVIL/CRIMINAL LAW CASE STUDY

*A mature aged female attended WCLC to see whether she could make a claim for Criminal Injuries Compensation as she had been seriously and significantly sexually assaulted for a lengthy period when she was a child aged between 5 and 8 years. The perpetrator had been convicted for the offences many years ago. As the limitation period had expired the client did not think she could apply for CIC. The client was and had been suffering from post-traumatic stress disorder for many years. We discussed with her who can apply for a CIC, how the process works and that she could apply for an extension for the time period. As the client was suffering emotionally we recommended she meet with a psychologist to help her deal with her trauma. This would be needed for her application however it was imperative for her wellbeing. The client stated she had wanted to do counselling but was unable to afford it. The client had low level literacy skills and lacked the mental health to attend to the application herself.*

*WCLC prepared the application and gathered all supporting evidence on her behalf. The application was lodged. Within 6 months the Assessor determined that her application for an extension had merit. The Assessor also awarded her a sum of money for compensation, a component of which was to be used for counselling. The client was extremely happy and grateful as she could continue her intensive counselling to help her find peace.*

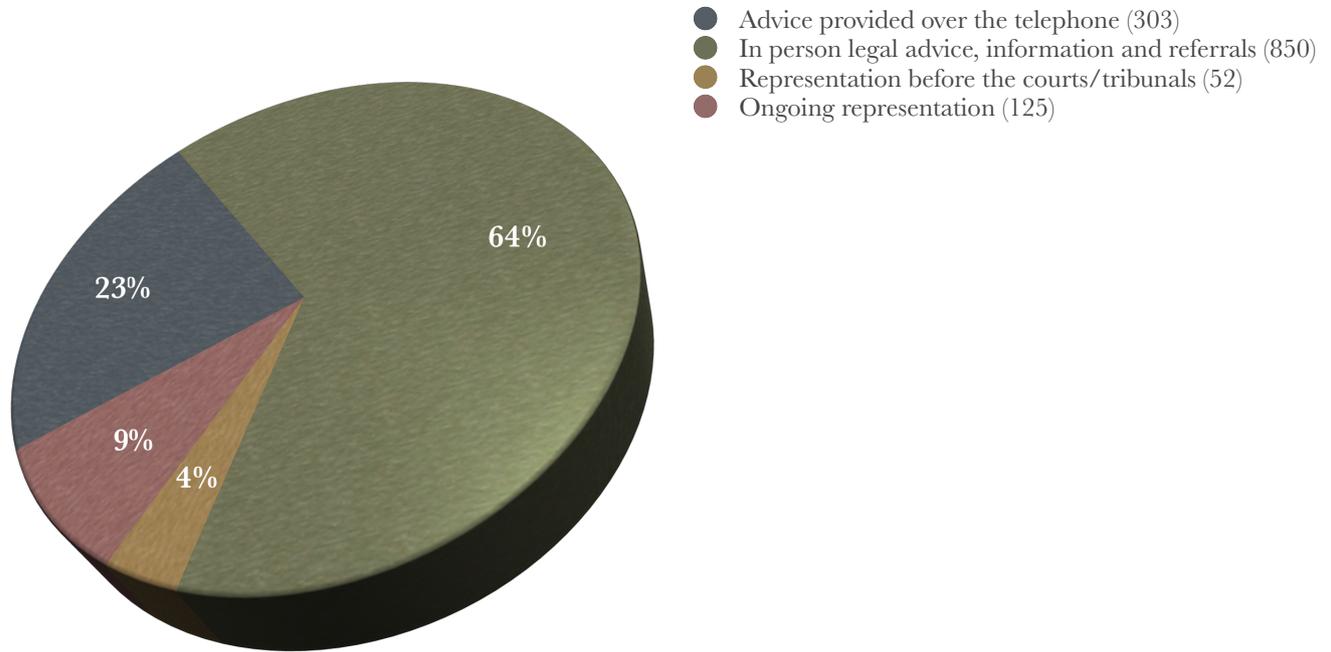
*A CIC application may not look complex however when you do not have a high level of literacy completing one can be an insurmountable task. Had we not been there to help this client she would not have known that she could apply for an extension. Even if she had known, she would likely have not completed the application due to her level of literacy and poor mental health.*

