

# KCLS

## Kimberley Community Legal Services Incorporated Annual Report 2010-2011



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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. KCLS is an independent, non-profit community organisation overseen by a community based Management Board.

KCLS is funded by:

### **Commonwealth Government**

**The Commonwealth Government Attorney-General's Department**, as part of the Commonwealth Community Legal Services Program (CCLSP). The CCLSP provides funding for 139 community legal services across Australia. The CCLSP partly funds our Generalist service and our Indigenous Women's Program,

**FaHCSIA** - budgeting, credit and debt and financial management service for low income and income managed clients

### **State Government**

Department of Housing - Indigenous Tenancy Advice Service

Department of Consumer Protection - Tenancy Advice and Education

Department of Child Protection - Financial Counselling/credit and debt, Public Tenancy Support ( part of National Partnerships Agreement on Homelessness).

### **The Profession**

The WA Legal Contributions Trust Fund provides funding through the Community Legal Services Program for Community Legal Education and Outreach.

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. KCLS participates in many networks and engages in joint initiatives in law reform and policy. These networks 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, Kalumbaru, Oombulgurri, Balgo, Mulan, Billiluna and other communities predominately in the East Kimberley;
- ❖ Community Legal Education Outreach Program provides community legal education for community service providers and clients through outreach services
- ❖ Tenancy Advice and Education Service provides information, advice and workshops to residential tenants (private and public) to support them in understanding and exercising their rights as tenants
- ❖ Indigenous Tenancy Advocates Service provides a 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.
- ❖ Public Tenancy Support Service provides early intervention and prevention of eviction services to Department of Housing Tenants (including Community Housing) in Kununurra.

Kimberley Community Legal Services Inc. operates Monday to Thursday, between the hours of 8.30am - 4.30pm - on Friday the office is closed and the service is available for appointments via telephone from 8.30am 12.30pm . The service 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

<i>Chairperson</i>	Brianna Lonnie
<i>Vice Chairperson</i>	Angela Kruger
<i>Treasurer</i>	Paul Royce
<i>Secretary</i>	Matt Panayi
<i>Board Members</i>	Ruth Abdullah
	Selbey Kruger
	Grace Lewis
	Emma Walker

## Staff

<i>Director</i>	Liz O'Brien
<i>Principal Solicitor</i>	Annette van Gent/Kylie Kerin
<i>Indigenous Women's Program Worker</i>	Bev Russ
<i>Tenancy Advice &amp; Education Worker</i>	Daniel Brigg
<i>Community Development Legal Liaison Officer/Public Tenancy Support Services Officer</i>	Annie Wilson
<i>Indigenous Tenancy Advocate</i>	Helen Thomson
<i>Financial Counsellor</i>	Hannah Levy
<i>Administration Officer</i>	Sam French
<i>Solicitors</i>	Hannah Levy / Amanda Whitehead

## Reports

### Chair

The year 2010 to 2011 has seen an expansion in KCLS services and an increase in staffing levels. Recruiting and retaining staff is still an issue KCLS needs to address to ensure the stability required for an effective community legal service. Some progress has certainly been made in this regard.

Additional funding was secured to create 2 new positions, a Public Tenancy Support worker and an Indigenous Advocate. Further, the experience in the community legal sector of the KCLS Director Liz O'Brien meant the Board had the confidence to move forward in decisions to recruit 2 Restricted Practitioners to complement the legal practice.

Unfortunately, during the course of this financial year the Principal Solicitor, Annette Van Gent resigned. This created a situation where the service was again responding to a short-term crisis situation without an unrestricted practitioner. Fortunately, sufficient arrangements were made to provide supervision as a result of our relationship, which involved a mentoring arrangement, with Northern Suburbs Community Legal Centre and the availability of a locum in Kununurra. As a result, there was only a short period of time when the delivery of any legal services needed to be suspended.

KCLS has continued with successful recruitments to the Principal Solicitor position through Legal Aid's Country Lawyer program and is grateful for that assistance. Kylie Kerin was appointed to the position for 12 months and commenced in May 2011. She has already proven herself to be very competent and has shown great initiative in reviewing the Legal Practice and implementing some changes.

Steps have now been taken to recruit an additional unrestricted practitioner. This will mean that in the absence of the Principal Solicitor, continuity of service of the legal practice is ensured.

