

Welfare | Rights | & | Advocacy | Service

**Annual Report
2011/2012**

**Funding and Support provided to Welfare Rights & Advocacy Service
in 2011/2012:**

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)**

WESTERN AUSTRALIAN GOVERNMENT

**Attorney General's Department and Legal Aid Commission of WA
Department of Commerce
Legal Contributions Trust Fund**

**PUBLIC PURPOSES TRUST OF
LAW SOCIETY OF WESTERN AUSTRALIA**

DONATIONS

MEMBERSHIPS

Personnel and Staff Profile for 2011/2012

Management Committee

Simon Millman – Chairperson

Glen Williamson – Deputy Chairperson

Daniel Pastorelli – Treasurer

Luke Villiers – Secretary

Kelly Shay – TLC Nominee to February 2012

Shayla Strapps – Committee Member

Marina Georgiou – Committee Member

Jack Nicholas – Committee Member

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

Christine Carr – Bookkeeper

Chairperson's Report

This AGM marks the end of my fourth year as Chairperson of the TLC Emergency Welfare Foundation of Western Australia (Inc.) trading as Welfare Rights and Advocacy Service. It also marks the end of six years' service as a member of the Committee of Management.

Similarly to last year, this year the agency has not had access to any additional funding from the Federal Government and has now depleted the remainder of the One Off Funding provided in the preceding two years. We have continued in the current year to be provided with funding by the Public Purposes Trust of the Law Society to conduct our Prosecutions Project and that is secured up to June 2013. We have also continued to receive funding from the Department of Commerce to provide tenancy assistance. The agency has also received funding in the most recent year from the Legal Contributions Trust to conduct its Youth Project for another year. The balance sheet shows a \$24,000 deficit but this is because we brought into the year a sizeable surplus in one off funds from the Commonwealth.

The staff continue to provide an excellent service to clients who access our agency and they remain committed to the work that they do on a daily basis. The organisation has been around since 1983 and remains more relevant today than it was then. It is unfortunate that additional recurrent funding has not been forthcoming and at a time when demand for services is likely to increase further how we will meet this demand will be a challenge.

The need for additional funding to meet this demand is patently clear and long overdue. It is extremely concerning that

the reduction in funding has already led to changes in staffing, and, if not addressed on an urgent basis will continue to hang over the organisation.

As such a significant proportion of our funding is used to pay staffing costs, any reduction in our funding base necessarily impacts on our staff. Already committed to working in the Community Legal Sector, it is unfair for our staff to continue to have to make sacrifices in order to properly provide a service that is accessed by so many.

It is deeply troubling to me, that a service such as this which helps the most vulnerable in our society is not properly funded at a time when there is so much wealth available in this state.

Addressing this injustice is the biggest challenge for the Management Committee, and the staff over the next few months.

We have also seen new Management Committee Members come on board and farewelled others during the last year. As a Committee we have endeavoured to engage suitable committee members to ensure that there is continuity and the right mix of skills to keep the organisation in good stead into the future.

I want to pass on my thanks to the members of the Management Committee – which this year has remained quite stable: Glen Williamson continued in his role of Deputy Chairperson. Marina Georgiou and Jack Nicholas, both of whom joined before last year's AGM have continued to make valuable contributions. Jack in particular to those discussions and debates that take place on the email. Kelly Shay, after a brief stint has stepped down from the position as UnionsWA rep on the committee. Luke Villiers continued to perform an admirable role as Secretary notwithstanding extensive work and study

commitments, and Daniel Pastorelli has made a terrific contribution as treasurer. Finally, Shayla Strapps, a veteran of the Community Legal Sector continues to provide a great point of view at our meetings with regular insightful and worthwhile contributions. Together with Marina, I am grateful to Shayla for saying the difficult things, and taking the necessary although not always popular positions. It is that clear eyed commitment to the well being of the organisation that is the hallmark of an excellent committee member.

In conclusion I would like to again thank all of the board members for their continued support of the agency and also to thank Kate and the staff of the agency for the way in which they assist the clients who come to Welfare Rights & Advocacy Service.

On a personal note, after much soul searching I have decided to step down from the Management Committee and from my position as Chairperson.

Given the challenges the Service faces over the next little while, this has not been an easy decision. I would like to be part of the efforts to address the funding issues. However, due to my personal circumstances, I am not confident that I could fulfil the role with the same energy and enthusiasm that I first had when I joined the management committee.

Now is a time for new ideas and new voices to clearly and loudly articulate the needs of the service, and of those who rely on our support and advocacy.

I want to finish by thanking all members of the management committee both past and present who have been involved during my tenure. I want to thank for her ongoing hard work and commitment, and I want to wish the new management

committee and particularly the staff all the best for the future. It has been a real privilege to be involved.

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.

