



“White Ribbon Day and the Blanket of Healing”

KCLS staff joined with women from the community to do a blanket, with messages about non-violence on square shaped materials. We decided to call it the “Blanket of Strength and Healing”. A morning tea for Women on the was organised on 18th Nov 2011, at the Language centre.

The blanket at was first displayed at White Gum park on the Friday 25th Nov, when the young Men’s and Bringing them home program - young and old Men put up a display board with photos and messages against violence.

The event was also held in Halls Creek, on Wednesday 23rd Nov 2011, where Bev Russ and Tanya Norman coordinated the display of the blanket and gathered more paintings. The Hall’s creek materials were then brought back to Kununurra to make the blanket as a whole for the East Kimberley. The Blanket of Healing is now displayed in KCLS office.

Edna Hester”

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Kimberley Community Legal Services Inc

Our Vision

KCLS is a community-based service. Its aim is:

To work with and within the Kimberley Community to provide a range of services that promote social justice for individuals and the community and act as a catalyst for social and legal change.

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 151 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, Kalumburu, 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.
- ❖ FaHCSIA provides budgeting, credit and debt and financial management service for low income and income managed clients
- ❖ 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.

KCLS provides a regular fortnightly service to Hall's Creek.

Access other towns and remote communities within the Kimberley region is achieved by outreach services. Staff consult 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>	Matt Panayi
<i>Vice Chairperson</i>	Angela Kruger
<i>Treasurer</i>	Paul Royce/Yale Bolto
<i>Secretary</i>	Grace Lewis
<i>Board Members</i>	Selbey Kruger
	Josephine Ward
	Andrew McDonagh
	Emma Walker
	Jade Wade
	Michelle Manning

Staff

<i>Director</i>	Liz O'Brien
<i>Principal Solicitor</i>	Kylie Kerin
<i>Indigenous Women's Program Worker</i>	Bev Russ/Ruth Abdullah
<i>Tenancy Advice & Education Solicitor</i>	Jodie Mc Rae
<i>Public Tenancy Support Officer</i>	Annie Wilson/Erika Parsons
<i>Indigenous Tenancy Advocate</i>	Annie Wilson
<i>Financial Counsellor</i>	Hannah Levy
<i>Reception Officer</i>	Edna Hester/Vanessa Lynch
<i>Solicitors</i>	Hannah Levy /Amanda Whitehead
<i>Paralegal/fc assistant</i>	Jesse Cox
<i>Office Manager</i>	Caroline McKenzie
<i>Bookkeeper</i>	Katie Hyde

Kimberley Community Legal Services Inc.

Staff for 2011-2012



*Principal
Solicitor*
Kylie Kerin



*Indigenous
Women's
Program Worker*
Bev Russ



*Financial
Counsellor/
Solicitor*
Hannah Levy



*Indigenous
Tenancy
Advocate*
Annie Wilson



*Reception
Officer/Admin*
Vanessa Lynch



Director
Liz O'Brien



*Reception
Officer/Admin*
Edna Hester



*Indigenous
Women's
Program Worker*
Ruth Abdullah



Office Manager
Caroline McKenzie



*Public Tenancy
Support Officer*
Erika Parsons



Solicitor
Amanda Whitehead

Reports

Chair

On behalf of all staff and board members of the Kimberley Community Legal Service Inc (KCLS), I'd like to acknowledge the traditional owners of the vast Kimberley lands in which we operate and pay respect to the elders past, present and future.

The 2011/12 financial year has been yet another dynamic one for KCLS. We have seen our funding base and service provision expand substantially. Our staff group continues to grow also.

Our core service provision this financial year was in providing generalist legal advice and services, including assistance to parties in family law and care and protection matters, tenancy advice and assistance, financial counselling and associated legal assistance, assistance with obtaining violence restraining orders for victims of family and sexual violence, assisting victims of crime to obtain criminal injuries compensation awards and providing community legal education to a wide variety of audiences. More detail is provided in the report of Kylie Kerin, our very able Principal Solicitor.

Special projects which have been a service focus of KCLS this year included the Stolen Wages compensation scheme and 'Yarning about the Law', which is a collaborative community legal education initiative with Legal Aid WA, Aboriginal Legal Service WA and Aboriginal Family Law Service, which saw communities far and wide across the East Kimberley be provided with the opportunity to participate in community legal education, and receive legal advice and assistance on a wide variety of matters. Many of these communities visited lay off the 'Court Circuit' trail, and have extremely limited opportunities to receive legal advice, assistance and education.

