

**Welfare Rights & Advocacy Service**

**Annual Report**

**2009/2010**

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**Funding and Support provided to Welfare Rights & Advocacy Service  
in 2009/2010:**

**COMMONWEALTH GOVERNMENT**

**Attorney General's Department through the Legal Aid Branch of the Family**

**Law and Legal Assistance Division (Welfare Rights Services Program and**

**Community Legal Centre Program)**

**Department of Education, Employment and Workplace Relations**

**WESTERN AUSTRALIAN GOVERNMENT**

**Attorney General's Department and Legal Aid Commission of WA**

**Department of Corrective Services**

**Department of Commerce**

**Legal Contributions Fund**

**PUBLIC PURPOSES TRUST**

**OF LAW SOCIETY OF WESTERN AUSTRALIA**

**DONATIONS**

**MEMBERSHIPS**

## **Personnel and Staff Profile for 2009/2010**

### **Management Committee**

Simon Millman – Chairperson

Toni Emmanuel – Deputy Chairperson

Philip O’Donoghue – Treasurer to December 2009

Daniel Pastorelli – Treasurer from February 2010

Lucy Young – Secretary to September 2010

Roslyn Harley – TLC Nominee

Toni Emmanuel – Committee Member to October 2009

Luke Villiers – Committee Member

Aram Hosie – Committee Member

Glen Williamson – Committee Member from February 2010

### **Permanent and/or Contract Staff**

Kate Beaumont - Executive Officer/Case Manager

Chris Belcher – Welfare Advocate/Tenant Advocate

Marilyn Marvelli – Welfare Advocate

Jeanie Bryant – Welfare Advocate

Catherine Eagle – Solicitor

Paul Harrison – Tenant Advocate

Tom Milton – Administrative Officer

Kate Wilson – Community Legal Education Project Worker to August 2010

## Chairperson's Report

This AGM marks the end of my second year as Chairman of the TLC Emergency Welfare Foundation of Western Australia (Inc.) trading as Welfare Rights and Advocacy Service.

This year the agency again had access to "one-off" funding from the Federal Government. We have also been successful in obtaining three year funding from the Public Purposes Trust of the Law Society for the period from 2010-2013. This is the first time the Public Purposes Trust has gone beyond one year funding, and this funding will help the agency continue the prosecutions project in conjunction with the Women's Law Centre. The funding for our tenancy assistance increased from 4 days per week to a full time worker augmenting our capacity to deal with tenancy matters. Finally, there remains a small surplus in our budget as a consequence of the one off funding received from the Federal Government.

This year has also seen some rejuvenation of our premises with the painting of both the interior and exterior of the building. A compactus has been purchased, and the shed has been put into service as the location for our archives. The building has also benefited from the replacement of the well work carpets after almost 15 years.

The current year has seen the negotiation of the new Enterprise Bargaining Agreement with staff and progress with the increases to wages and also the conversion of long service leave from 15 years to 12 years. The staff continues to provide an excellent service to clients who access our agency – keeping us as relevant as ever. In a time of global financial uncertainty the need to be able to provide the consistently high level of service to an increasing client base has never been more obvious. The need for additional funding to meet this demand is patently clear and long overdue. A highlight for the organisation since my last report was the hosting of the NWRN Conference in Perth in September 2009.

A Special General Meeting was held in March 2010 to change the timing of the Management Committee meetings to bi-monthly meetings. This change was in response to the difficulties which can occur in achieving quorum at monthly meetings. It was considered that making the meetings bi-monthly would facilitate greater engagement by Committee Members who are all busy people. Subsequent to the change to the constitution and rules the Committee still has capacity to meet more frequently as and when it is required. An example of this was in May 2009 when there were Committee Meetings held on two consecutive weeks to progress the EBA and an additional unscheduled meeting in June 2010 prior to the end of the financial year.

As has become our custom, it is my sad duty to announce some more changes to our Committee this year. It seems the stability of the staff is matched only by the fluidity of the Committee. Special thanks to the excellent service provided by Lucy Young during her time on the Committee, and particularly for all her hard work as Secretary. Additionally the most

recent year saw Philip O'Donoghue leave the Committee to take up employment in Canberra after filling the role of both Deputy Chairperson and Treasurer over the preceding years. I would like to extend my thanks to him for his contribution and engagement. Thanks also to Aram Hosie who will not be renominating at the 2010 AGM for his self-confessed back handed compliment that he considered the organisation was in safe hands with the current board and its directions for the future.

My thanks also to those continuing in their role as members of the Management Committee: Luke Villiers, Roslyn Harley, Daniel Pastorelli, Glen Williamson and Toni Emmanuel who together make my job of chairing our meetings such a rewarding experience. The diligence with which the Committee approaches its task is fantastic. The standard of discussion (and debate) has been terrific.

Before concluding, I want to make special mention of the efforts of our Executive Officer. I reported in 2008 that following the resignation of Michael Raper, as President of the National Welfare Rights Network, Kate had stood for and was elected as his replacement. Not only was this a testament to the esteem in which Kate is held by her peers, it also served to raise the profile of our organisation, and gave us an insight into discussion and debate taking place at the highest levels. After serving in this role for two years, Kate relinquished the position and advised the NWRN that she would not re-nominate at the 2010 AGM. I am pleased to report that Kate will continue to play an active role in the Network as the Vice President of the NWRN with the support of the Board and staff.

Once again the stability of the staff, and the dedication of the Board, and the Executive Officer stand us in good stead to navigate the challenges ahead. I want to give my personal thanks to the hard working staff, and to the committee members who generously volunteer their time. We should look forward with confidence to the year ahead.

Simon Millman  
Chairman

## **Objects of TLC Emergency Welfare Foundation of Western Australia (Inc.)**

The Objects for which the Foundation is established are:

- To provide emergency financial and material support to persons who are homeless, destitute, necessitous, suffering, distressed, disabled, disadvantaged or otherwise stricken by misfortune.
- To provide advice and other forms of welfare, assistance and guidance to those persons and to make representations on behalf of those persons.
- To liaise with and whenever appropriate request and arrange the services of public instrumentalities, or of charitable or other bodies which may be able to meet the needs of those persons.
- To cooperate with other organisations having Objects similar to those of the Foundation.
- To assist and represent persons in conducting appeals against administrative decisions by Government agencies.
- To work towards structural change aimed at the elimination of poverty within the community and seek to empower welfare recipients generally and with respect to their legal, welfare and other rights.
- To promote the principles of equal opportunity.

## **Vision, Values, Mission and Objectives**

### **Our Vision**

That all people be able to equally access adequate housing, justice, income support, education, health and employment opportunities and enjoy the level of decision making and self determination which all Australians expect.

### **Our Values**

Welfare Rights & Advocacy Service provides a non-judgmental information, advocacy and referral service, which assists and empowers disadvantaged or low income groups in gaining equity.

### **Our Mission**

To achieve structural change aimed at the elimination of disadvantage within the community and seek to empower citizens generally with respect to their legal, welfare and other rights.

### **Our Objectives**

- To enhance people's skills in self-advocacy and decision making.
- To achieve structural change through social justice activities based on the experience of clients.
- To provide services that empower citizens with respect to their legal, welfare and other rights.
- To ensure Welfare Rights & Advocacy Service operates effectively and ethically.



# Model of Service Delivery



# Agency Report

## Overview

As with other years in 2009/2010 the agency has continued to provide assistance in its traditional and specialist area of Social Security and Family Assistance Law, as well as in relation to Social Security Prosecutions and Tenancy Law. Demand for services in the last year has increased from previous years with a significant increase in the numbers accessing the agency in relation to income support issues whilst the demand for tenancy assistance has reduced slightly in the current year.

The core funding for the agency still remains with the Commonwealth Attorney General's Department through its Community Legal Service Program who fund our welfare rights program. Over the preceding two years the agency was the beneficiary of one off funding from the Commonwealth Attorney General in both 2008/2009 and 2009/2010. It was hoped that with a new funding agreement to take place from 1 July 2010 that the agency would receive an increase in its recurrent funding in line with recommendations in the previous review of community legal centres which focussed on the need for recurrent funding to ensure and protect the viability of services. Unfortunately welfare rights centres did not receive additional funding as part of the new service agreements apart from the regular CPI which will potentially impact on service delivery into the future.

