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Kimberley Community Legal Services Inc

Our Vision

Our vision is for the Kimberley region to be a place where social justice exists for all people.

Our Values

Empathy and Respect
Dedication and Commitment
Integrity and Honesty
Teamwork and Collaboration
Improvement and Innovation

Our Mission

Our mission is to be a dynamic organisation with leadership and innovation in culturally effective services and programs that make a positive difference to the people, communities and towns of the Kimberley.

Introduction

Kimberley Community Legal Services Inc (KCLS) is based in Kununurra and commenced operation in 1999. KCLS is an independent, non-profit community organisation overseen by a community based Management Board. The organisations' principal funding source is received through agreements with the Commonwealth Attorney-General's Department. Specific funding is received:

- ❖ Commonwealth Attorney-General's Department through the Commonwealth Community Legal Service Program through Legal Aid Commission of Western Australia
- ❖ Commonwealth Attorney-General's Department Indigenous Family Violence Prevention Legal Services Program
- ❖ Department of the Attorney-General's Legal Contribution Trust through Legal Aid Commission of Western Australia
- ❖ Department of Commerce through the Industry & Consumer Services Directorate
- ❖ Department of Housing & Works through the Aboriginal Housing & Infrastructure Directorate
- ❖ Department for Child Protection

KCLS forms part of an Australia wide network of community based legal services and is a member of the National Association of Community Legal Centres and Community Legal Centres Association (WA) Inc. As such the organisation has a local, regional, state and national focus and participate in various networks such as women's legal services, Indigenous women's rural, regional and remote, community legal education, tenancy and financial counselling services. These networks engage in joint initiatives in their relevant areas of law and policy and provide a forum for staff to meet other professionals, from the state and nationally within the community legal service sector.

Services include:

- ❖ CLC generalist legal service provides advice, referral, information and casework assistance, community legal education, law reform and advocacy regarding legal processes to people and communities within the Kimberley region;
- ❖ Indigenous Women's Program assists Indigenous people, in particular women in accessing legal services, information, advice and community legal education mainly in areas of family law and child protection within the Kimberley region.
- ❖ Generalist legal and Indigenous Women's Program outreach services are provided to the towns of Wyndham, Halls Creek, Fitzroy Crossing, Derby and Broome and the remote Kimberley communities of: Warmun, Kalumburu, Oombulgurri, Balgo, Mulan, Bililuna and other communities predominately in the East Kimberley;

- ❖ Family Violence Prevention Legal Service Unit provides assistance with legal information, advice, casework, counselling, support and referral, community education and awareness and prevention initiatives to Indigenous adults and children in the towns of Kununurra, Wyndham, Halls Creek, and remote communities of Warmun, Oombulgurri and Kalumburu;
- ❖ Community Legal Education Outreach Program provides community legal education for community service providers through outreach services and where appropriate KCLS clients and clients of other service providers within the Kimberley region;
- ❖ Tenancy Advice and Education Service provides information and advice to residential tenants (private and public) to support them in making informed decisions about tenancy related matters and education to individuals and community service providers in the towns of the Kimberley region.
- ❖ Indigenous Tenancy Advocates Service provides a culturally responsive tenancy advocacy service to Indigenous people in public housing in the towns of the Kimberley region.
- ❖ Financial Counselling Service provides financial counselling, education and advocacy services for individuals and families on low income experiencing financial difficulties in particular Aboriginal families in Kununurra and surrounding communities.

Kimberley Community Legal Services Inc operates Monday to Friday, between the hours of 8am – 4pm and is located in the town centre of Kununurra, which provides access to people living in Kununurra. Access to services in the towns and remote communities within the Kimberley region is achieved on outreach services by staff consulting clients at mutually agreed locations, usually at a local community or government organisation, or at the client's home. Equity of services is ensured through the client intake process and a planned and coordinated approach to outreach services within the Kimberley region.