A number of issues have been identified during the course of the financial year which have lead to the Board acknowledging areas for governance improvement and better accountability. The majority of Board members attended Governance training and further training is scheduled for those Board members who were unable to attend and any new members from today.

Further, a full day risk management workshop was held last week which has identified a number of actions that need immediate attention by both the Director and the Board. The process was facilitated by the CLC Association and was an excellent opportunity to reflect on some of the processes that have recently been reviewed, and areas where review is essential. This was a great process to be involved in and a step in the right direction for our Board to be pro-active rather than reactive.



Another step at looking to a positive future for KCLS is to review the strategic direction of the organisation and implement a new Strategic Plan. The sessions with staff and the Board will be facilitated and held before the end of this year so that the service can feel more focussed on it's strategic direction.

The Board identified some time ago a need to review the Constitution. This was achieved over the past year and after consultation within the sector, new Rules of Association are being put to the KCLS membership today, more consistent with the model Rules.

In terms of service delivery, the outreach work and community legal education programs have increased significantly, and a great deal of credit must be given to the lawyers and specifically to Bev Russ, the Indigenous Women's Project Worker who is a wonderful asset to KCLS. Bev has always demonstrated her professionalism and has not only been an asset to KCLS but has also strengthened service delivery for other legal services, such as Legal Aid. Bev has worked tirelessly to improve KCLS' reputation within the community through her networks and to expand KCLS services through education and outreach.

KCLS is also very fortunate to have recruited 2 restricted practitioners who are extremely hardworking, professional and passionate about their work in the East Kimberley. Hannah and Amanda have demonstrated a high level of skill and professionalism in their work and their efforts are highly appreciated by the Board.

I would like to thank all the staff for the efforts throughout the year and hope to continue to build on our position with a strong presence in the community.

On behalf of the Board, I would like to thank our members for their support in 2010/2011 and look forward to "moving forward" in 2011/2012!

*Brianna Lonnie*  
*Chairperson*  
31 October 2011

## *Statistics*

In 2010/11 KCLS Provided assistance to 564 clients of these:

292 were new clients  
95 were repeat clients  
And  
177 were existing clients

Advice was provided to 498 clients

The total number of cases opened - 274

Community Legal Education projects in the period - 50

## *Director*

We farewelled our Principal Solicitor Annette Van Gent in March 2011. Until our new Principal Solicitor started in May 2011 we were ably assisted by two locum Principals – Gerry Cleveland on secondment from Northern Suburbs Community Legal service from March 18 until 30 April 2011 and Judy Harrison from 2 May 2011 until 30 May 2011.

The tenancy advice and education worker service, funded by Department of Commerce, has been filled by KCLS solicitors. 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.

Helen Thomson, our Indigenous Tenancy advice Service worker left us in May 2011. The position is currently vacant and the work is being ably covered by KCLS Solicitors and TAES solicitor while recruitment takes place.

Hannah Levy, solicitor has completed qualification as Financial Counsellor and has filled this position as well as that of credit and debt solicitor.

The Director attended many local Interagency Meetings and undertook consultation with the Regional Homelessness Plan for the East Kimberley.

I would like to thank all staff for their hard efforts and commitment throughout the year. In particular KCLS acknowledges the contribution of staff that have left during the year: Annette van Gent, Helen Thomson and Sam French.

Thanks also to the Board for their support KCLS in delivering a valuable community service.

*Liz O'Brien*

## *Legal Services*

I assumed my role as Principal Solicitor of KCLS in late May 2011 through the Legal Aid WA Country Lawyers Program.

The KCLS Legal Practice was challenged in early 2011, being without a full-time Principal Solicitor from March to late May 2011. I extend my thanks on behalf of KCLS and its staff to Gerry Cleveland and Judy Harrison who worked as locum solicitors on site and remotely during this time of instability. They provided essential mentoring and support to KCLS staff, especially to our two lawyers Hannah Levy and Amanda Whitehead who continued to provide efficient and quality legal services to the Kimberley community during this time.

My priority in starting as Principal Solicitor has been to assess the current state of the legal practice and the impact of current work practices and procedures on the long-term stability of the legal practice. A number of urgent issues have already been addressed, and the outstanding issues are largely operational. With the support of KCLS Director Liz O'Brien and the KCLS Board, I am confident KCLS's legal practise will continue to strengthen and broaden. I look forward to more actively participating in the law reform advocacy and extended community capacity building that is so vital in this region.