The service continued to receive funding from the Department of Corrective Services for its work providing a welfare and tenancy service to clients referred by the Court Assessment and Treatment Service (CATS) participating in the Drug Court of Western Australia. This funding however ceased from 1 March 2010. In 2009/2010 we have continued for a sixth year to receive funding support from the Public Purposes Trust of the Law Society of Western Australia (PPT) to conduct a Prosecutions Project in collaboration with the Women's Law Centre. The agency also has direct funding from the Department of Commerce to provide tenancy assistance in the Lower Northern Metropolitan Zone of Perth. The funding for this tenancy project increased to permit assistance to be provided on a full time basis rather than four days per week as had occurred in the preceding two years. The agency continues to be funded through the Legal Contributions Trust to conduct a project, now in its fourth year, to provide additional welfare rights assistance to young people by increasing their access to legal assistance in the area of Social Security and Family Assistance Law.

The agency received a small amount from the Department of Education Employment and Workplace Relations through the National Welfare Rights Network Inc. in the current year to undertake activities relating to the new Employment Services system and with the newly unemployed and those impacted by the global financial crisis. The DEEWR funding was distributed to Member Centres such as Welfare Rights & Advocacy Service to provide on the

ground casework assistance and community legal education to the newly unemployed and retrenched on participation payments and in light of the new Compliance system. Throughout the life of the contract the agency provided quarterly reports to the NWRN which highlighted activities undertaken as part of the project by individual member centres and highlighted presenting issues for those encountering the new Compliance system. In turn the NWRN provided reporting back to DEEWR in relation to what was occurring across the whole network in relation to the work undertaken and the emerging issues. The agency has not been provided with financial support by UnionsWA for the last three years.

The core services delivered by Welfare Rights & Advocacy Service continue to be in the three areas of casework assistance, community legal education and law and policy reform activities. There has been a slight increase in the demand for casework assistance by way of advice in the current year and an even greater increase in the numbers of cases opened by the service. All community legal education and policy and law reform activities undertaken by the service are linked to the experiences of clients presenting for assistance at the agency. This approach is linked to the vision, values, mission and objectives of the TLC Emergency Welfare Foundation of Western Australia (Inc.) and the strategic direction of the organisation. There has been increased opportunity for the agency to contribute in the area of law reform and legal policy in the most recent year due to our involvement with the National Welfare Rights Network (NWRN).

## **Direct Service Provision**

The main area in which Welfare Rights & Advocacy Service provides direct service is in the provision of independent and free information, advice, advocacy and representation to those who wish to challenge Centrelink and Family Assistance Office decisions. The agency continues to prioritise the provision of information and advice to individuals so that they have knowledge of the appeal and review rights available to them to challenge decisions made by Centrelink and the Family Assistance Office.

Whilst not a traditional area for service provision by a welfare rights centre for the last five years the agency has provided additional assistance supplementary to our welfare rights service in relation to Social Security Prosecution matters. As part of the Prosecutions Project conducted in conjunction with Women's Law Centre the agency also provides some casework assistance in the women's correctional facilities in Western Australia, at both Bandyup and Boronia Prisons. The Prosecutions Project has been funded by the Public Purposes Trust on an annual basis, however in the most current year the trust permitted applications for three year funding proposals. In the first round of three year funding applications Welfare Rights & Advocacy Service was successful and will be funded for the period from 1 July 2010 up to 30 June 2013. As part of its Youth Welfare Rights Project the agency has undertaken casework assistance at community organisations within our

catchment area in its endeavours to connect with young people in settings which they already access.

The other area of the law which Welfare Rights & Advocacy Service provides assistance is in relation to tenancy law and this is provided five days per week. This assistance is provided to both public and private tenants to ensure that they are aware of both their rights and obligations within Department of Housing policies and the *Residential Tenancies Act 1987*. Direct assistance is also provided by the agency in relation to clients referred by the Court Assessment and Treatment Service of the Department for Corrective Services who are assisted with their welfare and tenancy matters. Assistance for this program is provided by a designated worker in the agency. Although this specific program ceased from March 2010 the agency continues to provide some tenancy and welfare assistance to the Court Assessment and Treatment Service in the areas of law dealt with by the agency. Delivery of direct casework assistance is provided by both lawyers and paralegals at Welfare Rights & Advocacy Service.

Casework assistance provided by Welfare Rights & Advocacy Service in relation to welfare rights matters continues to be within the designated catchment area from North of the Swan River to the top of Western Australia and across to the South Australian and Northern Territory borders. As a specialist welfare rights centre the agency also provides some assistance to clients who are within the geographic catchment areas serviced by both Sussex Street Community Legal Service and Fremantle Community Legal Centre. The assistance provided to clients outside of the welfare rights catchment area is in part due to organisational arrangements in the other centres where there are stand alone workers who may not be able to be accessed by clients due to agency closure, workload and decisions to not fill their welfare rights positions on a full time basis due to the inadequacy of funding in the Commonwealth Welfare Rights Program.

The other instance in which the agency may assist someone outside of its geographic catchment area is where a conflict of interest is identified for the appropriate geographic welfare rights service and due to legal requirements they are unable to provide assistance. Similar assistance is provided by Sussex Street Community Legal Service and Fremantle Community Legal Centre where a conflict of interest is identified so that Welfare Rights & Advocacy Service is unable to provide assistance. In most instances apart from conflict of interest cases every effort is made to ensure clients are linked into the appropriate geographic welfare rights service for advice and ongoing assistance. For some matters immediate action is required at the time of first contact which cannot be deferred until a worker is available in another service. In such circumstances assistance is provided, however for ongoing casework assistance the person is referred back to the welfare rights service for the area in which they reside.

The agency does not adhere to the same geographic catchment area for welfare rights matters in relation to Social Security Prosecutions, as neither Sussex Street Community Legal

Service nor Fremantle Community Legal Centre provides assistance in relation to such matters. Where clients are provided with advice in relation to Social Security Prosecutions and they are located in the catchment areas of the other welfare rights services any administrative challenges of decisions are pursued by the welfare rights worker in the catchment area with the solicitor from Welfare Rights & Advocacy Service providing support and advice through this process. In some limited circumstances where there might be an interconnection of potential prosecution for Social Security offences and administrative challenge of a Centrelink decision Welfare Rights & Advocacy Service may continue to act in relation to both aspects of the matter.

The agency does not adhere to the traditional welfare rights geographic catchment area in relation to the Youth Welfare Rights Project as neither Sussex Street Community Legal Service nor Fremantle Community Legal Centre has a designated youth focussed service. As this project is focused on increasing access of young people to welfare rights assistance it is considered that artificial geographic boundaries may not be conducive to facilitating this process as connection is an important aspect of engagement with this population. Referral to another service may also act as a barrier to a young person challenging a decision.

Tenancy assistance is provided within the catchment area in the lower Northern Suburbs of Perth five days each week. Due to the longstanding co-operative relationship with Northern Suburbs Community Legal Centre our agency continues to provide services to those in other zones in the Northern Metropolitan Suburbs so that clients who may have traditionally used Welfare Rights & Advocacy Service under our previous agreement are not disadvantaged. There are no designated geographic catchment areas for clients referred to Welfare Rights & Advocacy Service by the Court Assessment and Treatment Service for welfare and tenancy assistance as participants in the Drug Court of Western Australia can be located across the entire Perth Metropolitan area.

This agency continues to maximise accessibility for clients and is open between 9.00 am to 5.00 pm from Monday to Friday with the exception of Public Holidays. As part of the TLC Emergency Welfare Foundation of WA Inc. Enterprise Bargaining Agreement the agency has a two week closure at Christmas time and an additional day off on Easter Tuesday. The latter condition was to bring parity between members of staff some of whom came under previous award conditions providing for a Public Holiday on Easter Tuesday.

Priority in direct service and ongoing casework assistance at the agency continues to be to the most disadvantaged within the community, including those without income and also those who are at threat of loss or a significant reduction in income. Tenancy assistance is prioritised to those who are at risk of eviction or are homeless. Beyond these priorities ongoing casework assistance is also provided to those who have additional barriers in the advancement of their cases, such as disability, culture, language, literacy, age and other diversity. Another relevant aspect of our service delivery is that ongoing casework assistance is provided only in matters where there is legal merit and the person is on a low

income. Apart from the legal merit of a matter the agency does ensure that it assists in matters where there is a public interest dimension and also where a case is a “test case”. The agency complies with casework guidelines which are an aspect of the agency Policy and Procedure Manual.