*Jess Goudge*



# STATISTICAL SUMMARY

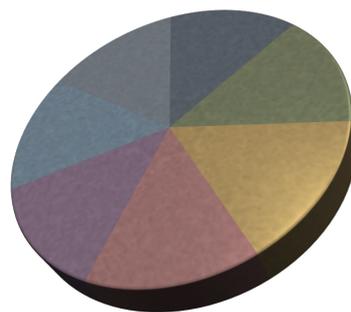
## Clients Assisted in 2018/19



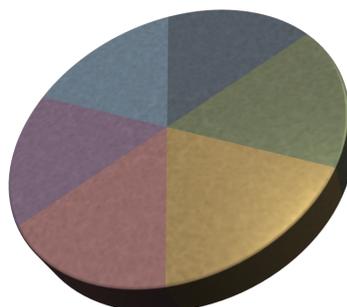
Total number of client contacts 1330

## Other Services Provided to the Community

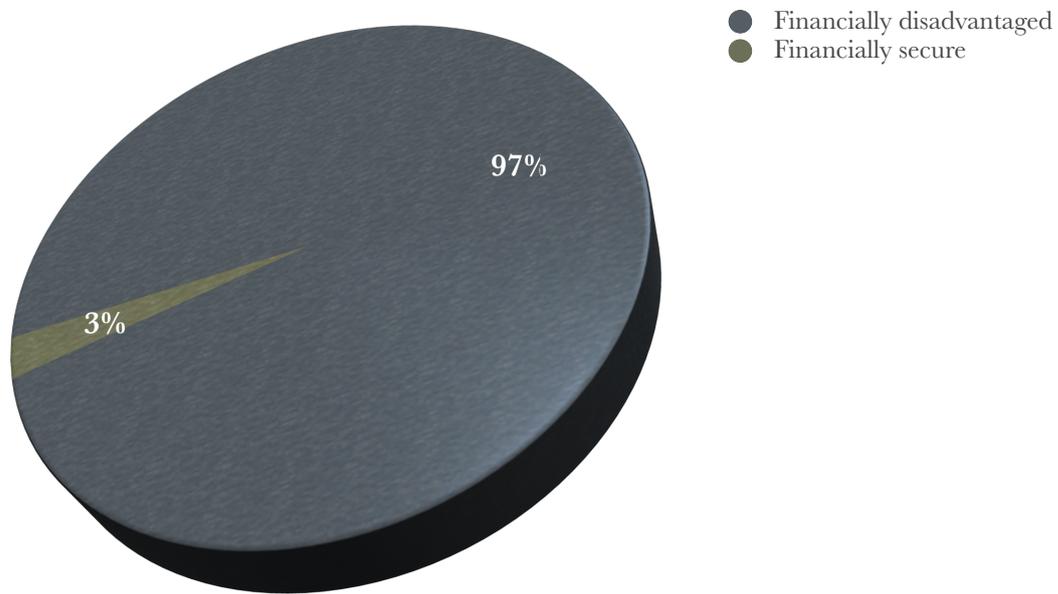
7 Community Legal Education Sessions Provided