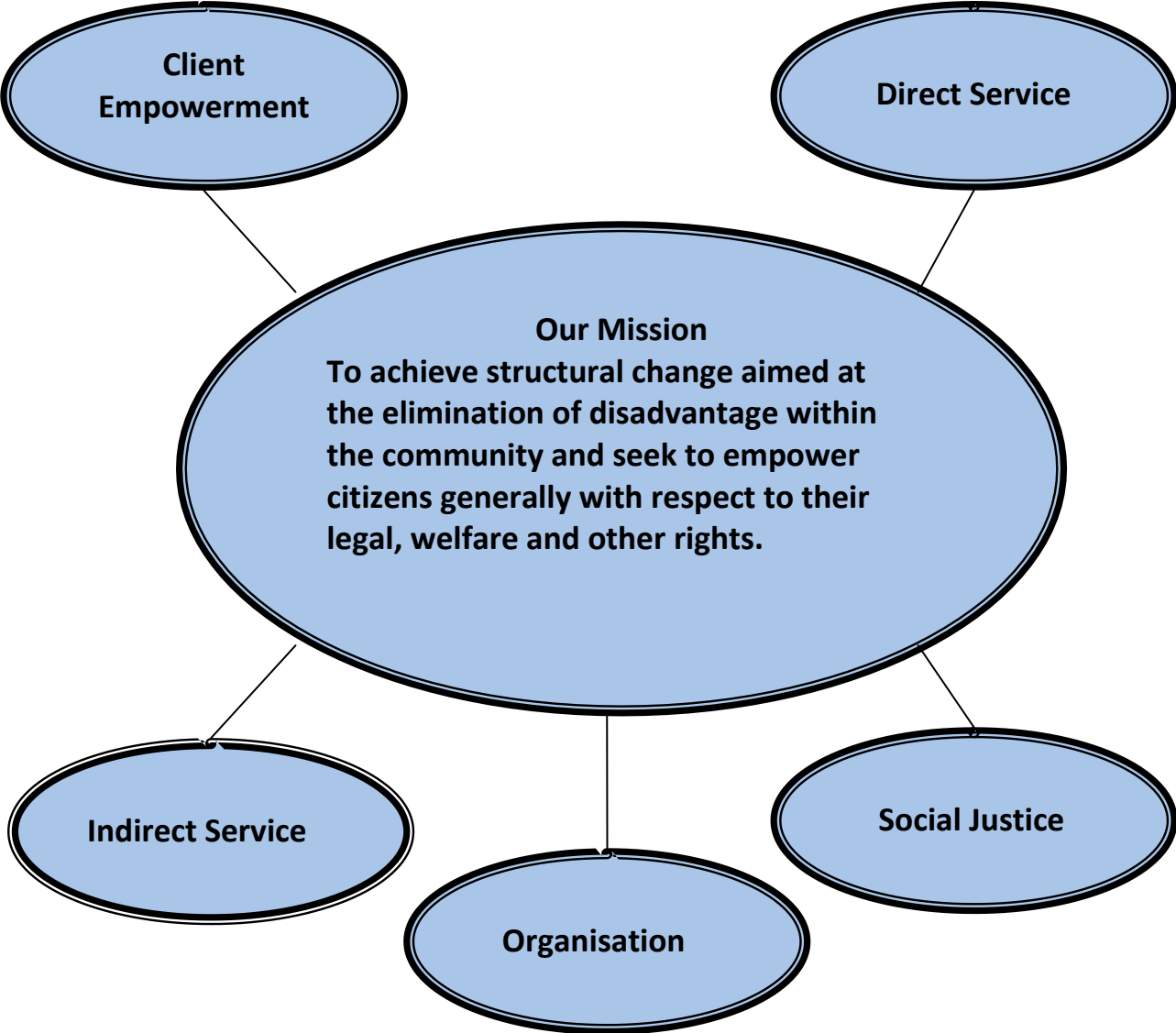
Our Mission

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

Welfare Rights & Advocacy Service & Advocacy Service has continued in its most recent year to provide legal 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 has reduced slightly in the most recent year although we have had increasing numbers of clients accessing from outside of our geographic catchment area.

The core funding for the agency still remains with the Commonwealth Attorney General's Department through its Community Legal Service Program (CLSP) who fund our welfare rights program. There has been no increase to CLSP funding apart from CPI in the most recent year. Over the last three years the agency has been assisted by funds remaining from the injection of one off funding by the Commonwealth Attorney General in both 2008/2009 and 2009/2010. In the most recent year apart from recurrent core funding there was some funds remaining from a grant provided by the Commonwealth Attorney General to conduct an Indigenous Community Legal Education Program in the Kimberley and Pilbara from 2010/2011.

In 2011/2012 we have continued for an eighth year to receive funding support from the Public Purposes Trust (PPT) of the Law Society of Western Australia to conduct a Prosecutions and Women in Prison Project in collaboration with the Women's Law Centre of Western Australia. In the past the agency has been

subject to annual applications for this funding, however in the most recent round of funding in 2009 the PPT permitted three year funding applications. That application was successful and the joint project is currently to be funded until June 2013. As this grant is due to expire at that time the agency has again applied for funding from PPT to ensure continuation of this valuable project beyond June 2013.

The agency continues to receive direct funding from the Department of Commerce to provide tenancy assistance in the Lower Northern Metropolitan Zone of Perth. This is the third year in which the agency has received funding to provide a full time tenancy service which was an increase from historical provision. The contract for the provision of Tenancy Advice and Education Services (TAES) was to expire on 30 June 2012. The Department of Commerce conducted an open tender process for the provision of tenancy services in Western Australia from February 2012. Welfare Rights & Advocacy Service was successful in its tender to supply TAES assistance to the Lower North Metropolitan Zone from July 2012 to June 2017. The success of this tender ensures that the agency will be able to provide tenancy assistance into the future.

The agency continues to be funded through the Legal Contributions Trust to conduct a project, now in its sixth year, to provide additional welfare rights assistance to young people by increasing their access to legal assistance in the area of Social Security Law. The agency has not received any financial or other in kind support from UnionsWA for the last five years.

As a community legal centre the core services delivered by Welfare Rights & Advocacy Service continue to be in the

three areas of advice and casework assistance, community legal education and law and policy reform activities. There has been a slight decrease in the demand for casework assistance by way of advice and casework assistance in the most recent year.

All community legal education and policy and law reform activities undertaken by the service are linked to the experiences of clients presenting for help at the agency. The approach taken reflects the vision, values, mission and objectives of the TLC Emergency Welfare Foundation of Western Australia (Inc.) and the strategic direction of the organisation. Similar to previous years the agency has been provided with an increased ability to contribute in the area of law reform and legal policy in the most recent year due to our ongoing involvement with the National Welfare Rights Network (NWRN) at a national level.

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.

The agency has been able to provide additional assistance in an area which has not been a traditional area for welfare rights centres to those who are seeking assistance in relation to Social Security Prosecution matters. For the last eight years the agency has provided this help as part of its Prosecutions and Women in

Prison's Project conducted in conjunction with Women's Law Centre of Western Australia.

Welfare Rights & Advocacy Service also provides some casework assistance in the women's correctional facilities in Western Australia, at both Bandyup and Boronia Prisons. The Prosecutions and Women in Prison's Project has been funded by the Public Purposes Trust and funding is currently secure up to 30 June 2013. The agency continues to conduct a Youth Welfare Rights Project at the agency which undertakes casework assistance directed toward young people in settings which they already access.

The other main area of law outside of welfare rights assistance provided by the agency is in the area of tenancy law. 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*.

Delivery of direct casework assistance is provided by both our lawyer and paralegals at Welfare Rights & Advocacy Service. The agency does not run a volunteer program and so direct casework assistance is not provided by volunteers. The agency is assisted at times by private lawyers who provide some ad hoc pro bono assistance on a case by case basis. The agency does not provide assistance in other areas of law outside of our designated areas of expertise and refer all other matters out to appropriate services.

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. The geographic area serviced by Welfare

Rights & Advocacy Service is the largest catchment area for any welfare rights service across the country.

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 Law Service (SSCLS) and Fremantle Community Legal Centre (FCLC). The assistance provided to clients outside of the welfare rights catchment area is in part due to organisational arrangements in the other centres. At the other welfare rights services in Western Australia there are stand-alone workers who may not be able to be accessed by clients due to staff leave, workload issues, different casework guidelines or where welfare rights positions may not be staffed on a full time basis due to the inadequacy of recurrent funding in the Commonwealth Welfare Rights Program. In 2011/2012 there has been a dramatic increase in the numbers of out of area referrals, particularly from Sussex Street Community Law Service.

The other main 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. There are reciprocal arrangements in place to permit SSCLS and FCLC to provide assistance to clients from our agency's catchment area where a conflict of interest is identified, so that Welfare Rights & Advocacy Service is unable to provide legal 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.

Whilst there is a designated geographic catchment area for welfare rights matters the same restrictions do not occur in relation to Social Security Prosecution matters, as neither SSCLS nor FCLC provides assistance in relation to such matters. Regular referrals are made by both of these services to the solicitor at Welfare Rights & Advocacy Service for help in this area of law.

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 challenges of administrative law 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 to diminish disruption for the client and to ensure that there is continuity of servicing.

As the Prosecutions Project is unique across the National Welfare Rights Network the solicitor at Welfare Rights & Advocacy Service regularly provides support and assistance to solicitors across the broader network outside of Western Australia to workers at the various welfare rights centres in other states and also to the Welfare Rights workers employed in

the Northern Territory who work at NAAJA and CAALAS.

Similarly to the Prosecutions Project the agency does not adhere to the traditional welfare rights geographic catchment area in relation to the Youth Welfare Rights Project as neither SSCLS nor FCLC has a designated youth focused service. As this project is focused on increasing access of young people to welfare rights assistance it is considered that artificial geographic catchment boundaries may not be conducive to facilitating this process, as initial connection is an important aspect of engagement with this population. Referral to another service could act as a barrier to a young person challenging a decision and receiving the ongoing assistance required to resolve their Centrelink matter.

Tenancy assistance is provided within the catchment area in the lower Northern Suburbs of Perth, which incorporates the local government areas (LGAs) of the City of Perth, Vincent, Subiaco, Nedlands, Claremont, Peppermint Grove, Cottesloe, Mosman Park, Cambridge, Scarborough, Glendalough, Wembley Downs, Wembley, Menoora, Coolbinia, Mount Lawley, Bayswater and Mt Hawthorn. Due to the longstanding co-operative relationship with Northern Suburbs Community Legal Centre (NSCLC) our agency continues to provide services to those in other LGAs in the Northern Metropolitan suburbs of Perth so that clients who may have traditionally used Welfare Rights & Advocacy Service under our previous servicing arrangements are not disadvantaged.