Whilst the articulated priority for casework assistance is to those on low or no income more and more of those seeking assistance to resolve their matters with Centrelink and the Family Assistance Office are from higher income brackets as income support entitlements are provided across a wider cross section of the community through payments such as Family Tax Benefit and Childcare Benefit. Due to resources the agency has a finite capacity to provide ongoing casework assistance. In line with our service delivery approach and the objectives of the agency empowerment approaches are utilised. The agency regularly provides information products and resources to assist clients to take their own action. Where a person has the means to secure appropriate legal assistance in the market one off advice is provided and augmented by written materials to support their pursuit of redress through the various appeal and review processes. When a matter has little legal merit this is clearly communicated to the client. Beyond the strict legal merit of a matter the client’s right to pursue the matter is always acknowledged. Both information and resources are provided that may be of assistance in the review and appeal process if they choose to exercise that right. Significant assistance is also provided to the staff of other organisations within the community sector who are working with their clients to challenge Centrelink and Family Assistance Office and Department of Housing decisions.

In terms of the casework undertaken in the current year there has seen an increase in the in the numbers receiving ongoing casework assistance through the opening of a case in 2009/2010. The presenting issues for clients continue to be varied and across the whole spectrum of Social Security and Family Assistance Law, prosecution and tenancy matters.

The area of Centrelink and Family Assistance debts continues to be the dominant concern for those accessing the agency for casework assistance. The numbers seeking assistance in relation to debts is even greater due to the Prosecutions Project as the existence of a Centrelink debt is a prerequisite for referral by Centrelink to the Commonwealth Director of Public Prosecutions (DPP) for criminal prosecution.

A significant number of the large debts which present for assistance with the agency relate to allegations that the person is a member of a couple. The approaches used by Centrelink in both its investigation and decision making in relation to member of a couple decisions has been the cause of much concern for the agency over a number of years. Welfare Rights & Advocacy Service in concert with others within the NWRN have provided feedback to Centrelink in relation to this area and continue to await the cultural change which has been long heralded. In the most recent year there has been no evidence of change in the quality of decisions which this agency sees. In 2009/2010 the agency has assisted a number of

clients with sizeable debts in challenging decisions administratively to refute the allegation that someone is a member of a couple and as a result the debt no longer exists.

An additional dimension in this casework in the most recent year has been the extension of the member of a couple provisions to same sex couples from 1 July 2009 with the passage of the Same Sex Equal Treatment legislation in 2008. There was an expectation that there would be an increase in the numbers seeking assistance due to this change, however, as the numbers declaring to Centrelink they are a member of a same sex couple has not occurred at the levels expected it is anticipated that this casework demand will increase in the future. This is likely to occur as the quantum of a potential debt will begin to increase and that Centrelink will escalate its activities from a compliance review to the scrutiny of fraud teams and prosecution for Social Security offences.

Apart from debts as a result of Member of a Couple determinations the numbers of other types of debts which clients present with have increased. The agency has seen a worrying trend in matters investigated by the Serious Fraud Team within Centrelink where debts are raised with little or no supporting documentation. We would question the arbitrary manner in which these large debts have been raised and have assisted clients in challenging the existence of these debts. The difficulty is that many Centrelink clients accept without question decisions made and commence repayment of the debt. There also appears to be some inconsistency in the manner in which debts are calculated and depending on the Centrelink calculation tool used, whether it is MultiCal or ADEX, can result in different calculations of entitlement and thus the amounts being required to be repaid to Centrelink.

Due to the Prosecutions Project there continues to be a considerable amount of the agency's casework which relates to criminal prosecution of Social Security offences. There has been a continued trend in the current year whereby numbers of smaller debts are being referred for consideration for prosecution by the Commonwealth DPP. Whilst we have been assured by Centrelink that this does not occur unless the person has a history of overpayments or prior prosecution for Social Security offences this has not been the experience for some of the clients being considered for prosecution. Additionally as with previous years there can be significant delay from when debts are raised to consideration of referral for prosecutions action.

In the most recent year our solicitor has continued to make representations on behalf of clients to both Centrelink and the Commonwealth DPP which has resulted in prosecution action being halted and withdrawal of charges already laid. The agency remains concerned that Centrelink sparingly exercises its discretion not to refer to the Commonwealth DPP on the basis of public interest. Whilst it is acknowledged it has been a positive move by Centrelink to include social work staff in the Business Integrity area it is of concern when the social worker recommends that a matter not be referred for prosecution that the matters continue to be referred to the Commonwealth DPP. Pro Bono assistance continues to be



provided to the staff and clients of Welfare Rights & Advocacy Service by Jon Redman from Gibson and Gibson.

In July 2009 the agency saw the implementation of the new Compliance Model and Job Services Australia. Prior to this most recent change the negative aspects of Welfare to Work continued to impact on clients accessing for assistance in relation to entitlement issues relating to those changes including participation failures, and both Disability Support Pension and Parenting Payment Single entitlement. It was pleasing that with the introduction of the new Compliance Model that the agency continued to see the reduction in the numbers presenting in relation to the imposition of an 8 week nonpayment period. It has been evident that Centrelink have embraced the different emphasis of the new Compliance Model and have taken on board the flexibility permitted for decision makers with the new legislation and the adoption of a more compassionate approach. In relation to activity tested payments it can be problematic that exemptions from activity requirements can be difficult to achieve and clients regularly report an unwillingness for Centrelink to exercise its discretion in relation to partial capacity due to incapacity or for those with caring responsibilities. It is hoped that there may be some improvements in this area as from 1 July 2010 there were to be greater flexibility provided as a result of a review conducted in relation to parents on participation payments.

The most recent year has also seen a continuation of the previous trend of significant client numbers accessing the agency due to eligibility issues for Disability Support Pension (DSP). This trend has continued unabated since the introduction of Welfare to Work and relate to both pre and post Welfare to Work eligibility qualifications which have resulted in the cancellation and or rejection of claims for DSP. Despite a number of reviews of Job Capacity Assessments (JCAs) the agency has continued to see issues which relate to the assessment of permanent and long standing conditions as temporary impairments and judgments of whether conditions are fully treated and stabilised which are at odds to the medical evidence provided by the person's treating health professional. The narrow view which is taken often presumes that if a person is only being treated by a General Practitioner and not seeing a specialist that they have not explored all available treatment options. This is particularly prevalent in relation to depression and other associated mental health conditions where it appears a one size fits all approach it taken in which it is expected that all mental health conditions can be treated with counselling.

Unfortunately many of the clients assisted have been unsuccessful in their challenge of the Centrelink decision up to the Social Security Appeals Tribunal due to the reliance on the Job Capacity Assessments completed. In a number of cases however those assisted in further appeal to the Administrative Appeals Tribunal have had the Department concede the case prior to hearing. The continuation of the payment or the grant of the payment is the preferable decision but often these review processes can have an adverse impact on the person and their condition whilst they have progressed through the available review and appeal processes. The agency is pleased that Centrelink psychologists have been provided



with a broader discretion in relation to the eligibility of clients with a mental illness who may have no awareness of their condition or who refuse to seek treatment for the condition.

Tenancy law is the other focus of casework assistance for the agency. The agency has continued to have a steady stream of clients accessing the service in relation to their public or private tenancies. Quite surprisingly in the most recent year there has been a slight reduction in the demand for assistance in relation to tenancy matters from the previous year. Similar to recent years the housing affordability crisis in Western Australia has had an impact on those seeking assistance as there is a dearth of readily available low cost housing. Over the most recent year there has been an increasing trend of individuals and families languishing on priority waiting lists with the Department of Housing for longer periods of time as there is no available stock. This can be particularly problematic for larger families as the availability of this type of stock is at a premium. Unfortunately an aspect of the work of the tenant advocate is to manage the expectations of clients on waiting lists as they become increasingly frustrated as they wait a number of years prior to allocation of a property.

It must be noted that there has been a pleasing trend that the Department of Housing responds to the representations of the Tenant Advocate rather than the need to proceed through the Housing Appeal Mechanism (HAM). This is in line with the Department of Housing's endeavours to bring about internal cultural change in the manner in which they deal with the needs of their clients. It has been helpful that the Tenant Advocate at Welfare Rights & Advocacy Service has been in this role for a number of years and has been able to establish a positive working relationship with senior staff within the Department of Housing. There has also been a willingness on the part of senior departmental staff to exercise the discretion provided within Department of Housing policy more readily than in the past.

In relation to casework assistance provided as part of the Drug Court Project the range of work undertaken on behalf of clients referred by the Court Assessment and Treatment Service cuts across a broad range of welfare rights and tenancy issues. There has continued to be issues for clients participating in the Drug Court of Western Australia regime in relation to the activity requirements whilst receiving participation payments as often the required activities can clash with other participation requirements. It is pleasing that advocacy by the worker from Welfare Rights & Advocacy Service who work with this client group is routinely successful in making representations for amended activity requirements which do not compromise their Drug Court requirements.

