



WELFARE RIGHTS &
ADVOCACY SERVICE

ANNUAL REPORT

2015-2016



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Funding and Support provided to Welfare Right & Advocacy Service in 2015-2016

COMMONWEALTH GOVERNMENT



WESTERN AUSTRALIAN GOVERNMENT



Attorney General's Department and the Legal Aid Commission of Western Australia

Legal Contributions Trust



Department of Commerce



Public Purposes Trust



Lotterywest

Donations

Memberships

Personnel and Staff Profile 2015-2016

Board

Kevin Gaitskell	Chairperson to AGM 2015
Owen Whittle	Chairperson from AGM 2015
Brendyn Nelson	Deputy Chairperson
Stephanie Norris	Treasurer to AGM 2015
Cindy Labuschagne	Treasurer from AGM 2015
Matthew Davey	Secretary
Philip O'Donoghue	Committee Member
Sinead Glackin	Committee Member
Leon Stojmenov	Committee Member
Rebecca Dennison	Committee Member from AGM 2015
Owen Whittle	UnionsWA nominee to AGM 2015
Helen Tuck	UnionsWA nominee from AGM 2015

Permanent and/or Contract Staff

Kate Beaumont	Executive Officer
Catherine Eagle	Principal Solicitor
Chris Belcher	Welfare Rights Advocate/Tenant Advocate
Jeanie Bryant	Welfare Rights Advocate
Paul Harrison	Tenant Advocate
Matthew Davey	Solicitor
Rhea Thomas	Paralegal/Solicitor Youth Welfare Rights Advocate
Christine Carr	Bookkeeper/Administrative Officer

Volunteers

Simon Da Silva	Hannah Flynn
Isabelle Flynn	Claudia Giovannini
Adeola (Ade) Olowookere	Lizzy Phillips

Pro Bono Legal Assistance

Clare Thompson
Clinton Russell

Chairperson's Report

This AGM marks the end of my first year as Chairperson of the TLC Emergency Welfare Foundation of Western Australia (Inc.) trading as Welfare Rights & Advocacy Service and my second year on the Board.

In the past 12 months the agency has finalised its strategic plan driven by the previous chairperson Kevin Gaitskell. The board has operationalised the strategic plan by adopting a board plan to dedicate time to long term planning and engagement at each meeting.

The board remains dedicated to the service continuing to deliver high quality services to its clients and will continue a focus on strategic planning to ensure we meet the many challenges currently facing both our service and the broader community legal sector.

The service again is faced with uncertainty in relation to funding amounts and timelines. It will continue to be a key focus of the board to ensure the strength of our agency in the face of continued doubt about future funding.

At the end of this year the service lost funding for 2016-2017 from the Legal Contributions Trust to conduct our Youth Project. We are to receive one off replacement funding from the State Attorney Generals Department proceeds of crime fund to continue the project until the end of the 2016-17 financial year.

Our tenancy funding arrangement with the Department of Commerce to provide tenancy assistance has been extended for six months pending the completion of a new tender. The new tender will provide lower funding levels compared to previous years.

While the service made a profit in 2015-16 that is unlikely to continue due to the continuing erosion in our funding from government. It is disappointing that at a time that our service is providing high quality services and as we service a higher number of clients that our overall grant funding is decreasing.

This year the service finalised a new enterprise bargaining agreement with the staff and the Australian Services Union. I would like to thank Kate and the staff for partaking in a smooth consultative process.

As part of our broader advocacy services we have provided assistance to the National Welfare Rights Network with Kate having served as President until recently and will continue as Vice President in the coming year.

I would like to again thank all of the members for their continued support of the agency. We will see some departures from the board this year and I would like to thank Matthew Davey for his great work as Secretary, and additionally would like to thank Helen Tuck and Leon Stojmenov for their contributions to the board.

In replacing members on the board we will focus on a diversity of skills and capabilities as well as the importance of an appropriate gender balance of board members. However as always we will need to focus on growing our membership to ensure that we have an adequate pool on which to draw board members and to ensure long term succession planning.