As has occurred more regularly over recent years Welfare Rights & Advocacy Service has provided additional tenancy assistance to clients outside of its designated catchment zone into the southern suburbs of Perth due to tenancy

positions in other services being without staff or where the incumbent tenant advocate does not have capacity to provide either advice or ongoing tenancy casework assistance in the near future. There have also been increasing instances where tenants have accessed our service because they have not been able to get through to the statewide telephone advice line operated by Tenants Advice Service (TAS).

The agency continues to receive regular referrals from both the Department of Commerce and TAS in more complex cases and this is in part due to the long tenure of the agency's two tenant advocates. The agency also receives regular tenancy referrals from Day Dawn Advocacy which is a local service which provides assistance to Aboriginal clients exclusively.

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 of providing an additional day at Easter time 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. For those seeking welfare rights assistance the priority is to provide help to those who are without income and 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 unable to afford legal assistance.

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”. In determining as to whether or not ongoing casework assistance is to be provided 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, increasingly as the range of Centrelink and Family Assistance payments are made to a broader cross section of the community and particularly some on higher levels of income the agency still provides one off advice to some who may have greater means than those who have traditionally accessed community legal centres. The agency usually does not provide ongoing casework assistance in relation to welfare rights matters to those with means.

In relation to one off assistance and ongoing casework assistance for tenancy matters the agency provides help irrespective of means. The principal reason for this is because the Tenancy Advice and Education Program of which our tenancy assistance is a part of, is funded from the interest from the Rental Accommodation Fund, which includes the bonds of the full range of tenants

(including those on both low and high incomes) and therefore all tenants should have equal access to tenancy advice and education. The agency does not provide any advice or assistance to tenants who are involved in tenant against tenant disputes, as there is the potential for the eviction of a tenant.

The agency has a finite capacity to provide ongoing casework assistance and would not have the ability to meet demand for services if all who were provided with one off advice were helped to resolve their issue on an ongoing basis. In line with our service delivery approach and the objective of using empowerment approaches the agency regularly provides clients with information products and resources to permit them to take their own action.

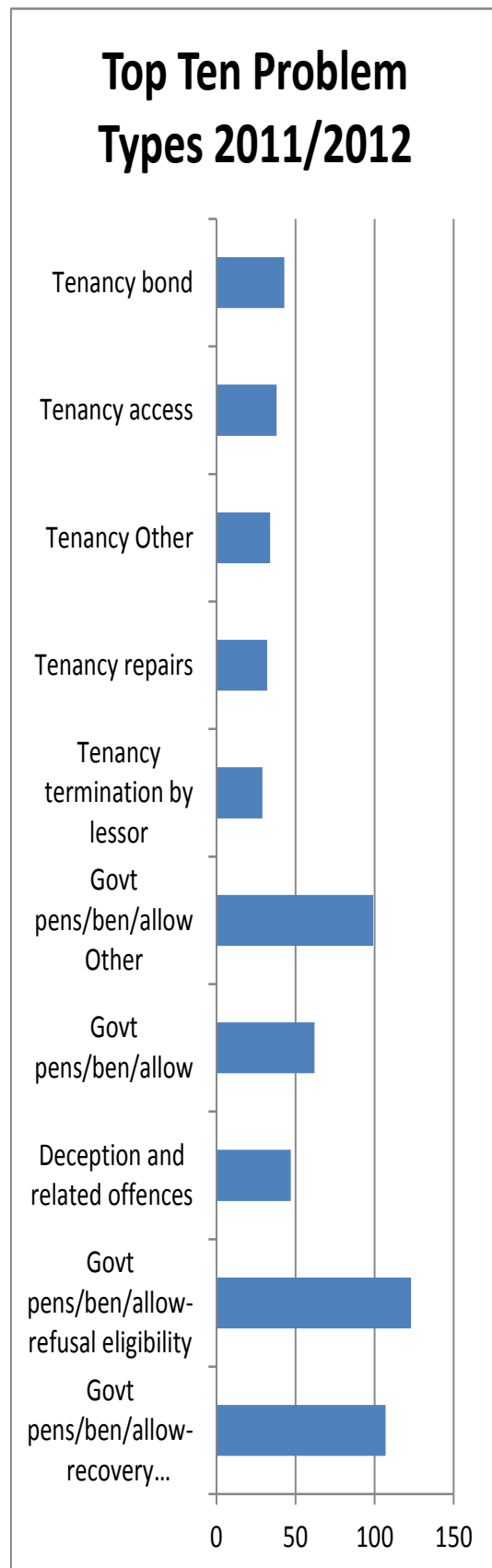
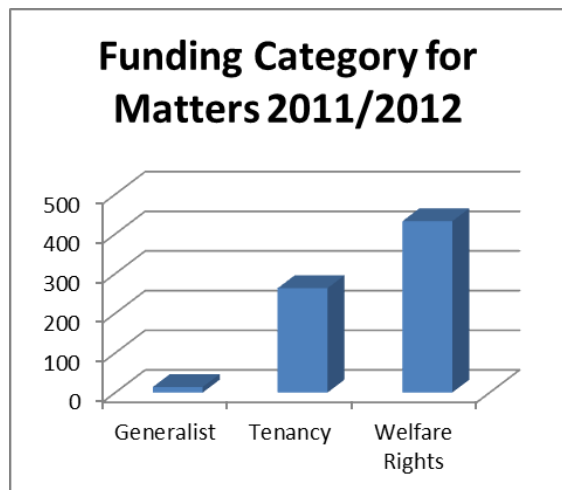
In situations where a person has the means to secure appropriate legal help in the market, one off advice is provided and supplemented with written materials to support the person pursuing their matter through the appeal and review process. In instances where there is little legal merit ongoing casework assistance is not provided.

The agency clearly communicates where a matter has little legal merit and that this is the reason why ongoing assistance will not be provided. Although the strict legal merit of a matter is a restriction to ongoing casework assistance being provided it is clearly set out to the client that they have a right to pursue the matter. The agency is also clear where there are risks with pursuing a case further. The agency regularly provides resources and information to assist those who want to continue their matter and exercise their right of appeal. Welfare Rights & Advocacy Service also provides significant support to other community organisations who are working with their

clients to challenge Centrelink and tenancy issues.

In terms of the advice and casework undertaken in the current year there has been a decrease in the numbers of advice and casework activities in the current year. There has been a decrease in the numbers of clients provided with assistance in the current year with a reduction from 773 to 719 and this includes existing, returning and new clients to the service. The total numbers of matters where assistance was provided in the current year was 709 matters which is a reduction from 2010/2011.

The presenting issues for clients continue to be varied and across the whole range of Social Security and Family Assistance Law, prosecution and tenancy matters. Welfare rights matters continue to make up the majority of the work undertaken by the agency and this incorporates clients presenting for assistance in relation to Social Security Prosecutions.



Problem types are the categories permitted on the Community Legal Service Information System (CLSIS) which is the database used by the centre and the Commonwealth for quantitative data of assistance provided under the CLSP Program.

The top ten problems in the current year cut are across the range of Centrelink and Tenancy issues. The Centrelink problem types include refusal of payment, overpayments and other Centrelink issues. For Tenancy matters the highest occurring problem types related to tenancy bond, tenancy access, tenancy other, tenancy repairs and tenancy termination by lessor.