Assistance provided by Welfare Rights & Advocacy Service is summarised in Table 1, which provides key numerical data for the 2009/2010 year with comparison against the previous three years across all of the key areas of service delivery including casework, information occurrences, legal advice, community legal education and law reform projects. The information provided comes from data recorded on the Community Legal Service Information System (CLSIS), the database on which all agency activities are recorded.

Table 1 Key numerical data of service use for 2009/2010, 2008/2009, 2007/2008 and 2006/2007 delineated into Casework, Information Occurrences, Legal Advice, Community Legal Education and Law Reform Projects.

Service Activity	2009/2010	2008/2009	2007/2008	2006/2007
Casework				
Clients with cases open and clients with cases opened	348	284	379	314
Cases Opened	284	219	313	266
Cases Closed	267	219	308	250
Information occurrences	197	286	349	421
Legal Advice				
Number of clients	775	713	677	665
Total number of advices	922	803	820	809
Face to Face	37	43	72	73
Telephone	868	748	729	718
Mail/Email	17	12	19	18
Community Legal Education	22	23	20	23
Law Reform Projects	31	45	30	25

It has been a trend over the last seven years that the numbers of information occurrences have reduced for the agency. This has occurred as a result of the manner in which these activities are recorded on the Community Legal Service Information System (CLSIS) and due to changes to the agency's listing in the Yellow Pages. The areas of law where the agency has made referrals to other service providers for assistance are in the following problem type areas:

- Welfare Rights - 73
- Tenancy law - 52
- Child protection – 17
- Family Law – 15
- Credit/Debt - 16
- Civil law – 8
- Consumer complaints – 9
- Criminal Law - 5
- Employment law – 3
- Child support – 4
- Injuries - 2
- Wills/ probate – 3
- Govt Admin/Mental Health – 1
- Immigration – 2

In 2009/2010 the highest numbers of information occurrences related to welfare rights and tenancy matters. Routinely referrals in relation to welfare rights and tenancy matters relate

to those accessing the agency who reside in the geographic catchment area of other services. There has been a reduction in the numbers of tenancy referrals and this in part may be because the agency has greater capacity to deal with all of the requests for tenancy assistance as in the current year there has been an increase in the numbers of days the agency provides tenancy assistance. The agency continues to have a large number of contacts in relation to child protection matters as the agency has “welfare” in its name. It is unfortunate that it is assumed that the agency deals with child related matters. The numbers accessing for this assistance has reduced again from the preceding year and follows the trend over a number of years.

The numbers of cases opened in the current year has increased from the numbers opened in the preceding year although it has not reached the levels experienced in 2007/2008. There has been an increase in the numbers of advice activities undertaken by Welfare Rights & Advocacy Service in the current year with an increase of 119 advices. The greater proportion of clients accessing for advice assistance are by telephone and in the 2009/2010 there has been a slight reduction in the numbers being provided with face to face, mail and email advice.

Table 2 Provides a break down of the Closed Cases for the period 2009/2010 and the time taken to complete using parameters set down by Commonwealth Attorney-General’s Department.

Closed Case Classification	Number of Hours	Numbers
Minor Case	0-5 hours	174
Medium Case	6-20 hours	68
Major Case	Over 20 hours	25

There were 267 cases closed during the 2009/2010 and Table 2 details the time taken to complete these cases using the parameters set down by the Commonwealth Attorney General’s Department. The categories used by Commonwealth Attorney General’s Department on the CLSIS data base do not provide the actual time taken to complete cases and from our experience the time taken to complete major cases greatly exceeds the 20 hour benchmark provided. As casework assistance is regularly provided through the various review and appeal processes up to the Administrative Appeals Tribunal it can take considerable time for matters to progress to conclusion. The numbers assisted with representation at court, including the Social Security Appeals Tribunal, Administrative Appeals Tribunal and the Department of Housing Tier 2 and 3 was for 2009/2010 has been similar to previous years. The difficulty with measurement of this type of representation is that in CLSIS it is only once a case is closed that this court or tribunal representation is counted for statistical purposes. In 2009/2010 there were no test cases closed or cases closed with a public interest indicator. This is indicative of the agency prioritising ongoing tribunal work to cases with merit.

A demographic profile of those who have used the service during 2009/2010 is presented in Table 3 and represents data on those for whom such information has been provided or collected.

Table 3 Demographic Characteristics of People using Welfare Rights & Advocacy Service in 2009/2010 where demographic information recorded.

Demographic Characteristics of Service Users	Numbers	%
Gender		
Male	185	35%
Female	343	65%
Family Type		
Not living with a family	97	27%
Sole parent family with dependent children	108	30%
Two parent with dependent children	52	14%
Family type other	104	29%
Age		
Under 18	3	1%
18-34	71	33%
35-49	74	34%
50-64	46	21%
65 +	24	11%
Aboriginal and or Torres Strait Islander	13	2%
Country of Birth		
Australia	427	81%
New Zealand	5	1%
United Kingdom	16	3%
Europe	15	2.9%
Asia	25	4.8%
North Africa /Middle East/South Africa	36	6.8%
South America	2	0.3%
Other overseas	1	0.1%
Disability Indicator	155	24%
Dual Disability	20	9%
Disability not specified	113	49%
Physical	36	15%
Psychiatric	57	25%
Neurological	2	0.8%
Intellectual	1	0.4%
Hearing Sensory	2	0.8%
Disability Other including not yet diagnosed	0	0%
Income Scale		
High Income	4	1%
Medium Income	20	4%
Low Income	444	92%
No Income	17	3%
Income Source		
Earned (eg wages and salary etc.)	148	30%
Government pension, benefit or allowance	324	67%
Income source other	16	3%

There continues to be greater numbers of women who access this service. The overrepresentation of women presenting for assistance at the agency is reflective that women are more likely to be receiving income support payments and thus more likely to have problems with both Centrelink and the Family Assistance Office. The gender breakdown of those accessing for assistance is consistent with previous years. Family type is another area in which information is obtained about those accessing for assistance. In 2009/2010 the greatest number of clients accessing for assistance were sole parents with dependent children followed closely by those family type other closely followed by those not living in a family.

Service users appear to be spread across the entire age range from 16 years up to 91 years of age. The least represented group using the service continue to be those who are less than 18 years of age, which is consistent with the previous year and also reflective that this population is less likely to challenge Centrelink decisions. The most represented group accessing the service for assistance are those between the ages of 35 to 49 years of age followed closely by those between 18 to 34 years of age.

Priority for assistance is targeted to those who do not have the means to obtain legal assistance in the market place and in 2009/2010, 92% of clients were classified as being on a low income and 3% had no source of income. The main source of income for those who accessed the service in 2009/2010 was not surprisingly those on pensions, benefits and allowances at 67% followed by those working for wages at 30%.

Most service users continue to be Australian born and in the current year those identifying as Aboriginal and/or Torres Strait Islander has reduced to 2%. Of those who specified that they were born overseas 29% were from countries where the dominant language spoken is English and the remaining 71% of clients born overseas come from cultural and linguistic backgrounds where the dominant language spoken is not English. The highest number of clients accessing for assistance who were not born in Australia and where English is not the dominant language continued to be Somalia and followed closely by India and Sudan. Welfare Rights & Advocacy Service regularly uses the Telephone Interpreting Service to facilitate communication with its clients from culturally and linguistically diverse backgrounds. Bookings for on-site interpreters still have to be made well in advance to secure these types of interpreting services. Unfortunately for some languages it is impossible to secure an on-site interpreter in particular languages due to the scarcity of accredited interpreters. There continues to be improved access to on site interpreters since Commonwealth Attorney General's Department has taken over funding the provision of on-site interpreters, as part of the Community Legal Service Program.

There continue to be a high number of service users who indicate that they have a disability. Currently 24% of clients have indicated that they have a disability which is an increase from the previous year. Of those who indicate they have a disability 49% have not indicated their

type of disability. Of those indicating they have a disability 9% have indicated they have a dual disability. Where a dual disability is recorded the individual subtypes of disabilities are not able to be recorded separately. The single most identified disability are clients with psychiatric disabilities at 25%, closely followed by those with physical disabilities which account for 15% of those who indicate they have a disability. This breakdown follows a similar pattern in relation to the prevalence of particular types of disability consistent with previous years.

