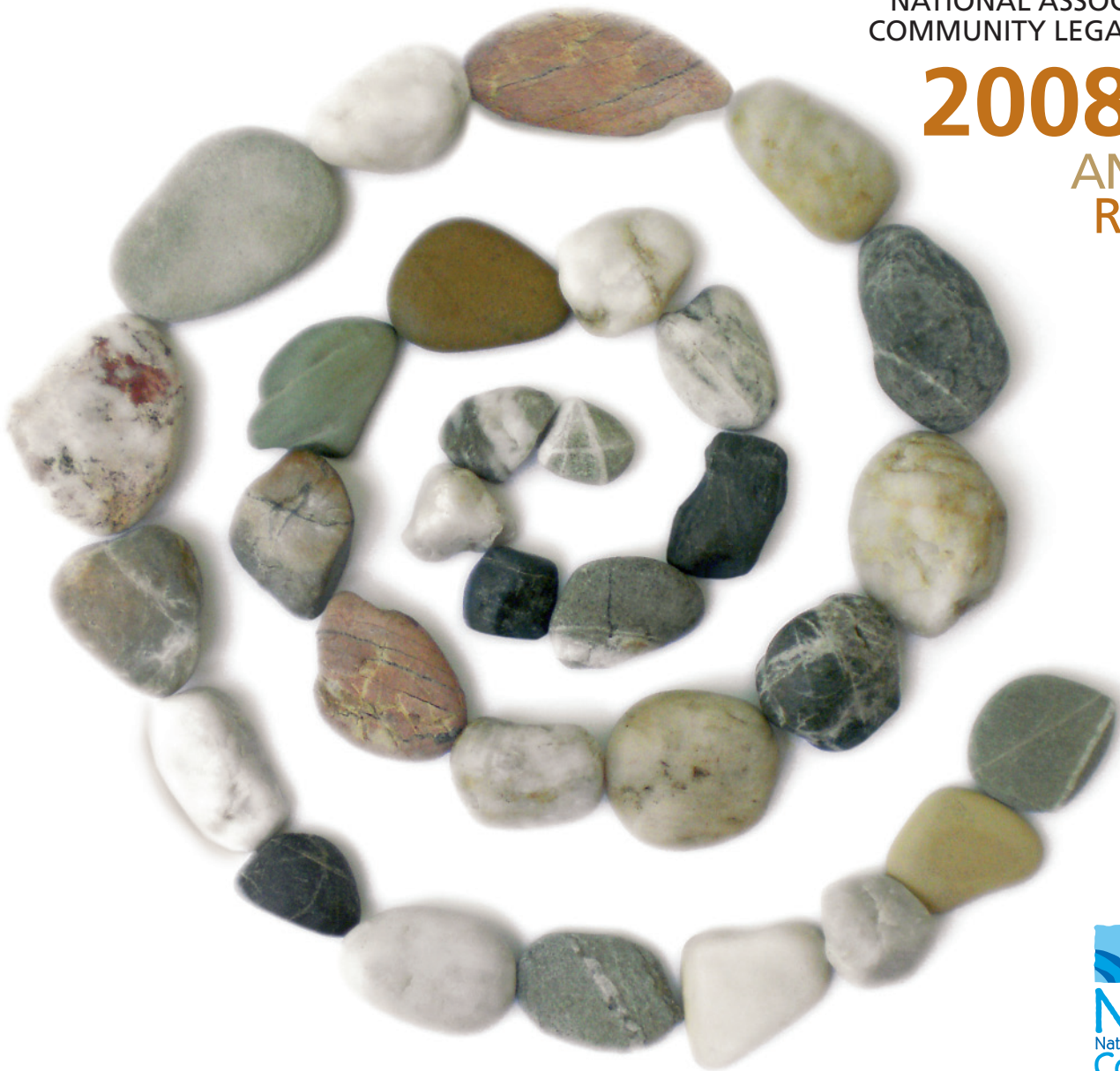


# NACLC

NATIONAL ASSOCIATION OF  
COMMUNITY LEGAL CENTRES

## 2008/09

ANNUAL  
REPORT



PUBLICATION DETAILS

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# *About the* **National Association of Community Legal Centres**

The National Association of Community Legal Centres (NACLC) is the peak national organisation representing community legal centres (CLCs) in Australia. Its members are the state and territory associations of CLCs that, together, represent over 200 community legal centres nationally. NACLC's purpose as set out in its Constitution is to assist disadvantaged and marginalised people in the Australian community obtain access to legal services by:

- supporting and assisting community legal centres to provide these services;
- providing a national forum for community legal centres;
- developing and coordinating national community legal centres' policy;
- advancing the interests of community legal centres within Australia.

NACLC's vision is to actively support CLCs and work to achieve the social inclusion of all people particularly by advocating for equal access to justice and the legal protection of human rights.

NACLC's governing body, the Management Committee, meets several times each year as a group of state and territory representatives and elected national representatives. The work of NACLC is directed by the Management Committee in line with the priorities and the fundamental principles set in the Association's strategic plan. Those principles include respect for human rights and a commitment to being guided by the vision of Aboriginal and Torres Strait Islander peoples in working with them to achieve access to justice. NACLC is committed to adhering to the integrity of its purposes while retaining sufficient flexibility that it can anticipate and respond to emerging or changing issues and needs.

NACLC is funded through contributions from centres, income which it generates and receives some project funding from the Commonwealth Attorney-General's Department and other bodies.

# Community Legal Centres

Community Legal Centres (CLCs) are not-for-profit community-based organisations that provide free legal advice, information and education to their local client communities. CLCs provide equitable access to legal assistance services for disadvantaged members of the Australian community and those with special needs.

CLCs use a strategic service approach to identify legal need, and plan and develop services in response. Service delivery includes providing an integrated mix of information and advice, casework, court representation, outreach work, community development education and capacity building, law and policy reform and advocacy.

CLCs assist their clients wherever possible by way of early intervention strategies to prevent the escalation of problems. CLCs use preventative strategies including informing and supporting people to protect their own rights.

CLCs work collaboratively with their local or special interest communities and with all levels of government, with community and private service providers, interested representatives of business and a number of philanthropic organisations. They also share information and resources among themselves, including operating a number of highly effective specialist national networks of CLC workers.

For over thirty years CLCs have been working for a rights-based approach and equitable access to justice for all Australians to prevent social exclusion. Resolving the causes of legal and related problems has always been a priority of CLCs.

Many CLCs have tailored specific programs and service models for Aboriginal and Torres Strait Islander people and communities and for people from culturally and linguistically diverse backgrounds.

Communities and clients of CLCs benefit from centres' expertise in:

- areas of law in which other providers have no interest, experience and/or expertise
- assisting people with complex and interrelated needs and multiple disadvantages
- assessing and innovatively addressing client needs by providing a responsive and holistic service tailored for the particular client or client group
- recognising that their clients' problems are not only legal and providing a multi-disciplinary service response from a mix of lawyers, community educators, social workers, non lawyer advocates and a range of other compassionate and committed staff and volunteers to get the best outcomes for their clients.

CLCs have a long history of demonstrated success in obtaining, maintaining and leveraging volunteer and pro bono support, directly adding to the size, range and expertise of services available to their clients and communities. The total number of volunteer hours contributed to CLCs has risen to over 329,000 per annum.





# Convenor's Report

The National Association of Community Legal Centres' National Office in Sydney operates like all CLCs – understaffed and under resourced. The tremendous output and commitment of our two full time, two part time and occasional casual staff is part of the strength of our sector. The collaboration of state CLC Associations and the National Office is fantastic. Together we have ensured that our sector remains a major player in the Access to Justice Community in Australia. It is a mark of the respect in which we are held that NACLCL is constantly approached to be part of consultations and submissions.

Major projects are detailed elsewhere in this report. Two that I have been significantly involved with during this year are:

## Indigenous Employment Strategy

This Strategy came from a motion at the 2007 National Conference. It was drawn together by an Aurora project intern, Lauren Hodes. Lauren's work was supervised and assisted by me and Traci Harris, from the Women's Legal Centre ACT and convenor of the NACLCL Aboriginal and Torres Strait Islander Women's Legal Services Network. Thanks to Julia Hall and the National Office for recruiting Lauren and assisting with the final document which will be launched at the 2009 Conference

## Graduate Placements in Regional Rural and Remote (RRR) CLCs

This project started last year. I have met regularly with the project reference group (Rachna Muddagouni, the

Project Officer and Judy Harrison, ANU Legal Workshop and myself). In 2008/09 the establishment phase of the pilot project was completed and students will be placed from July 2009.

## Homelessness

As well as attending a number of consultations around the Green Paper and responses to the White Paper on Homelessness, NACLCL gathered a great deal of information for the Community Legal Sector's presentations on the need to acknowledge the importance of access to justice in services for homeless people.

NACLCL continues to be an active member of the Australian Legal Assistance Forum. ALAF work this year has concentrated on the chronic under funding and under resourcing of the free legal assistance sector. The release of the Indigenous Justice Framework has been a focus; as has RRR retention and recruitment problems.

During May 2009 I attended the QAILS Conference. I was invited to be on the opening panel and to present a paper at a session evaluating Family Relationship Centres at the 2008 Access to Justice Conference.

Many thanks to the state representatives for their hard work and commitment, to all the staff for another year of overachieving and to all the fantastic CLCers who keep the wheels turning.

Liz O'Brien  
CONVENOR



Liz O'Brien

## Staff and Volunteers at CLCs

*From figures provided  
by about 80% of CLCs  
(NACLCL Survey, April 2009)*

State	Full-time staff	Part-time staff	Volunteers
ACT	11	14	49
NSW	264	231	1151
NT	42	14	91
QLD	121	121	783
SA	48	44	84
TAS	13	17	98
VIC	178	283	784
WA	106	165	349
Total	783	889	3389

# Executive Director's Report



Julia Hall

Looking back, 2008/09 seems to have been the year of reviews, consultations and submissions – and projects of course, and, oh yes, the *office move*...

Through the year, NACLC continued to provide commentary and suggested improvements on aspects of the Attorney-General's Department's Report on the Review of the Community Legal Services Program (CLSP) including on a proposed funding model for allocating additional funds, streamlining financial reporting and appropriate outcome indicators for the CLSP.

NACLC also continued to perform its CLSP liaison role on issues ranging from revision of the Service Agreement to ensuring AGD was informed about the effect of the Global Financial Crisis on demand for CLC services. NACLC thanks the staff of the AGD, and the State Program Managers and other colleagues from Legal Aid for their collaborative approach and support.

Partnerships and collaboration with other peak bodies are an important aspect of NACLC's work, and this year, for example, we provided input into the ACOSS submission to the Productivity Commission's Inquiry into the Not-For-Profit Sector, and the Australian Legal Assistance Forum submission to the Senate Inquiry into Access to Justice.

Lobbying for more funding for CLCs remained one of our key priorities and activities. While acknowledging our appreciation of the Australian Government's one off additional funding grants, NACLC continued to argue and made Budget submissions for additional **recurrent** funding for centres already in the CLSP and for additional money to extend the program to other centres.

As part of our sector profile raising and lobbying work, NACLC produced and distributed the booklet *Why Community Legal Centres are Good Value*. An annual publication took a new form this year when Chris Gabelish undertook filming for the latest version of the *CLCs Storybook* – a DVD.

NACLC had many project commitments during the year; a number are mentioned later in this report. The project management demands have been considerable. NACLC has also been involved in two exciting external projects: the NSW Law & Justice Foundation's Data Digest and CLCNSW's project developing excellent tools

for legal needs assessment of CLCs' catchment areas and target groups and strategic planning. NACLC is looking at ways these can be made available to centres outside NSW.

NACLC makes and endorses many submissions, and appears at a range of public forums each year. Sometimes NACLC submissions are written or co-written, and appearances made, by NACLC staff and sometimes by members of the National Networks and other CLC workers. Without the contributions of these many talented and committed people, NACLC could not participate to the same degree. Thank you.