In the past Centrelink overpayments have been the highest occurring problem type, however in the current year this was overtaken by those being refused payments by Centrelink. Refusal of Centrelink payments represents almost 16% of the matters presenting in the agency for assistance.

Of those seeking assistance for refusal of payment the most common entitlement type was Disability Support Pension (DSP) which made up 39%, followed by Newstart Allowance (NSA) which accounted for 19%. It is not unexpected that refusal of DSP is the most common entitlement type, in light of changes to the eligibility requirements for DSP introduced on 3 September 2011 and the new Impairment Tables which commenced from 1 January 2012.

Entitlement Type for Refusal of Centrelink Payment by Matter	
Disability Support Pension	46
Newstart Allowance	23
Age Pension	8
Abstudy/Austudy	6
Carer Payment/Allowance	9
Family Tax Benefit	2
Health Care Card	1
Parenting Payment Single	4
Pension Bonus	2
Sickness Allowance	4
Special Benefit	5
Youth Allowance	3
Not Specified	10
Total	123

A significant proportion of the debts and overpayment casework undertaken by the agency continues to relate to prosecution matters. The numbers of prosecution matters reduced in the current year and this may be attributed to a number of factors.

It was noted in our last Annual Report that there had been a reduction in the numbers of smaller debts being considered for referral to the Commonwealth Director of Public Prosecutions (CDPP). This was attributed to an increase in the threshold amount for automatic consideration for referral by Centrelink to the CDPP from \$5,000.00 to \$10,000.00 which occurred from December 2010. As a result of this change the numbers of debts which are in scope for referral has reduced.

Another cause for the reduction in the numbers of prosecution matters is that in 2011 a number of matters referred by Centrelink to the CDPP had been put on hold whilst awaiting the outcome of the High Court matter of *Poniatowska v DPP (Cth)*. This was because the decision would potentially impact on a number of current and past Social Security prosecutions where the offence was based on a failure or omission of the person rather than a positive act.

In this matter the CDPP sought special leave to appeal to the High Court and this was granted and by a majority of 4:1 (French CJ Gummow Kiefel and Bell JJ) the appeal was dismissed. The decision was handed down on 26 October 2011 [2011] HCA 43. Heydon J dissented and started his judgement as follows: 'it is common for the decision of courts to be reversed by the legislature after they have been delivered. It is less common for this to take place even before they have been delivered. Yet the legislature has got its

retaliation in first in relation to this appeal.'

As a result of the Poniatowska decision the Government introduced the *Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011* in June 2011 to introduce a requirement for a person to notify of a change in circumstances within 14 days and also an amendment to permit decisions by computer programs. Unlike many other provisions of Social Security law these amendments were to apply retrospectively (in the case of the first provision to 20 March 2000 and the latter from 12 June 2001). These amendments received Royal Assent on 4 August 2011. They were designed to avoid the situation where hundreds of former convictions could be cast into doubt and allow prosecutions in the future where it is alleged that a person has been overpaid as a result of an omission by them.

Another contributory factor in the reduction in prosecution cases is that Centrelink have revised their case selection guidelines for referral to the CDPP. This change was as a result of two independent reports relating to fraud investigations conducted by the Commonwealth Ombudsman and the Australian National Audit Office (ANAO) in 2010. The resultant change is that there will be less income cases and increasing numbers of more complex matters including member of a couple decisions, assets and trust matters which will be considered for referral to the CDPP.

Payment Entitlement Type for Welfare Rights assistance 2011/2012		
Entitlement type	Advice	Casework
Abstudy/Austudy	17	6
Age Pension	60	19
Carer Allow/Payt	26	11
Child care benefit	2	0
DSP	125	40
FTB A	35	13
Health Care Card	1	1
Mobility Allowance	2	1
NSA	98	36
Not Stated	6	74
PPP	11	4
PPS	65	35
Partner Allowance	5	2
Payment Other	13	5
Pension Bonus	2	0
Sickness Allowance	8	2
Special Benefit	7	2
Youth Allowance	10	2
Total	493	253

The largest number of clients accessing the agency for welfare rights assistance continues, as with previous years to be in relation to DSP. This is followed closely by those with issues relating to Newstart Allowance and those receiving Parenting Payment Single and Age Pension.

It has been noted in the past that there was a high level of confusion over the eligibility requirements for DSP in the past with those who were granted pre and post the 2006 Welfare to Work changes. Changes to DSP eligibility in the most recent year have amplified this confusion amongst our clients. Regularly as media reports appear, the agency has to deal with the fears of how upcoming changes will impact on very long term recipients of DSP who are suspicious that they will be left without support.

Access to DSP has become more restricted as a result of the recent changes. It is expected that some clients who have multiple disabilities may never qualify for DSP, as they have not completed the requisite 18 months program of support

now required. This will result in them languishing on the lower rate of payment afforded on NSA.

It is anticipated in the coming year that there will be an increase in the numbers seeking assistance in relation to NSA and PPS due to legislative changes. From 1 January 2013 all of those sole parents on PPS as at 1 July 2006 whose entitlement to that payment was protected with grandfathering provisions will be transferred onto the NSA unless they have a child under 6. This will result in almost 22,000 sole parents in Western Australia being placed on the lower rate of NSA. For some sole parents who were on PPS and working they may lose all of their entitlement as the NSA is paid using a less generous income test. These changes are occurring against a backdrop that the Senate Employment and Workplace Relations Committee and the Joint Parliamentary Committee on Human Rights both recommended that the Government delay the legislation until the outcome of the Senate Inquiry into the adequacy of Newstart Allowance is completed.

Welfare Rights Case Study

Miss P is a 44 year old woman from the Northern Territory whose DSP was cancelled and a debt for \$93,491 was raised as Centrelink regarded that she was a member of a couple for a seven year period up to February 2011. Miss P has a major psychiatric condition (chronic schizophrenia). Miss P had been without income support for 5 months when she first contacted Welfare Rights & Advocacy Service in June 2011. The agency does not usually provide assistance to clients from interstate, however the welfare rights solicitor at Darwin CLC had recently resigned and they had no worker to assist Miss P with her appeal.

Due to the amount of the debt there was concern that administrative review of the decision could increase the risk of prosecution

and so they wanted Catherine to provide advice in relation to this aspect of the case. Miss P had already lodged an appeal to the Social Security Appeals Tribunal (SSAT) when she contacted the agency but it had been put on hold pending her getting assistance to challenge the case. Jeanie assisted Miss P to obtain her Centrelink files under Freedom of Information (FOI). Jeanie assisted Miss P to prepare her case and liaised closely with the Brisbane Registry of the SSAT, as Darwin comes under their jurisdiction, as there is no registry in Darwin. Jeanie provided a written submission which included information provided by Miss P and Miss P's psychiatrist and mental health worker which set out that the alleged partner was in fact Miss P's landlord and not her partner. Jeanie assisted Miss P (who was in the Northern Territory) in a telephone hearing with the SSAT. Miss P had her mental health support worker, her parents and sister with her during the hearing which went for over 2 hours.

The tribunal found that Miss P had not been a member of a couple at any time and that her payments should not have been cancelled and that she was eligible for back payment to the cancellation date. As a result of the decision the debt raised against Miss P no longer existed.

Following SSAT decisions both parties have 28 days to appeal to the Administrative Appeals Tribunal (AAT) and usually we await implementation of the decision after that time. In Miss P's case a decision was made by Centrelink that they were not going to appeal the SSAT decision and Jeanie was advised of this only 5 days after the SSAT decision was made. Miss P's payments were restored and she received arrears of almost \$10,000 .00 into her bank account and a refund of the amount withheld from her Centrelink payments to recover the debt.