Welfare Rights & Advocacy Service currently surveys clients on an annual basis taking a snapshot of a two week period where all those provided with advice or who participate in community legal education activities are surveyed. These surveys are part of our contractual requirements for the Commonwealth Attorney General's Department. The results of such surveys continue to provide positive feedback about both types of activities (advice and education) and are entered into the CLSIS database at the end of each survey period. Additionally the service continues to issue surveys to clients at the time their cases are closed to provide ongoing feedback in relation to service delivery. Consistently in these surveys clients indicate a high level of satisfaction with the service.

## **Community Legal Education**

Welfare Rights & Advocacy Service continues to prioritise the conduct of community legal education activities within its service delivery. In total there were 22 community legal education activities conducted by Welfare Rights & Advocacy Service in 2009/2010 which included delivery of formal sessions conducted with a variety of audiences, including clients, community workers, government employees and students. Welfare Rights & Advocacy Service workers continue to work collaboratively as a team in the preparation of community legal education materials and both materials and sessions are modified for the individual activities and in line with the prospective audience and the purpose of the session. Every effort is made to ensure sessions are appropriate to the level of knowledge of the participants and feedback is actively sought in order that there is continuous improvement in such activities. Staff of the agency utilise technology available to them when presenting information, which is also modified to fit the venue, audience and facilities available.

Through the year the agency presented community legal education activities in both metropolitan and rural and remote locations within our geographic catchment area. In 2009/2010 the agency received some additional one off funding to conduct an Indigenous Community Legal Education Project in the Pilbara and Kimberley in conjunction with Youth Legal Service, Pilbara Community Legal Centre, Kimberley Community Legal Service and Legal Aid WA. This was a continuation of a project partially completed in 2008/2009 where community legal education activities were undertaken in Karratha, Roeburn, South Hedland and Port Hedland. Sessions were conducted in the Kimberley in Broome, Fitzroy Crossing and Halls Creek and were provided to a variety of participants and designed to meet the needs of

those undertaking the activities although the major focus was on those assisting Indigenous clients. The agency employed a designated community legal education worker over a number of months on this project to organise the activities although the presentations were provided by core welfare rights staff. Additional funding has been provided for the conduct of further activities in 2010/2011 in the Kimberley and Pilbara.

The agency conducted activities in a range of localities and covering a variety of topics and issues. Community legal education activities undertaken throughout the year have included singular and multiple sessions conducted at:

- Palmerston Drug Rehabilitation;
- Centrelink Fraud and Compliance Team;
- Curtin University Social Work students;
- Women's Law Centre;
- ASU Conference;
- Financial Counsellors Resource Project;
- Magistrate's Conference;
- NAAJA and CAALAS staff;
- Launceston and Darwin Community Legal Centre staff;
- Disability Employment Network Providers;
- Halls Creek Drinking Shelter;
- Halls Creek Community;
- Fitzroy Crossing Community;
- Broome Community;
- Carer's WA;
- Legal Aid WA;
- Court Assessment and Treatment Service;
- Indigenous Community Volunteers,
- NWRN Conference; and
- State CLC Conference.

## **Law Reform, Policy and Media Activities**

In recent years there has been a significant increase in the numbers of law reform activities undertaken by the agency due to Kate Beaumont's role initially as Vice President and more recently as President of the National Welfare Rights Network (NWRN) from August 2008.

The law reform, policy and media activities undertaken by Welfare Rights & Advocacy Service come from the experiences of the clients we assist through our casework activities. Priority is given to the conduct of such activities as they can result in changes at a structural and systemic level, which can benefit greater numbers within the community beyond the

individual client assisted in casework activities. In the last year Welfare Rights & Advocacy Service raised issues with Centrelink at a local level about a range of issues including:

- Issues for clients with mental illness in relation to Disability Support Pension;
- Family Tax Benefit prohibition issues and difficulties due to upgrade of ATO system and timing of implementation;
- Amended Tax Statements for clients where debts have been raised;
- Letters to widows or newly divorced requesting information about them and their partner's details;
- Fraud and investigation practices;
- Issues about Freedom of Information centralisation and time delays due to Centrelink's processing approach;
- Assessment of royalties, Native Title and Aboriginal art on Centrelink payments;
- Delays in the processing of Disability Support Pension claims and lost documents (including initial claims);
- Continuous assessment for Family Tax Benefit; and
- Centralisation of Authorised Review Officers.

Additionally apart from welfare rights law reform activities the agency raised tenancy issues with the Department of Commerce in relation to key deposits which related to real estate agents making illegal charges to tenants due to the discontinuation of letting fees in Western Australia.

The agency also took up opportunities to participate in forums relating to issues for clients of our service including:

- AAT Liaison Meeting;
- Commonwealth Ombudsman's Office Meeting;
- Centrelink Stakeholder Consultation;
- Human Services Consultations in relation to Service Delivery Reform;
- Legal Professions Act;
- ANAO;
- ACOSS Linkups on Welfare Reform;
- WACOSS Forum on Welfare Reform and Income Management;
- Social Justice Commissioner from the Human Rights and Equal Opportunity Commission;
- Social Security Appeals Tribunal;
- Employment Services Review;
- Public Trustee Stakeholder Consultation;
- Pro Bono Network Group; and
- Department of Housing Community Consultation.



At a local level the agency participates in the local Welfare Rights Sub-Committee, which meets quarterly and includes workers from the three centres who provide welfare rights assistance from Sussex Street Community Legal Centre and Fremantle Community Legal Centre, as well as representatives from Gosnells Community Legal Centre. Representatives of the agency also participate in the Centrelink Community Consultative Meeting, Centrelink Aboriginal Consultative Meeting, Centrelink Mental Health Consultative Meeting, Centrelink Homeless Steering Committee, Morley Centrelink Community Meeting, Linking Offenders to Services (LOTS) Meeting, Drug Court Meetings, Tenancy Network Meetings, Tenancy Policy and Procedure Meetings, Shelter WA Management Committee, Older Person's Rights Steering Committee, WA Stakeholder Consultative Committee, WA Community Legal Centres Association Meetings, the CLC Association PII and Professional Development Sub Committee, NACLCLC PII Committee and Pro Bono Network Working Group. The agency also takes up opportunities to participate in community forums as they arise and participated in activities with other community organisations during the year.

In 2009/2010 Catherine Eagle continued as the WA State Representative on the NACLCLC PII Committee and as the convenor of the WA CLC Association PII and Professional Development Committee. In that role Catherine Eagle is responsible for oversight of the Annual PII Crosscheck undertaken in community legal centres in Western Australia and also the continuing professional development for legal practitioners within community legal centres. Catherine Eagle works closely with staff of the WA CLC Association and others on the Sub Committee to ensure compliance with NACLCLC and CPD requirements. Additionally Catherine Eagle is the CLC representative on the Pro Bono Network Working Group.

Welfare Rights & Advocacy Service continues to actively participate in the National Welfare Rights Network (NWRN), in collaboration with all of the other welfare rights services across Australia. Attendance at the annual NWRN Conference is seen by the agency as a key opportunity to gather with others within the network to identify common areas of concern and action for the coming year. In 2009 all welfare rights staff of the agency participated in the NWRN Conference which was held in Perth preceding the National Association of Community Legal Centres (NACLCLC) Conference. Increased participation in the conference was in part because the centre was the host for the 2009 NWRN Conference in conjunction with Sussex Street Community Legal Centre and Fremantle Community Legal Centre. Usually the conference runs for 2 ½ days, however included in the program was a welcome BBQ preceding the Conference and which was held at the agency. There were significant contributions from all staff of the agency to ensure the success of the 2009 NWRN Conference.

Staff of Welfare Rights & Advocacy Service participate in a number of the NWRN Sub Committees which address specific policy/law reform issues and include:

- Member of a Couple Sub Committee;

- Prosecutions Sub Committee;
- Northern Territory Welfare Rights Outreach Project Sub Committee; and
- Debt Prevention Sub Committee.

Additionally staff of the agency have been involved in the convening, chairing and participating in both Members Meetings and Committee Meetings of the NWRN which have a focus on both policy and law reform, as well as the governance of the NWRN.

As detailed earlier in this report in August 2008 Kate Beaumont became the President of the NWRN following the Conference in Darwin and she was again re-elected to that role at the 2009 AGM of the NWRN. As such, Kate Beaumont, as President of the NWRN, was involved in much of the law reform and legal policy work undertaken by both the NWRN and Welfare Rights & Advocacy Service. The work in this area continued at the frenetic pace which it had in the preceding year. The most recent year has also seen the implementation of the new Compliance Framework and the Same Sex Equal Treatment following on from significant work in 2008/2009.