Examples of submissions on matters of policy and law reform made during this year by NACLC alone or in collaboration with other organisations are:

- with the Human Rights Law Resource Centre and Kingsford Legal Centre, the report, *Freedom, Respect, Equality, Dignity: Action – NGO Submission to the Human Rights Committee on Australia's Compliance with the International Covenant on Civil and Political Rights (ICCPR)* (September 2008)
- to the Minister for Competition and Consumer Affairs in support of funding a representative national peak consumer body
- with the LGBT & I National Network, to the PM and other Ministers, on Same Sex Relationships legislative reforms
- to the National Disability Strategy as a member of the Australian Taskforce on the UN Convention on the Rights of Persons with Disabilities Ratification
- to the Senate Education, Employment and Workplace Relations Committee Inquiry into the *Fair Work Bill 2008*
- with considerable input from Bill Mitchell and many CLCs, to the National Human Rights Consultation
- to the Productivity Commission Inquiry into the Not-For-Profit Sector
- to the Senate Legal and Constitutional Affairs Committee on Access to Justice

Some forums where NACLC representatives appeared this year were:

- Federal Criminal Justice Forum, Canberra
- Inaugural Family Law Conference, Canberra
- Senate Standing Committee on Legal and Constitutional Affairs Inquiry regarding the effectiveness of the SDA, Sydney
- Department of Foreign Affairs' NGO Consultations, Canberra
- UN Human Rights Committee responsible for monitoring the implementation of the ICCPR, Geneva
- stakeholder consultation with the National Alternative Dispute Resolution Council on ADR in civil proceedings, Sydney
- UN Human Rights Committee responsible for monitoring the implementation of the ICESCR, New York
- meeting of the International Coordinating Committee of National Human Rights Institutions concerning UNCSD 53, Geneva
- Family Court Chief Justice's Forum, Melbourne

NACLC also continued work, with the State Associations, on devising and implementing common membership rules for Associations of CLCs. This project is also aimed at introducing accreditation and certification criteria for CLCs, to protect the CLC 'brand' and CLC clients from 'lookalike' services that may not share key CLC features or values.

NACLC services provided to CLCs during this year included the highly successful – and biggest yet – National Conference in Darwin in August 2008, free CLSIS training (face to face and now also remotely via WebEx), the BBS and free BBS training, the CLCs Directory, subsidised support for the National CLC Networks, substantially discounted professional indemnity and other insurances, free access to a range of WebEx collaborative online services, and a new package of free online legal resources and a related discount purchase arrangement from Thomson Reuters. *The National Management Committee Guide for CLCs*

was launched at the National Conference in August 2008 and hard copies provided to each CLC.

We continued to look for ways we can improve our services and support for CLCs. In response to hearing about frustrations with aspects of the BBS, we reviewed the BBS to devise ways of improving its utility and user friendliness. We have sought funding to enable us to implement the review recommendations.

This year Australia suffered some of its worst natural disasters. By their responses, CLCs again showed that their flexible service delivery model and passionate commitment to meeting their communities' needs, ensures a service that is prompt, practical, collaborative and tailored to people's needs. NACLC was pleased to be able to support and obtain some funding for the CLCs assisting the people affected by the Victorian bushfires and the FNQ floods.

There have been quite a few changes at the NACLC office this year. In February 2009, we moved into slightly larger premises; the small geographic change in no way reflecting the amount of work involved. Sadly, Sarah Mitchell resigned. Chris Maddison, Finance Officer, and I are now the longest serving employees, both of us having started in January 2008. Inevitably, with these changes in such a small organisation (NACLC is presently 3 FTE), we may in this time have taken longer to respond than we would like. Thank you for your patience.

I also take this opportunity to record my thanks to the NACLC staff who worked with me this year, particularly Chris, Sarah, Jane and Sue – and Polly who made a huge contribution in a short time; our consultants who work on various NACLC projects and services; the NACLC Management Committee; convenors and members of the national networks and our colleagues in the state and territory Associations. Thank you all for your contributions.

*Julia Hall*  
EXECUTIVE DIRECTOR

# Report against NALCLC Priorities & Projects for 2008–09 identified in *NALCLC 2007/08 Annual Report*

PRIORITY, PROJECT AND AIM	STATUS
<b>PRIORITY 1: IMPROVEMENT OF THE COMMUNITY LEGAL SERVICES PROGRAM</b>  <b>Project 1.1: CLSP Review –Response &amp; Negotiation</b> CLSP Review recommends changes that improve CLC capacity to provide services, that enhance service delivery, that improve the outcomes for CLC clients and their communities, and respect the independence of CLCs. NALCLC provides effective coordination and representation of CLCs' feedback on CLSP Review Report in consultation process and implementation of recommendations	Completed  Achieved in 08/09 and ongoing in 09/10
<b>Project 1.2: Negotiate 2009–2012 CLSP Service Agreement</b> Ensure 2009–2012 CLSP Service Agreement reflects the requirements of all stakeholders, is easily understood, and the reporting requirements supply information that is useful to all stakeholders	Agreement rolled over for 12 months; negotiation on new Agreement ongoing
<b>PRIORITY 2: BROAD COMMUNITY RECOGNITION OF CLCS AS A QUALITY LEGAL SERVICE PROVIDER</b>  <b>Project 2.1: Branding of CLCs &amp; Implementation of the Quality Mark</b> Recognition of NALCLC logo as a mark of quality, recognition of the availability, type and quality of services provided by CLCs, and a system in place to ensure that CLC services are of a high standard and are delivered in accordance with agreed recognised principles	Common membership rules for Associations of CLCs & NALCLC accreditation criteria finalised and sent out – November 2008; application for certification trademark and draft certification rules submitted to ACCC – February 2008, awaiting registration determination
<b>Project 2.2: CLCs Storybook DVD</b> Greater awareness of the work of CLCs and its importance, greater awareness of the availability of CLC services	Filming completed, in editing and design process, expected to be finalised September 2009
<b>Project 2.3: <i>Why CLCs are Good Value</i> booklet</b> Greater awareness of the work of CLCs and its value	Completed and distributed September–October 2008
<b>PRIORITY 3: BE AN AUTHORITATIVE VOICE ON JUSTICE ISSUES</b>  <b>Project 3.1: Doing Justice – Indigenous Justice</b> Improved non-Indigenous understanding & support of Indigenous issues	ATSIWLS rep on NALCLC Management Committee; NALCLC Indigenous Employment Strategy project commenced & completed (launch planned for September 2009); ATSIWLS National Network supported; and subsidies obtained to enable more Aboriginal CLC workers to attend National Conference
<b>Project 3.2: Doing Justice - Human Rights</b> Shadow Reports on ICCPR & ICESCR	Reports completed and submitted, NALCLC delegates at UN Committees' sessions in New York and Geneva
<b>Project 3.3: Doing Justice: Northern Territory Emergency Response</b> Investigate how CLCs can assist in dealing with social security issues arising from the NTER, apply for & support NT services	Investigation and pilot CLE project completed, new project devised and funding obtained, welfare rights lawyers placed with NAAJA and CAALS – ongoing

PRIORITY, PROJECT AND AIM	STATUS
<b>PRIORITY 4: CENTRE SUPPORT</b> <b>Project 4: Provision of Services to CLCs</b>	All previous services & training continued, new package of free online legal resources obtained, <i>Management Committee Guide for CLCs</i> launched & sent to CLCs, WebEx collaborative products provided, free advice on telephony options for CLCs obtained
<b>PRIORITY 5: NETWORK SUPPORT</b> <b>Project 5: Facilitate collaboration between CLCs by provision of support to the national networks</b> Active and effective national networks	Regular PLU meetings of most networks, new networks commenced, range of successful network meetings at Conference; subsidised by NALCLC
<b>PRIORITY 6: MEMBER/ ASSOCIATION SUPPORT</b> <b>Project 6: Assist State associations in their work</b> Effective collaborative relationship with State associations	Maintained existing relationships & new collaborative projects conducted, eg accreditation project & CLSP Review responses; with Vic Fed – support for CLCs responding to bushfires; with WA CLC – organising 2009 Nat Conf; with NSW CCLCG – Legal Needs Assessment Framework project
<b>PRIORITY 7: NATIONAL CONFERENCE</b> <b>Project 7: Run the national conference – well-attended, well-run and well-evaluated</b>	Darwin Nat Conf had most attendees ever and generally very positive evaluations; regained Cth funding for subsidies for RRR attendees; successful involvement of overseas delegates; conducted survey to inform programming of future conferences

## ► New NALCLC Strategic Plan for 2009–2010

The NALCLC MC has developed a draft Strategic Plan for 2009–2012, which will be finalised shortly. A detailed Workplan for 2009–2010 is being drafted. A summary of the final Strategic Plan will be available on the NALCLC website. The Plan identifies NALCLC's Strategic Goals for the 2009–2012 period as:

- 1 NALCLC will operate on a basis that is viable and sustainable
- 2 NALCLC will develop and maintain mutually beneficial partnerships within the sector and with its key stakeholders, seeking and listening to the views of CLCs and the communities they seek to serve
- 3 NALCLC's work and operations will reflect its commitment to human rights protection and to achieving justice for Aboriginal and Torres Strait Islander peoples
- 4 NALCLC will develop and implement policies and projects that
  - promote and progress the use of evidence based research on legal and related needs
  - are based on current best practice, and
  - are aimed at improving the quality and consistency of CLCs' services
- 5 NALCLC will be an organization that
  - has transparent decision-making
  - provides for accountability at all levels at all times
  - has effective communication internally and externally
  - exhibits its organisational values at all levels, and
  - values its staff, management and volunteers and provides its staff with opportunities to develop their skills and supports them in their work/life balance
- 6 NALCLC will plan for its future
- 7 NALCLC will take opportunities to strengthen relationships and communities in order to promote social inclusion



# >> Some NACLC Major Projects of 2008/09



## SHADOW REPORTS TO HUMAN RIGHTS COMMITTEES

In September 2008, NACLC, the Human Rights Law Resource Centre and Kingsford Legal Centre, submitted a major NGO report, *Freedom, Respect, Equality, Dignity: Action to the UN Human Rights Committee on Australia's Compliance with the International Covenant on Civil and Political Rights (ICCPR)*. The report was compiled with the assistance of substantial contributions from over 50 NGOs across Australia and

was endorsed, in whole or in part, by over 200 NGOs.

In March 2009, an Addendum was submitted, updating the Committee on major human rights developments since September 2008.

In May 2009 Annie Pettitt represented NACLC and KLC at sessions of the UN Committee on Economic, Social and Cultural Rights in Geneva to present on the first FRED Report (April 2008) and provide further material on ICESCR, working with representatives from the HRLRC, Amnesty and FAIRA. In conclusion, the Committee Chairperson, Jaime Romero Marchan, said that their presentation had been one of the best and most effective made to the Committee.

## PUBLICATIONS

NACLC produces a range of publications for its own and centres' use: from resource guides concerning aspects of centre operations to information and lobbying material. This year NACLC published:

- the *National Management Committee Guide for CLCs*: information and helpful resources about the role of a CLC management committee member, and related train the trainer material (launched in August 2008)
- a report on *Developing a methodology for the measurement of CLC outcomes*: discussion of appropriate performance indicators for CLCs that reflect the complexities of CLC work and capture the immediate and second order outcomes achieved, and



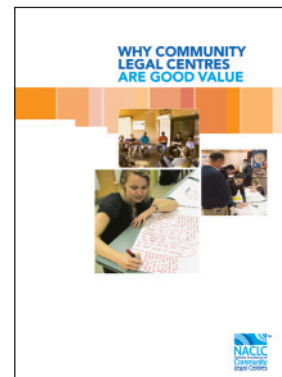
**Darwin Community Legal Service Indigenous Aged/Disability Advocates delivering advocacy skills workshop at Wadeye in the NT** PHOTO: DARWIN CLS

- **Why CLCs are Good Value:** a brochure that highlights the economic value and social benefit of CLCs' work.

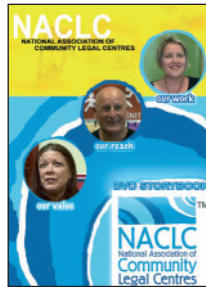
In 2008/09, NACLC also completed work on two other publications that will be available to centres by early September 2009:

- **Community Legal Centres – Putting Social Inclusion into Practice**, a brochure that examines the work and approach of CLCs matched against the Australian Government's Social Inclusion Principles, and
- **NACLC Indigenous Employment Strategy**, a brochure that outlines some of the ways in which CLCs can proactively encourage, support and improve their recruitment and retention of Aboriginal and Torres Strait Islander employees.