The legal practice maintains outreach services in Wyndham, Halls Creek, Balgo, Kalumburu and Warmun, and surrounding smaller communities, across the areas of family law, child protection, criminal injuries compensation, family violence, wills and estates, art law and general civil claims.

KCLS continues to expand its community legal education (CLE) program, under the skilled and enthusiastic direction of KCLS' Indigenous Women's Project Officer, Bev Russ. In my short time with KCLS I have seen several new KCLS CLE initiatives evolve within the Kununurra, Wyndham and Halls Creek communities. These programs encourage direct engagement between KCLS advocates and young people, artists, victims of family violence and other interested groups to share knowledge and mutually increase understanding about issues arising for these groups.

KCLS has a unique opportunity in the Kimberley region to support very diverse interest groups, to seek regular and objective feedback from the community and to respond to immediate and long-term community needs as requested by community participants. The direction of the KCLS CLE program is well aligned to meet these objectives and to strengthen relationships with other community agencies to sustain these programs in the long term.

Finally, thank you to all of the staff at KCLS, the KCLS Board and the local professional community for warmly welcoming me to Kununurra. I look forward to strengthening established relationships and inviting new community partners to join us in providing ongoing access to justice for our local neighbours, nurturing and celebrating the unique beauty of this region and the possibilities for its future.

*Kylie Kerin*  
*Principal Solicitor*

## *Indigenous Women's Program*

I have occupied the position of IWPO since late October 2010. Below are the activities I have undertaken in this role at KCLS.

### **Community Legal Education (CLE)**

In my contact and work with community members, community groups and service providers throughout the year, I have observed that many Aboriginal people still experience not knowing how and where to obtain relevant legal information and assistance.

The role that KCLS plays in providing CLE to individuals and groups is crucial to improving awareness and access to legal information and legal processes. CLE packages, resources and strategies that cater for local needs and the diversity of our audiences are areas that needs ongoing work and development.

Some of the areas of the law KCLS has provided Community Legal Education on and needs ongoing updating are:

Police Powers/Dealing with Police

Tenancy Issues

VRO's

Driver's Licence Issues/Extraordinary Licence/Payment Options

Artists' Rights

Youth Issues – Dealing with the Police: Rights and Responsibilities, Alcohol and Drugs, Cyber Bullying, Damage to Property

#### **CLE Highlights 2011:**

Working collaboratively with the other legal services in the area to develop and deliver CLE has proved to be very appropriate and beneficial. A week long "Talking About the Law Desert" CLE Trip with Legal Aid in June was a great success. CLE was delivered at Billiluna, Balgo, Ringer's Soak, Yiyili and Halls Creek. A range of topics covered: Driver's Licence/Extraordinary Licence/Paying Off Fines/Community Orders Going to Court/Bail

A series of CLE sessions delivered at the Wyndham Work Camp by Gerry Cleveland, Lawyer Northern Suburbs CLC/Acting Principal Solicitor KCLS. I provided support for the sessions. Topics covered included: emotional intelligence, positive parenting/supporting kids, dealing with anger and various law issues as requested by the prisoners.

Consulting and delivering a series of CLE sessions to Aboriginal Female Artists at Kimberley College of TAFE Halls Creek on the topics: Police Powers: Know Your Rights and Artists' Rights. This is ongoing.

Consulting with the Youth Service staff, building relationships and interacting with young people at Youth Services Halls Creek which is an ongoing project.



Ongoing series of CLE sessions for senior students at Halls Creek District High School. Consulting with the teachers and students about youth law issues in Halls Creek and incorporating these into the sessions.

### **Networking with Services Providers in the East Kimberley**

Throughout the 12 months I have been networking with service providers. The main purpose has been to build relationships, introduce and promote the services that KCLS provides and to gather information on local legal issues. I would link these meetings in with outreach visits. At these meetings the KCLS team explained the process of making referrals to KCLS, the availability for us to provide Community Legal Education/Information to individuals and groups according to their needs and handing out KCLS brochures and contact details. An important strategy was also to bring the Principal Solicitor and/or Solicitors, when available, to these meetings to build relationships with workers within the services. This is an ongoing process.

Listed below are the service providers that KCLS has established a working relationship with:

**Kununurra:** Gawooleng Yawoodeng Lil I Playgroup Pindan St, Kununurra District High School, Legal Aid WA and Kimberley Regional Education Office.