Management Board & Associate Membership

Chairperson

Garry Dagg

Vice Chairperson

Kenneth Torres

Treasurer

Paul Royce

Secretary

Melissah Adams

Board Members

Angela Kruger

Helen Hemsley

Vicki Platt

Emma White

Kimberley Hunter

Ann Mills

Lynette Menmuir

Brianna Lonnie

Jessica Forrest

Associate Membership

Keeley Palmer

Wendy Carter

Elizabeth Kirkby

Cathy Cummins

Staff

Manager

Rose van Keppel

Principal Solicitor

Annette van Gent

(resigned 23rd March 2009)

FVPLS Solicitor

(Family Violence Prevention Legal Services)

Bob Quilliam

(commenced 19th November 2009)

FPLS Solicitor - Restricted

(Country Lawyers Project)

Kyle Martin

(commenced 16th February 2009)

Seconded Solicitors

(Clayton Utz, National Pro-Bono Scheme)

Robyn Metledge

(9th September to 14th November 2008)

Rebecca Hayward

(6th April – 12th June 2009)

Vanessa McBride

(15th June to 4th September 2009)

Indigenous Women's Program Worker

Ruth Abdullah

(commenced 6th April 2008)

Community Legal Education Worker

Selbey Kruger

(resigned 17th December 2008)

Tessa Hemsley

(commenced 12th January 2009)

Tenancy Advice & Education Worker

Patricia Muirson

(resigned 7th November 2009)

Katy Jones

(1st December 2008 to 27th March 2009)

Indigenous Tenancy Advocate

Annie Wilson

(commenced 1st September 2008)

FVPLS - Counsellor

Margaret King

Financial Counsellor

Natasha Bridson

Client Liaison Officer

Melissa Whalley

(part time resigned 3rd November 2008)

Eileen Kris

(26th November to 30th November 2008)

Zarmyra Chulung

(23rd March to 5th June 2009)

Administration Officer

Melissa Whalley

(part time resigned 3rd November 2008)

Natalie Gentili

(part time commenced 19th January 2009)

Reports

Chairperson

2009 has been a very difficult year for KCLS. Staff changes, workplace uncertainty and the loss of the Family Violence funding has left the service in a poor position. However, a committed core of staff remain to build on the fantastic potential that the service has and capitalise on the hard work that has been put in.

During the year the Organisational Review was completed and the Strategic Plan has begun to be implemented. The resignation of the Manager and the poor state of the Service's finances has hampered this process. It is imperative that KCLS's financial reporting be brought up to date to not further jeopardise our funding opportunities. Margaret King has stepped in as Acting Manager and we thank her for her efforts in a very difficult position.

The Board has acquired a number of new faces during the year and is committed to seeing KCLS through this period. In line with the Strategic Plan and the review of salaries we believe we can attract a professional and experienced Manager to build the Organisation back to strength. It is essential during this time of rebuilding that we keep our services operational and maintain the good reputation we have across the Kimberley.

Unfortunately the Service went from three solicitors and a pro bono earlier in the year – picking up numerous cases and extending our reach – to one Principal Solicitor. This has led to a reduction in services and KCLS' profile in the community and needs to be addressed urgently.

On behalf of the Board I would like to thank the staff who have been with us during 2009. We recognise that it has been a difficult and stressful time for all. The Board is, however, committed to assisting the staff in their efforts to keep the Service strong and rebuild from our current position.

Garry Dagg

Manager

This financial year has seen an increase in output from our generalist and Family Violence services, due mainly to the recruitment and maintenance of staff.

With the continuation of the Principal Solicitor and recruiting a Family Violence Prevention Legal Services Solicitor, we had capacity for supervision of a restricted practitioner and three solicitors from Clayton Utz's Pro Bono scheme throughout the year. We also had capacity to assist in court proceedings which had not been previously possible.

The WA Country Lawyers Program (WACLP) is a joint initiative between Legal Aid WA, Community legal Centres, Aboriginal Legal Services, Law Society of WA and the Legal Practice Board of WA. It is supported by the State and Commonwealth governments to improve the recruitment and retention of lawyers in regional and remote Western Australia. This year KCLS benefited from receiving a restricted practitioner in February 2009 and we hope to receive a new country lawyer in February 2010.