This year NACLC has branched out into an electronic 'publication', with the *CLCs Storybook* being prepared as a DVD. NACLC is grateful to Chris Gabelish who took time out from his centre in Geraldton to conduct an around Australia CLCs filming trip in April 2009. The project is jointly funded by pro bono contributions



from law firms Freehills, Mallesons Stephen Jaques, Maddocks and Gilbert & Tobin, the Attorney-Generals' Department and NACLC. The DVD is being produced by Dragonfly Media. We look forward to seeing these stories of CLC clients when the DVD is launched at the National Conference in September.



### PROTECTING THE CLCS 'BRAND' BY TRADEMARKING, COMMON MEMBERSHIP RULES, ACCREDITATION & CERTIFICATION

NACLC has continued its work this year to protect the CLCs' 'brand' and clients from 'lookalike' services that do not share CLC values or features. Previous steps have included trademarking the NACLC logo and the NACLC logo with the words "This Centre is accredited by NACLC".

This year the State Associations have been deciding whether to adopt into their constitutions the proposed Common Membership Rules drafted by NACLC in consultation with state/territory representatives. These Rules require full members to satisfy NACLC accreditation criteria.

In early 2009 NACLC submitted draft Certification Rules as a step in obtaining a (more enforceable) Certification Trademark (CTM) that can only be used by certified centres. The Certification Rules also refer to the accreditation criteria. After some questioning by the ACCC, the application was accepted for registration in May 2009. If there is no opposition after three months, the CTM will be registered.

NACLC has commenced developing options for a process for implementing accreditation and certification. State Associations will be involved in deciding on the final process. NACLC is very aware of the importance of not adding to the administrative load of either the Associations or centres, and will also be seeking funding for additional resources to support the process.

### PLT LAW INTERNS IN RRR CENTRES PROJECT

This project is aimed at encouraging law graduates to work in regional, rural and remote CLCs for their Professional Legal Training work experience and to consider RRR CLCs as a career option. The first year was for a feasibility study and AGD have made a second grant to enable us to continue that study, which now includes evaluating a number of actual placements NACLC and the ANU Legal Workshop have arranged with RRR CLCs and to continue to refine the application and placement process.

Law Graduates for CLCs in **Rural, Remote & Regional Australia**



### FREE ONLINE LEGAL RESOURCES

A fresh application from NACLC in late 2008 secured three years funding from the Attorney-General's Department for a new package of free online resources and an optional additional discount arrangement from Thomson Reuters for centres via the BBS. As part of this arrangement, Thomsons also provides free training at CLC conferences.

### WEBEX AND CLSIS TRAINING

Early in 2009, NACLC secured further funding from AGD for another year's licence of a range of WebEx collaborative online services. After a slow start, WebEx is being used by a number of centres and CLC networks for training, particularly for CLSIS, meetings and even remote service delivery. It is also being used by our CSIS trainer and IT consultant, Finrea, to provide IT support remotely.

Both face to face and remote CLSIS training using WebEx have continued to be provided throughout the year.

### TELEPHONY

This project's aim was to identify a common best option for telephony for CLCs and to provide practical advice for centres considering purchasing. After extensive investigation and some practical trials, our consultant, Finrea, came up with a recommendation in April 2009. This was advertised to centres and some practical guides were developed and made available via the BBS. Centres wanting assistance in this area can contact Finrea for free advice as part of this project.



# CLCs – centres of excellence

CLCs contain many lawyers and other workers who are experts and leaders in their field, be it an area of law or practice or a type of work such as community legal education or law reform activity.

Some of the CLC workers who won awards during 2008/09 were:

**Bill Mitchell**, principal solicitor of **Townsville Community Legal Service**, was awarded the **Australian Human Rights Commission's Law Award** (2008) in recognition of his work in the promotion and advancement of human rights through the practice of law.

**Refugee and Immigration Legal Service (RAILS) of West End, Qld** won the **Australian Human Rights Commission's Community Award – Organisation** (2008), in recognition of its contribution and efforts as an independent not-for-profit organisation specialising in refugee and migration law.

**Marika Dias** of the **Western Suburbs Legal Service** was awarded the **New Lawyer Award** in the 2008 Law Institute of Victoria's President's Awards. Marika has established herself as an expert on Australia's anti-terrorism laws and a prolific policy submission writer and committed advocate.

**Peter Noble** of the **Lodden Campaspe CLC** won the **Community Award** in the 2008 Law Institute of Victoria's President's Awards in recognition of his work at this innovative centre.

**Lodden Campaspe CLC** itself received the **Tim McCoy Award 2008** at the same awards, for outstanding work in the access to justice sector.

**Footscray CLC** received, for its legal service for African refugees, the **Victorian Women's Trust Essie Burbridge Award** for outstanding achievement by community organisations in promoting understanding and combating racism.

**Heidi Yates** of the **Women's Legal Centre** in Canberra was awarded the **ACT Young Lawyer of the Year** for 2008.

**Citizens Advice Bureau (CAB) WA** won the **Richard (Dick) Fletcher Award** awarded by the Department of Commerce, Consumer Protection. **Pilbara Community Legal Service** was also a finalist.



**Bill Mitchell**, Townsville Community Legal Service, at the Australian Human Rights Commission's Law Award ceremony.

PHOTO: MATTHEW SYRES  
[www.matthewsyres.com.au](http://www.matthewsyres.com.au)



**Marika Dias**, Western Suburbs Legal Service, with her New Lawyer Award at the 2008 LIV Awards Presentation ceremony.

PHOTO: LAW INSTITUTE OF VICTORIA

# 2008 National CLCs Conference

The 2008 Community Legal Centres National Conference, *Just is as Just Does: Community Legal Centres Working for Justice* was held in Darwin from 17–20 August. The program had a strong emphasis on human rights and Indigenous people.

The purpose of the National Conference is to bring together CLC workers and interested parties from throughout Australia and nearby to share their experiences, skills and strategies to use the law creatively to achieve just solutions for CLC clients and communities. CLC workers came from every state and territory, as well as representatives from the Commonwealth Attorney-General's Department, Legal Aid Commissions, private legal professionals and elsewhere; in total we had 451 delegates.

Attendees from overseas included Richard Small, from the Coalition of CLCs in New Zealand, Lady Hilan Los and Onnie Teio from the Law and Justice Sector Secretariat, PNG. In addition, ten delegates from East Timor, Philippines, Indonesia, Fiji, Vanuatu, Samoa, East Timor and West Papua attended the conference with funding obtained by NACLC from AusAID's ISSS program.

As always, the conference was preceded by a designated National Networks day, where CLC workers operating in specialist areas met up to discuss and learn about new and emerging issues facing CLCs and their client base, and to formulate creative and positive ways in which they might address them. Seventeen National Networks met during the conference. We are grateful to Charles Darwin University for generously donating its facilities for the Network meetings.

On Sunday night Greg Shanahan, CEO of the NT Department of Justice spoke at the Welcome Reception. A large number of the local legal community also attended.

The Conference proper commenced on Monday 18th August, with a Welcome to Country from Richie Fejo of the Larrakia Nation. The Hon Robert McClelland MP, Commonwealth Attorney-General formally

opened the Conference, making some very positive statements about the sector.

In keeping with the emphasis on Indigenous peoples' issues, the first plenary was on the Australian Government's Intervention in the NT. Speakers were Barbara Shaw (executive member of Tangentyere Council) and Maureen Colley (National Manager Indigenous Unit, Commonwealth Ombudsman). Other key-note sessions addressed human rights, environmental justice and Indigenous communities, social exclusion, homelessness and access to justice.

In addition there were 38 sessions presented by CLC workers, as well as a session by the International Delegates speaking about their work.

Many thanks go to the Conference Organising Committee, Northern Territory Association of CLCs, Marilyn Hall and Brooke Lennon.



Hon. Malarndirri McCarthy, MLA, Minister for Children and Families, Northern Territory Government, speaking on 'Walking Together Towards Statehood', and Liz O'Brien, NACLC Convenor, at the Human Rights Plenary. PHOTO: BELINDA LO

# Insurance and Risk Management

NACLC manages and coordinates a number of insurance schemes for the benefit of CLCs. Once a centre becomes a member of a State or Territory Association, they have the option of joining one or more of NACLC's nationally negotiated and highly discounted insurance schemes, including Professional Indemnity Insurance (PII) and Associations Liability Insurance (formerly Directors and Officers Insurance), and are covered automatically by NACLC's free Public Liability insurance.

## Professional Indemnity Insurance (PII)

The NACLC bulk PII scheme and its associated Risk Management regime continues to be a successful and cost-effective way for CLCs to manage both their risk and their PII. 166 Centres participated in the NACLC PII scheme in 2008–2009. The premium remained low, significantly due to CLCs' low risk record.

The *Risk Management Guide*, annual cross-checks and compulsory state PII meetings help individual centres understand and manage risk in their legal practice, identify possible new risks and act to minimise risks and prevent and/or mitigate claims being made against them. The scheme also gives centres and their people responsible for the legal practice access to an experienced PII state representative (and through them, the National PII Committee) who can assist them with any questions they may have about their risk and managing their files and legal work. PII State representatives freely and generously give their time to supporting centre workers with risk and insurance issues and are a great resource, particularly for less experienced lawyers and centres.

Each state PII representative sits on the National PII Committee. This committee met nine times during the year by telephone link up and face to face at the National Conference. The National PII Committee continued to guide the PII scheme with a steady and sensible hand. NACLC thanks the individual members for their continued participation, their thoughtfulness and skill in considering and answering the big insurance questions and the help they are always willing to lend to CLCs and the National Office.

NACLC thanks the Australian Government Attorney-General's Department for again granting a significant

amount towards the payment of the premium for the 2008/09 PII Policy for centres. Thank you also to Victoria Legal Aid and the Queensland Law Society who contributed to the premium costs for CLCs in their respective states.

## Public Liability

NACLC continues to offer free public liability cover to all centres that are members of State or Territory Associations of CLCs. The national policy was renewed on 1 January 2009 and it means that all member Centres and their branch offices in Australia have public liability cover to the limit of \$20 million, at no cost to them.

## Associations Liability (formerly Directors and Officers) Insurance

The bulk Associations Liability Insurance Policy was renewed on 1 March 2009 at the same rate as last year. The scheme now covers 138 centres.

The Associations Liability Policy covers CLCs' Board Members (past, present and future) against any claims for 'wrongful acts' committed or alleged to have been committed by them in their capacity as Directors or Officers and provides cover for the Legal Centre entity, the Centre Manager and Board Members against employment practice claims, such as wrongful dismissal or discrimination claims. Claims for wrongful acts including defamation are also covered.

## Office Pack insurance

As part of the negotiated services, CLCs are also able to take out if they wish a reduced price but comprehensive Office Pack insurance.

## NACLC & State Associations policy

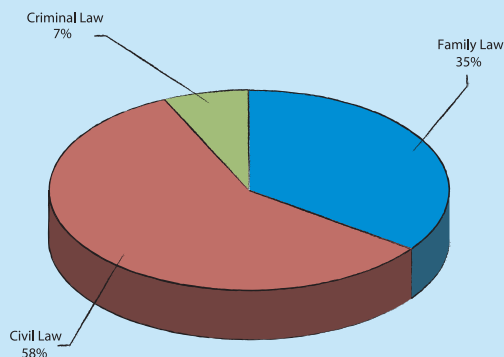
Late in the 2008/09 year, NACLC and a number of the State Associations took out a separate policy to that for CLCs. Associations covered are NACLC, QAILS, NSWCLC, The Federation of CLCS (Victoria) & SACCLS.