**Wyndham:** Wyndham Work Camp, Safe House, WELA Family Centre and Wyndham District High School.

**Halls Creek:** Jungarni Indigenous Corp, Kimberley College of TAFE, PRK Radio, Youth Services and Halls Creek District High School.

### **Outreach Client Services**

I have accompanied and assisted the Principal Solicitor, Solicitors and Tenancy Advocacy Worker in Kununurra and on outreach visits to Wyndham, Warmun, Halls Creek and Kalumbaru. KCLS over the year has made regular fortnightly field trips to Halls Creek, the majority of which I have been on. My main role during these visits is to ensure that clients understand the advice given to them by the solicitors. I have assisted in locating clients within the community and accompanying solicitors on home visits.

KCLS scheduling in outreach visits with the court circuit has proved to be beneficial in that it allow people to have access to KCLS solicitors when seeking legal assistance. The use of a room at Jungarni Indigenous Corporation Halls Creek for client appointment has worked well allowing for client's confidentiality and empowerment.

## **4. Professional Development**

- NACLC October 2010
- CLSIS Fundamentals Online Training – October 2011
- CLSIS Non Casework Project Online Training – March 2011

- CLSIS Darwin- April 2011
- Tenancy Law for Community Workers 2 day Workshop Kununurra – TAS June 2011
- What's My Rights "Centerlink" In house Training Kununurra – Welfare Rights June 2011
- Kids, Cops, Courts and Chalkers – Youth Legal Service June 2011

**Committees**

- National ATSI Women's Legal Service Network Committee
- Kimberley District Aboriginal Education Advisory Council

*Bev Russ*

## *Community Legal Education Outreach Program*

### **See also IWP Report**

This position has been filled by all solicitors, Bev Russ and Annie Wilson for 2010/11. In May 2011 Annie became a Public Tenancy Support Service Officer.

While working with individual clients, with communities and with other agencies throughout this year, we have been alert to identifying areas in which people living in our service area experience particular difficulties in general community legal education, and in working to address those difficulties. We have identified significant barriers for people accessing legal information on any related issues.

Community legal education has become extremely sought after as an outreach service to towns and communities in the Kimberley region. There have been regular outreach visits to the towns of Wyndham and Halls Creek. As well we have provided CLE in co-operation with other free legal services in Halls Creek Shire (including Billiluna, Mulan and Balgo)

Radio sessions on Warringari and Halls Creek radio recorded and broadcast.

We will be doing a number of Warringari Radio sessions on graffiti, Housing issues protection orders, violence restraining orders and traffic law and many more.

### Networking - Meeting Attendance:

Halls Creek, Nguyuru Waaringarrem (The Halls Creek Festival) over the weekend in September 2010;

Child Protection day in White Gum Park- Kununurra;

Young Women's Leadership camp in El Questro

Working with Werlemen girls group in Kununurra for 13-16yrs introduction to the services and Community legal education.

National partnership agreement on homelessness forum 11-12 April 2011

Regional justice services supervised community workers at our services.

*Bev Russ/Annie Wilson*

## *Public Tenancy Support Service Officer*

In November 2010 KCLS began its Public Tenancy Support Service provided under the National Partnership Agreement on Homelessness and Funded via DCP. The service receives referrals from Department of Housing, Corrective and HACC to assist in prevention of eviction. Each client is assisted for six months. At July 2011 KCLS has 6 clients. Annie Wilson was appointed Public Tenancy Support Service Worker in November 2010.

### Networking -Meetings attended

- November to July 2011 - Setting up the office and networking system, interagency meeting with Department of Housing and other organization.
- Attended two forums with the National Partnership Agreement on Homelessness
- 11-12 April – NPAH-Tenancy support work shop and Evaluation(Perth)
- 27-28 July 2011-NPAH- Data collection using SHIP and SHOR(Perth)

### Our Client target for this program are:

- Existing Department of housing tenants whose tenancy is in danger or at RISK of eviction and homelessness.
- New department of housing tenants identified as “at Risk”.  
Early intervention helps sustain housing and prevent homelessness.

PTSS and mainstream services provide an integrated response to homelessness to move people out of crisis into long term sustainable accommodation.

We are Looking forward to the new position and more field trips and one on one support for all our clients.

*Annie Wilson*



## *Indigenous Tenancy Advocate Service*

ITAS is a specialty Tenancy Service to assist Indigenous clients in the Kimberley. It has a significant focus on Education for Tenants.

In 2010/2011 ITAS developed and Delivered community education in Hall's Creek, Ringer Soak, Wyndham and Kununurra.