I would like to thank both Marina Georgiou and Kevin Gaitskell, our former chairpersons who launched our strategic planning process and have left us with strong governance structures. Kevin has left us with a robust strategy and we will continue to see the benefits of the process over many years.

Finally, I would like to thank Kate and the staff. I find that wherever I go that Welfare Rights & Advocacy Service enjoys a strong reputation in the community. The area that we work in can be highly politicised and is subject to much change, however the work we do to protect vulnerable people in the community wouldn't be possible without the skills and dedication of our long serving staff and the enthusiasm and commitment of our new staff. I look forward to another successful year for our agency.

A handwritten signature in black ink, appearing to read 'Owen Whittle', with a long horizontal flourish extending to the right.

Owen Whittle
Chairperson

Objects of the TLC Emergency Welfare Foundation of Western Australia (Inc.)

The Objects of the Association are:

- to provide emergency financial and material support to persons who are homeless, destitute, necessitous, suffering, distressed, disabled, disadvantaged or otherwise stricken by misfortune;
- to provide advice and other forms of welfare, assistance and guidance to those persons and to make representations on behalf of those persons;
- to liaise with, and whenever appropriate request and arrange, the services of public instrumentalities, or of charitable or other bodies which may be able to meet the needs of those persons;
- to cooperate with other organisations having objects similar to those of the Association;
- to assist and represent persons in conducting appeals against administrative decisions by Government agencies, particularly in relation to welfare rights and tenancy;
- to work towards structural change, aimed at the elimination of poverty within the community and seek to empower welfare recipients generally and with respect to their legal, welfare and other rights; and
- to promote the principles of equal opportunity.

Vision, Mission, Values and Objectives

Vision

A just and compassionate society.

Mission

Eliminating disadvantage by assisting people to realise their rights to income and housing.

Values

We are committed to:

- Client focused ethical practice;
- Social justice and human rights principles;
- Empowering people;
- Collaboration and community engagement; and
- Innovation and creativity.

Objectives

Serving individuals through casework, advocacy and advice.

Increasing the systemic awareness and responsiveness to clients.

Attracting, retaining and developing capable staff and volunteers.

Ensure effective governance and reputation.

Maintain sustainable systems, facilitates and financial management.

Centre Report

Our work in 2015-2016

The last year has been an extremely busy one for the service with an increase in the numbers accessing the centre for help. In 2015-2016 Welfare Rights & Advocacy Service continued to provide legal help in the areas of Social Security and Family Assistance Law, as well as Social Security Prosecutions and Tenancy Law. The main delivery mechanism for legal assistance by the service is through information and referral, advice and casework, community legal education and law and policy reform.

Advice and casework assistance is prioritised to those within our geographic catchment area although help is also provided to clients outside of our geographic catchment area in some circumstances.

The geographic catchment area for our service's delivery varies between our programs. Welfare Rights assistance is provided to those in the area north of the Swan River to the top of the state and across to the South Australian/Northern Territory border. Tenancy assistance is provided to the Local Government Areas (LGAs) in the Lower North Metropolitan Zone from Mosman Park up to Scarborough and across the City of Perth to Bayswater and Morley. Social Security Prosecution assistance is provided across the entire state.

The community legal education and law reform and legal policy work undertaken by the service is informed by the experience of our clients. The law reform activities of the service are augmented by its direct work with the National Welfare Rights Network (NWRN).

All of the activities undertaken by Welfare Rights & Advocacy Service are in line with the vision, mission, values and objectives of the service and the Objects set out in the Constitution and Rules of the TLC Emergency Welfare Foundation of Western Australia (Inc.). This year significant work was undertaken by the service in the development of our new Strategic Plan. The service has a

Assistance is provided from our premises at 98 Edward Street, Perth, Monday to Friday from 9.00 am to 5.00 pm with the exception of public holidays and during the Christmas shutdown. Outreach services are provided at the Perth Magistrates Court as part of a Tenancy Duty Advocate Pilot in collaboration with TenancyWA, Northern Suburbs Community Legal Centre and Sussex Street Community Law Service.