## Our broker, AON

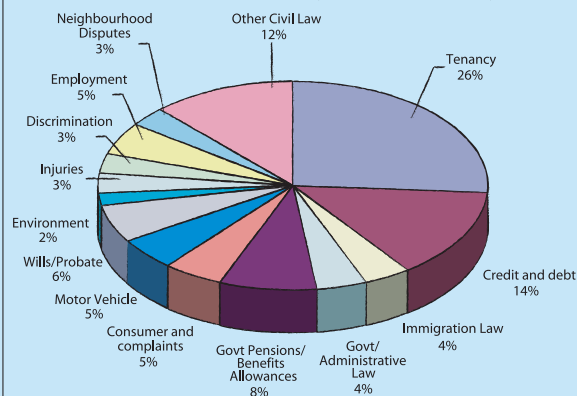
NACLC works closely with AON Risk Services Australia Limited in Adelaide to provide these insurances. We would like to thank Wayne Trezona and the other staff involved with our account at AON, for their patience and willingness to help.

# 2008–09 CLSP CLCs Advice and Casework Services

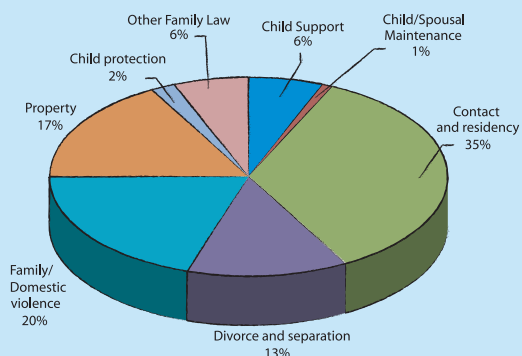
Area of Law – National Percentage



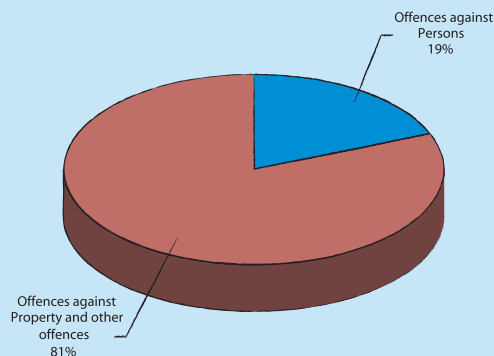
National Percentage – Civil by First Level Problem Type



National Percentage – Family Law by First Level Problem Type



National Percentage – Criminal Law by First Level Problem Type



## National CLC Activity Profile 2008/09

In 2008–09 the CLCs in the Commonwealth and State Community Legal Services Program:

- provided over 171,000 information, support and referral services
- provided more than 209,000 individual advices
- worked on over 61,000 individual cases
- concluded over 2,800 community legal education projects, and
- finalised around 1000 law reform or policy projects.

These figures show a very significant rise of over 20% in casework and information & referrals, from the 2007/08 figures. Individual advices were slightly down on last year's figure of 211,000, which is to be expected with so many more matters turning into ongoing casework.

## PRO BONO SUPPORT

NACLCL benefits, as many CLCs and the State Associations do, from advice and practical assistance from pro bono support, especially through the pro bono schemes of the major law firms. NACLCL accesses this assistance directly through its relationships with the Pro Bono Coordinators of the firms and through the Public Interest Law Clearing Houses (PILCHs) in various states. During the course of this year, NACLCL was greatly assisted by PILCH in NSW, not least for obtaining for us excellent legal assistance from the firm Carroll & O'Dea Lawyers concerning our new lease and other legal issues arising from our office move. We thank both organisations and the individuals involved.

NACLCL also thanks DLA Phillips Fox and the Legal Aid Commission of NSW for allowing us to use their conference rooms and facilities for some of our Management Committee and consultation meetings. Your support is greatly appreciated. We'll be back.

A large thank you goes to the lawyers at Gilbert & Tobin for their expert legal assistance and patience in guiding us through NACLCL's application for a Certification Trade Mark. Is it really true that all pro bono clients are so demanding?

From time to time NACLCL works with the National Pro Bono Resource Centre on pro bono and other access to justice issues or projects. We appreciate this strategic collaboration and the Centre's efforts to boost pro bono contributions from law firms around Australia.

Finally and most importantly, NACLCL thanks the thousands of people who volunteer each year at CLCs throughout Australia.



## STRATEGIC ALLIANCES

### Australian Legal Assistance Forum

NACLCL is a member, along with National Legal Aid, the Law Council of Australia and the Aboriginal and Torres Strait Islander Legal Services Forum, of the Australian Legal Assistance Forum (ALAF). ALAF was established in 1998 to enable these organisations to consider and address Australian legal assistance issues in a co-operative way and to make co-ordinated recommendations on those issues.

NACLCL's representatives are Liz O'Brien and Julia Hall. ALAF meets several times a year, often at the Law Council office in Canberra, and most recently at Victoria Legal Aid. Members also discuss matters and comment on submissions etc by email. On occasions members of the Commonwealth Attorney-General's Department attend part of ALAF meetings to discuss issues of mutual interest.

Some of the major issues that ALAF dealt with in 2008/09 were:

- ALAF submission to the Senate Inquiry into Access to Justice 2009
- negotiating and agreeing an ALAF Statement of Co-operation formalising the co-operative relationships among its members
- ALAF campaign to lobby for more funding for legal assistance services
- ATSIILs remuneration
- meeting with Laurie Glanfield in his capacity as Secretary of SCAG to outline the role of ALAF and discuss the current agenda priorities of ALAF and SCAG respectively
- proposed Indigenous social inclusion legal assistance fund
- updates concerning the work of the state LAFs
- national Indigenous law and justice framework.

### ACOSS

Julia Hall provided material and detailed comments to the ACOSS consultant preparing the ACOSS submission to the Productivity Commission's Inquiry into the Not-For-Profit sector.

Liz O'Brien attended the ACOSS Conference on the 2-3 April 2009 in Sydney.



# A strong, innovative and collaborative sector

*The over 200 CLCs across Australia employ over 1670 staff and utilise the services of over 3390 volunteers working as lawyers, management committee members and in many other roles. Together these people keep their centres at the vanguard of social inclusion and the fight for equitable access to the justice system. They do so in a range of innovative and collaborative ways, making the best of the resources they have, and doing their best to get where they are needed. Here are some examples.*

Responsiveness, flexibility in tailoring services and delivery locations to suit community needs, and a demonstrated commitment to collaboration: **Victorian Bushfire Legal Help**

The bushfires of February 2009 brought the Australian community together in an unprecedented show of support for the thousands of people who lost family members and homes.

Community legal centres in the fire-struck regions, the Victorian Federation of CLCs and the Public Interest Law Clearing House worked with Victoria Legal Aid, the Law Institute of Victoria and the Victorian Bar to create Bushfire Legal Help and maintain its services as needed by the communities. BLH included:

- a helpline providing legal advice on topics as diverse as deceased estates, employment rights, disputes about fire-damaged properties, insurance, and rights to appear before the Royal Commission
- face-to-face legal help in the main fire-affected towns coordinated by a local lawyer, often from a CLC
- factsheets and other resources available on a website
- casework taken up by lawyers from CLCs, Legal Aid and private firms.

The expertise of CLCs – their contacts in local communities and their experience in training volunteers, coordinating rosters, developing plain-language resources and working with people in crisis and who have suffered trauma – all proved invaluable in shaping BLH. When the fires first hit, Victorian CLCs were able to draw on the community response experience of CLCs in other parts of Australia previously affected by natural

disasters, such as the Canberra bushfires and Queensland floods and cyclones, and even adapt some of the resources developed by those CLCs. Strong existing relationships among Victorian CLCs and with other legal assistance providers facilitated communications and responses.

The Victorian CLCs most directly involved in providing services to people affected by the fires were provided with great support by the Federation of CLCs, which also worked closely with NACLC. As soon as CLCs were responding, NACLC was informing government of the legal needs being encountered and the CLCs' proactive responses. NACLC was pleased that this ultimately resulted in a special one off grant from the Australian Government of \$220,000 for support for those CLCs most involved in dealing with people affected by the fires.

Meeting the challenges of addressing clients' needs with limited resources:

## **Geraldton Resource Centre and their paralegal service delivery**

Geraldton Resource Centre (GRC) has a service area roughly 3 times the size of Victoria, which it services from two offices, 470km away from each other. The Geraldton office is located a mere 420km north of Perth. Recruitment and retention of solicitors is an ongoing concern, as is the situation for many RRR Centres.

To ensure that their communities did not continue to be affected by gaps in service delivery when solicitors left, GRC employed paralegals whose work is closely supervised by the centre's Principal Solicitor. In fact, the Principal Solicitor is so busy supervising the work conducted by the paralegals, she rarely gets to see clients herself. Working closely together though, they ensure that the



**CLC lawyers going where they are needed: staff from WLS NSW about to fly into regional, rural and remote areas of NSW to provide legal assistance where there are no other appropriate services available.**

PHOTO: WLS NSW

## A strong, innovative and collaborative sector

information, advice and casework undertaken by the paralegals are of high quality and complies with the PII and risk management scheme.



Geraldton has other ways of involving its community and getting messages across: here are kids at Geraldton Resource Centre's Money Business Fun Day 2009 PHOTO: GRC

GRC has found that the paralegals also bring many other skills to their positions, as they have often previously been employed in areas such as youth, education, seniors, community development, and that this sometimes means they are able to identify other non-legal options to be considered. GRC has also found that paralegals are often embedded in their community and are therefore more likely to

stay with GRC than solicitors who are more likely to do only a year or two stint in the country.

GRC currently employs 9 paralegals, allowing the GRC to provide substantially more legal services than would be the case if they employed solicitors only.

### Strong and innovative partnerships: **North Queensland Aboriginal and Torres Strait Islander Women's Legal Service**

Based in Townsville, the North Queensland Aboriginal and Torres Strait Islander Women's Legal Service has regular outreaches to communities with large Indigenous populations such as Cardwell, Tully, Innisfail and Yarrabah. Because the Service can only visit each town once a month, the key to its ability to provide services is the development of strong partnerships with local community organisations.

One example is the legal centre's partnership with the Indigenous Community Justice Group in Innisfail. Since Cyclone Larry in 2006, Innisfail has experienced a rental crisis affecting many Indigenous families. Rents have risen and low-cost housing is scarce. This causes evictions, insecure accommodation, overcrowding, and exacerbates family violence and child

protection problems. Innisfail has no local legal services so the Community Justice Group is the key contact for Aboriginal and Torres Strait Islander people experiencing legal problems.

The legal centre has developed a close working relationship with the Justice Group, including:

- seeing clients at the premises of the Justice Group
- providing legal information and advice over the phone to the Justice Group and their clients
- providing ongoing casework assistance, including drafting of court documents, for many women whose main contact point is through the Justice Group.

With this relationship, the legal service can access this extremely disadvantaged group of people.

### Working inclusively with their communities and client groups: **Mental Health Legal Centre Victoria**

Victoria's Mental Health Legal Centre involves its community – clients and people with experience of the mental health system – in all aspects of its services. Three examples are:

- The Centre's constitution requires that at least three members of the committee of management are consumers of the mental health system, and contains a range of participation policies including that consumer members receive an expense allowance for their participation and that selection panels for Centre jobs include a consumer representative from the Committee
- Community legal education activities are often conducted in consultation with consumers – for example a consumer focus group to revise the centre's Patients' Rights Booklets
- Consumer views influence policy and law reform work – through individual client experience, targeted consultation and facilitating consumer participation in external processes – for example the centre arranged for a psychiatric survivor (as this person describes themselves) to present at a forum on the Review of the Victorian Mental Health Act.





## AUSTRALIAN CAPITAL TERRITORY

Deb Phippen  
ACT rep

The unfunded ACT CLC network consists of 5 centres. Centres meet regularly to share information and organise joint work. Highlights and issues for this year include:

- Submissions on ACT Civil and Administrative Appeals Tribunal; Senate Standing Committee on Legal and Constitutional Affairs re Family Law Act; the Human Rights Consultation; greenhouse gas emissions targets for the ACT; the Not-for-Profit Sector Productivity Commission Inquiry; Smoking in Cars when Children are Present; Inquiry into Paid Maternity, Paternity and Parental Leave; Access to Justice. Joint submissions with WLSA re Inquiry into the Effectiveness of the *Sex Discrimination Act 1984* in Eliminating Discrimination and Promoting Gender Equality; Defacto Financial Matters and consultation on the proposal for a national model to harmonise regulation of surrogacy.
- Joint CLE included a workshop on domestic violence and tenancy issues; school visits and information stalls at events such as ACT Law Week. Other CLE – a presentation at the Human Rights Forum on the 60th anniversary of the UNDHR; Law Support training course; International Women's Day Lunch; Wills Workshop; Women & Justice Forum, environmental law seminars and workshops. Publications included *Crowded House – A Legal Guide to Share Housing in the ACT* and the *ACT Environmental Law Handbook*
- Liaison with ACT Government and providers of legal services through the ACT Legal Aid Forum.
- Homeless Community Legal Service – auspiced by Welfare Rights & Legal Centre will begin service early 2010. A joint project of the ACT CLCs, Legal Aid ACT and the Aboriginal Legal Service.
- ACAT – the introduction of the ACT Civil and Administrative Tribunal on 2 February consolidated 16 jurisdictions and tribunals, and had a significant impact on CLC work.