The major problems continue to be high need for advice and assistance about evictions and huge bills with tenancy client's e.g: water and tenant liabilities, lots of maintenance and refurbishing of houses in the east and west Kimberley.

The ITAS is now assisting Community Housing clients where communities have come under Department of Housing management through CH contracts with Department of Housing.

Number of public housing advices - 101

Number of other housing advices - 55

Major issues: Debts, vacated debts, maintenance, priority assistance, bond recovery

*Helen Thomson*

## *Financial Counselling Services*

The Financial Counselling team consists of Fernando Zepeda, Indigenous Liaison Officer and Hardship Utilities Grant Scheme (HUGS) Officer and Hannah Levy. Hannah joined the service in late September 2010 and Fernando later joined the service in April 2011.

The vast majority of our clients are aboriginal single mothers who present with electricity bills, some of which are extremely high, that they are unable to pay.

Often clients are facing disconnection at the time they present to the service and are unable to negotiate an affordable payment plan with the utility provider.

Fernando has been able to successfully aid many clients by recommending them for HUGS and negotiating an affordable payment plan to ensure that their power stays connected.

Clients rarely present to the service requesting assistance with credit and debt issues.

HUGS has enabled Fernando Zepeda initiate discussions with clients about the other debts that they are struggling to pay.

When these debts are identified the client is then referred to a financial counsellor for legal advice and further assistance.

Working in this manner we have been able to identify many clients have Centerlink debts, credit card debts, personal loans, water bills and large telecommunications bills that they have been struggling to pay and felt too ashamed to ask for assistance with.

*Hannah Levy*

## *Treasurer's Report*

LBW Chartered Accountants was appointed at the 2009/010 Annual General Meeting on 3 December 2010 to undertake an independent audit of the Kimberley Community Legal Service Inc. (KCLS) for the 2010/11 financial year. LBW Chartered Accountants has since tendered their Independent Audit Report with the following findings.

The end of year balance sheet recognises that the organisation has \$653,236 in total assets (\$619,049 current assets and \$34,187 non-current assets) and \$486,697 in total current liabilities, which provides a total of net assets of \$166,538. The decrease on total assets is explained by the final removal of the assets associated with family violence service provision, 4 Coral Close Kununurra (\$630,031).

According to the KCLS cash flow statement, the organisation received \$1,058,365 from state and commonwealth government funding bodies and \$48,946 from other sources. During this same period, \$1,038,936 was paid to suppliers and employees while family violence and unspent grants were returned to relevant funding bodies. This resulted in a cash surplus of \$68,375

In viewing the statement of comprehensive income, KCLS had an operating deficit of \$93,471.

### **Explanation of the operating deficit of \$93,471**

In the 2010 financial year, there was an over expenditure in CCLSP grant of \$(68,962). It was decided by the Board that this loss be carried forward to the following year and KCLS reduce expenditure to recover some of the loss in 2011. KCLS was able to reduce CCLSP expenses by \$12,876 in 2011 and therefore a loss of \$56,086 was written off in the 2011 audit.

In the 2010 financial year, there was an over expenditure in the TAES grant of \$(17,165). It was decided by the Board that this loss be carried forward to the following year and KCLS reduce expenditure to recover some of the loss in 2011. KCLS was able to reduce TAES expenses by \$17,165 in 2011 and therefore recover the 2010 loss in full.

Travel expenditure of \$14,593 was not allocated to a funding line in 2011 due to an external travel agency not providing statements for outstanding amounts. At the end of the 2011 financial year, invoices from the 2009/10 financial year were still outstanding and unable to be entered into the accounting system for audit within the necessary time periods. This expenditure will now appear as an expense item in the 2011/12 financial year.

Allowing for the brought forward liabilities from previous financial years, the adjusted surplus for 2010/11 is \$7,249. As a result, it can be determined that KCLS is in a sound financial position as at 30 June 2011. A full copy of the financial assessment offered by LBW Chartered Accountants is included within this annual report.

Many thanks must go to Jodie Silvester and her team at Kununurra Accounting Services for assisting LBW Chartered Accountants in the preparation of the KCLS audit and efficiently and effectively managing the organisation's finances. Thanks also to Liz O'Brien and KCLS staff for their great skill and assistance in the administration of the organisation's finances over the previous 12 months.

*Paul Royce*  
*Treasurer*



## *Auditors Report*

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