This case illustrates that there continues to be issues relating to the manner in which Centrelink make member of a couple decisions and that without the assistance of the agency it is unlikely that Miss P would have been able to provide to the SSAT information which would permit them to make a different decision. Additionally the Centrelink decision

to not appeal the SSAT decision and the implementation of the SSAT decision were expedited. This occurred in part due to the positive working relationship that the agency has developed with Centrelink.

Tenancy law is the other main focus of casework assistance for the agency. The agency has had increasing numbers of tenants seeking assistance in relation to their public or private tenancies. The most prevalent tenancy issue in the current year continues to be related to bond disposal followed closely by housing access.

Tenure Type where recorded 2011/2012		
	Advices	Casework
Accommodation - Other	1	1
Boarder or lodger	1	0
Community housing	5	3
Homeless	3	3
Transitional accomod.	3	3
Owner/Purchaser	1	0
Private rental	170	6
Public rental	97	41
Total	281	57

There continues to be greater numbers of private tenants seeking tenancy assistance and being provided with advice by the agency in the current year. The majority of ongoing casework assistance in the current years has related to public housing tenancies.

Similar to recent years the housing affordability crisis in Western Australia has had an impact on those seeking tenancy assistance, as there is a dearth of readily available low cost housing. There continues to be large number of individuals and families who are waiting for public housing. Priority housing lists have changed dramatically over the last decade where in the past a person could expect to be housed in three to six months

now have to wait over two years to be housed. As detailed in our last Annual Report the agency's tenant advocates are at times required to manage the expectations of clients who become increasingly frustrated, as they wait for housing for years after being listed for priority housing.

As occurred in 2010/2011 the agency has continued to have clients facing eviction by the Department of Housing (DOH). In 2011/2012 there have been an increasing number facing eviction under the Department of Housing Anti-Social Behaviour Policy. Apart from that there were also DOH evictions due to outstanding debts for rent, water and tenant liability. On occasion DOH actively referred clients to the agency for assistance.

As a result of the increase in eviction activities the agency has had ten closed tenancy matters where court representation has been provided in the most recent year. Assistance has been provided at a range of courts including Perth, Midland, Joondalup and Fremantle. Traditionally most of the matters that are dealt with by Welfare Rights & Advocacy Service have been listed in the Perth Court, however the agency has assisted with matters at the other courts where there have been conflicts of interest or other services are at capacity. A significant proportion of clients assisted at court were Aboriginal and many had been directly referred to Welfare Rights & Advocacy Service by Day Dawn Advocacy which is a specialist local service which works with Aboriginal clients.

The agency was able to save some of the tenancies, although the lack of discretion relating to the DOH Anti-Social Behaviour Policy has proved problematic as they have used s64 of the *Residential Tenancies Act 1987* (no cause 60 days' notice) to

evict. With the introduction of the new Residential Tenancies Act, whilst most of the new legislation is awaiting regulations to be developed, the new community housing eviction provisions have come into effect from 30 July 2012. This means that DOH now has s75a of the new Act available to them to use in instances of Anti-Social Behaviour.

An increasing trend which has occurred over the last year has related to tenants who are new arrivals in Western Australia, including both skilled migrant workers and overseas students. There are difficulties as they have not had experience renting in this country and because of the shortage of rental accommodation in Perth. This group is largely not aware of the WA tenancy laws and is often shocked at the lack of protections available to them. Additionally they do not know how to enforce their tenancy rights. On occasion these tenants have been threatened by unscrupulous landlords with deportation and violence. The agency has recently made a funding application in relation to this client group to ensure that they know both their rights and responsibilities as tenants and how to go about rectifying an issue in their tenancy.

Tenancy Case Study

Ms S is a 40 year old Aboriginal woman with 2 aged children aged 17 and 8 years old who was referred to the agency by another agency. Ms S was about to be evicted by the Department of Housing (DOH) due to a debt of \$2,500.00 and a demand to pay this amount in full, otherwise they intended to act upon an eviction order they had been given in June 2011. Ms S had been unaware that DOH had been given an eviction order until they contacted her subsequently about this debt in September 2011. Ms S has limited literacy and numeracy.

It became apparent that apart from the DOH debt Ms S had numerous maintenance issues relating to her current accommodation and that regularly maintenance people had come to undertake repairs but due to the asbestos throughout the property had refused to work in the property. At the time of her initial interview the property where Ms S lived had:

- No water in both the kitchen and laundry for at least 3 years. (For water Ms S had to get water from the bathroom or outside);*
- A broken wall in her bathroom which was deteriorating and had exposed asbestos fibres;*
- Laundry wall missing behind the trough;*
- Back door unable to be shut; and*
- Mould covering most ceilings in the property.*

Chris initially sent a letter to DOH outlining the history of why Ms S had gotten into arrears with her rent, as her Centrelink payments had been cancelled and she had had some other interruptions to her payments, as she had been taken off Parenting Payment Single (PPS) and put onto the lower rate of Newstart Allowance (NSA) when her youngest child turned 8. Chris argued that as there was already an arrangement in place with the DOH for them to deduct money from her Centrelink payment that if they required a higher rate of repayment that they should have spoken to Ms S about this. Chris raised the issue that as Ms S was in a property which lacked the basic amenities that they should be charging a reduced rate of rent. She also set out that DOH had a duty of care to their tenants and that

due to the presence of asbestos that they should arrange an urgent transfer of Ms S and her family to another property due to the risks of prolonged exposure to asbestos.

Chris assisted Ms S to obtain a Centrelink advance loan of \$500.00, which was then paid to DOH two days later. DOH responded to Chris to indicate that the Regional Recoveries Officer was requesting a full audit of the maintenance records for the property and the other matters raised by Chris had been referred to the Regional Manager for action. She also indicated that the \$500.00 had been received to repay part of Ms S's outstanding debt to DOH.

The next week Ms S received a further letter from DOH advising that her debt was now \$503.85 and that she was required to pay DOH \$220.00 per fortnight to pay back her debt and that plumbers would be coming out to her property in the next couple of days to check the pipes and leaks, as her water bill had been very high. Chris then queried with the Regional Manager the letter received by Ms S and how they had calculated the rental arrears, as it had reduced from \$2,500 down to \$503 with only the usual fortnightly rent being paid and the \$500 one off payment. Chris argued that the repayment amount DOH were requesting Ms S to pay on a regular basis was more than she could afford on her Centrelink payments whilst she was repaying the Advance Loan provided to reduce the DOH debt.

Chris queried whether or not DOH had waived some of the debt due to the reduced amenities and disintegrating asbestos. She also asked about any action to rehouse Ms S and her family. Chris separately sought assistance from ALS about whether they would be able to provide assistance in relation to the asbestos issues.

Two weeks later Chris was advised by the Regional Recovery Officer that the plumbing had been fixed and sealed but that they did not know the exact details and that the plumber had not had an issue working with the asbestos in the property. It appears that running cold water had been connected to the laundry but that there still was no water to the

kitchen sink.

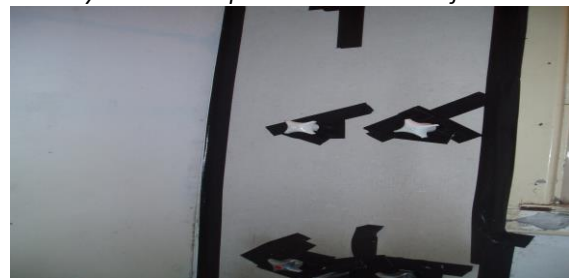
In early November 2011 DOH did an inspection of the property. Subsequently a young maintenance man came out and covered the hole in the bathroom wall with fibreboard and gaffer tape to cover up the exposed asbestos wall and the hard wired smoke alarm was fixed. The following day Ms S and her foster mother attended the office and Ms S's foster mother had taken photos of the property. The photos of the property appear below.