Clayton Utz's pro bono scheme provided another three secondments this financial year who were very active in providing assistance to our permanent solicitor's and also the Community Legal Education worker. This scheme benefits KCLS by increasing our services out to the Communities, providing fresh methods and ideas to the staff, and also gives the solicitor's a unique experience. Clayton Utz also assisted with policy reviews and law reform submissions, and was available for referrals on matters with which we cannot assist. We also hope to continue this relationship next year and thank David Hillard, Partner Clayton Utz Sydney for his input in KCLS's newly developed strategic plan.

The Family Violence Prevention Legal Services increased in strength by employing two solicitors who were now able to follow the court circuit. The FVPLS Counsellor also travelled on circuit and with an increase in presence, and the commencement of an East Kimberley Magistrate, appropriate referrals were being made by the court, police and DCP.

The Indigenous Women's Project worker position was filled in April 2009 after remaining vacant for most of the year. This position is now making great progress due to the experience of the worker both in the Community and with KCLS. Ruth works closely with the CLE worker and solicitors to ensure appropriate delivery of service and has already been successful in attracting community contacts.

The CLE position is a very active role at KCLS and we have been grateful to have had two enthusiastic staff filling this position. With the assistance of the solicitors and IWP, the CLE worker has increased awareness and knowledge of people's rights and the law throughout the East and West Kimberley. They are also information gatherers as they report back community issues and concerns.

The tenancy advice and education worker service, funded by Dept of Commerce, started this financial year actively however became vacant in March 2009. It offers a much needed service to the East and West Kimberley,

advocating for tenants in private and public rental disputes. They also deliver CLE to community members and service providers on tenant's rights. We hope to recruit for this position in the next financial year.

The Indigenous Tenancy Advocate position, funded by Aboriginal Housing has been filled since September 2008. This service assists with indigenous public housing disputes and CLE on tenant's rights in the East and West Kimberley.

The Financial Counselling Service has now been funded full time by DCP for a year. This has allowed an increase in service to Wyndham, Warmun, Kalumburu and Oombulgurri. Due to the continuation of staff in this position output is increasing.

The Manager attended many local Interagency Meetings and was on the NACLC executive committee and the State representative for WA FVPLS units. Other staff attended local meetings relevant to position and the FVPLS counsellor started attending the Kimberley Regional Coordinated Response case management meetings.

This financial year has seen an increase in productivity especially to the remote communities in both advocacy work and education. I would like to thank all staff for their hard efforts and commitment throughout the year.

Appreciation is also given to the Management Board for allocating their personal time to support KCLS in delivering a valuable community service.

The Manager for this period has since resigned and these were the main events which occurred throughout the year.

Margaret King

Legal Services

My work with Kimberley Community Legal Services Inc (KCLS) commenced in

January 2008. Since this time I have assisted in the gradual expansion of legal services to the communities throughout the Kimberley.

KCLS has expanded the quantity, variety and complexity of matters in which it provides legal advice and representation, both within the generalist legal service and the Family Violence Prevention Legal Service. Clients of KCLS from all communities within our service area have received advice and representation in areas including criminal injuries compensation, family law children's matters, child protection matters, unfair dismissal and unlawful termination of employment, trusts, contracts, wills and other matters relating to deceased estates, restraining orders, discrimination complaints and complaints against government agencies and private enterprise. In providing this service to clients throughout the year, I have been grateful for the support of our solicitors Bob Quilliam, and Kyle Martin as part of FVPLS. Additional support was provided by Clayton Utz, sending us Robyn Metledge, Rebecca Hayward and Vanessa McBride.