On the Board, we began working with our new 'rules of association', which replaced the old constitution at last years Annual General Meeting. We have continued to work with staff and Christina Kadmos to move towards developing a new strategic plan for 2013 onwards, with much work still to be done.

The Board itself has undergone some significant change. We waved a sad goodbye to our outgoing Chair, Brianna Lonnie, who this year welcomed little Xavier to the world. We also lost three long term Board members in Paul Royce, outgoing Treasurer, Angela Kruger, outgoing Vice-Chair and Selby Kruger. I cannot thank them enough for their dedication and commitment to the service over many years.

We've welcomed onto the Board current Treasurer, Yale Bolto, who brings a wealth of private enterprise and financial experience to the Board, and also Michelle Manning and Jade Wade. I thank continuing members Emma Walker and Grace Lewis for their continued commitment and service also.

There have been many staff changes also. Bev Russ sadly left us after an invaluable stint as the Indigenous Women's Program officer, Annie Wilson has left after many years of service, most recently as a tenancy support worker, several staff have rotated through reception, Daniel Briggs and Jesse Cox joined us for short periods of time, and Jodie McRae our

Senior Tenancy Solicitor has had to leave for family reasons. I thank them all for their commitment and dedication to KCLS and the community over the past year.

We've also welcomed some new faces to KCLS, including Caroline McKenzie as office manager and Katy Hyde as book keeper (sadly, soon to leave also), who have assisted in the smooth running of the office and pointing KCLS in the right direction from an administrative perspective. Ruth Abdullah brings her wealth of experience to the IWP officer role, and Amanda Whitehead and Hannah Levy have worked tirelessly to keep on top of the demand for legal services. Edna Hester has been a great asset to our clients and our staff as first point of contact for clients at the Front Desk and administrative work for the service.

The 2011/12 year was not without its challenges, with some staffing issues, administrative difficulties and improvement required in some of our financial monitoring and reporting. Each of these issues is being addressed by the Board and relevant staff, and I am hopeful that in 2013 that I will be reporting that each of those issues has been resolved.

Finally, I'd like to thank Clayton Utz for their continued support as a Pro Bono partner and for supplying secondees to assist with service delivery, Judy Harrison for her tireless efforts as a volunteer solicitor, Kylie Kerin for all her time, commitment and dedication to the role of Principal Solicitor, and Liz O'Brien for her continued dedication and commitment to the often thankless role of Director, KCLS.

On behalf of the Board, we would like to thank the all the staff and members of KCLS for their continued commitment and support of this invaluable service, and we look forward to working in, and with, the Kimberley communities in 2012/13.

Matt Panayi

Chairperson

6 December 2012

Statistics

In 2011/12 KCLS provided assistance to 747 clients of these:

304 were new clients
122 were repeat clients
And
321 were existing clients

Advice was provided to 561 clients

The total number of cases opened - 405

Community Legal Education projects in the period – 68

96% of KCLS clients are Indigenous

Director

KCLS has assisted 50% more clients in 2011/12 than 2010/11. This is a tribute to the whole team.

KCLS had to re-orient its service between March and July 2012 to respond to community need for education advice and policy assistance caused by the Stolen Wages Scheme. KCLS believes the Scheme to be highly flawed and feared a recurrence of the failures of the Redress Scheme. KCLS concentrated on making sure, as far as we could, that everyone who was eligible know of the Scheme. We worked with other organisation to secure an extension of the closing date from 30 September 2012. The ability to respond to community need in this way is a strength of Community Legal Centres and KCLS, in particular. It relies heavily on the willingness of all staff to adjust. Thanks to everyone KCLS has delivered a great service with its community.

We have secured funding for a second Public Tenancy Support Worker and will be expanding the service to the whole of SWEK. This service makes a great difference to vulnerable tenancy clients in Kununurra

We successfully tendered for a Kimberley wide Tenancy Service which will enable us to expand our service into the west Kimberley by establishing an office in Derby in early 2013.

Thanks to lotteries west, we have a new Toyota Landcruiser at the service, which will expand the capacity of KCLS to service remote locations, and also assist in the transportation of clients generally.

I continue to convene the East Kimberley Regional Homelessness Plan Steering Group. Community consultation and surveys by the EKRHP has revealed that overcrowding is the biggest factor in Homelessness in the East Kimberley. Slow maintenance or no maintenance has devastating effects on decent housing. The Steering Group will continue to work on recommendations to improve the housing situation.

KCLS has made a major contribution the WA Community Legal Centres Human Rights Report Card, focussing on Redress WA and Stolen Wages WA and the failure of these schemes to fully embrace a Human Rights Framework for Indigenous people. This report will be launched in December 2012.