## NEW SOUTH WALES

Linda Tucker  
NSW Rep

The NSW state association changed its name from Combined Community Legal Centres Group to CLCNSW. This was accompanied by a snappy new logo for our correspondence, publications and submissions.

The NSW association also incorporated the national accreditation standards into the state membership rules and accepted the draft ALAF Statement of Cooperation.

In April the first report was received in the Legal Needs and Strategic Planning Project which was commissioned by the state association to develop a model strategic planning process for CLCs to respond to the legal needs within their communities.

Funding issues were problematic particularly in relation to the funding of the Aboriginal Legal Access Program from the Public Purpose Fund and the loss of funding for any dedicated women's employment advice when the Women's Employment Rights Project finished up at Inner City Legal Centre.

There were some ongoing concerns about compliance by centres with membership rules, particularly in relation to review and auditing of member centres' files. The PII representatives on the NSW board have been working hard to deal with these issues.

Each year the state association funds a research project and this year it was decided to commission research on the prospects for a new agreement for the NSW CLC sector. While it is unlikely that there will be a new award, the aim is to develop an agreement to use as a lobbying tool to try to push up salaries in the sector.



## NORTHERN TERRITORY

Caitlin Perry  
NT Rep

All NT centres continued to experience difficulties with recruitment and retention of staff. High staff turnover in the sector affects service delivery, and reduces morale and corporate knowledge within centres and the sector generally. NT centres joined in discussions with other NT legal service providers with a view to developing options to address the ongoing recruitment and retention issues in all our organisations

The NT continued to be affected by the NT Emergency Response aka "the Intervention". NTACLC members worked to keep up to date with associated issues including legislative change, funding and service delivery, and upheaval in Indigenous communities

NTACLC hosted the National CLCs Conference, held for the first time in Darwin.

Members met by teleconference throughout the year, and held one face to face meeting in Alice Springs.

NT centres continued to provide legal services to urban and remote communities despite challenges faced including isolation, under funding, recruitment difficulties. CAAFLU opened its new office in Tennant Creek, TEWLS worked with women in prisons, KWILS followed the bush court circuit in the Katherine region, CAWLS again won the tender to provide domestic violence legal services in Alice Springs and NAAFLVS continued to work with Indigenous communities in the Top End.

NT centres participated in policy development and law reform activities, making submissions to the NT government in relation to domestic violence, child protection, and housing amongst other things

NT centres continued to develop and distribute appropriate community legal education resources. Highlights included DCLS in partnership with the NT Legal Aid Commission publishing the 4th edition of the *NT Law Handbook*, and EDO NT produced a series of fact sheets about environmental issues in the NT.

NTACLC continued to negotiate payment to NT centres from the NT Solicitors Fidelity Fund as required by the *Legal Profession Act 2006*.



## QUEENSLAND

Susan Bothmann  
Queensland Rep

This year saw some significant developments in the governance and operations of QAILS. The QAILS secretariat staff team has increased from one staff member to 3 staff members over the last 12 months. The QAILS office now consists of the Executive Officer, an Administration Officer role, and a Community Resource and Support worker.

The role of the Community Resource and Support worker has been to support the sector in the areas of CLSIS and other technologies, such as Webex.

With the expansion of the QAILS office, QAILS has undertaken a project to develop a comprehensive policy and procedures manual.

The Commonwealth Attorney-General provided 2 rounds of non-recurrent funds to the Queensland CLCs over the past year. Centres received these funds, in varying amounts, in recognition and support of their ongoing viability, and their work in the particular areas of family law and homelessness.

The need to ensure adequate levels of recurrent funding came into particular focus with the development of the Queensland Community Service Award and the subsequent Pay Equity decision under that award. The Pay Equity decision increases wages in the community sector, including CLCs, up to 38% over a 3 year period.

Funding issues were also highlighted in the development of Legal Practitioners Interest on Trust Account Fund (LPITAF) guidelines by Legal Aid and the Department of Justice. In strong economic times LPITAF has been used by the State to fund CLCs. Roughly less than one-quarter of state-based funding of CLCs comes from consolidated revenue and the remainder from the LPITAF. In more straitened economic times, LPITAF is shrinking and likely to be a less available source of funds for CLCs.



### SOUTH AUSTRALIA

*Matthew Atkinson until  
October 2008, Alan Merritt  
from October 2008*  
SA reps

The SA Legal Practitioner's Bill looks as if it will now become law after issues surrounding guarantee fund payments have been resolved.

The Service Agreement was, as predicted, rolled over in June this year on a twelve-month basis only.

An invitation from the Fair Work Ombudsman's office to participate in a review of community-based employment services brought representations from several SA based CLCs, including The Working Women's Centre and the Youth Law Centre.

South Australia is progressing well with the inquiry into the working together of CLCs and Family Relationship Centres. Nothing finalised yet, but hopes are that a mutually beneficial outcome will be reached.

The SA "anti-bikie" legislation was recently partly overturned in a Supreme Court challenge launched by one of the groups the Act was intended to outlaw. This is being watched with interest by the rest of the country, as some other jurisdictions have been formulating their own laws based on the SA example.

Representations are being made, through the SA Council of CLCs, to the AG of this state in relation to the operation (or not) of the Alternate Shoplifting Enforcement Act, which gives the victims (the shops) the option of issuing a notice to those detected stealing small amounts and not involving the expense of court procedure. The shops have not been using this option, and many people are dragged through court at public expense for a very small amount, sometimes less than \$10! It will be suggested that the shops foot the bill for bringing minor theft cases before the court, and a case made for freeing up court time and public resources.



### TASMANIA

*Jane Hutchison*  
Tasmanian rep

The Tasmanian Association of Community Legal Centres (TACLC) comprises 7 centres and is unfunded. Some of the highlights and issues in 2008/09 are:

- Formally adopted Rules of Association
- For the first time the Tasmanian Government provided ongoing funding to two generalist centres to provide outreach services.
- All CLSP funded centres in Tasmania were very grateful to receive the one off funding from the Commonwealth Attorney-General's Department.
- EDO (Tas) has had a busy year including holding a conference *Information: Privilege or a Right?*, looking at proposed reforms of the Freedom of Information regime. EDO also established a monthly bulletin providing case notes on decisions of the Resource Management and Planning Appeal Tribunal.
- Tasmania introduced a Rental Bond Authority after years of lobbying particularly on the part of the Tenants Union of Tasmania.
- Women's Legal Service (Tas) has had a particularly busy year. In addition to moving offices they have also published publications including *A Lawyer's Guide to Assisting Clients with Disabilities* and a workbook assisting parents to achieve child focused outcomes for arrangements after separation called *It's all about the kids*.
- North West Community Legal Service has been busy establishing outreach work across the North West Coast and down the West Coast.
- Hobart Community Legal Service has opened a new outreach office in the town of Sorell, east of Hobart.
- A new member joined during the year, The Animal Welfare CLC.

Members of TACLC continue to provide quality legal services to the Tasmanian population, particularly those who are disadvantaged or vulnerable. Community Legal Education continues to be a very important activity and all centres engage in law reform activities.



## VICTORIA

Michael Smith  
Victorian rep

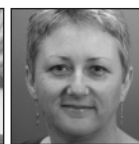
For Victorian CLCs, led by the Federation, this year was marked by the tragedy of the Black Saturday fires. Amidst the grief and loss, survivors faced a daunting array of legal problems, including tenancy, mortgage and family law issues, insurance, employment, lost businesses, destroyed wills and participating in the coronial process or before the Royal Commission.

The Federation and CLCs in bushfire-affected areas partnered with Victoria Legal Aid, PILCH, the Law Institute, the Bar and the Victoria Law Foundation to establish Bushfire Legal Help. The co-ordinated response was informed by the experiences of CLCs across Australia in responding to past natural disasters.

With funding support from the Commonwealth co-ordinated by NACLC, CLCs delivered close to 300 legal advice and casework services through BLH, coordinated relief centre clinics, developed legal information resources, facilitated pro bono assistance and undertook community legal education. The CLC response is continuing.

Highlights of the Federation's year included:

- establishment of Victoria Legal Assistance Forum (VLAF), a forum for legal assistance providers to collaborate and continuously improve services
- launch of the redeveloped community law website
- passage of the *Family Violence Protection Act 2008* (Vic), culminating many years of tireless advocacy by CLCs, domestic violence organisations and victims/survivors, for more effective family violence protection laws
- amendments to the Coroners Act including a new requirement that a Minister or statutory authority must respond to any coronial recommendations
- advocacy regarding police use of Tasers that can cause death and serious injury, particularly when used on vulnerable groups
- the development of practical documents to promote human rights in CLC services, "Complying with the Charter of Human Rights – A CLC Guide" and the Federation's Disability Action Plan.



## WESTERN AUSTRALIA

Chris Gabelish  
and Gai Walker  
WA reps

- Mandatory CPD commenced. Highly successful collaboration with legal profession, LAWA, and PI and Legal Practice subcommittee guaranteed opportunities for practitioners. Congratulations to CLCAWA staff and the PI&LP Committee.
- Country Lawyers Project's first full year. Placements of RPs and lawyers in country WA extremely successful with longstanding vacancies filled
- Executive Members briefed new AG, Christian Porter
- 3 new services announced by WA AG with one off 3 year grants – CaLD generalist, Homelessness and Wheatbelt services
- Older Persons' Rights Service funding model developed
- CLCAWA:
  - CLC Sustainability Project showed that despite high pressure and stress, there is job enjoyment; but low wages and lack of professional development opportunities are factors in staff leaving. Governance and Management Project commenced from this project.
  - Reviewed Constitution to meet NACLC accreditation
  - Granted PBI and DGR status
  - Portability of entitlements for workers moving between CLCs project commenced
  - Review on Employment Agreement
  - Information kit developed for use in lobbying, information, new staff and committee members
  - Website updated with P & P manual and Resource & Information database
  - New member – Street Law Centre WA Inc
  - Lobbying on Public Purposes Trust Fund system led to 3 year grants with 1 year grants continuing. Lobbying continues on PPT processes.
- The rental crisis hit CLCs with many forced to move.
- ASU wages campaign continues with CLC involvement.
- Contributed to WACOSS pre budget submissions on CLC funding.
- WA Legal Assistance Forum discussions commenced.

## NATIONAL COMMUNITY LEGAL CENTRE NETWORKS

CLC National Networks are the key policy advisory and consultative bodies for CLCs and NACLCL. The Networks also function to enhance collaboration between centres, to share expertise and resources, to identify emerging needs and to develop joint projects to address those needs. The Networks are organised around specific areas of community legal concerns or service response.

NACLCL provides assistance to the Networks including funding for regular phone link-ups between CLCs across Australia, support for face to face meetings at the National CLC Conference and other support as necessary. This year there are 15 reports from National Networks.

### ADMINISTRATORS

The Administrators' Network consists of workers in the community legal sector from a wide range of disciplines. The roles of these workers include managers, coordinators, bookkeepers, accountants, administrators, IT professionals, marketing and promotion experts, receptionists and the list continues.

Each year at the National CLCs Conference the Administrators' Network holds a half day meeting to discuss a range of issues. In 2008 at the Darwin Conference approximately 20 workers met and discussed issues such as salary packaging, employee assistance programs, promotional products, and we discussed team building using a social type analysis study.

All participants enjoyed the opportunity to get together and felt that they had learnt something new.