The staff of Welfare Rights & Advocacy Service, includes a mix of lawyers and paralegals and delivers the core services provided to clients. This assistance is augmented by pro bono lawyers and our volunteer program of law students. In 2015-2016 pro bono lawyers contributed approximately 100 hours and law student volunteers contributed 277 hours to the service.

The service has a Disability Action Plan which includes the provision of disability access to its building and ensuring that all facilities hired to conduct education and information sessions are compliant with disability access requirements. People with disabilities are provided with the opportunity to have the assistance of support people in matters relating to their particular issues. People with disabilities are able to access feedback and complaint mechanisms by either directly

contacting the centre for information via a pamphlet or by telephone or email.

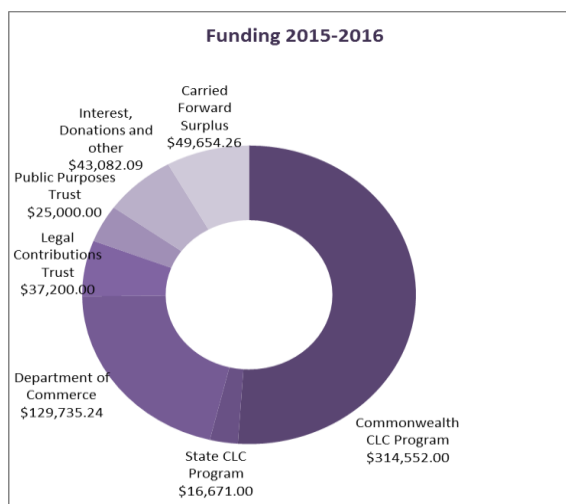
Welfare Rights & Advocacy Service encourage feedback and suggestions from all service users.

Funding

The main source of funding for the service continues to be through the Community Legal Service Program (CLSP) of Commonwealth Attorney General's Department under the National Partnership Agreement (NPA) which funds the welfare rights assistance provided by the service. This Commonwealth CLSP funding is augmented by State Community Legal Centre funding provided by the State Attorney General's Department.

The second largest source of funding is from the Department of Commerce for our tenancy advice and education program. The Legal Contributions Trust (LCT) provided funds for a further year to our Youth Welfare Rights Project in 2015-2016. The Public Purposes Trust of the Law Society of Western Australia provided a one off grant to conduct a Welfare Rights Community Legal Education Project to rural, regional and remote Western Australia in 2015-2016.

Apart from these recurrent and one off grants the service carried forward a surplus from 2014-2015 into 2015-2016. These funds for our CLSP and LCT programs and a one off Lotterywest Grant for organisational development were required to be used in 2015-2016. The service received other income including interest, donations and income from other sources which are not tied to specific programs.



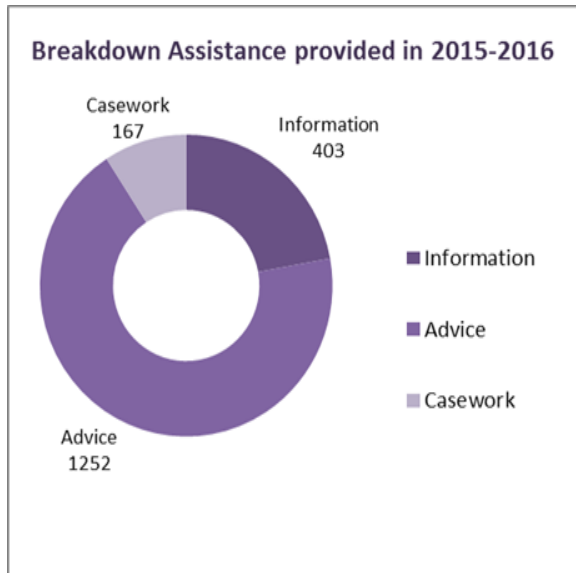
Advice and Casework Assistance

The total number of people who accessed the service for advice and casework assistance in 2015-2016 was 935. This represented a 13.6% increase in the numbers of clients from the previous year. Of those clients 82.7% were new clients and the remainder were either existing or repeat clients.