My thanks to the Board for its support throughout the year and to all the Staff whose work individually and as a part of a **Community** Legal Service assures that we continue to adapt and adjust to be part of positive change for our clients and communities.

Liz O'Brien

Volunteer and pro bono work

During 2011-2012 KCLS continued to benefit from the Clayton Utz National Pro Bono Scheme. Clayton Utz seconded Elly Patira as a full time solicitor to KCLS from July to August 2011. Elly provided invaluable extra resource to the KCLS Legal Practice. KCLS and its community value the support of Clayton Utz. The secondment scheme will continue in 12/13.

Clayton Utz also provided significant assistance to KCLS clients and communities for the Stolen Wages scheme, seconding Juliet King to provide critical assistance.

Judy Harrison, a senior practitioner and Senior Lecturer at the College of Law, ANU has provided extensive pro bono assistance to KCLS and its clients.

Law student volunteers, Georgia McRae, Ben Lu and Stefanie Schweiger, have all contributed their skills and time to the Service.

The input of volunteers (law students, graduates, lawyers and Clayton Utz secondees) has greatly enhanced our capacity to assist clients in the remote Kimberley.

Legal Services

On behalf of the Kimberley Community Legal Service (KCLS) legal team, I acknowledge the traditional owners of the Kimberley land on which we work and pay respect to elders past, present and future.

The 2011-2012 financial year was another expansive one for the KCLS Legal Practice. I acknowledge the significant efforts made by Director Liz O'Brien to secure funding for KCLS, which has allowed service expansion and ensured our continued service to the community. We now have four full time lawyers in the service and a full time paralegal. Hannah Levy and Amanda Whitehead will become unrestricted legal practitioners before the end of 2012. I congratulate them on the professional, compassionate and courageous way they have worked to achieve this milestone. We have recently developed a paralegal position to provide invaluable support to the generalist legal team, which has proven to be a positive addition.

We are looking forward to soon having a full complement of advocates in our Tenancy Service to provide increased legal and social support services to people across the Kimberley experiencing homelessness and housing issues. KCLS welcomed Indigenous Women's Program officer, Ruth Abdullah, back to KCLS in this role in early 2012. She ensures the legal services and education provision is culturally appropriate and assists to develop relevant programs. She enables KCLS to build healthy relationships with community individuals and groups.

We sadly now farewell Tenancy lawyer Jodie McRae who joined us early in 2012, and long-term KCLS advocate Annie Wilson. Jodie and Annie have shown great leadership and enthusiasm in providing Tenancy Services and advocating for vulnerable tenants. Their major project this year raised awareness of and provided legal services to community members affected by 'Grog Ban' (alcohol restriction) legislation in Western Australia. We thank Jodie and Annie for their service and friendship and wish them well.

I am pleased to report that in the last financial year, KCLS provided casework and legal education services to 570 individuals and 50 groups, increased significantly from the previous financial year. We have assisted many clients to increase their quality of life and safety by obtaining violence restraining orders, negotiating housing arrangements and obtaining awards of criminal injuries compensation. The majority of these clients are women victims of family and sexual violence. I congratulate our staff and volunteers for their commitment to sustaining the voices of survivors of family violence within the community and to Government. They work consistently to ensure that legal processes acknowledge and accommodate the complex impact of violence against women for those individuals, their children, and the wider community.

In 2012 KCLS has had a major service focus on responding to the WA Stolen Wages Scheme. This Scheme is relevant to past, present and future generations of people living in the Kimberley region and across WA. KCLS has worked with the Aboriginal Legal Service, community groups and individuals to lobby the WA Government about the inadequacies of the Scheme, and to communicate with and advocate for affected individuals and groups across the Kimberley. We appreciate the passion and many hours of service provided by KCLS volunteer lawyer Judy Harrison in shaping and progressing this project.

KCLS has partnered with other local legal services Legal Aid, Aboriginal Legal Service WA and Aboriginal Family Law Service to facilitate Community Legal Education projects in East Kimberley Communities, including those to a new service area along the Gibb River Road. The monthly road-based trips have been undertaken by a variety of staff from Kununurra and in conjunction with ALS and pro-bono partner law firms from Perth. The trips aim to create opportunities to increase awareness and understanding of legal issues within communities, to provide individual legal services and to build relationships and networks between Kimberley legal services and communities. All services and communities involved have provided positive and constructive feedback to enhance the project in 2013 and we look forward to continuing this process as a legal services network.