Kitchen sink without running water



Laundry sink with exposed blue asbestos fibres



Recently taped up bathroom wall covering broken asbestos sheets



The ceiling is leaking and had not been repaired and is thick with mildew and also no light fitting.



Powerpoints coming off the walls in many rooms in the house.

Chris then sent a further email to the Regional Manager about the maintenance issues at the property which included:

- No water to kitchen and Ms S has to boil the kettle to wash her dishes which increases her electricity bills;
- No hot water to the laundry;
- Bees still coming into the house via the chimney (daughter had anaphylactic shock last time stung by bees);
- Leaking roof; and
- Various issues with pipes and power points.

Chris issued a breach letter to the DOH giving DOH 14 days to rectify their various breaches for failure to fix. DOH subsequently came to Ms S's property and she was lectured about the cleanliness of the property and that the mould on the ceiling had to be removed. Ms S had attempted to clean the ceiling but part of the ceiling came away leaving a hole and she was unwilling to do more because of potential risk for the whole ceiling to cave in on her. DOH advised Ms S that they intended to do fortnightly inspections of the property. Although Ms S had her stepmother with her at the time of the inspection the agency agreed that Chris would attend for the next property inspection due for 2 December 2011. On 30 November 2011 Chris was advised that someone had come from DOH and they had put taped X's on most of the walls and ceilings in the property. The worker refused to say what the red Xs represented.

After the inspection had occurred Ms S's stepmother was contacted by DOH and indicated that they were looking at re-housing the family, as the work that needed to be done

at the property was too extensive. Initially she was asked as to whether or not the family was happy to be re-housed in a unit in Maylands, however Ms S's foster mother refused the property. Later in the day DOH offered Ms S a house in a newer suburb of Perth.

The next day Ms S went to the new property and was ecstatic when she next spoke to Chris as it was a "real house" and the sort she dreamt of living in. Ms S was then told that she needed to pay 4 weeks market rent in advance and another week's rent and \$50.00 key deposit to access the new property. Chris was told by the Aboriginal Housing Officer that as the client wanted the transfer then she had to pay these costs up front and there was no capacity to negotiate. Chris set out that it was DOH that wanted Ms S to move because of the condition of the previous property and that they already had her previous bond for the other property and that they should not be deducting any money from her bond due to the state of the property which was as a result of fair wear and tear since 1998 when she had initially been housed in the property. DOH eventually agreed that they would permit Ms S to pay the amount back to the DOH and that she did not need to have the money up front. Ms S and her family moved to the new property the following weekend.

With the assistance of Chris, Ms S and her family have not been evicted from her existing accommodation, serious maintenance issues have been raised with the DOH and that she and her family have now been re-housed in another DOH property. Chris continues to work with Ms S to challenge the amount of rent paid by her due to the reduced amenities and a large outstanding water bill for her previous property and any other charges which DOH may include in any vacated tenant liability for the vacated property. By Ms S being re-housed to a new property DOH will not be able to act on the previous eviction order given in June 2011 which DOH could have used for up to twelve months if there had been any default.

Assistance provided by Welfare Rights & Advocacy Service is summarised below which provides key numerical data for the 2011/2012 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.

Service Activity	2011/2012	2010/2011	2009/2010	2008/2009
Casework				
Cases open/opened	311	337	348	284
Cases Opened	253	280	284	219
Cases Closed	267	276	267	219
Information	225	202	197	286
Legal Advice				
Clients	719	771	775	713
Total advices	860	957	922	803
Face to Face	34	45	37	43
Telephone	792	873	868	748
Mail/Email	34	27	17	12
CLE	17	19	22	23
Law Reform	23	26	31	45

As can be seen from the table above there has been a reduction across the board in the latest year with the exception of the area of information occurrences. It should be noted that this reduction in overall activities has occurred following two years of significant growth in activities conducted in 2009/2010 and 2010/2011. In the most recent year the assistance provided still exceeded that provided by the agency in 2008/2009.

In terms of casework in the most recent year the agency had 58 cases open at the commencement of the year and opened 253 cases.

Closed Case Classification	Number of Hours	Numbers
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Minor Case	0-5 hours	181
Medium Case	6-20 hours	58
Major Case	Over 20 hours	14

The agency closed 267 cases in 2011/2012 and the table above represents 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. The agency regularly assist clients through the various stages of the review and appeal processes up to the Administrative Appeals Tribunal which can take considerable time for matters to progress to conclusion. In 2011/2012 there were 15 matters closed where the agency represented at court or in a tribunal.

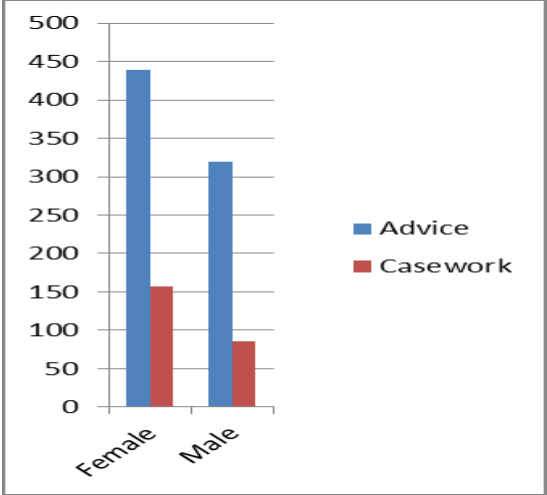
Information Occurrences 2011/2012	
Area of Law	Number of Referrals
Tenancy	85
Welfare Rights	63
Child Protection	19
Govt Admin/Mental Health	11
Family Law	10
Credit/Debt	10
Consumer complaints	10
Civil	5
Criminal	5
Immigration	3
Wills/Probate/Trusteeship	3
Employment	2
Child Support	2
Injuries	2

In 2011/2012 the highest numbers of information occurrences related to tenancy and welfare rights matters. Usually referrals made in relation to welfare rights and tenancy matters relate to those accessing the agency that do not reside in the geographic catchment area serviced by Welfare Rights & Advocacy Service and reflect referrals to appropriate

services closer to the client. The numbers of tenancy referrals increased in the last year and this may have been in part because of the difficulty clients report when calling through of being unable to get through to the Tenant’s Advice Service telephone advice line.

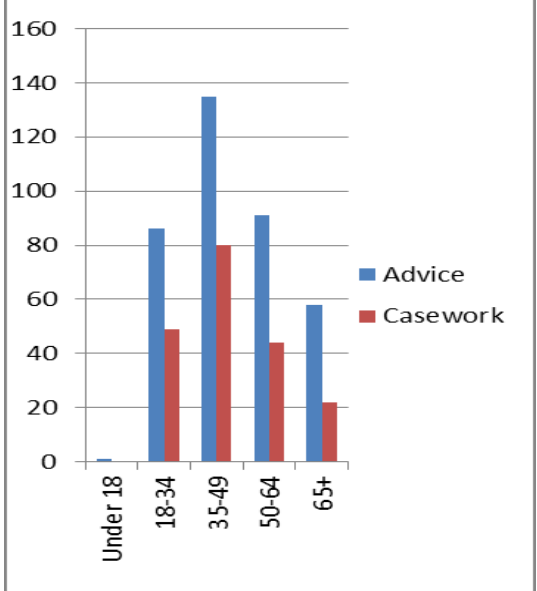
A demographic profile of those who have used the service during 2011/2012 is presented in the various tables below and this represents data on those for whom such information has been provided or collected. The agency does not routinely ask the full range of demographic information, which can be collected on the CLSIS Database, from clients prior to the provision of services, as this can sometimes get in the way of providing assistance where there is a requirement for a client to answer 20 questions before getting help. The agency always ensures that it satisfies its Professional Indemnity Insurance and NACLC Risk Management Requirements, as part of its intake processes prior to giving advice or ongoing casework assistance to ensure that assistance is not provided where there is a conflict of interest identified. The numbers of clients which appear below are less than the numbers of clients detailed overall as the agency provided 95 advices to community organisations and their workers and demographic information is not recorded in these instances.