While working with individual clients, with communities and with other agencies throughout this year, I have been alert to identifying areas in which people living in our service area experience particular difficulties in accessing justice, and in working to address those difficulties. I have identified significant barriers for people accessing justice in the care and protection jurisdiction of the Children's Court, due to the significant child protection issues in the communities we service and a lack of solicitors available to advise and represent parents and children in child protection proceedings. KCLS has worked throughout the year to develop a referring relationship with the Department for Child Protection (DCP) and offering legal representation to people in proceedings before the Children's Court, particularly people in communities such as Kalumburu who face the greatest barriers accessing the services of solicitors. We will continue to address this critical issue throughout the forthcoming year, in partnership with the courts, the newly established office of Legal Aid WA in Kununurra, the Aboriginal Legal Services and DCP.

In the course of acting for clients in the Family Court in children's matter, I have identified further issues for people seeking to access justice in that area, including a lack of family dispute resolution services, and practical difficulties accessing the Family Court for those for whom mediation is inappropriate, notably clients whose families are affected by family violence and child abuse. KCLS has been active in raising the profile of these issues throughout the year in forums including the Family Pathways Network in Perth, and the Women's Legal Services of Australia Network. We have contributed to discussions with Legal Aid WA about the development of family dispute resolution services suitable for Indigenous families in the Kimberley.

In my role as Principal Solicitor, I have provided supervision and support to the Tenancy Advice and Education Service, Indigenous Tenants Advocacy service, Financial Counselling Service and the Community Legal Education Outreach Program, through weekly case management meetings, regular consultation about issues as they arise and training about our obligations under our professional indemnity insurance policy. I have greatly enjoyed

working with KCLS's other services throughout the year, seeing the expansion and success of those services and seeing them become increasingly integrated so that our clients can receive assistance with their legal, housing, financial and personal issues through our one service. As an integrated service, I believe that we can make a unique contribution to improving the lives of our clients and addressing injustices in our communities.

Margaret King on behalf of
Annette van Gent

Indigenous Women's Program

Since joining the organization in April, my report will only be based on the three months to June 2009.

In my new role, within this three month period it has been a PR trip to different communities and organizations with lawyers that were employed at that time.

All communities were visited and CLE/Legal advice being offered in consultation with the relevant communities of issues they want to discuss and is working slow but very well. The more we are visiting these communities the reputation is growing of what KCLS services is about. Because most of the communities know me, it was good to re visit the people and gain their confidence and trust again. Also to talk with them about my role and what KCLS can offer to their communities/organizations.

Also on a good note to the Board, I had been recognized by the East Kimberley Aboriginal Achievement Awards in receiving a Plate and a plaque for the "Elder (60 plus) of the year" 2009. This was a joint nomination from Kinway Counselling and KCLS and I felt very proud to be part of the two organizations and also in receiving the Award.

Ruth Abdullah

Community Legal Education Outreach Program

This position was filled by Selbey Kruger until December 2008 and Tessa Hemsley from January – June 2009.

The Community Legal Education Outreach Program has become a well requested service by communities and service providers throughout the Kimberley. There were regular outreach visits to the towns of Wyndham, Halls Creek, Fitzroy Crossing, Derby and Broome and to the communities of Oombulgurri and Kalumburu. There were also sessions delivered in Kununurra, including a career's expo day at Kununurra District High School. The main legal topics that the service presented were criminal injuries compensation, violence restraining orders, family law with a particular interest in parenting and protection orders, driving offences, police powers, respect (for yourself, community and property), graffiti, gambling and the Criminal Law Court system. The service also did a number of local Radio sessions in Kununurra, Halls Creek, Derby and Fitzroy Crossing. All of the sessions that were presented were successful and positive feedback was given by participants, school staff and students.

This service was assisted this year by the enthusiastic pro bono solicitors, who also linked in with the tenancy and financial counsellor positions to deliver a broader range of topics.

During the year Clew workers attended a number of Community Legal Education Workers Network meetings via teleconference, and local community action groups. They also placed announcements of KCLS visits in community publications to increase awareness of our services.