KCLS continues to be a highly sought after placement choice for courageous volunteers and students looking to broaden their professional and personal experiences of community legal services. We continue to host law students and professional volunteers from all over Australia, including as part of formal practical legal training for legal graduates. In 2012 we again welcomed the opportunity to coordinate with corporate pro-bono partner law firm Clayton Utz for short-term secondments of several of their lawyers to KCLS. We are excited to explore more possibilities for this partnership in the future.

Thank you to all the KCLS staff, volunteers and Board members for your energy, compassion, commitment to and belief in our community service. You are all valuable contributors to the Kununurra and wider Kimberley community and it is a pleasure to work with such a vibrant team.

Kylie Kerin
Principal Solicitor

Case Study – Child protection matter.

This client, a female from Wyndham, approached KCLS for assistance with a child protection matter. The Department for Child Protection (DCP) had made an application for a 2 year supervision order with respect to her three children.

DCP was concerned about this client's alcohol mis-use and the impact it had upon her ability to care for her children. However, the client and her extended family had come to a family agreement that the children should be placed with the client's niece. The client argued that the family agreement meant that adequate arrangements were in place to ensure the children's wellbeing and to maintain the relationship between the children and their mother and DCP did not need to be involved.

There were several Court adjournments to allow negotiations with DCP to take place. One of DCP's concerns was that the arrangement was not genuine, but rather a way of avoiding DCP involvement in the matter. I suggested arranging a meeting between the family members involved in the children's care and DCP to allow the family to explain the arrangement to DCP and demonstrate to DCP that the plan was well considered. At this meeting the client and her family had an opportunity to explain their concerns to DCP. Following the meeting, DCP withdrew their application with respect to all three children.

Indigenous Women's Program July-December 2011

I remained in the part-time position of Indigenous Women's Program until the middle of December. My work involved accompanying the KCLS Principal Solicitor and Solicitors on outreach travel to Wyndham, Halls Creek and Warmun; continue to develop and maintain networks and to deliver Community Legal Education (CLE) "law Talks".

Much of the outreach work for this period has been in Halls Creek on a fortnightly basis. KCLS was fortunate to have the use of a room at Jungarni Indigenous Corporation for client appointments. My role is to accompany and assist the Principal Solicitor and Solicitors where necessary to ensure that Aboriginal clients understand the advice given to them by the solicitors. I also assisted in locating clients for appointments and accompanying the solicitors on home visits.

Developing and maintaining contacts with service providers in the towns and communities has been ongoing and positive. This has helped to improve the awareness of KCLS and the services that KCLS provides.

Some of the areas of the law KCLS has provided "Law Talks" on are:

Art Law/Aboriginal Artists' Rights

Youth Issues – Drugs and Alcohol; Dealing with the Police and Property Damage

General Awareness of the Law

VRO's

Wills

White Ribbon Day

Ongoing CLE is vital for improved community awareness and access to legal services.

Keeping the outreach visits to the towns on a regular basis has helped to make the access to KCLS easier for those seeking assistance.

Bev Russ

May to July 2012

Since I have taken up the IWPW position from 30th May 2012, I have undertaken the following tasks in my role as the Indigenous Women's Project Worker.

For the past three months the main focus of my role was to assist Lawyers from Perth and Interstate to organise and assist with the Stolen wages applications on 11 different communities in a joint adventure with the other Legal Services (ALS/Legal Aid and KCLS).

The closing date was initially 6 September 2012 but since then has been extended to 30 November 2012 for any further Stolen Wages client who wants to apply.

CLE: Due to the Stolen Wages ongoing trips to all remote and town communities in the East and West Kimberley CLE was only delivered to Mt. Barnett in the West Kimberley on a trip “Yarning about the Law” where ALS/Legal Aid and KCLS combined to deliver services on the Gibb River Road for three days involving the Stolen Wages and other legal issues that the Council/Directors wanted to discuss on the four communities.

We planned and delivered CLE to the Mt. Barnett school to several class rooms (Grades 3/4/5 am and 6/7 pm). Some of these students travelled from Imintji for schooling (70Kms) away.

On all the trips for the Stolen Wages there were different Lawyers and Students who had volunteered from their respective State to come to Kununurra to assist with the Stolen Wages. Trips were done to the desert area (Mindibungu, Wirrimanu and Mulan and a first trip to the Gibb River trip to Mt. Barnett, Imintji, Mt. Elizabeth and Gibb River Station.

On all the respective trips, we drove to these areas in several vehicles as a convoy.

In all these communities we have been received very well by the Council/Directors and community members.