Throughout 2009/2010 the NWRN continued to have regular dialogue with various Ministers, politicians, Government Departments and agencies in its efforts to influence legislation to be enacted and the processes of service delivery on the ground. The NWRN had Delegations which met with Centrelink and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Human Services (DHS) through the year where the Network was able to raise emerging and ongoing issues. Of particular note was that in the most recent year the NWRN was able to progress its work with the various policy departments and Centrelink in relation to debt prevention building on the work conducted in 2008/2009 with the preparation of the NWRN's Paper *Redressing the Balance of Risk and Responsibility through Active Debt Prevention Strategies*. The Network also continued to provide support for the Welfare Rights Outreach Project and workers providing direct casework in the Northern Territory to ensure that issues relating to NTER Income Management, the Basics Card and the Schooling Enrolment and Attendance Measure in its Delegation work. Both Kate Beaumont and Catherine Eagle participated in these Delegations and meetings representing both Welfare Rights & Advocacy Service and the NWRN.

It was also pleasing that Kate Beaumont was invited to join the DEEWR Litigation Review Steering Committee which reconvened at the beginning of the current year in July 2009 to review progress against the recommendations which came out of the review commenced in December 2007. It was an uncommon experience for there to be agreement by all participants that the recommendations of the review had been implemented in full and that the change had been reflected within the casework experience of our clients with a dramatic reduction in the numbers of Social Security Appeals Tribunal decisions subject to Secretary

appeals. The ensuing agreement by the Minister for Families, Housing, Community Services and Indigenous Affairs to adopt the recommendations of the Litigation Review in relation to their portfolio has resulted in consistency in the manner in which litigation occurs irrespective of the income support payment which is the subject of review.

During the latest year Kate Beaumont was invited by Minister Mark Arbib to participate on an Industry Reference Group established to consider the Future Purchasing of Employment Services and specifically the Mid Term Reallocation of Employment Services. The group included representatives from Employment Service Providers, academics and probity experts, ACOSS and the ASU and was supported by staff of the DEEWR and met a number of times face to face, through video conferencing and teleconferencing in the period from November 2009 through to March 2010. Representatives from the IRG were also involved in leading consultations in various state capitals and I was involved in presenting and participating in the Sydney, Adelaide and Perth consultations. The IRG developed potential models for the Mid Term Reallocation of Employment Services which were presented to the Minister. It is likely that the IRG will reconvene following the Mid Term Reallocation to explore further the Future Purchasing of Employment Services more broadly.

Toward the end of the year Kate Beaumont was invited by Minister Bowen to participate in the Centrelink Service Delivery Policy Advisory Group which is the peak consultative body for Centrelink in the lead up to Service Delivery Reform. The initial meeting of that group took place at the end of June 2010 and is to meet on a quarterly basis and includes participants from a range of peak bodies. Following the first meeting of that group the name of the group was changed to remove the inadvertent inclusion of policy in its title as its remit is from a service delivery perspective rather than a policy perspective. It is important for the Network to be engaged in such forums as over the preceding two years whilst Centrelink reviewed its consultative processes there had been a dearth of activity as the previously established Centrelink Reference Groups languished and long committed participants became disenchanted with the lack of consultation occurring from Centrelink.

Kate Beaumont was involved in the development and preparation of the 2010 NWRN Budget Priority Submission *Protection and Support in a Climate of Economic Insecurity Working Toward Building a Stronger, Fairer and More Inclusive Australia*. This submission was provided to Treasury and built on previous submissions made by the Network. The priorities for the 2010 Budget Priority Submission were agreed to by Members at the NWRN Conference in Perth in September 2009 and included 20 recommendations. It included aspects of the Network's previous submissions relating to the Pension Review, Tax and Transfer Review and Higher Education Review relating to the adequacy of rates following the historic increase provided to pensioners announced in the 2009 Budget as well as many measures relating to debts, Crisis Payment, treatment of New Zealanders, Special Benefit and Rent Assistance.

Whilst 2008/2009 had been a year for significant legislative change by the Federal Government and what seemed to be senate inquiry after senate inquiry the current year saw probably the most significant bills before parliament relating to welfare reform and changes to the Social Security Appeals Tribunal. In February 2010 the NWRN provided a comprehensive submission to the Senate Community Affairs Committee in relation to the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009*, *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009*, and *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009*. The Network also provided evidence at the public hearings of the Committee and it was discernable that there was bipartisan support from both the Government and the Coalition to the rollout of a new model of income management. Although ostensibly the new model was intended to be non-discriminatory its anticipated rollout initially in the Northern Territory from 1 July 2010 until at least June 2012 will result in those being impacted to be more likely be Indigenous people rather than the rest of the community.

The Network was resolute in its opposition to the extension of income management and conditional welfare and committed significant effort in its initial fight against this legislation and also providing feedback in relation to the legislative instruments which seek to operationalise the bill. The NWRN has kept a watching brief on issues which have occurred as a result of the implementation of the new income management categories in the Northern Territory and the impact of the introduction of Child Protection Income Management in the Northern Territory.

Additional to the welfare reform provisions in the bill there were also significant changes introduced to the Social Security Appeals Tribunal and NWRN was a sole voice advocating opposition to the passage of these provisions. These changes came shortly after the passage of other changes to the SSAT which had languished in the parliament for more than 12 months. Shortly after the passage of both bills Kate Beaumont met with Les Blacklow from the SSAT to seek direction as to how it was intended to operationalise these dramatic changes to align more closely the Social Security jurisdiction to the Child Support jurisdiction. The Network were given assurances of how the new powers of the SSAT are to be used, however the legislation provides the potential for clients of our member centres and also unrepresented clients to be subject to an increasing formalisation which has the potential to work against the mandate of the SSAT to be “fair, just, economical, informal and quick”. Additionally the assurances seem hollow now, as we have recently been advised that the SSAT will be moving to one member tribunals which will further degrade the procedural fairness afforded to applicants as it reduces one of the protections previously provided by two member panels.

The other major policy area where the NWRN continued in its lobbying work with Government was in the area of Debt Prevention. In May 2009 the NWRN and particularly

Kate Beaumont and Catherine Eagle developed a discussion paper on debt prevention *Redressing the balance of risk and responsibility through active debt prevention strategies*. Subsequent to the development of this discussion paper the NWRN had met separately in 2009 with the Department of Families, Housing, Community Affairs and Indigenous Affairs, Department of Education, Employment and Workplace Relations, the Department of Human Services and Centrelink in relation to the establishment of a Debt Prevention Working Party. In late February 2010 representatives from the NWRN, including Kate Beaumont and Catherine Eagle participated in the inaugural meeting of the Debt Prevention Working Party with Centrelink and the relevant policy departments around this issue and there was a follow up meeting at the end of March 2010. There was a high level of interest particularly relating to recommendations for legislative and policy change provided as part of the NWRN paper. Whilst Centrelink was circumspect in relation to the practical debt prevention measures contained in the paper it seems likely that there could be further consideration of the practical suggestions in light of the recent damning ANAO report into Centrelink fraud.

Some of the key work is outlined below which highlights the work of the NWRN in the most recent year and how Welfare Rights & Advocacy Service contributed to that work through Kate Beaumont and other staff of the agency.