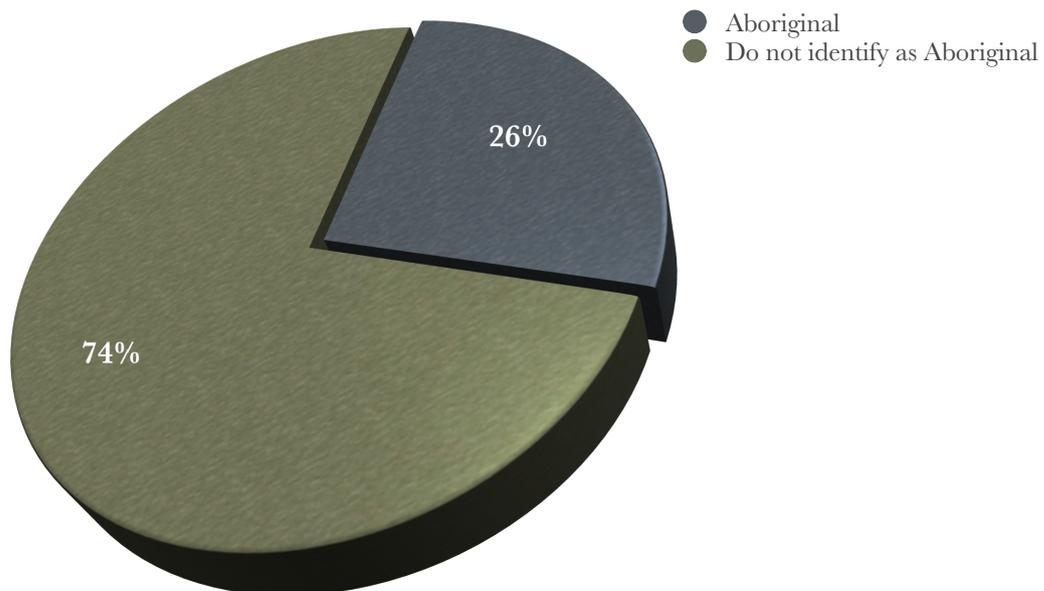
6 Duty Lawyer Services Provided



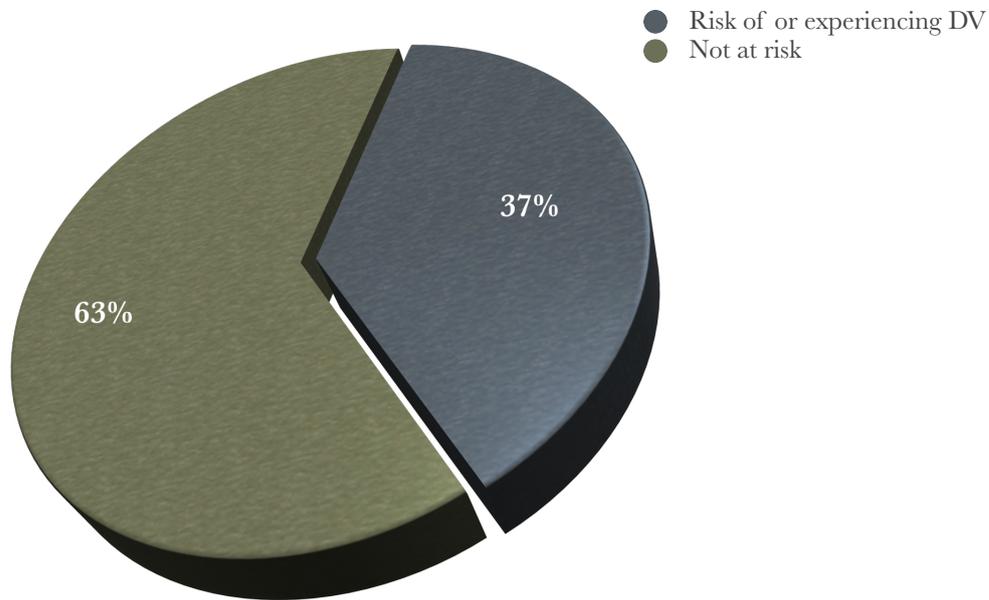
## Financial Capacity of Clients Assisted