My first journey was with the “Yarning about the Law” to Warmun, Ringers Soak, Halls Creek and Yiyili on Tuesday 12 June to Friday 15th where KCLS/Legal Aid travelled together to deliver which was at one stage to be CLE and look at Stolen Wages clients.

Due to the unfortunate timing and clashing of other Government and Non-Government departments, several communities were swamped with these people and some areas of services just could not be done.

This month was unfortunately was when communities started their community budgeting, financial issues, work funding bodies etc (CDEP, KGT), Council meetings, all happened on the same day we were out.

Managed to do several Stolen Wages client and have a quick meeting with the Chairperson but overall I could say this was not a successful trip especially to Ringers Soak and Yiyili as a lot of hiccups occurred from the three Legal offices and the community councils.

This could be a learning process for any future trips in the month of June when looking at visiting remote areas.

The other communities covered during this period for Stolen Wages were Warmun, Wyndham, Kununurra, Kalumburu, Woolah Community and several small outlying communities where eligible clients were.

Ruth Abdullah

Community Legal Education Outreach Program

CLE highlights:

Visited and consulted with all community Council/Directors in the East Kimberley and Gibb River in the West , doing introductions and PR work to promote the Legal areas and what is available for people within these Legal offices to assist and support them (whether community issues as a whole or individuals) their legal rights. In most of the communities visited the females were the main audience with several key male T/O and appropriate persons voicing and discussing their opinions etc.

Discussions of the following were held on most communities and proposed CLE to their areas:

- Police Powers and Dealing with the Police
- VRO's
- Driver's License/Extraordinary Licences issues
- Youth issues (spoke with Youth workers) in Halls Creek, Yiyili, Ringers Soak, Balgo, Billiluna, Mulan, Warmun, Wyndham and Kalumburu – Ongoing contact is still going for various activities coming up that might interest their areas and what they would like KCLS to deliver.
- Tenancy issues (advising clients who to contact for various housing issues within KCLS)
- Introduction to various schools in all communities to meet Principals and other teachers to see what CLE they think would be appropriate for their areas
- Introduction to Health services on all communities so that if any future assistance required by KCLS they know who we are and what our roles are in regards to clients.
- Visited TAFE in Halls Creek and spoke with the Supervisor and the Aboriginal staff of our roles and what they would like to see delivered to their students in regards to CLE
- Consultation with other Government and non-Government departments or agencies

At all community visits, KCLS staff and other Legal staff have explained their own individual roles and which Law firm they are from.

KCLS staff do explain the principal areas of the organisation and what it can offer to communities, individuals or just for referrals and legal advice for people's needs or issues.

Other organisations visited with Lawyers when on field trips are Jungarni Indigenous Corp, TAFE (Halls Creek), Halls Creek HS, Warmun office and clinic, Ngnowar Aewah Aboriginal Corp and Rehab Centre, Money Business, Save The Children, Homeliness, Gawooleng Yawoodeng women's refuge, Jardamu women's refuge, Joongarri House.

Outreach case study

Stolen Wages desert trip in July 2012

Mulan

Met with the CEO and community members. Very well organised on the community after we set up tables and chairs etc. Clients were coming in after we put up on butcher paper what we were looking for in regards to the Stolen Wages. This community has only about 150 people including children.

The clinic was kind enough to give me a list of all people born before 1958 and this included Halls Creek also as family travels up and down and stay for several weeks. This helped when clients who applied for S/W DOB's.

Mulan Stolen Wages- 3 Males and 4 females.

Balgo

Balgo community took a while to sort of find out what we were out there for. After walking around and talking with people, they gradually began coming to see the Lawyers and talk of their eligibility for the S/W.

The Balgo clinic was kind enough also to give me a list of people born before 1958, which helped the Lawyers a lot in regards to DOB'S.

There were quite a few clients waiting their turns to see the Lawyers and quite a few of elderly ladies from the Art Centre.

Balgo Stolen Wages - 16 Males and 20 Females.

I was told by the Chairman that the turn up for the S/W was good considering all things happening in and around the community.

Billiluna

The clinic also assisted by giving me a list of clients born before 1958 for their DOB'S.

Community clients were very easy forthcoming and bought everyone they thought was eligible to see the Lawyers.

In the afternoon, Hannah and I caught up with several of her clients and Hannah was very glad that I was there as she said some of her clients do not say more than three sentence to her, but this time they really gave her full stories. Hannah said this occurred because me being Aboriginal and they trusted me to translate what they are saying. This was good.