There were 403 information activities through the year which includes where information is given to a person and/or referrals are made to a more appropriate organisation.

For those provided with information and or referral 65% were outside of our geographic catchment area and 31% were seeking advice about a matter outside of the area of law dealt with by the service. The remaining 4% included those where our agency had no capacity to offer a service, the service could not be offered within the time frame required, a conflict of interest existed, or for other reasons. 5% of the people given information only or referred elsewhere were outside of Western Australia - they had either phoned or emailed the service on the contact form through the service's website.

In total across all types of assistance 68.7% of clients were provided with advice, 9% had casework assistance and 22% were provided with information/referral.

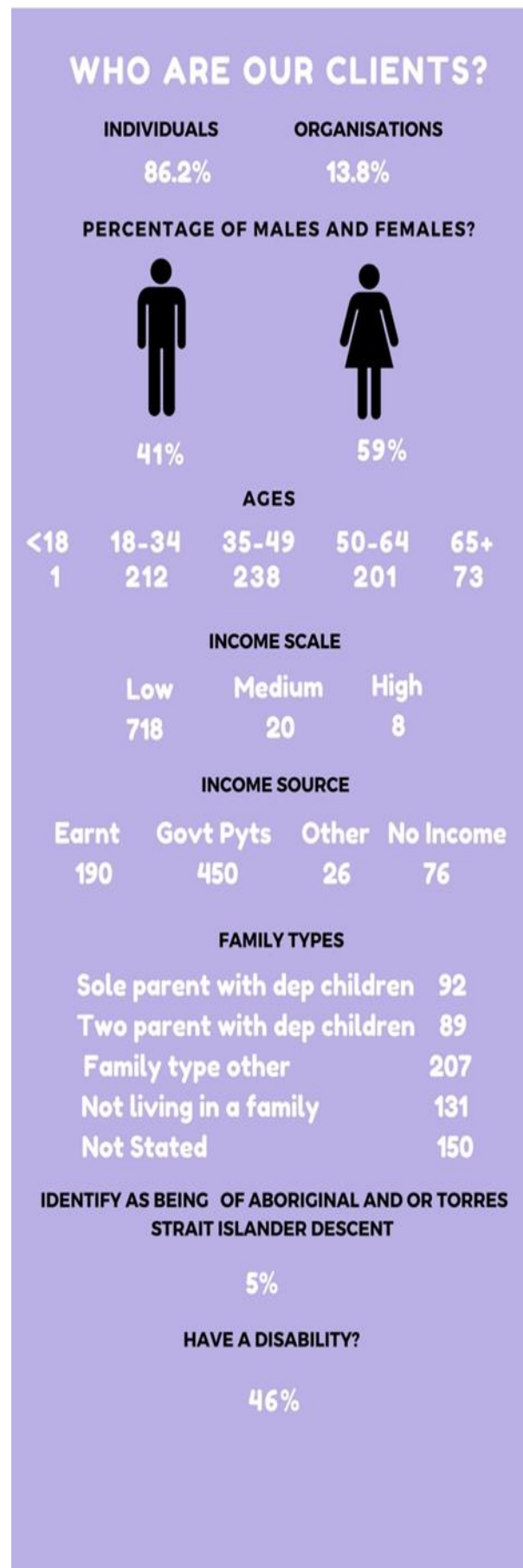


Of advices provided in 2015-2016 across all programs 90.7% were by telephone, 5.2% were face to face and 4.1% were by mail and email.

Assistance provided by the service in 2015-2016 extended beyond the geographic catchment areas that we service.