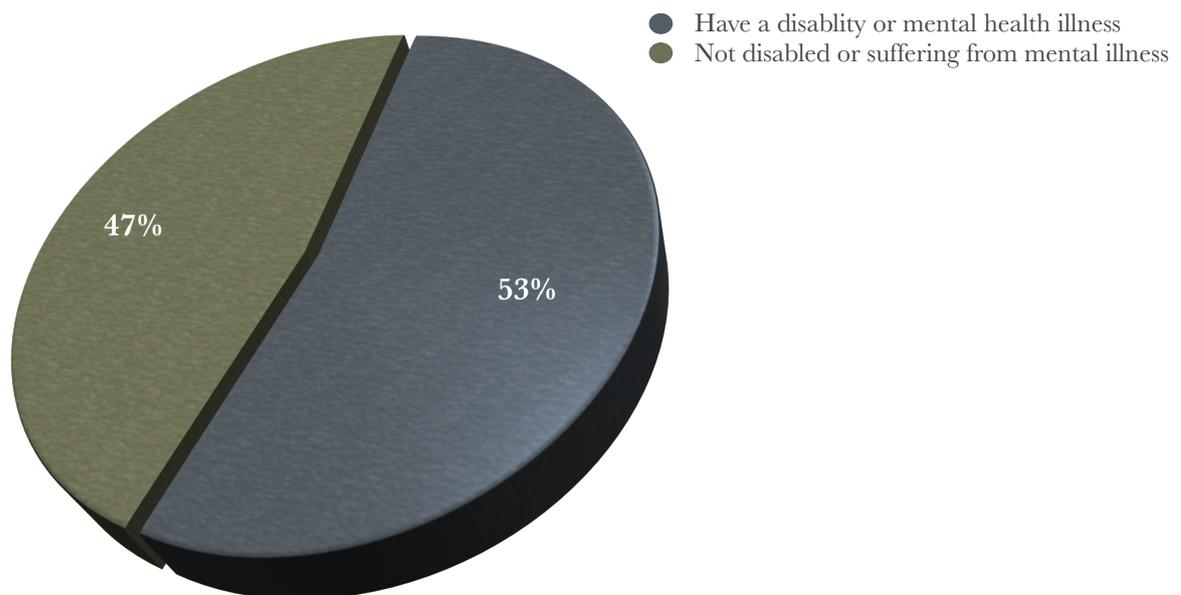
## Clients that Identify as Aboriginal



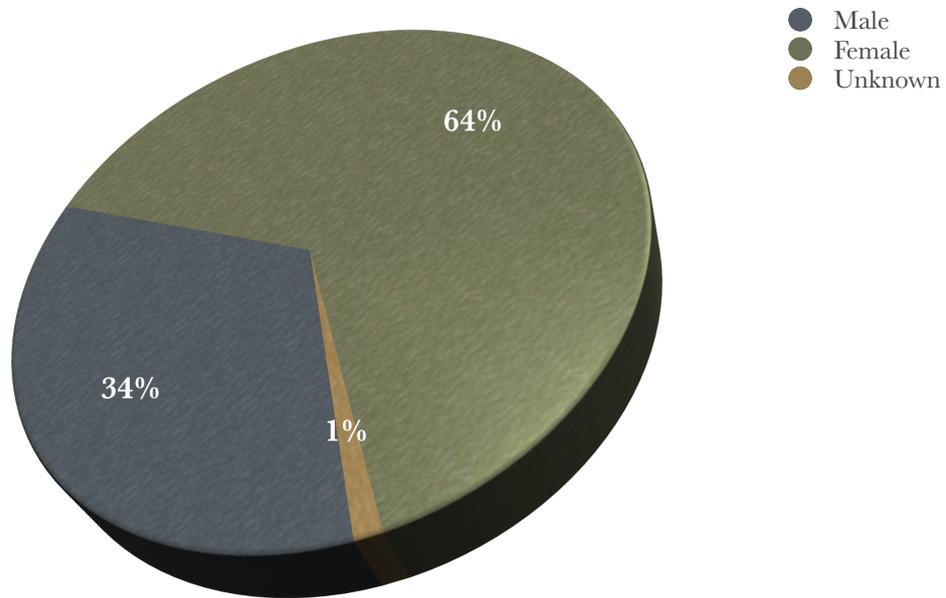
## Clients at risk of Domestic Violence or experiencing Domestic Violence