Billiluna Stolen Wages - 8 Males and 5 Females

Ruth Abdullah

Tenancy Advice and Education Report

I took up my position with the Kimberley Community Legal Services (KCLS) in the beginning of February 2012. Previously I had been working, for many years, with the Legal Services Commission in South Australia.

It was my aim to strengthen and expand the KCLS Tenancy Section.

When I arrived at the KCLS the various tenancy clients had been spread amongst the available KCLS solicitors. So, the first task was to gather all the tenancy files together and assess their state. It quickly became apparent that this would be a high demand area with many KCLS client's requiring tenancy services.

'Tenancy Land', as it has been affectionately dubbed, comprised Annie Wilson in the Public Tenancy Support Service Officer position, and I as many of the Tenancy clients required both of our services.

Furthermore Tenancy client's regularly required financial counselling and HUGS Grant assistance. So, I have regularly liaised with Hannah Levy for her financial expertise on Tenancy files.

The KCLS Tenancy Section is based in Kununurra but has also providing tenancy telephone advice across the Kimberley, and as far-a-field as Kalumburu and Broome.

At the infancy stage is the production of an informative and educational Tenancy DVD. The DVD would be aimed at explaining a tenants rights, what to do if you have a problem with racist neighbours, what to do with your water and power bills, what subsidies you can apply for, practical advice as to keeping your home clean for inspections, etc. It is hoped that this DVD can be produced locally with KCLS at the helm, using local actors and aimed specifically at the Kimberley aboriginal community.

Annie Wilson and I, with feedback from the broader KCLS staff, have produced a plainly worded fact sheet aimed at providing information about Liquor Restricted Premises or 'Home Grog Ban' applications. The fact sheet was warmly received by the local WA Police and the Department of Housing. I note that the Department of Housing now uses the KCLS fact sheet whenever the Department speaks to tenants about these types of applications.

I have identified the main community tenancy problems as follows:

- High need for assistance at crisis level, such as the risk of eviction or being made homeless;
- Large rental debt or huge tenant liability due to burgeoning water bills or building damage;
- Lack of Department of Housing maintenance on their properties. This typically leads to health and safety issues due to mould or exposure to asbestos. Coupled with the Department's continued rhetoric that they have 'no money' to provide even the most basic of building maintenance; and
- Homelessness and the lack of social housing across the Kimberley region. Leading to many families living in overcrowded and unsuitable housing situations.

A key KCLS Tenancy Section task is to providing regular outreach service to Wyndham and Halls Creek.

The Tenancy Section would, undoubtedly benefit from the additions of personal into the Indigenous Tenancy Advocate Service and the 'satellite' Derby based, Kimberley Community Legal Services.

Further work is required in Tenancy Law Reform, addressing of the negative Department of Housing attitudes and Tenancy Community Legal Education so as to make a holistic approach to this area of practice. Rather than the KCLS Tenancy Section only offering reactive or crisis services to our clients.

Jodie McRae

Public Tenancy Support Service Officer

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.

In 2011/12 16 individual clients were assisted to maintain their tenancies. These assistances involved 25 children. All are Indigenous. 80% are female

The major difficulties experienced were:

Overcrowding is the biggest problem. Maintenance of properties is not carried out in a timely manner leading to extra burdens and deterioration of housing standards. Tenant liability is very contestable and client end up with large debts that arise from insufficient attention to what is TL and what is not. Lack of appropriate housing options/design for large families leads to chronic overcrowding. Cultural obligations often result in temporary absences or arrivals - DoH does not seem to have appropriate protocols for tenants to notify of temporary absence or to follow up on emerging issues.

"Case study

Elderly Indigenous female client in overcrowded and poorly maintained accommodation.

Rent arrears due to DoH failing to provide support to get genuine residents signed up or deleted from rent charged.

Overcrowding occasional due to family visits.

Problems of violence associated with alcohol

PTSS worker arranged clean-up of yard and house.

PTSS worker contacted maintenance for client and discussed with DoH. Emergency maintenance performed after PTSS intervention.

PTSS worker assisted client and other genuine residents to arrange rent payments. Negotiated reduction and repayment within clients and other resident's means.

PTSS worker met with client, client's family and other genuine residents to arrange a Grog Ban

Client now lives in clean, safe and healthy environment."

Annie Wilson

6 December 2012

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 2011/2012 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 - 125

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

ITAS and PTSS designed and participated in Homelessness Week activities.

Jodie McRae, Annie Wilson
Tenancy Land

Financial Counselling Service

During 11/12 year approximately 180 clients living came to KCLS for financial counselling. This is a significant increase on the number of clients that were seen in the previous year. Of these clients 84% were women and 18% were men. 96% are Indigenous.