The CLEW workers attended a number of training opportunities throughout the year including the National NALC Conference in Darwin. Kimberley Interpreting Services delivered cultural awareness training which was of great benefit to all staff. Other training opportunities were CLEWS training in Perth dealing with difficult clients, and a 2 day training session from Youth Legal Services.

Overall, the service has received continual positive feedback from community service providers, school staff and students, with a definite increase in the amount of community legal education being delivered throughout the Kimberley region.

Margaret King on behalf of

Selbey Kruger

Tessa Hemsley

FVPLS - Counselling Services

The FVPLS – Counselling Service provided fortnightly visits to Wyndham, and monthly visits to Kalumburu, Oombulgurri, Warmun and Halls Creek. I assisted the legal services with community education and helped organise and participate in community events. This has contributed to developing the counselling service and building trust and familiarity which is essential in building a client base.

In partnership with Kinway and Gawooleng Yawoodeng Crisis centre, we delivered a peer education program developed by the Women’s Council for Domestic and Family Violence to the year 8 and 9 students at Kununurra District High School. The topics were consent and protective behaviours, Domestic and Family Violence, Teen dating violence and healthy and unhealthy relationships. These were quite heavy topics which is why the partnership was important to enable a counsellor to assist individuals while the education was being delivered.

Referrals to the service have increased since coordinating outreach trips with the court circuit and providing court support to clients. It has meant a greater awareness of my role with the police, court staff and DCP. Constant networking with other community service providers is an important part of increasing the number of referrals.

Margaret King

Tenancy Advice & Education Services

This position was filled by Trish Muirson until November 2008 and Katy Jones from December 2008 – March 2009. We are currently recruiting for this position.

In this time the main issues for private sector clients were bond disputes and rental arrears. The main issues for public housing continued to be overcrowding and lack of adequate maintenance.

Planned and regular outreach services for client appointments, service promotion and networking with service providers, community consultation through attending relevant meetings and the delivery of tenancy education to service providers and community members were provided to the towns of Kununurra, Wyndham, Halls Creek, Fitzroy Crossing, Derby and Broome.

Community education sessions included local Indigenous radio sessions at Waringarri Radio Kununurra and Wangki Radio in Fitzroy Crossing and workshops for community service providers and community members have been provided throughout East and West Kimberley. These sessions targeted items such as violence in tenancy, tenant liability, rights and responsibilities and general tenancy topics.

Tenancy education was introduced into the high schools within the Kimberley region with the aim of preparing school leavers for their first tenancy experience. Education was also delivered to Broome Prison to provide assistance to inmates who may have public housing or would like to apply for one.

Bi-monthly Tenant Advice Service Operation Forums were attended via teleconference to network with other tenancy advocates throughout the state. These meeting provided a forum to network and ensured tenancy advocates were informed of any changes to policy and an opportunity to discuss their impact.

Margaret King on behalf of
Trish Muirson and Katy Jones

Indigenous Tenancy Advocate Service

Tenancy services provided a planned and regular outreach service to all towns within the Kimberley region. Outreach visits included client appointments, community meeting attendance, networking with community service providers and delivery of tenancy education to service providers and clients.

Bi-monthly TAS Operation Forums were attended via teleconference to network with other tenancy advocates throughout the state. These teleconferences provided a forum to network and ensured tenancy advocates were informed of any changes to policy and an opportunity to discuss their impact.

Promoted services to these organizations:

Kununurra, Wyndham, Halls Creek, Fitzroy, Derby and Broome.
Department of Housing and Works, DCP, ALS Disability Services Commission, Men's Outreach, Department of Consumer and Employment Protection, Ngnowar-Aerwah Aboriginal Corporation, W A Country health services, Anglicare, HACC, Yiriman Project (Building stories in our young people) Marnin Bowa Dumbara Aboriginal Corp, Joorook Ngarni Aboriginal Corp, Jardamu Resource, Joongari House TAFE, Marinwarantikura Womens Resource Centre, Nindilingarri Aboriginal Health services, FX Disability Services Commission, Department of Child Protection FX

Promoting the Services:

Promoting **Tenancy week** 30 Sept – 3 Oct

Community Legal Education: Spent a few days at the shopping centre at COLES, Kununurra, delivering CLE on Understanding your lease. Annetta Bellingeri from Consumer Protection and Trish Muirson.