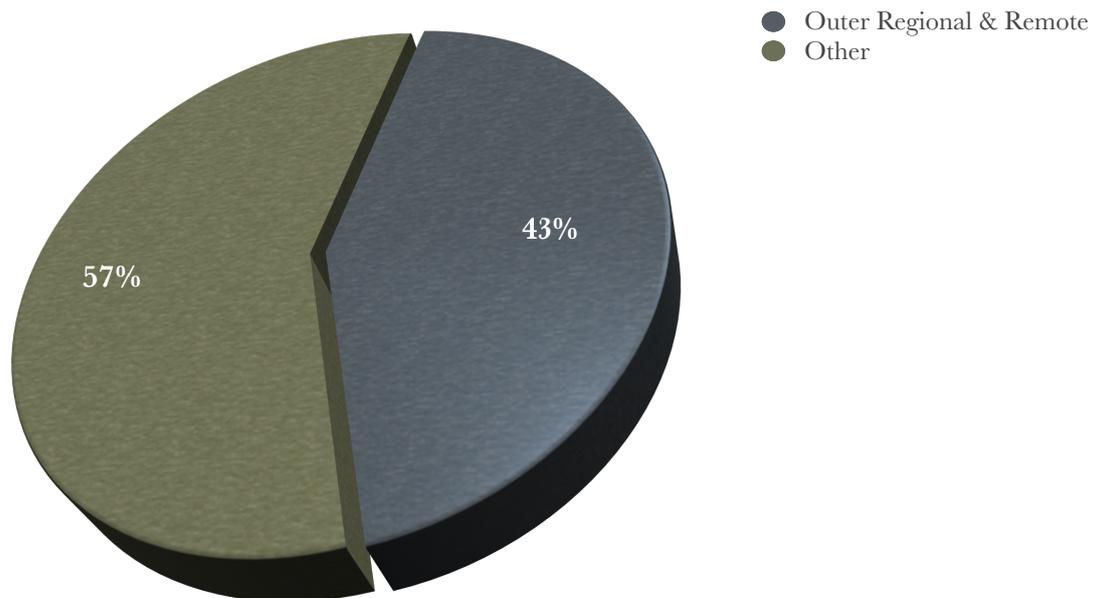
## Clients that have a disability or suffering from a mental health illness