Our clients



DISABILITY TYPE

Physical	24%
Psychiatric	23%
Dual Disability	11%
Autism	1%
Sensory (vision/hearing)	1%
Other disabilities	3%
Not stated	36%

COUNTY OF BIRTH

Australia	85%
Overseas	15%

BORN OVERSEAS - THE MAIN AREAS THEY COME FROM

North Africa/Middle East/South Africa	25
Europe	10
Asia	31
North/South America	4
New Zealand	8
United Kingdom/Ireland	20

TENURE TYPES FOR TENANCY CLIENTS

Private Rental	60.3%
Public Rental	32.7%
Community Housing	3.2%
Homeless	2.6%
Boarder/Lodger	1.2%

AT RISK OF HOMELESSNESS WHERE INDICATED

40.6%

DOMESTIC VIOLENCE INDICATOR WHERE INDICATED

20.5%



A snapshot of demographic information extracted from the CLSIS data base suggests that clients of our service are more likely to be:

- female;
- between the ages of 35 to 49;
- have a low income;
- receiving government payments;
- live in a family (type other)**;
- have a disability;
- born in Australia;
- live in a private rental.

** Commonwealth Attorney General’s Department provides the CLSIS Database which defines family (type other) as any family apart from a Sole Parent with dependent children or a two parent family with children.

Welfare Rights

Demand for welfare rights assistance in 2015-2016 has increased. Our client numbers in the program have increased slightly and at the same time the numbers of advices has increased by almost 17%. There has however been a 25% reduction in the numbers of welfare rights cases undertaken in 2015-2016 from the previous year. This change in advice and casework activities is reflective of the increased demand for welfare rights assistance.

31% of those assisted had issues related to Disability Support Pension (DSP), the majority of which related to refusal of entitlement. Of those where DSP entitlement was refused there was a mix of clients whose conditions were not fully diagnosed, treated and stabilised and those without the required 20 impairment points in a single table who had not completed a Program of Support (POS). There has been the expected increase in

matters where changes to the processing requirements (including the abolition of the Treating Doctor's Report and the introduction of the Government Contracted Doctor (GCD) assessment) has been an aspect of the DSP cases dealt with by the service. There have been particular issues about the delays in processing of DSP claims, as a result of the GCD assessment and difficulties for clients outside of metropolitan areas who do not have access to face to face assessments.

Apart from DSP refusal there have been increasing numbers of DSP cancellations following medical review of entitlement which has included under 35 year old reviews, indefinite portability assessments and long term DSP recipients who had not previously been reviewed under the 2012 impairment tables. We expect there will be an increase in DSP cancellations over the next three years, as a result of the 90,000 reviews to be conducted nationwide, as part of the 2016 Budget measure to complete medical reviews of DSP recipients who were granted and assessed under the old impairment tables.

The second largest client group assisted are those receiving Newstart Allowance (20%) followed by Family Tax Benefit and Parenting Payment which each make up 9%, Age Pensions which make up 8%, and Youth Allowance and Carer Payment which each make up 5% of the welfare rights population assisted. Debts continue to be 18.5% of the welfare rights work undertaken and of those 30% related to waiver, 25% related to prosecution, 18% were general overpayment inquiries and 14% related to the questions about the amount of the debt.

In 2015-2016 there have been increased contacts from clients complaining about long

delays in new claim processing. This has not been specific to one particular type of new claim activity and has been across the board as we see DHS taking up to three or more months to process some straightforward claims. Where individuals and families are left without income support for lengthy periods this impacts on their ability to survive financially but also to participate in education, training and job search activities which can be requirements for ongoing payments.

Clients wanting to know the progress of their claim are experiencing increasing difficulties making contact with Centrelink by telephone – either they cannot get through or there are long call wait times. For our clients there are also the associated call costs as most of our clients only have access to mobile telephones and not all Centrelink call lines from mobiles are free call numbers. These clients are also discouraged from attending service centres and encouraged to use on line channels for their dealings with Centrelink. Increasingly we are being called on by clients to contact the local Centrelink office for them to find out the progress of a matter. This results in additional work for us. It is helpful that the service has developed and maintains good working relationships with the Centrelink service centres in the welfare rights catchment area we service.

Welfare Rights Case Studies

Welfare Rights Case Study 1

Facts of the Case – Our client had a claim for Carer Payment rejected in January 2015. She had been receiving Carer Allowance in respect of her 17 year old son with Down syndrome.