This meeting is an excellent opportunity to meet workers in similar roles, experiencing similar issues. It gives workers the opportunity to share ideas, good practice examples and brainstorm different approaches to the issues.

This meeting also allows workers to build and maintain relationships and gives them an extended network of contacts to call upon when issues arise.

– Carol Benda, Convenor

### CHILD SUPPORT

The Child Support Network has met for 3 teleconferences during the year and at the National Conference. Unfortunately only 3 members were able to attend the latter meeting.

The following issues were discussed in the course of the above meetings:

Continuing Legal Education (CLE) in our area is mostly

incorporated into Family Law CLEs particularly in country areas and also attendance at Child Support Agency (CSA) forums. We believe there is a need to have closer interaction with the CSA on a national level. Generally it was accepted that it is essential that a representative from our network should attend a national liaison meeting and then provide feedback to the network.

The Peninsula Legal Centre has and is continuing to agitate for change to the Child Support Agency's attitude to paternity testing. They would like to add another paragraph to section 29 of the *Child Support (Assessment) Act*, namely that a positive paternity test is proof of paternity.

This would save a lot of time, stress and money by not having to obtain a court Declaration of Paternity, as test results are now very accurate. They also point out that a negative test may not be refutation of paternity as some parents may send another person to do the testing or swap the baby. In some instances a parent may wish to attend court to challenge a photo or request a second test.

Legislative changes in July 2008 have resulted in there being limited and binding child support agreements. The intention was that there be better options for parents making private agreements.

The issue for our services is about whether we certify that we have given independent legal advice in the case of binding agreements.

The Social Security Appeals Tribunal has now been operative in child support cases since 2007. Our members have a varying involvement in these cases but clearly our involvement will grow.

A sample of Social Security Appeals Tribunal decisions are now available on Austlii which will assist us in assessing the approach of the Social Security Appeals Tribunal in particular cases.



An issue for next year is to discuss methods by which a greater number of people practising in the child support area can be involved in the network.

– *Michael Bowman, Child Support solicitor,  
Hobart Community Legal Services*

### COMMUNITY LEGAL EDUCATION WORKERS (CLEWS)

The CLEWS network had an active 12 months with regular PLUs and an active convenor. CLEWS sadly farewelled the convenor, Cheryl Bateman, earlier this year. Carol Benda and Michelle Burgermeister are acting as co-convenors until appointment of a new convenor at the next National CLEWS network meeting on the 14th Sept 2009.

The CLEWS network has approximately 25 CLE workers directly involved in the National CLEWS network, and many of these represent their State CLEWS network. Every state and territory is represented. WA, NSW and Victoria in particular have very strong and active State CLEWS networks that have done some great activities for their members, CLE workers.

CLE crosses all elements of a CLC, maximising the work of the legal practice, delivering and gathering information for law reform work and informing the community about the law. Through our National CLEWS meetings we have shared some fantastic CLE projects that have been developed in the past year, which include lots of info sessions on the Bill of Rights, producing plain language resources, CLE made easy booklet, information booklets and DVDs aimed at refugees, work on major events such as the Victorian bushfires, creation of state positions for CLE coordinators and even a CLE Conference in WA.

National CLEWS has had numerous discussions in its meetings about how it could find a better way to support CLE workers and share knowledge from many of the great CLE projects done in CLCs. However, there are many challenges in being able to do this.

CLEWS is therefore very pleased that NACLC has undertaken work in researching ways that CLE & CD work can be supported and coordinated and we are looking forward to further consultation and collaboration on the final report from this research.

– *Carol Benda (ACT), Michelle Burgermeister (WA)  
& Steve Womersley (VIC)*

### DISABILITY RIGHTS

This year the Disability Rights Network has been working on developing protocols to formalise the network to enable us to work more cohesively. The protocols were adopted at the network meeting day prior to the NACLC Conference. They cover communications, membership, objectives, the role of the convener and protocols on developing submissions on behalf of the network.

In the last twelve months, the network members worked on the following submissions:

- National Disability Strategy
- Submission to the Inquiry into the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008
- The Draft Disability (Access to Premises-Buildings) Standards.
- National Human Rights Consultation
- Submission: "Article 12 of the CRPD – The right to equal recognition before the law"

In addition, the Network has been engaged in the preparation of the *Convention of the Rights of People with Disabilities Shadow Report*.

– *Fiona Given and Joanna Shulman, Co-conveners*

### EMPLOYMENT

The network has had another busy year dealing with volatility in the laws and procedures applying to our clients. With numerous changes to the *Workplace Relations Act 1996* following the election of the Federal Labor Government and then the complete overhaul of the system with the introduction of the Fair Work Act and regime, network members have been busy writing submissions, lobbying about the changes and just keeping up to date.

The network provided submissions to the Fair Work Act inquiry as we had a number of concerns about some of the proposals for the new legislation. One of our major concerns was the original plan for there to be a seven day time limit for making an application for unfair dismissal. While this was changed to 14 days this is still an extremely short period for a sacked employee to recover from the termination, get advice and commence proceedings. We are continuing to monitor this and other aspects of the new Act and the operation of the new system.

The network also made submissions and appeared before the 'Participation in the workforce inquiry'. Our submission

and appearance focused on continuing discrimination against women on grounds of parental responsibility.

– Linda Tucker, Convener

## ENVIRONMENTAL DEFENDER'S OFFICES (ANEDO)

The Australian Network of Environmental Defender's Offices (ANEDO) comprises EDO offices in each State and Territory dedicated to public interest environmental law and public participation in environmental decision making. EDOs provide services to the community through casework and advice, community legal education and law reform and policy work. An area in which several EDO offices have made a particular contribution is in pursuing public interest litigation with respect to climate change issues.

ANEDO has contributed several important submissions about national law and policy issues ranging from the amendment of biodiversity and heritage legislation, a proposed national energy policy framework and the National Human Rights Consultation. Examples of the policy work of ANEDO is available at [www.edo.org.au](http://www.edo.org.au).

– Melissa Ballantyne, Convenor

## HUMAN RIGHTS

### FREDA Reports

Earlier this year the UN Human Rights Committee and the Committee on Economic, Social and Cultural Rights delivered their Concluding Observations on the state of human rights in Australia. The Concluding Observations represent a culmination of over two years hard work by NACLC, the National Human Rights Network, Kingsford Legal Centre and the Human Rights Law Resource Centre.

This co-ordinating team, with assistance and input from numerous CLCs, produced two reports known together as Freedom, Respect, Equality, Dignity: Action (FREDA). The reports are a comprehensive analysis of human rights in Australia and include a range of targeted recommendations to address disadvantage. NACLC and the Human Rights Network were also represented in New York and Geneva when UN treaty bodies conducted their reviews of Australia.

The FREDA reports and international lobbying efforts were highly influential in the formulation of the Committees' Concluding Observations. The Concluding Observations have, in turn, already played a significant



**Australian NGO delegation during the CESCR review of Australia, in Geneva.** PHOTO: LES MALEZER

role in directing the Federal Government's human rights agenda.

### National Human Rights Consultation

In 2009 the Government conducted the largest public consultation in Australia's history. The National Human Rights Consultation aimed to seek views from across Australia about the protection and promotion of human rights.

NACLC and the Human Rights Network, with input from many CLCs, prepared a submission to the Consultation and appeared at the Public Hearings held at Parliament House in Canberra. On 8 October the Government released the Consultation Committee's Report, which adopts many of NACLC's key recommendations.

### Meetings

The Human Rights Network convenes a phone link-up every six weeks. This link-up allows Network members to share information and resources relevant to State-based and national human rights developments.

– Rachel Ball and Bill Mitchell, Co-convenors

## LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX

The LGBTI Network was reconvened this year, and we have been having regular phone link up meetings. This has been a year of lots of activity, with significant changes



to Commonwealth laws affecting same sex couples, and increasing public discussion on issues affecting transgender and intersex communities.

The LGBTI Network have lobbied federal politicians about the changes to Commonwealth laws affecting same sex couples, particularly with regard to Centrelink payments. We have also participated in the National Human Rights Consultation, and advocated for changes in the law to protect people from discrimination, maintain privacy of their personal information, recognise their families and be protected from vilification and hate crimes.

Members of the Network have been active in our communities in providing information about the changes to the law and giving advice on the effects of these changes.

– Yasmin Hunter, *Convenor*

### MENTAL HEALTH

The Network conducted one phone link up and continued to liaise and resource one another throughout 2008/2009. We shared resources and strategies in relation to:

- Advocacy levels – including the contrasting volunteer/pro bono models in Victoria and Tasmania, with private lawyers in the former and post graduate law students in the latter. It was also of note that in NSW, CTO representation increased and arguments were being mounted that inpatient representation should not be provided using a duty lawyer scheme
- Reviews of Mental Health Acts in Tasmania, ACT and Victoria.

Funded research projects including:

- Through MHLC Vic on Consumer/Survivor experience of review tribunal process – “Lacking Insight” – reported this year
- ARC project across three jurisdictions comparing review tribunals – reporting soon
- ARC project at Monash University on optimum mental health laws – reporting after Victorian Act review process over!
- Difficulties accessing second psychiatric opinions
- Human rights charters in ACT and Victoria
- Very poor conditions and deaths in inpatient services in ACT, and scarcity of vocational support.

Thanks as always to NACLC and all Network members. On a personal note, thanks too to all for 13 wonderful years advocating for people’s rights in the CLC sector. I’m now looking forward to doing so at Victoria Legal Aid and handing convening on to someone who may manage the two link-ups a year we aim for!

– Sophie Delaney, *Mental Health Legal Centre VIC*

### OLDER PERSONS

Specific CLCs or programs for older people in CLCs now operate in Qld, NSW, WA and Vic. Most are focused on elder abuse issues but also work on broader issues affecting older people. These services are active in the Network and SA and NT have recently commenced participating.

The Network remains focused on encouraging the Commonwealth government to implement the recommendations of the House of Representatives Standing Committee’s *Report of the Inquiry into Older People and the Law* (September 2007). The network has also developed a submission seeking an increase in recurrent funding to the Community Legal Services Program (CLSP) budget to establish a National Seniors Legal Program.

The Network has considered law reform issues at state and federal levels, such as Age Discrimination, Enduring Powers of Attorney, the Banking Industry and Family Violence. It is beginning a law reform campaign on the establishment of a National Register for Power of Attorney documents. It also actively shares practice and education resources among its members.

– Mary-Jo Simpson, *Convenor*

### RURAL, REGIONAL & REMOTE (RRR)

The RRR Network continues to meet periodically by phone link-up.

A face-to-face national RRR network meeting was held at the National Conference in Darwin in September 2008. At this meeting Lee Milcherdy was elected RRR Convenor and Allan Mallard as the minute taker. Both Lee and Allan are from the Taylor Street Community Legal Service – a regional Queensland CLC. The meeting, which was attended by some fifteen RRR CLC workers, provided us with great opportunities for interacting and networking with other RRR CLC workers from around Australia.

Issues RRR CLCs continue to face include:

- Communication between RRR Centres to maintain a more cohesive network to work on solutions, including associated travel costs;
- Better IT support including exploring Voice Over Internet Protocol (VOIP);
- Travel costs to conduct outreach for clients in areas where there is poor public transport infrastructure, and associated time/staff costs in doing this travel;
- Getting specialist legal assistance to RRR areas and centres; and accessing pro bono support.

RRR Centres have been working with NALCL to secure funding of secretariat support for the RRR Network to enable it to more strategically address some of the issues outlined above.

The following items were discussed at our regular teleconference link ups.

- Country Lawyers Project
- RRR Funding Opportunities
- Impact of Commonwealth Review of CLCs on RRR centres
- Strategic Partnerships with State Legal Aid organisations
- Formulation of a RRR lobbying strategy
- Internet and other proposed communication or training needs
- Identification of useful/common practice resources to share

– *Lee Milcherdy, Convener*

## TENANCY (NATO)

In addition to telephone meetings during the year, NATO held its regular face-to-face meeting prior to the National Conference. In terms of national issues and work, the momentum from the Federal Election and new found Commonwealth Government interest in housing and tenancy issues was not lost and even was ramped up.