Gender Breakdown of clients 2011/2012



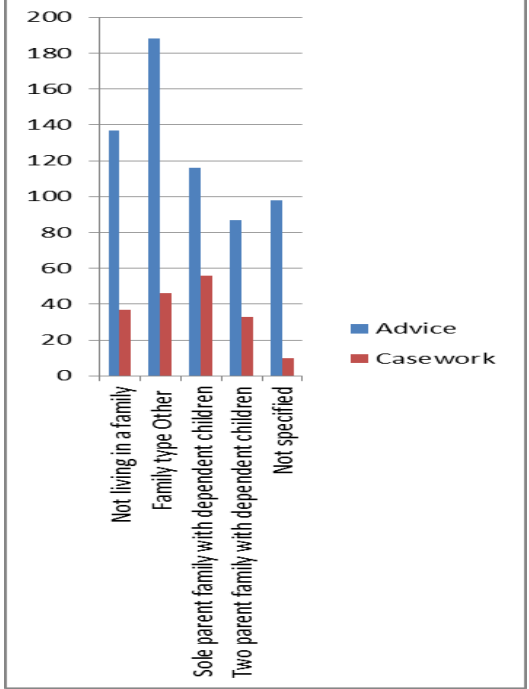
In 2011/2012 the agency assisted more women than men in terms of both advice and ongoing casework assistance. This gender difference is in part because there are more females dependent on income support from Centrelink and the Family Assistance Office and thus needing help.

Age Breakdown of clients 2011/2012

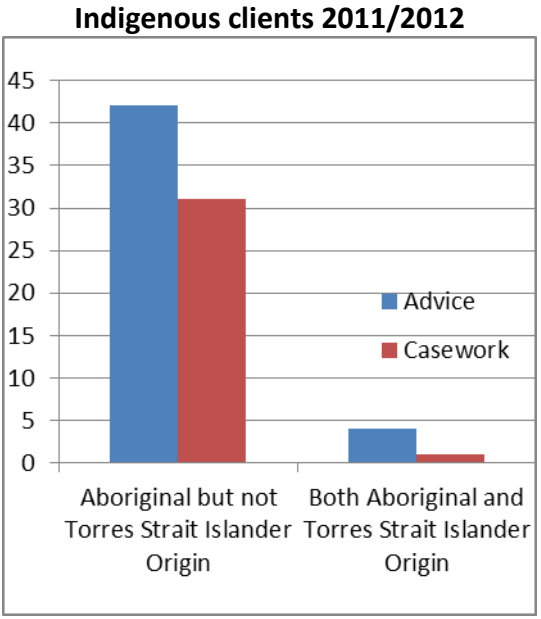


Clients accessed the agency across the range from 18 to 84 years old in the most recent year. The greatest number to access the service for both advice and casework assistance were in the 35 to 49 year old age group.

Family Type of clients 2011/2012



Family type is another area in which information is obtained about those accessing for advice and casework assistance. In 2011/2012 the greatest number of clients accessing for advice assistance were those family type other, followed closely by those not living in a family and then sole parents with dependent children. In relation to ongoing casework assistance sole parents with dependent children was the most represented family type closely followed by family type other.



In 2011/2012, 6% of clients accessing the agency for assistance identified as being of Aboriginal/ and or Torres Strait Islander Origin. This reflects an increase from the previous year and reflects that this particular client group is more likely to be impacted by Department of Housing policies in relation to Anti-Social Behaviour.

Country of Birth	Advice	Casework
Australia	601	184
New Zealand	8	2
United Kingdom	31	7
Europe	38	20
Asia	31	9
North Africa/Middle East/South Africa	38	13
North/South America	6	2

For clients accessing the service for advice over 19% were born overseas and of those 14% were born overseas where the dominant language spoken is not English. Unlike previous years the largest number of our clients who were born overseas accessing for assistance are from Vietnam, closely followed by those from Somalia and Macedonia.

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 and so the agency has had to pay for these services. 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 for community legal services.

Disability	Advice	Casework
Disability Indicator	254**	106**
Dual Disability	18	7
Disability not specified	98	10
Physical	84	35
Psychiatric	118	52
Neurological	3	1
Intellectual	5	0
HIV	2	0
Vision/Sensory	4	1
Other blood borne disease	9	2
Not yet diagnosed	1	1

** Individuals can have only one indicator but multiple and co-existing disabilities can occur.

Of clients accessing the service for advice in the last year, 29.5% indicated that they had a disability. For those accessing for casework assistance almost 42% who had ongoing assistance from the agency

indicated that they had a disability. The prevalent disability type for those accessing for advice and casework assistance from the agency is psychiatric disability.

Income Scale	Advice	Casework
High Income	10	0
Medium Income	32	1
Low Income	659	220
No Income	18	9
Not stated	141	23

Priority for assistance by the agency is targeted to those who do not have the means to obtain legal assistance in the market place and in the latest year, 76% of clients accessing for advice and almost 87% accessing for casework assistance were classified as being on a low income. The agency does provide advice to some on high incomes as the tenancy assistance provided by the agency is directed to all tenants irrespective of means.

Income Source	Advice	Casework
Earned (eg wages and salary etc.)	189	44
Government pension, benefit or allowance	470	183
Income source other	13	4
No income	42	9

The main source of income for those who accessed the service for advice and casework assistance in 2011/2012 was, not surprisingly, those on pensions, benefits and allowances which is 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 they have been provided by Welfare Rights & Advocacy Service.

Community Legal Education

Welfare Rights & Advocacy Service continues to prioritise the undertaking of community legal education activities within its service delivery. In total there were 17 community legal education activities conducted by Welfare Rights & Advocacy Service in 2011/2012 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 2011/2012 the agency utilised the

remainder of one off funding provided by the Commonwealth Attorney in the previous year to conduct an Indigenous Community Legal Education Project in the Kimberley. In 2011/2012 Catherine Eagle conducted community legal education in Broome and Fitzroy Crossing. The agency also conducted community legal education in Albany which was focused on young people and Centrelink.

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:

- Women's Law Centre;
- Street Law;
- Aboriginal Family Law Service - Perth;
- Palmerston Drug Rehabilitation;
- Financial Counsellor's Association
- NWRN Conference;
- Department of Human Service's Service Delivery Advisory Group;
- Legal Aid WA;
- Marninwarntikura Family Violence Prevention Legal Service - Fitzroy Crossing;
- Aboriginal Family Law Service - Broome;
- CLCA WA – CPD Sessions;
- Advocare;
- Young House;
- Albany Youth Services; and
- Department of Human Services – Serious Non Compliance Team.

Law Reform, Policy and Media Activities

In the last year there was a reduction in the numbers of law reform activities undertaken by the agency. This in part has been because it has been for the full year Kate Beaumont that she has not been

the President of the National Welfare Rights Network (NWRN). In 2011/2012 she continued in the role of Vice President of the NWRN.