CLE in Halls Creek with the Alcohol Centre catered for 20 participants 10 Tenancy Tips with Katy Jones.

Waringarri Radio 14 May 2009 questions and answers of tenancy

Homeless week in Broome 4, 5, 6 May 2009

Training

Tenancy Law for Community Workers 5–6 Nov 2008

Court Advocacy (Tenancy) 17, 18, 19 Nov 2008

Disability Awareness Workshop 2nd Dec 2008

Tenancy Conference 9, 10 Dec 2008

Case Management & essential wellbeing 11, 12, Dec 2008

Cultural Awareness Course 13th Feb 2009

Public Housing Advocacy 2, 3 Apr 2009

Negotiation skills 30 April – 1 May 2009

Went to a meeting with Rose at Community Reference Group in Halls Creek, 9th 10th Sept 2008

Annie Wilson

Financial Counselling Services

The full time financial counselling service commenced from 1st July 2008, the service has continued to grow in the year to date and has an average of 10 cases open at any time.

In this time assistance has been given in a wide variety of issues, including but not limited to bankruptcy assistance, moratoriums, hardship variations, telecommunications issues (one of which involved the telecommunications ombudsman), payment plan negotiations, superannuation advice, budget advice and with the new DCP funded HUGS scheme, many HUGS assistance cases.

Community education has continued with radio sessions and community education sessions. Networking with local service providers happens continuously due to high turnover of staff in the associated services.

The service has started to receive an increasing amount of referrals from other service providers including the Family support unit, Kimberley mental health and drug service, Centrelink, Horizon power and DCP.

There has been collaboration with DCP's Stanley Ste in regards to the pilot program which will provide assistance to customers of horizon power who are on pre-paid meters. Payment cards will be provided to those customers who are suffering financial hardship and would not be able to access any other form of assistance; this pilot will be rolled out in Warmun sometime in February 2010.

There has been opportunity to attend the AFCCRA (Australian financial counsellors and credit reform association) Conference in Sydney and the FCAWA (financial counsellors association of WA) both of which were a chance to meet and talk with other financial counsellors and discuss the issues faced in these areas but also to learn what is happening currently in the sector in Australia and WA.

Another successful year of financial counselling is looked forward to.

Natasha Bridson

Treasurer

LBW Chartered Accountants were appointed by the Board of Management to undertake an independent audit of the Kimberley Community Legal Service Inc. (KCLS). LBW Chartered Accountants have since tendered their Independent Audit Report with the following findings.

The end of year balance sheet recognises that the organisation has \$1,493,406 in total assets (\$814,554 current assets and \$678,852 non-current assets) and \$631,313 in total current liabilities, which provides a total for net assets of \$862,093.

According to the KCLS cash flow statement, the organisation received \$1,226,210 from state and commonwealth government funding bodies. During this same period, \$1,087,590 was paid to suppliers and employees. This resulted in \$115,233 remaining in cash which, when added to \$694,078 carried forward from previous years, amounts to a total of \$809,311 in cash at the end of the 2008/09 financial year.

As a result, it can be determined that KCLS as at 30 June 2009 is in a sound financial position with a retained surplus of \$862,093 after accounting for all operating activities. A full copy of the financial assessment offered by LBW Chartered Accountants, including income statement, balance sheet, cash flow statement, notes to the financial statement and independent audit report, is contained within this annual report.

Many thanks must go to Jodie Silvester and her team at Kununurra Accounting Services for introducing new, efficient and effective financial management practices into the organisation and assisting LBW Chartered Accountants in the preparation of their audit. Thanks also to Margaret King and KCLS staff for their assistance in the administration of the organisation's finances over the previous 12 months.

Paul Royce

Financial Statements
For The Year ended 30 June 2009