She was from Ethiopia and was receiving Newstart Allowance. She was working part time 15 hours per week when her son was attending school. The rest of the time when her son was not at school she had to care for him and constantly supervise him. If unsupervised her son would take off and go missing. Her son has major difficulties with communication and gets into trouble as a result. He is also very aggressive toward both our client and his sister, resulting in his sister having to study away from the home due to the disruptions caused by her brother. Our client had also had a problem over the preceding six months with her knee which was injured during an incident with her son. Our client was having difficulties with her Job Active provider as they were insisting on her attending regular appointments and seeking alternative employment even though she was working as many hours as she could due to her caring responsibilities. She had been to Centrelink to find out the reasons the claim was rejected but they just gave her more claim forms to complete. Our client had been trying to sort this out for the preceding 13 months without success and could not understand why she did not qualify for Carer Payment as the mother of another pupil in similar circumstances had qualified for the payment. Our client did not remember getting a letter from Centrelink explaining the reasons for the claim being rejected and asked us to contact Centrelink to find out when and why the claim had been rejected.

Advice Provided – We advised our client about eligibility for Carer Payment and about the new claim process. We explained that Carer Payment Adult is not paid on the basis of the type of disability of the person being cared for and that it was dependent on the

score attained using an Adult Disability Assessment Tool (ADAT) using information provided by our client and her son's doctor.

We contacted the Multicultural Services Officer (MSO) at the local Centrelink office who confirmed that our client had applied for Carer Payment in January 2015. The claim had been rejected because her son's doctor had said that he was unsure about the hours of care needed to care for him. The MSO was unsure what ADAT score had been given or when a letter had been sent to our client about the decision to reject the claim.

Centrelink confirmed the claim had been lodged on 8 January 2015 and rejected on 28 January 2015 and a letter to the client had been sent at that time. The ADAT score which was 90.5 points for the carer and 25.5 points for the doctor more than satisfied the score to qualify for Carer Payment. On the medical report the doctor had indicated that the condition was permanent and unlikely to improve in the next 12 months but had put that he was unsure of the number of hour's care being provided. On this basis the claim had been rejected – Centrelink decided it was not clear that our client had to provide 'constant care' for her son. At no time did the assessor contact the doctor or our client to clarify the hours of care provided.

We were told that our client had gone to Centrelink on 12 March 2015 to query why the Carer Payment claim had been rejected. Rather than treating this query as a request for review Centrelink had issued our client with a new claim for payment and did not explain the reasons for rejection of the initial claim. Our client did not lodge the paperwork for the new claim as she did not know what was wrong with the first claim. Centrelink

confirmed that our client again went to ask about Carer Payment on 30 October 2015 and was issued a further new claim which she had not lodged.

Armed with this information we contacted our client to explain why the initial claim for Carer Payment had been rejected. We advised her to lodge a new claim for Carer Payment and at the same time ask for a review of the original decision made on 28 January 2015. We explained that in asking for a review of the original decision we would assert that she had sought review of the decision in March 2015 (within the 13 week limitation period for challenging a decision) when she had gone to Centrelink to question the decision. . We advised our client to ask her son's doctor to provide a letter which stated that the care requirements for her son had been the equivalent of a full time job since January 2015 when the original claim was lodged. The new claim was to ensure that if the review request was unsuccessful that a new claim had been lodged.

Our client said that she was worn out and did not have the energy to lodge an intention to claim or to ask for a review of the January 2015 decision. She authorised us to do this on her behalf and to ask for a temporary exemption from activity requirements. We contacted the Team Leader at the local office and lodged an intention to claim Carer Payment , a request for review of the January 2015 decision and a request for a 4 week activity test exemption made. Later on the same day the Team Leader contacted us to say that she could not see a reason to proceed with the request for review as the client had been on a payment, working 30 hours per fortnight and that as she had not asked for a review within 13 weeks she could

not be paid arrears even if successful. We explained that the client's contact in March 2015 should have been taken as a request for review and asked for the matter to be referred to an Authorised Review Officer (ARO) to decide whether or not they accepted the March 2015 contact as a request for review. We noted that there was no bar on a person lodging a request for review outside of 13 weeks but that the 13 weeks is a bar to arrears within Social Security Administrative Law.