- 7 July 2009 DEEWR Litigation Review Steering Committee Meeting to review progress against recommendations (Kate Beaumont)
- 23 July 2009 NWRN and Centrelink Biannual Meeting (Kate Beaumont)
- 23 July 2009 Meeting with Department of Human Services, Canberra (Kate Beaumont)
- 23 July 2009 2UE National Disability Insurance Scheme (Kate Beaumont)
- 3 August 2009 NWRN/ANAO meeting re ANAO Fraud and Compliance Review (Kate Beaumont, Catherine Eagle and Chris Belcher)
- 7 August 2009 ABC Radio – The National Interest program on Centrelink Prosecutions and Debts (Kate Beaumont)
- 12 September 2009 Feedback to Centrelink on their Annual Compliance Program (Kate Beaumont and Catherine Eagle)
- 18 September 2009 4ZZZ – Extension of Schooling Enrolment and Attendance Measure Trial to Logan (Kate Beaumont)

- 20 September 2009 – NWRN Media Release – ‘Pensioner joy but welfare shock as difference between pensions and allowances tops \$108 a week’ (Kate Beaumont)
- 20 September 2009 – Media Release used by The Australian, The Examiner, Herald Sun, Adelaide Advertiser, Sydney Morning Herald, The West Australian (Kate Beaumont)
- 20 September 2009 2GB Radio News (Kate Beaumont)
- 21 September 2009 Radio interviews with 4BC, 2SM, 97.3 Illawarra, 2BS Bathurst and The Wire (Kate Beaumont)
- 27 September 2009 2UE – FTB Debts (Kate Beaumont)
- 14 October 2009 NWRN Media Release ‘Bar on access to employment assistance perverse and counterproductive, says Welfare Rights’ (Kate Beaumont)
- 14 October 2009 – 2UE – Fines in the Northern Territory and impact on income management (Kate Beaumont)
- 15 October 2009 NWRN Media Release, ‘Words not enough to create social inclusion in Anti-Poverty Week’ (Kate Beaumont)
- 15 October 2009 Radio National – Access to payments for New Zealanders (Kate Beaumont)
- 15 October 2009 – Anti Poverty address in Melbourne at ASU State Conference in relation to underemployment and poverty (Kate Beaumont)
- 1 November 2009 NWRN Media Release, ‘NT Intervention shows claims for some Centrelink payments up 30%’ (Kate Beaumont)
- 1 November 2009 Radio National on Closing the Gap Progress Report (Kate Beaumont)
- 2 November 2009 ABC Local Radio Alice Springs on Closing the Gap Progress Report (Kate Beaumont)
- 5 November 2009 NWRN Submission to the House of Representatives Joint Standing Committee on Migration into the Immigration Treatment of Disability (Kate Beaumont)

- November 2009 NWRN response to Commonwealth Attorney General's Report, A Strategic Framework for Access to Justice in the Federal Civil Justice September, September 2009 (Kate Beaumont)
- 11 November 2009 Teleconference with Centrelink in relation to review of Prosecution Referral Guidelines (Kate Beaumont and Catherine Eagle)
- 13 November 2009 NWRN/Commonwealth Ombudsman's meeting re Mental Health Review (Kate Beaumont)
- 19 November 2009 NWRN Submission to Better Dealings with Government Innovation in Payments and Information Services, Discussion Paper for Industry Consultation (Kate Beaumont and Catherine Eagle)
- 20 November 2009 NWRN Media Release, 'Pensioner joy but welfare shock as difference between pensions and allowances top \$108 a week' (Kate Beaumont)
- 25 November 2009 NWRN Media Release, 'Plan to control spending of poor is "draconian, disempowering and down-right dangerous", says National Welfare Rights Network' (Kate Beaumont)
- 25 November 2009 NWRN Media Release, 'Little to celebrate in Indigenous Communities as NTER Welfare Quarantining wound back' (Kate Beaumont)
- 25 November 2009 ABC Radio Darwin in relation to welfare reform (Kate Beaumont)
- 25 November 2009 DEEWR Industry Reference Group Meeting, Canberra (Kate Beaumont)
- 26 November 2009 2SM and 2GB in relation to extension of income management (Kate Beaumont)
- 30 November 2009 NWRN meeting with Les Blacklow, Executive Director of SSAT re Tribunal changes (Kate Beaumont)
- 3 December 2009 Participation in ACOSS Sector Meeting about Welfare Reform (Kate Beaumont)
- 6 December 2009 National News Radio on changes to Pension income test and the work bonus (Kate Beaumont)



- 7 December 2009 NWRN letter to Senator Moore in relation to the time frames for submissions and consultations for the Senate Inquiry into Welfare Reform (Kate Beaumont)
- 10 December 2009 DEEWR Industry Reference Group Meeting, Melbourne (Kate Beaumont)
- 22 December 2009 DEEWR Industry Reference Group Meeting Teleconference (Kate Beaumont)
- 22 January 2010 DEEWR Industry Reference Group Meeting, Videoconference (Kate Beaumont)
- 29 January 2010 NWRN Federal Budget Submission, 'Building a Stronger, Fairer and More Inclusive Australia' (Kate Beaumont)
- 10 February 2010 NWRN Submission to Senate Standing Committee on Community Affairs into *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009* (Kate Beaumont and Catherine Eagle)
- 19 February 2010 NWRN/NACLC Submission to Australian Human Rights Commission on Draft Guidelines for ensuring Income Management measures are compliant with the Racial Discrimination Act 1975 (Kate Beaumont)
- 23 February 2010 NWRN and Centrelink Biannual Meeting (Kate Beaumont and Catherine Eagle)
- 24 February 2010 NWRN, FaHCSIA, DHS, DEEWR and Centrelink Debt Prevention Meeting (Kate Beaumont and Catherine Eagle)
- 25 February 2010 NWRN Media Release, 'Senate Inquiry told income management rules "unmanageable"' (Kate Beaumont)
- 25 February 2010 NWRN appearance before Senate Standing Committee on Community Affairs into *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009, Families, Housing, Community Services and Indigenous Affairs*



*and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009*  
(Kate Beaumont)

- 26 February 2010 DEEWR Industry Reference Group Consultation in Sydney (Kate Beaumont)
- March to April 2010 Member Centres participated in a number of teleconferences with the ANAO in relation to the Centrelink Appeals System (Chris Belcher, Catherine Eagle and Kate Beaumont)
- 2 March 2010 DEEWR Industry Reference Group Consultation in Adelaide (Kate Beaumont)
- 3 March 2010 DEEWR Industry Reference Group Consultation in Perth (Kate Beaumont)
- 5 March 2010 Additional NWRN Submission to the above Senate Standing Community on Community Affairs Inquiry (Kate Beaumont)
- 11 March 2010 NWRN Media Release, 'No justification for "income management" roll out, says Welfare Rights' (Kate Beaumont)
- 11 March 2010 NWRN Media Release, 'A house of review? Welfare Rights anger at failure of the Senate to properly consider the evidence for income management rollout' (Kate Beaumont)
- 15 March 2010 Meeting with Human Rights and Equal Opportunity Commissioner and policy advisor in relation to income management (Kate Beaumont and Chris Belcher)
- 19 March 2010 DEEWR Industry Reference Group Meeting, Videoconference (Kate Beaumont)
- 30 March 2010 Meeting with Les Blacklow Executive Director of the SSAT about the legislative changes to the SSAT (Kate Beaumont)
- 31 March 2010 DEEWR Industry Reference Group Meeting, Melbourne (Kate Beaumont)
- 31 March 2010 NWRN, FaHCSIA, DHS, DEEWR and Centrelink Debt Prevention Meeting by teleconference (Kate Beaumont and Catherine Eagle)

- 17 May 2010 ABC AM on Menzies Research results and Income Management (Kate Beaumont)
- 18 May 2010 Noongar Radio on Menzies Research results and Income Management (Kate Beaumont)
- 31 May 2010 ABC News Radio on “Missing Out” Report (Kate Beaumont)
- 9 June 2010 ACOSS Sector linkup in relation to the legislative instruments for Welfare Reform (Kate Beaumont)
- 10 June 2010 6PR on Coalition announcement to extend from 2 hours the travel time for unemployed to take up work (Kate Beaumont)
- 10 June 2010 Radio News National on expansion of income management (Kate Beaumont)
- 17 June 2010 3AW on the expansion of income management (Kate Beaumont)
- 22 June 2010 NWRN submission to Welfare Payments Reform Branch on Income Management Policy (Kate Beaumont)

## Organisation and Staffing

The governance of Welfare Rights & Advocacy Service continues to rest with the Management Committee of the TLC Emergency Welfare Foundation of Western Australia (Inc.) who continues to give their skills and commitment to the organisation. Simon Millman has continued for a second year as the Chairperson of the TLC Emergency Welfare Foundation of Western Australia (Inc.). Toni Emmanuel became the Deputy Chairperson following the first meeting of the Committee as there was no other nomination for that position at the October 2009 AGM. Philip O’Donoghue remained as the Treasurer until December 2010 when he resigned from the committee to take up a new employment opportunity in Canberra. A new Management Committee Member, Daniel Pastorelli stepped into this vacancy from February 2010. Lucy Young continued in the role of Secretary until she resigned from the committee in September 2010, as she was moving overseas to take up an opportunity for further studies.

The Management Committee has a mix of older and new members with continuing participation from Simon Millman, Toni Emmanuel, Philip O’Donoghue, Lucy Young, Aram Hosie, Luke Villiers and Roslyn Harley. Additionally Glen Williamson and Daniel Pastorelli joined the Management Committee in February 2010 following the resignation of Philip

O'Donoghue and to fill a vacancy that remained following the 2009 AGM. Roslyn Harley has continued in the current year as the UnionsWA representative on the Management Committee.