NATO continued its representative role on National Shelter, the peak non-government organisation representing the interests of low-income housing consumers. This is a beneficial role in terms of ensuring NATO's ability as an unfunded network to participate in national housing policy forums.

NATO meetings identified these common issues for tenancy organisations:

- Changes to and reviews of tenancy legislation around the country created a lot of work for centres
- Responding and adapting to changes to dispute resolution mechanisms such as the introduction and development of new Tribunals, and bond authorities
- Media interest in rent increases, rental affordability and rent bidding
- Security of tenure
- The need for best practice tenancy legislation/standards

Other areas of work identified for the coming year are updating *Leaking Roofs* (NATO 2004 publication comparing tenancy legislation across the country along with identification of issues and recommendations for change) and the development of events for International Tenants Day held on the first Monday in October each year.

– *Deb Phippen, NALCL liaison for NATO*

## WELFARE RIGHTS

After some 18 years of outstanding leadership and service to NWRN, the Network sadly farewelled Michael Raper as he stood down as Director of Welfare Rights Centre, Sydney to take up a new role as Director of Services and International Operations with the Australian Red Cross. Michael left a wonderful legacy through his energy and determination to set a clear direction for NWRN into the future. His departure left a huge gap for the Network to fill and we were set an enormous challenge to continue this work.

Throughout the year, NWRN worked extremely hard to continue to give voice and meaning to the concept of 'welfare rights' which is at the heart of our National Network. The Network was at the forefront of contributing to the historic major reviews of both the Pension System and Australia's Future Taxation System. Additionally, NWRN made substantial submissions to the Higher Education review. It was pleasing that the recommendations made by the Bradley Review in December 2008 strongly correlated with recommendations NWRN made to the Inquiry and also resulted in some of these recommendations being adopted by the Commonwealth Government in the May 2009 Budget.

NWRN also undertook a massive amount of law reform and other work around significant legislative changes

announced by the Commonwealth Government including the Same Sex Equal Treatment laws, the Schooling Attendance and Enrolment measures, changes to appeal rights in relation to the Northern Territory income management category and the phasing out of CDEP and the major reform of the Compliance regime. NWRN was almost a lone voice calling for savings provisions in its evidence to the Senate Inquiry into the Same Sex changes and worked collaboratively with Gay, Lesbian and Transgender Groups, Government Departments and agencies in the Centrelink Removal of Same Sex Discrimination Customer Reference Group to expose and highlight the impacts of these changes on Social Security recipients. NWRN was also heavily engaged in discussions and lobbying activities around the reforms to the Compliance regime which eventually resulted in significant protections in the Bill which passed through the Senate in February 2009.

The 2009 NWRN Budget Priority Submission was the basis for a series of meetings with various Ministers, politicians, Government Departments and agencies throughout the year pre Budget. The Budget Submission was themed around proposals to ease financial and economic pressures in a time of global financial uncertainty. Again it was pleasing that the Federal Government announced changes to the liquid assets test in line with our submission although the changes were time limited and subjected to a review after 12 months. The other major policy area for NWRN was in the area of debt prevention. In May 2009 NWRN developed a discussion paper on debt prevention strategies and subsequently obtained agreement from Centrelink and the relevant Government Departments to convene a Debt Prevention working party. The NWRN is hopeful that our labour will bear fruit in the future and that all parties have the political will to take a proactive approach to introduce measures to prevent further debt from accruing in the system.

Additional one off funding from the Commonwealth Attorney-General's Department to most of our centres was very welcome. The NWRN also received funding for a Same Sex Project around the Centrelink changes from AG's and also secured funding through DEEWR through the Job Seekers project in recognition of the additional work generated as a consequence of increasing numbers of

people affected by the Global Financial Crisis. This funding was provided for the conduct of projects by NWRN member organisations. NWRN also welcomed the additional funding to the Darwin Community Legal Service in recognition of the impact of the NT Intervention together with the Federal Government's decision to extend funding of the Northern Territory Welfare Rights Outreach Project for a further three years. Through its NWRN NTER project subcommittee, the NWRN has continued to provide support and advice to this project.

– Genevieve Bolton, NWRN Secretary

## WOMEN'S LEGAL SERVICES AUSTRALIA

### *Women & Safety Conference 18 & 19 March*

WLSA received a WESNET community capacity building grant to run a two-day workshop for WLSA members in Melbourne. Women's Legal Service Victoria hosted the forum on WLSA's behalf. The conference covered the following:

- state and territory intervention order laws
- how family law can be improved to better protect women and children from violence
- looked at the gaps in family law, child protection and family violence laws
- examined how the law can help women heal from violence, including restorative justice approaches
- considered how an Australian Human Rights Act can protect women and children from violence
- presented Victoria's model for a family violence death review process.

### *Family Law System Roundtable*

A number of women including Katrina Finn (WLSQ), Edwina MacDonald (WLS NSW), Marilyn Wright (WLS SA) and Kristen Wallwork (KWILS, NT) represented WLSA at the inaugural Attorney-General's Family Law System Forum on 19 and 20 February.

### *CEDAW NGO Shadow Report Project*

Edwina MacDonald, Law Reform Coordinator of WLSA, coordinated this project with Emily Chew from YWCA Australia. Other Women's Legal Services, such as WLC ACT and WLC WA were also actively involved in this project as project partners. The project ran a number of workshops across the country to gather feedback for the report.

### *WomenSpeak Conference*

Heidi Yates from Women's Legal Centre (ACT) represented WLSA at the 'WomenSpeak' conference in Canberra on 9 & 10 February. WomenSpeak is one of the Office for Women's four National Alliances. The Alliances are funded to:

- provide informed and representative advice to government on policy issues, development and implementation relevant to the diverse views and circumstances of women
- represent the diverse views of women through consultation with the women's sector, their own constituencies and other groups and organisations relevant to women's concerns
- act as a conduit for the exchange of information between Government and the women's sector
- undertake specific policy analysis on individual areas of organisational expertise and concern

WLSA joined the WomenSpeak network in 2008.

### *CLC Guide to FRCs and FDRs*

- WLSA updated its CLC Guide to FRCs and FDRs.

### *WLSA rules*

- New rules were produced to clearly articulate WLSA's role and formalise WLSA's membership criteria and process.

### *Law Reform Submissions*

- Federal Government's Consultation on Review of Future Governance Options for Federal Family Law Courts in Australia
- Senate Inquiry into the Property Securities Bill
- National Plan to Reduce Violence Against Women and Children
- National Human Rights Consultation
- Senate Committee Review of the Sex Discrimination Act
- Proposal for a National Model to Harmonise Regulation of Surrogacy
- Submission to the Child Protection Discussion Paper

### *Committee hearings*

- De facto access to family court in financial matters
- Sex Discrimination Act review

– Carol Benda, Convenor

## YOUTH

The National Youth Advocacy Network met face-to-face once this year at the National Conference in Darwin. During the year, information was shared around various state and national issues.

These included continuing work on raising awareness of the particular characteristics of youth homelessness that will not necessarily be successfully addressed simply by the provision of additional public housing – as often young people are excluded from access to such facilities.

The National Children's and Youth Law Centre shared with the Network its work on the Senate inquiry into access to justice; monitoring and lobbying on the development of the National Child Protection Framework and its collaboration with UNICEF, Save the Children and Defence for Children International on a submission to the National Human Rights Consultation.

More members of the Network became involved in the Child Rights Taskforce supporting the ongoing involvement of Tiffany Overall from Youthlaw Victoria.

Tiffany Overall gave a presentation at the public hearings for the National Human Rights Consultation in Canberra.

The Network continued to contribute to work on child rights issues for the ICCPR and ICESCR Shadow Reports and preparations for the CROC Shadow Report.

The network continued to support the re-funding of a national youth peak organization which was finally achieved in October 2008 – although negotiations for funding were dragged out by the bureaucrats well into 2009.

There continues to be considerable need for work on youth justice in every state and territory – which would be assisted by a commitment from the Federal Government to national standards in the area – something recommended twelve years ago by the Seen and Heard Report but still ignored by Government.

– James McDougall, Convenor

# NACLC National Office Staff

The staff at the national office of NACLC during the 2008/09 financial year were:

*In the NACLC office:*

## EXECUTIVE DIRECTOR

**Julia Hall**

## FINANCE OFFICER

**Chrisanthi (Chris) Maddison** – part-time

## INFORMATION & SERVICES MANAGER, NATIONAL CONFERENCE & INSURANCES COORDINATOR

**Sarah Mitchell** (until 3 December 2008) – part-time

## NATIONAL CONFERENCE COORDINATOR & ADMINISTRATIVE ASSISTANT

**Jane Housley** (from 2 December 2008) – part-time

## POLICY & PROJECTS OFFICER

**Polly Porteous** (from 13 April 2009) – part-time

## ADMINISTRATOR

**Megan Robson** (until 12 September 2008)

**Daniel Davila** (from 9 September 2008 to 12 October 2008)

**Sue Acret** (from 13 October 2008 to 12 June 2009)

**Joe Payne** (from 12 June 2009)

## ADMINISTRATIVE ASSISTANT

**Ellen Davis** (from 28 October 2008 to 20 November 2008)

*Out of office support:*

## BBS ADMINISTRATOR

**Phill Byrne** – casual

## BBS ACCOUNTS & TRAINING, WEB-SITE UPDATER

**Sarah Mitchell** – casual

*NACLC consultants during the year were:*

## CLSIS CONSULTANT

**Justin Finighan** – casual

## NATIONAL CLCS CONFERENCE ORGANISERS

**Marilyn Hall and Brooke Lennon** organised the 2008 National Conference

## BBS REVIEW

**Katrina Ironside** – casual



Top Row (L-R):  
Julia Hall, Chris  
Maddison, Jane  
Housley

Bottom Row (L-R):  
Megan Robson,  
Justin Finighan



## Term Projects

**Rachna Muddagouni** was project officer and primary author and train-the-trainer for the *National Management Committee Guide for Community Legal Centres*, launched at the National Conference – casual until August 2008; and project officer on the Law Graduates in RRR CLCs and coordinating community legal education and law reform work in the CLCs sector projects – casual from September 2008.

**Annie Pettitt** was project manager and one of the primary researchers and authors of the *UN Shadow Reports on the International Covenant on Economic, Social and Cultural Rights (ICESCR)* and the *International Covenant on Civil and Political Rights (ICCPR)* and represented NACLC and Kingsford LC on the NGO delegation to the UN Committee session on CESCR in Geneva in May 2009 – casual until May 2009.

During this year, NACLC also benefited from the skills and commitment of volunteers, **Chantel Cotterell** and **Charlotte Trinh**, who both started in June 2009 for semester break terms, and Aurora intern, **Lauren Hodes**, who worked on our Indigenous Employment Strategy in Canberra with **Liz O'Brien** and **Traci Harris** over the 2008/09 summer break.

## National Association of Community Legal Centres



### Financial Report for the Year Ended 30 June 2009

ABN: 67 757 001 303

#### COMMITTEE'S REPORT

Your committee members submit the financial report of the National Association of Community Legal Centres (the Association) for the financial year ended 30 June 2009.

#### Committee Members

The names of committee members throughout the year and at the date of this report are:

Elizabeth O'Brien, National Convenor  
Deb Pippen, ACT representative  
Jane Hutchison, TAS representative  
Chris Gabelish, WA co-representative  
Stella Calvert, NT co-representative (from April 2009)  
Rosslyn Munro, acting QLD representative (from March 2009)  
Jackie Finlay, NSW representative (until November 2008)  
Alan Merritt, SA representative (from November 2008)  
Janet Loughman, NSW representative (until November 2008)  
Carol Benda, treasurer (from November 2008)  
Linda Tucker, NSW representative (from November 2008)  
Michael Smith, VIC representative  
Suzy Kapetas NT co-representative (from April 2009)  
Gai Walker, treasurer (until November 2008)  
Caitlin Perry, NT representative (until April 2009)  
Matthew Atkinson, SA representative (until November 2008)  
Susan Bothmann, QLD representative (until March 2009)

#### Principal Activities

The principal activities of the association are to assist disadvantaged and marginalised people in the Australian community obtain access to legal services by:

- supporting and assisting community legal centres to provide these services;
- providing a national forum for community legal centres;
- developing and coordinating national community legal centres policy; and
- advancing the interest of community legal centres within Australia.