The rising cost of energy continues to be a major problem affecting those on Centrelink income and particularly those caring for elderly family members or with large families. Our records show that 60% of clients who attended the service for financial counselling were seeking financial assistance from the Hardship Grants Utility Scheme (HUGS). These clients are most frequently referred by Money Business Kununurra and Horizon Power. Frequently, these appointments became an opportunity to work with clients to understand how to read their Power Bills and gain some independence in managing their power bills. Most often these appointments revealed a variety of legal and financial problems beyond the Power Bill and led to ongoing legal advocacy in areas beyond financial counselling. Some of the other issues presenting to the Financial Counselling service were debts relating to credit cards, personal loans, Shire Rates, Department of Housing and home loans.

Case Study

A middle aged man came to the Financial Counselling Service for assistance with his Power Bill. He had been out of work for the past 2 years and living off his savings, a credit card and funds borrowed from his mother. He had been unable to obtain Centrelink Benefits because he owned shares which he did not want to sell because to do so would mean selling them at a time that they were worth less than what he paid for them. As a consequence of his unemployment he had accumulated a modest debt to Horizon Power, a large credit card debt and had a significant amount of unpaid Shire rates. The Shire was threatening to sell his home if he did not pay the amount in full. He told the KCLS Financial Counsellor that he was unable to sleep at night because he was so worried that he was going to lose his home.

The KCLS Financial Counsellor helped the man to develop a budget, apply for HUGS and assisted him to have his super released which he decided to use to settle his credit card debt. The Financial Counsellor used the budget to aid the man to negotiate a sustainable payment arrangement with the Shire and they agreed not to sell his home.

Case Study

An elderly Aboriginal woman came to the Financial Counselling Service for assistance with a significant Telstra mobile telephone debt. She was the primary carer of four grandchildren and her sole source of income was the aged care pension and parenting payment. She had recently received a telephone call from debt collectors working for Telstra and had agreed to have fortnightly payments of \$100.00 debited from her account. It was also identified that she was making payments by direct debit to a number of charities. The direct debts were over drawing her account resulting in high and unnecessary bank fees.

The KCLS Financial Counsellor assisted the woman to negotiate with Telstra who agreed to waive the debt in full and assisted the woman to cancel the direct debits. Through her contact with the Financial Counselling Service the woman has since received ongoing assistance to read her mail, financial assistance with her power bill, family law advice, and deceased estates advice and advocacy.

Hannah Levy
Solicitor

Law Reform and Legal Policy

Redressing Redress

For the Human Rights in Western Australia Report Card

REDRESSING the WA Redress Scheme - The WA Government Redress Scheme was an administrative scheme which was open for applications for 12 months from 1 May 2008. The Scheme included the components of an ex-gratia payment, counselling and an apology. People who were aged 18 or over who were abused or neglected in State care in WA before March 2006 were eligible to apply. The potential applicants were non-Aboriginal people, including former British child migrants brought to Australia during WWII, and Aboriginal people.

Research undertaken by the Kimberley Community Legal Service (KCLS) this year reveals the extent of the failure of the WA Redress Scheme for Aboriginal people in the East Kimberley, and that these failures are echoed across the State. Several hundred Aboriginal people in the East Kimberley missed out on applying for the Scheme, often because they didn't know about it. The WA Government's to this has been that they should have known. Additionally, many Aboriginal people who received an ex-gratia payment received less money than they would have, had there been more time, emotional support and help to complete applications properly.

Aboriginal people in the East Kimberley, like other Aboriginal people across the State, had no voice or representation in the development and implementation of the Scheme. The Scheme was consequently not tailored for Aboriginal people, particularly those with low literacy and limited access to information and assistance, which is common in remote areas. The Scheme appears to have been most effective for the more capable applicants and least effective for the most vulnerable. In general terms, the Scheme seems to have been more effective in urban areas than in regional and remote areas and more effective for non-Aboriginal people than Aboriginal people.

The WA Government has not evaluated the implementation, outcomes or impacts of the Scheme for Aboriginal people and has indicated that it does not intend to do so. This continues and compounds the lack of focus on substantive equality which also explains the failure of the Scheme. The Government's refusal to evaluate also flies in the face of the experience with the current WA Stolen Wages Reparation Scheme, which is resulting in far broader awareness about how many Aboriginal people could have applied for Redress. This is because every Aboriginal person who is eligible for Stolen Wages, should have received information about Redress, but many did not.