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:

- Freedom of Information centralisation and standard of FOI requests;
- On line access for Abstudy;
- Parenting Payment changes;
- Closure of WA Legal Services;
- Delays in processing new claims for payment;
- Paid Parental Leave;
- Family Tax Benefit estimators;
- Family Tax Benefit Prohibition; and
- Family Tax Benefit continuous adjustment.

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

- AAT Liaison Meeting;
- ARO Meeting;
- Commonwealth Ombudsman's Office Roundtable and a separate meeting in relation to the DHS Enhanced Review Process;
- DHS Serious Fraud Meeting;
- Civil Law Meeting with Legal Aid WA; and
- Housing Forums.

At a local level the agency participates in a number of regular meetings and forums. 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, Tenancy Network Meetings, Tenancy Policy and Procedure Meetings, 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 2011/2012.

In 2011/2012 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 the NACLCLC and CPD requirements.

Additionally Catherine Eagle is the CLC representative on the Pro Bono Network Working Group. Catherine Eagle and others on the NACLCLC PII Committee spent significant time in 2011/2012 finalising the new Risk Management Guide for Community Legal Centres.

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 2011 Catherine Eagle, Chris Belcher and Kate Beaumont participated in the NWRN Conference which was held in Hobart preceding the National Association of Community Legal Centres (NACLCLC) Conference. 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.

Kate Beaumont has in 2011/2012 continued as an office bearer of the NWRN. Kate has continued to be involved in much of the law reform and legal policy work undertaken by both the NWRN and Welfare Rights & Advocacy Service. Throughout 2011/2012 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 Bi Annual Delegations which met with Centrelink twice in the latest year in October 2011 and March 2012. Both Kate Beaumont and Catherine Eagle participated in the earlier delegation but were not available for the meeting in March 2012. Kate Beaumont also did a number of media interviews in the last year in her role with the NWRN.

Kate Beaumont has continued to represent the Network on the Department of Human Service's Service Delivery Advisory Group (SDAG). This group is the peak consultative forum for Centrelink with external stakeholders on issues of service delivery. This group met three

times in the most recent year. The last of the meetings was a joint meeting with the Consumer Consultative Group (CCG) which has been the peak consultative forum for Medicare. Within SDAG Kate Beaumont has taken on the role of informal convener of the other stakeholders on the committee which has brought with it more responsibilities. Being a member of SDAG allows an opportunity to raise service delivery issues which are confronting the clients who access both Welfare Rights & Advocacy Service and other NWRN member centres. The focus of many of the SDAG meeting related to vulnerable clients.

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 fourth year as the Chairperson of the TLC Emergency Welfare Foundation of Western Australia (Inc.). Glen Williamson was the Deputy Chairperson from July 2011. Daniel Pastorelli has been the Treasurer for a third year in 2011/2012. Luke Villiers continued in the role of Secretary in the most recent year.

The Management Committee has a mix of older and new members with continuing participation from Simon Millman, Luke Villiers, Glen Williamson, and Daniel Pastorelli. Marina Georgiou joined the Management Committee in July 2011 and Jack Nicholas joined the Management Committee in September 2011. Kelly Shay continued as the UnionsWA representative on the Management Committee although she stood down from that position in February 2012. Since that time the UnionsWA representative on the

Management Committee has been awaiting a new appointment.

In the latest year the Management Committee has met on a bi-monthly basis as per the Constitution and Rules. There is capacity for additional meetings and in the most recent year the Management Committee met in both June and July because of the end and start of the new financial year. Moving to bi-monthly meetings has assisted the Management Committee to achieve quorum and in the current year only one meeting had to be rescheduled because quorum was not achieved.

In the last year there were no changes to the staffing of Welfare Rights & Advocacy Service and our core welfare rights and tenancy staff remained Christine Belcher, Marilyn Marvelli, Jeanie Bryant, Catherine Eagle, Paul Harrison, Tom Milton, Christine Carr and Kate Beaumont. In 2011/2012 the agency was required to implement the new NACLRC Risk Management Guide. Catherine Eagle continues to be the Responsible Person for PII purposes.

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. In 2011/2012 staff undertook training related to the refugee experience, cultural competency and working with refugee populations. 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 provided by Legal Aid WA, the Law Society and the CLC Association.

During the year staff participated in various conference opportunities as they arose with Paul Harrison and Chris Belcher participating in the State Tenancy Conference, Kate Beaumont, Catherine Eagle, and Chris Belcher participating in the NWRN Conference in Hobart. Catherine Eagle also facilitated and participated in the twice yearly Legal Practice and Professional Development Meetings which are conducted by CLCA WA.

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 as part of the CLC Association group scheme.

Future Directions


The reality for Welfare Rights & Advocacy Service in the year ahead is that without increased recurrent funding from the Commonwealth the agency will not be able to continue to provide the services that it has. The agency was successful in securing the tenancy contract for the next five years which protects our ability to continue to provide tenancy assistance to our clients. There has not, however been an increase in welfare rights funding for a number of years.

Since 2008/2009 and 2009/2010 when the agency received one off welfare rights funding from the Commonwealth, we have eked that out over a number of years. Coming into the current year the amount has almost been depleted. Unfortunately recurrent funding has not kept pace with increases to the costs of running a community legal centre and in particular our staffing costs.

In the past the Management Committee has sought to recognise the value of its staff through its Enterprise Bargaining Agreement which provides for better employment conditions than that provided under the SACs Award WA. The recent Equal Pay Case recognises that those under the SACs Award are poorly paid for the work they do. The Federal Government has indicated that they will provide additional funding to the community sector to ensure that Commonwealth Funded services are able to afford to pay the incremental wage increases over the next nine years. It is unfortunate; that Welfare Rights & Advocacy Service does not come under the Federal Award and so will not receive additional assistance.

In 2012/2013 the Management Committee has had to look squarely at the services that are provided by the agency and what we are able to realistically do with the funding provided. As a result many of the staff of the agency have agreed to a reduction in hours rather than someone being made redundant. The reduction will impact on the ability of the service to provide assistance to the vulnerable clients who continue to seek help from the agency.

I would like to acknowledge the tireless work of the staff of the agency, as their focus on outcomes for clients drives this organisation and the work that we do. 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 the latest year.



Kate Beaumont
Executive Officer

Treasurers Report for the Financial Year 2011/2012

Another positive year for the agency although in the current year there is an almost \$21,772.78 deficit. Whilst this might seem alarming it comes after the agency had a previous surplus of \$42,307.00 remaining of one off funding provided by the Commonwealth Attorney Generals Department in 2008/2009 and 2009/2010. The agency has used some of those surpluses to augment its welfare rights program over the most current year. At the end of the current year the remaining amount of one off funding brought forward into 2012/2013 is still almost \$13,434.62.

In the current year the agency was funded through five sources and received funding from Commonwealth Attorney General's Departments, State Attorney General's Department, Department of Commerce, Legal Contributions Trust, and the Public Purposes Trust of the Law Society of Western Australia.

At the end of the financial year the agency had \$298,830.56 in its bank accounts. The employee's leave and redundancy provisions totalled \$200,624.85 and other liabilities, these being GST, grants received in advance and creditors, \$17,801.11 giving the agency a cash reserve of \$80,404.60.

The agency is not in as good position financially coming into 2012/2013 as recurrent funding from the Commonwealth has not kept pace with the costs of running the agency. In the coming year the agency will be lobbying and seeking new funding opportunities.

The statements provided in this report are interim accounts, as the audit has not been finalised by the company auditor at this time. These will be finalised in the near future.

Daniel Pastorelli
Treasurer

**Preliminary Financial Statements of TLC Emergency Welfare
Foundation of Western Australia (Inc.) pending completion of Audit**