Further information on the principal activities of NACLC performed during the financial year are set out in the Annual Report.

#### Significant Changes

No significant change in the nature of these activities occurred during the year.

#### Operating Result

The surplus amounted to \$ 142,681.

Signed in accordance with a resolution of the Members of the Committee.

Elizabeth O'Brien

Carol Benda

Dated this 28 day of October 2009

**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2009**

	Note	2009	2008
		\$	\$
<b>INCOME</b>			
Contributions from centres		384,650	328,050
Grants		698,870	333,361
Other project income		4,662	-
Sundry other income	2	59,798	44,124
Conference income		272,992	215,858
PI insurance premium income		173,546	176,547
		<u>1,594,518</u>	<u>1,097,940</u>
<b>EXPENDITURE</b>			
Operating expense	3	229,096	231,554
Employees expense	4	275,790	254,915
Conference expense		254,226	227,146
Project expense		512,254	221,107
Insurance expense		173,546	176,547
Depreciation		6,246	2,528
Impairment of receivables		679	3,700
TOTAL EXPENSES		<u>1,451,837</u>	<u>1,117,497</u>
Current year surplus/ (loss)		<u>142,681</u>	<u>(19,557)</u>
RETAINED SURPLUS AT THE BEGINNING OF THE FINANCIAL YEAR		<u>27,447</u>	<u>47,004</u>
RETAINED SURPLUS AT THE END OF THE FINANCIAL YEAR		<u>170,128</u>	<u>27,447</u>

The accompanying notes form part of this financial report.



**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**BALANCE SHEET AS AT 30 JUNE 2009**

	Note	2009 \$	2008 \$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents		462,478	696,333
Trade and other receivables	5	487,818	16,693
Prepayments		53,157	76,848
<b>TOTAL CURRENT ASSETS</b>		<b>1,003,453</b>	<b>789,874</b>
<b>NON-CURRENT ASSETS</b>			
Rental bond		-	4,987
Property, plant and equipment	6	36,742	7,078
Financial assets	7	410,000	-
<b>TOTAL NON-CURRENT ASSETS</b>		<b>446,742</b>	<b>12,065</b>
<b>TOTAL ASSETS</b>		<b>1,450,195</b>	<b>801,939</b>
<b>CURRENT LIABILITIES</b>			
Trade and other payables		51,931	-
Grants received in advance	8	875,090	568,612
National conference liabilities		72,205	60,035
Insurances		177,751	52,113
Other provisions		4,500	-
GST liabilities		53,777	30,980
Employee liabilities		18,725	17,989
Accruals		26,088	44,763
<b>TOTAL CURRENT LIABILITIES</b>		<b>1,280,067</b>	<b>774,492</b>
<b>TOTAL LIABILITIES</b>		<b>1,280,067</b>	<b>774,492</b>
<b>NET ASSETS</b>		<b>170,128</b>	<b>27,447</b>
<b>MEMBERS' FUNDS</b>			
Reserves	9	82,431	16,163
Retained profits	10	87,697	11,284
<b>TOTAL MEMBERS' FUNDS</b>		<b>170,128</b>	<b>27,447</b>

The accompanying notes form part of this financial report.

## National Association of Community Legal Centres

ABN: 67 757 001 303



### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009

#### NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the *Associations Incorporation Act 1991* (ACT). The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

#### a. **Income Tax**

The association is exempt from Income Tax in accordance with the provisions of the *Income Tax Assessment Act 1997*.

#### b. **Property, Plant and Equipment (PPE)**

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all PPE is depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

#### c. **Impairment of Assets**

At each reporting date, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

#### d. **Employee Benefits**

Provision is made for the company's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

#### e. **Provisions**

Provisions are recognised when the company has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at reporting date.

#### f. **Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments which mature within three months or less from the date of the end of financial year.

**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**g. Revenue**

Grant income, conference and insurance is recognised as revenue in the year to which the associated expenditure and grant funding agreement relates. Accordingly, this income received in the current year for expenditure in future years are treated as grants in advance.

Unexpended specific grant income at 30 June each year is disclosed as a liability in the accounts. The amount brought to account as income is equivalent to that amount expended by the Association during the financial year. Where surplus funds are required to be repaid, they will remain as a liability in the accounts until repayment.

Revenue from the provision of membership subscriptions is recognised on a straight-line basis over the financial year.

Interest revenue is recognised using the effective interest rate method which for floating rate financial assets is the rate inherent in the instrument.

All revenue is stated net of the amount of Goods and Services Tax (GST).

**h. Leases**

Leases of PPE, where substantially all the risks and benefits incidental to the ownership of the asset, but not the legal ownership, are transferred to the Association, are classified as finance leases.

Finance leases are capitalised by recording an asset and a liability at the lower of the amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for that period.

Leased assets are depreciated on a straight-line basis over the shorter of their estimated useful lives or the lease term. Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

**i. Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009**

<b>NOTE 2: SUNDRY INCOME</b>	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
BBS accounts income	4,550	4,400
Admin income	18,000	18,736
Bank interest received	35,537	20,863
Sundry other income	1,711	125
	<u>59,798</u>	<u>44,124</u>

<b>NOTE 3: OPERATING EXPENSES</b>	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
Accounting and audit	4,332	7,311
BBS account fees	14,258	13,333
Electricity and gas	2,152	1,850
Travel/ accommodation costs	63,462	86,415
Rent	26,253	23,934
Insurance	6,966	4,183
National representation	32,000	26,492
Network phone link up	6,456	3,893
Meeting expenses	5,315	2,731
Design and printing	20,275	17,696
Consultants	1,820	10,053
Other operating expenses	45,807	33,663
Total operating expenses	<u>229,096</u>	<u>231,554</u>

<b>NOTE 4: EMPLOYEE RELATED EXPENSES</b>	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
Superannuation	20,588	17,479
Wages	241,310	224,433
Accrued leave expense	8,898	2,502
Staff recruitment	180	23,627
Staff entitlements provision	-	(17,564)
Staff related expenses	4,814	4,438
Total employees expenses	<u>275,790</u>	<u>254,915</u>

**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009**

<b>NOTE 5: TRADE AND OTHER RECEIVABLES</b>	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
Grants from AGD	418,034	-
Membership fees receivable	2,735	219
Professional indemnity insurance	56,794	738
Sundry debtors	1,532	14,311
Interest receivable	8,723	1,425
	<u>487,818</u>	<u>16,693</u>
<b>NOTE 6: PROPERTY, PLANT AND EQUIPMENT</b>	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
Leasehold improvements – at cost	26,171	-
Accumulated depreciation	(2,908)	-
	<u>23,263</u>	<u>-</u>
Office furniture and equipment – at cost	39,163	39,320
Accumulated depreciation	(25,684)	(32,242)
	<u>13,479</u>	<u>7,078</u>
Total leasehold property and equipment	<u>36,742</u>	<u>7,078</u>
<b>NOTE 7: FINANCIAL ASSETS</b>	<b>2009</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>
<b>NON-CURRENT</b>		
Term deposits	<u>410,000</u>	<u>-</u>



**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009**

NOTE 8: GRANTS IN ADVANCE	2009	2008
	\$	\$
CLE project	300,000	-
CLSIIS training	26,401	30,000
Story book DVD	14,919	6,000
IT support	48,740	48,740
Online library resources	131,159	-
PLO	99,650	97,694
RRR	15,569	-
RRR - Law graduates	60,000	60,000
Sector coordination & support activities	75,865	150,000
VIC bushfire disaster	2,500	-
VOIP trial	43,265	48,380
Webex implementation	23,722	21,659
Webex - 2 <sup>nd</sup> year	33,300	29,600
Management committee guide	-	53,039
Consultation meeting for CLSP funding model	-	8,500
Performance Outcomes	-	15,000
	<u>875,090</u>	<u>568,612</u>

NOTE 9: RESERVES	2009	2008
	\$	\$
Conference surplus prior to 08/09	16,163	16,163
Conference surplus 08/09*	18,768	-
Story book on DVD	7,500	-
Transfer from current year surplus	40,000	-
	<u>82,431</u>	<u>16,163</u>

\*A breakdown has been provided as a Trading Statements and can be found on page 12

NOTE 10: RETAINED PROFITS	2009	2008
	\$	\$
Balance b/f	11,284	47,003
Current year surplus/deficit	142,681	(19,556)
Transfer to reserves	(66,268)	(16,163)
Balance c/f	<u>87,697</u>	<u>11,284</u>

## National Association of Community Legal Centres

ABN: 67 757 001 303



## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009

NOTE 11: LEASING COMMITMENTS		2009	2008
		\$	\$
a. <b>Operating Lease Commitments</b>			
Being for rent of office			
Payable — minimum lease payments:			
— not later than 12 months	24,921	16,080	
— between 12 months and 5 years	41,175	-	
— greater than 5 years	-	-	
	<u>66,096</u>	<u>16,080</u>	

The property lease is a non-cancellable lease with a three-year term, with rent payable monthly in advance. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by the higher of fixed percentage review or 4% per annum. An option exists to renew the lease at the end of the three-year term for an additional term of two years.

## NOTE 12: RELATED PARTIES

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other parties unless otherwise stated.

**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



**STATEMENT BY MEMBERS OF THE COMMITTEE**


The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the Committee the financial report as set out on pages 2 to 7:

1. Presents a true and fair view of the financial position of National Association of Community Legal Centres as at 30 June 2009 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that National Association of Community Legal Centres will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the committee and is signed for and on behalf of the committee by:

National Convenor.....  
Elizabeth O'Brien

Treasurer .....  
Carol Benda

Dated this 28 day of October 2009

**National Association of Community Legal Centres**

ABN: 67 757 001 303

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF NATIONAL ASSOCIATION OF COMMUNITY  
LEGAL CENTRES***Report on the Financial Report*

We have audited the accompanying financial report, being a special purpose financial report, of National Association of Community Legal Centres (the Association), which comprises the Balance Sheet as at 30 June 2009 for the year then ended, the Income Statement, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

*Committee's Responsibility for the Financial Report*

The Committee of the Association is responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report, are consistent with the financial reporting requirements of the *Associations Incorporation Act 1991* (ACT) and are appropriate to meet the needs of the members. The Committee's responsibilities also include designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

*Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for distribution to members for the purpose of fulfilling the committee's financial reporting under the *Associations Incorporation Act 1991* (ACT). We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Independence*

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

*Auditor's Opinion*

In our opinion, the financial report of National Association of Community Legal Centres presents fairly, in all material respects the financial position of National Association of Community Legal Centres as of 30 June 2009 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements and the *Associations Incorporations Act 1991* (ACT).



Don Walter

WalterTurnbull

Address: Level 13, 321 Kent Street, Sydney NSW 2000

Dated this 12 day of October 2009

**National Association of Community Legal Centres**

**ABN: 67 757 001 303**



NATIONAL CONFERENCE TRADING STATEMENT	2009	2008
	\$	\$
	Darwin	Brisbane
<b>INCOME</b>		
Registration fees	169,859	139,321
Sponsorship	34,497	55,818
Conference grants	64,091	20,719
Donations	4,545	-
Total income	272,992	215,858
<b>EXPENSE</b>		
Conference audio-visual	28,783	28,554
Conference organiser	54,485	46,200
Conference speaker	400	-
Conference childcare	6,605	5,276
Conference interpreting services	1,300	-
Venue	63,002	78,525
Catering	16,818	3,002
Conference welcome and entertainment	3,200	3,078
Design and printing	10,356	10,418
Office supplies	24	540
Advertising and media	1,083	1,999
Conference postage and courier	426	329
Subsidies	19,554	12,609
Telecommunications	355	1,174
Travel and accommodation	47,223	28,857
Sundry expenses	612	6,585
Total expense	254,225	227,146
Conference surplus/ (loss)	18,767	(11,288)

In prior years the association has recognised the National Conference surplus/ loss as a liability in the balance sheet. This has now been corrected in accordance with Australian Accounting Standards to be included in Accumulated surplus/ (losses).



THANK YOU TO OUR SPONSORS:



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**08** NATIONAL CLC CONFERENCE  
17-20 AUGUST 2008 DARWIN, NT