KCLS research in the East Kimberley indicates that the majority of Aboriginal people affected by the WA Redress Scheme have strong views about what went wrong. These people, many who were not aware of the Scheme when it was open, overwhelmingly want their experiences to be taken into account in designing a new Scheme specifically for Aboriginal people. This contradicts arguments that asking people to look back at the WA Redress Scheme and talk about it would be distressing because people have moved on. In fact, many people have views they want to express because they find their treatment, both when they were in care and how this was approached by the Redress Scheme, distressing. KCLS has identified ways forward which accord with the *Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of Human Rights and Serious Violations of International Humanitarian Law* being the internationally regarded standard for effective reparations ([HREOC, 1997](#), [Shelton, 2005 pp.11-34](#), [UN General Assembly, 2005](#), [Lawry, 2010](#)).

The KCLS recommendations begin with Aboriginal people being enabled to determine and express their requirements for the new Scheme. Next, there should be a process of negotiation whereby, in the spirit of these Basic Principles and Guidelines, the WA Government would develop the terms for reparations with Aboriginal people. The terms would relate to the Scheme, including implementation processes. This would address the requirement that reparations represent a settlement, not something unilaterally determined and imposed by those seeking to make reparations.

KCLS research indicates that the aspects about which Aboriginal people are likely to wish to negotiate relate to how Aboriginal people can be empowered during and through the reparation process. This includes:

1. Whether there should be any time limit for applications.
2. How the Scheme should be administered, monitored and progressively evaluated including how Aboriginal people, families and communities affected could be involved to ensure accountability to Aboriginal people and the broader community.
3. The other elements of the Scheme:
 - The form and processes of the apology;
 - Better ways to avoid recurrence;
 - Ways of recognising and honouring those who have passed away;
 - Emotional support for individuals, families and communities;
 - Forms of assistance for individuals who may wish to apply or reapply; and
 - The amount payable, options for payment in-kind or more options than one cash payment.
4. Whether the four aspects which are currently treated as separate issues in Government responses to Aboriginal people, should be approached together in some ways. That is:
 - Redress Scheme - abuse and neglect of Aboriginal people in State care;
 - Stolen Generations - the taking away, treatment and effects;
 - Stolen Wages - withholding income from Aboriginal people when in institutions, on stations and in other contexts; and,
 - Forced Adoption – removal of babies and children from Aboriginal mothers and families without consent.

References

- HREOC 1997. Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families Human Rights and Equal Opportunity Commission, Sydney, viewed 17 October 2012, <http://www.humanrights.gov.au/social_justice/bth_report/index.html>.
- Lawry, C. 2010. Moving Beyond the Apology: Achieving Full and Effective Reparations for the Stolen Generations. *Australian Indigenous Law Review*. University of New South Wales, Indigenous Law Centre, Sydney, Vol 14, Issue 2, pp. 83-99.
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- UN General Assembly 2005. The Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of Human Rights and Serious Violations of International Humanitarian Law United Nations, New York, Resolution 60/167, UN Doc A/Res/60/147, viewed 17 October 2012, <<http://www2.ohchr.org/english/law/remedy.htm>>.

Treasurer's Report

Kimberley Community Legal Services Inc (KCLS) recorded a \$27,356 deficit for the 2011/2012 financial year. The deficit is due to the increase in unexpended grants, the details of the unexpended grants can be reviewed under note seven of the financials. The increase in unexpended grants is due to the ability of KCLS to provide full services to the community. As a remote Legal Service it is difficult to find and retain skilled staff which can impact on the services. I wish to congratulate current staff on providing an excellent service to the community whilst enduring challenging times.

I also wish to thank Paul Royce for his role as the treasurer of KCLS from 2008 – 2012. During February of 2012 Paul stepped down from the role and I along with all staff and other directors thank him for his time on the board as treasurer.

I also wish to thank Kununurra Accounting Services (KAS) for effectively managing KCLS finances over the past 12 months and also providing help with our end of year audit. The audit was completed by LBW Chartered Accountants again this year. Finally, a big thankyou to Liz O'Brien and her staff in providing a valued service to the community whilst also successfully providing financial information to all concerned stakeholders.

Auditors Report

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3. **Tenancy Advice and Education Service**

Funded by WA Department of Consumer Protection
4. **Indigenous Tenancy Advocate Service**

Funded by WA Department of Housing:
5. **Financial Counselling Service**
Public Tenancy Support Service

Funded by WA Department of Child Protection
6. **Financial Counselling**

Commonwealth Department of Families and Housing, Community Services and Indigenous Affairs
7. **Regional Homelessness Plan**