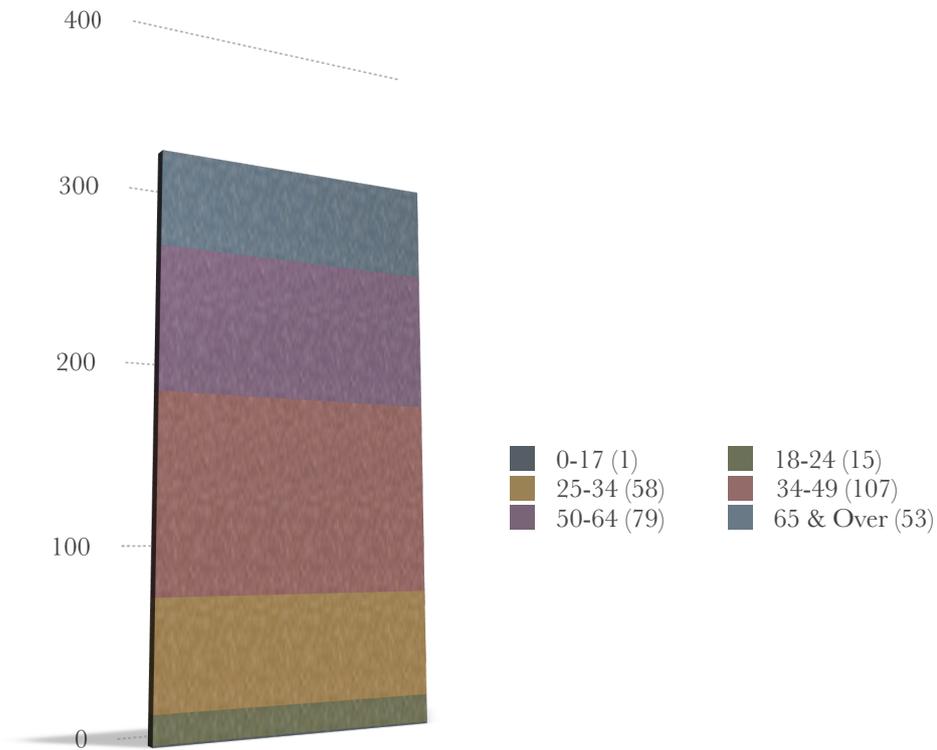
## Gender of clients



## Outer Regional & Remote Clients

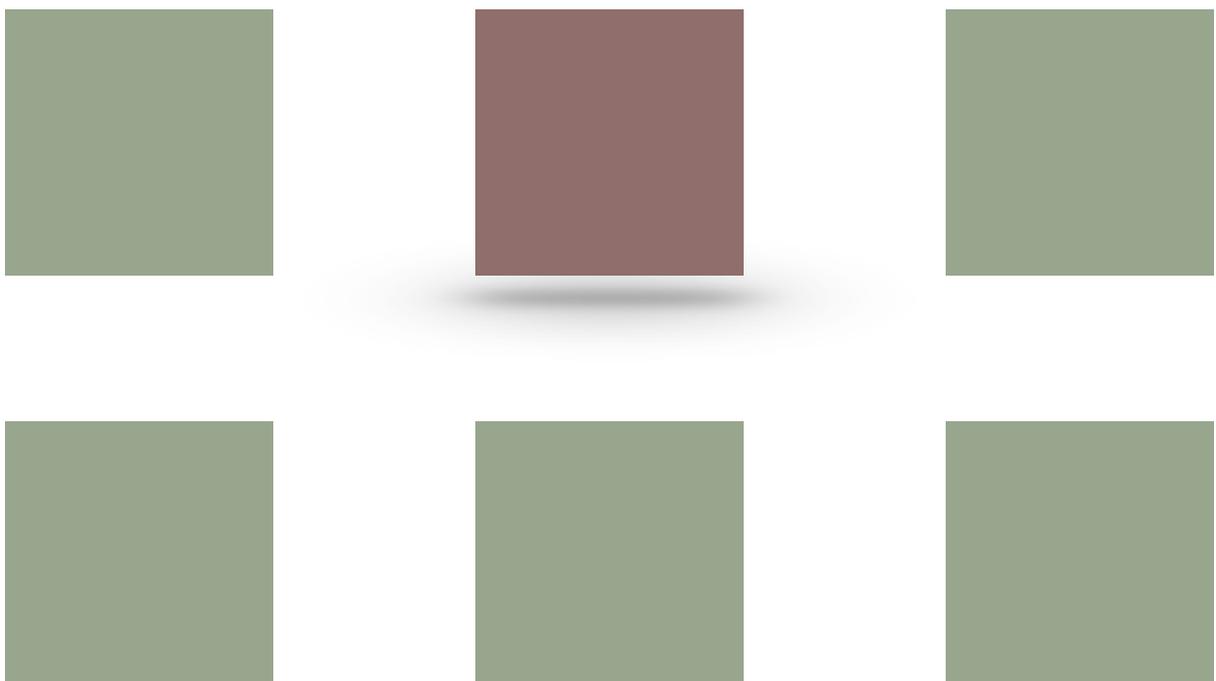


## Age of clients



## Clients at Risk of Homelessness

One in six clients are at risk of homelessness



# FINANCIAL STATEMENTS

Financial Statements and the Independent Auditor's Report for the 2018/2019 Financial Year are published as a single stand-alone document.

The document is available for viewing or downloading from the WCLC website.

[www.wheatbeltclc.com.au](http://www.wheatbeltclc.com.au)