During the year there was a constitutional change to permit the Management Committee to meet on a bi-monthly basis rather than on a monthly basis. The rationale for the changes to the regularity of Management Committee Meetings was to facilitate achieving quorum and also to ensure that the agenda had sufficient matters for consideration. A Special General Meeting was convened in March 2010 to allow this change to the Constitution and Rules of the TLC Emergency Welfare Foundation of Western Australia (Inc.). Following that change there were some additional meetings of the Management Committee to progress issues relating to the EBA. With the shift to bi-monthly meetings there has been some movement toward some out of session decisions being made utilising email however these decisions are ratified at the ensuing Management Committee Meeting.

In the last year there were some minimal changes to the staffing of Welfare Rights & Advocacy Service. In 2009/2010 we retained our core welfare rights and tenancy staff of Christine Belcher, Marilyn Marvelli, Jeanie Bryant, Catherine Eagle, Paul Harrison, Tom Milton, and Kate Beaumont. For the period of July to August 2009 Kate Wilson was employed as a Community Legal Education worker assisting with the Indigenous CLE Project on a contract basis. Whilst there was an increase in the funding for tenancy assistance in the current year in the first instance additional employment hours were offered to Paul Harrison our existing tenant advocate however following him declining this Chris Belcher was employed one day per week as a tenant advocate.

Throughout the year all staff of the agency have undertaken performance appraisals and as a result of the identified training needs the Management Committee has prioritised training for the year and committed financial resources to the completion of training activities. A training and development need which was identified was team building. Unfortunately the team building activities undertaken did not fulfil the brief or the expectations of participants. Other ad hoc training was completed by individual staff members including participation in tenancy training provided to the tenancy network and other Continuing Professional Development seminars for our lawyer.

During the year staff participated in various conference opportunities as they arose with Paul Harrison participating in the State Tenancy Conference, Kate Beaumont, Catherine Eagle, Chris Belcher, Jeanie Bryant, Tom Milton and Marilyn Marvelli participating in the NWRN Conference in Perth. Additionally a number of staff from the agency participated in the CLC Association of WA State Conference. Catherine Eagle also facilitated and participated in the twice yearly Legal Practice and Professional Development Meetings which are conducted by the WA CLC Association.

Apart from training and development opportunities being provided Welfare Rights & Advocacy Service continues to support staff of the agency through the provision of the services of an Employee Assistance Provider. PPS Worldwide continued to provide staff of the agency with confidential counselling services as the need has arisen.

The agency has continued in its work on a new Enterprise Bargaining Agreement and is at the final stages of the negotiation. The pay and conditions of staff of the agency remain superior to the applicable award and there has been agreement to the provision of full long service leave after 12 years rather than 15 years. The capacity to provide superior conditions has in part been facilitated by one off funding provided by the Commonwealth Attorney General's Department in both this and the previous year. The agency has also continued to provide Salary Sacrificing for its staff and all staff of the agency currently avail themselves of these arrangements.

With the one off funding provided from the Commonwealth Attorney General's Department the agency had explored potential extensions to the building, however settled due to the high costs involved with looking at better ways to utilise the existing work space. Augmenting previous work to tackle the rising damp in the building both the interior and exterior of the building have been repainted. Additionally the carpets in the agency have also been replaced as the existing carpets which were installed almost 15 years ago when we moved into our building were extremely shabby and threadbare next to the newly painted walls. It feels almost as if the building has had its own mini facelift over the last couple of years which of course improves the environment for both staff and users of our service.

Apart from these cosmetic changes the agency also purchased a compactus unit and purpose built shelving for the shed. This has improved the way in which archived files are maintained and stored in one file range. This has freed up space in the building where we used to store the most recent two year's client files. There has also been the purchase of additional storage units in the building which has reduced some of the clutter within the office. There has also been the relocation of some items, such as the photocopier and shredder into one of the hallways to permit the conversion of the resource room into an additional office space. This has also facilitated the lawyer having her own office rather than sharing an office with the agency Administrative Officer.

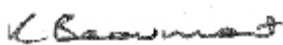
## **Future Directions**

It appears that we have been able to meet the challenges which came as a result of the global financial crisis over the last 18 months with an increase in those accessing the service and meeting that additional demand for assistance. It is however, questionable our capacity to maintain this on a long term basis without an increase in our recurrent funding. Over recent years one off funding in both 2008/2009 and 2009/2010 has permitted the agency to respond to some of these challenges. It has also provided for improved conditions for

workers within the agency and improvements to the physical environment in which we provide services to our clients. It is incumbent on the agency to ensure that we endeavour to maintain the stability of our staff as the value of their collective experience in providing assistance in the area of law dealt with by the agency is invaluable.

As with the previous year, there have been some challenges for the agency having the President of the National Welfare Rights Network employed by Welfare Rights & Advocacy Service. The additional demands and immediacy of the work of the NWRN has placed another dimension to the work of the agency and it has put particular strain on the agency at times. It has only been with the continued support from both staff and the Management Committee that Kate Beaumont has continued in that role for a second year. It has allowed the agency to be the driver of law reform and legal policy work undertaken and the capacity to utilise the experiences of clients to inform the approach taken by the NWRN in its conversations with Government and others within the community sector. It is with the support of agency staff and the Management Committee that Kate Beaumont did not renominate to the position of President of the NWRN at its recent AGM. Instead Kate Beaumont has moved back to the role of Vice President of the NWRN for 2010/2011 to ensure there is continuity as a number of long standing committee members did not renominate for the committee.

It is only through the ongoing contribution and dedication of staff members of Welfare Rights & Advocacy Service that we continue to have a strong organisation able to focus on its work into the future. We thank the Management Committee and all of the members of the TLC Emergency Welfare Foundation of Western Australia (Inc.) for their ongoing support of the work done by the agency in its advancement of the Objects of the organisation again in 2009/2010.



Kate Beaumont  
Executive Officer

## **Treasurers Report for the Financial Year 2009/2010**

Another positive year for the agency with a surplus in the current year in the amount of \$4,664. However, the surplus amount is considerably less than the preceding year where there had been an overall surplus of \$106,524. The amount of the 2008/09 surplus was due to additional funding received from the Commonwealth Attorney General's Department. An additional amount of \$70,000 was also received in the most recent year and both surpluses have and will be used for the provision of welfare rights assistance into the future. Whilst there has been a new funding agreement struck with the Commonwealth Attorney General's Department this has not resulted in additional recurrent funding for ongoing welfare rights assistance.

The agency was funded by five sources in the current year with funding from the Commonwealth Attorney General's Departments, State Attorney General's Department, Department of Commerce, Department of Corrective Services, Legal Contributions Trust, Department of Education, Employment and Workplace Relations and the Public Purposes Trust of the Law Society of Western Australia. The most recent year saw the end of our contract with the Department of Corrective Services but we have also been advised that the agency has secured funding for three years from the Public Purposes Trust to deliver its Prosecution Project in collaboration with Women's Law Centre.

At the end of the financial year the agency had \$298,837 in its bank account. The employee's leave and redundancy provisions totaled \$165,990 and other liabilities, these being GST, grants received in advance and creditors, \$26,696 giving the agency a cash reserve of \$106,151. The additional funding in the current year has also allowed the agency to complete much needed work on our building with the painting of both the interior and exterior of the building and recent re carpeting. I know all Members agree that this work has improved the physical environment for both our clients and staff. There has also been the purchase of a compactus unit and additional shelving for the shed to permit easier access to archived files in the shed.

The most recent year has also seen the negotiation of a new Enterprise Bargaining Agreement with staff which has translated to better working conditions and appropriate pay increases. The provisions of the new agreement extend the accrual of full long service leave after 12 years rather than the existing award provisions. As a result there has been additional provisioning made in 2009/2010 for the additional liability cost for these improved long service leave provisions.

Overall the agency is in a good position financially coming into 2010/2011 and I would like to thank Kate Beaumont for all her efforts. Her dedication clearly has made a positive contribution to the agency and it has not gone unnoticed. Thanks also go to the staff and members of the Management Committee.

The accounts have been audited by Graeme Cope and additional audit work will be completed by Burns and Baker to comply with the requirements of the Commonwealth Attorney General's Department in the next week.

Daniel Pastorelli  
Treasurer

**Audit Report and Financial Statements of TLC Emergency Welfare  
Foundation of Western Australia (Inc.)**