The Team Leader indicated that they thought that our client may end up with a debt because she was working 30 hours per fortnight. We explained that rather than a debt that there is a substantial difference between the rate of Carer Payment and Newstart Allowance and in the assessment of income for a person in our clients circumstances there was no likelihood of a debt arising.

Two days later we were contacted by a Subject Matter Expert (SME) in the Carer Payment Team in relation to the review. The SME had been trying to contact the client without success. We explained our client's historical and ongoing care situation. The SME was of the opinion that the original claim should be granted based on the high ADAT score and that at the time of the assessment of the claim Centrelink should have spoken to our client to get extra information about the caring situation and agreed that on each occasion that she had approached Centrelink over the ensuing 12 months no one had explained to her why the claim had been rejected. The SME said that she would change the decision and backdate the grant of payment once she had spoken to our client. We arranged for her to speak to our client.

Outcome - Our client was granted Carer Payment from January 2015 and she received arrears (being the difference in rate between newstart allowance and carer payment for a 13 month period) of approximately \$9,000. She did not have to provide further medical evidence. Without the intervention and advocacy provided by the service it is likely that our client would still be struggling financially on Newstart Allowance trying to care for her disabled son, work and undertake activity requirements and be subject to financial penalties if she failed in her activity requirements. Instead our client is on her correct entitlement, Carer Payment and Carer Allowance and is able to concentrate her efforts on the care of her disabled son.

Welfare Rights Case Study 2

Facts of the Case – Our client is a 55 year old man who contacted the service as his claim for DSP was rejected. He was provided with initial advice about the appeal process and about DSP eligibility and was asked to provide a copy of the ARO decision so we could assess the merits of the matter. Our client had already lodged an appeal to the Administrative Appeals Tribunal Tier 1. Our client suffers from Systemic Lupus Erythematosus (SLE), PTSD, chronic pain, and degenerative arthritis in both knees. The ARO found that he had 25 impairment points across two tables in relation to the permanent conditions of lupus and PTSD. The other disabilities were regarded as temporary conditions and therefore did not attract any impairment points. The ARO found that as our client did not have 20 impairment points in one table that he did not have a severe impairment and therefore was required to complete a program of support for 18 months within the 36 months prior to his claim. The

ARO found that our client had not completed a program of support and that he also had a work capacity of between 15 to 22 hours within the next two years and therefore did not have a continuing inability to work 15 hours per week or more because of his impairment.

Advice Provided – We reviewed the ARO decision and the supporting medical evidence and identified deficiencies in the medical evidence that had been provided about our client's lupus and PTSD. With our client's consent we contacted his doctors to secure additional medical evidence and provided them with copies of the impairment tables so they understood the way DSP claims are assessed. We provided the additional medical evidence and a written submission to the AAT and attended the hearing with our client.

Outcome – The AAT found that our client had 60 impairment points including 20 points on each of 2 impairment tables. He was not required to complete a program of support. The Tribunal noted and accepted the opinion of our client's Consultant Physician that he would be unable to work for 15 hours per week within the next two years and so found that our client was qualified for DSP from the date of his initial claim in August 2015. The Department did not appeal the decision.

Without the assistance of the service it is unlikely that our client would have been successful in his appeal as it was as a result of additional medical evidence provided which referenced the Impairment tables and an assessment of his continuing inability to work for more than 2 years that a compelling case was presented to the AAT. If our client had been unsuccessful with his appeal it is likely that because of the Job Capacity Assessment

undertaken for his DSP claim that he would have remained on the lower rate of Newstart Allowance and been required to look for work and been subject to financial penalties for infractions once he was required to participate.

Tenancy

Demand for tenancy assistance increased in 2015-2016 after a significant reduction in the previous year. Our tenancy client numbers have increased by 33% and that equated to a 49% increase in advices provided. In terms of casework undertaken there was a 28% increase in the number of cases opened for the year.

The service continues to provide assistance to tenants irrespective of means. In 2015-2016 the mix of tenants were that 60.3% were private tenants, 32.7% were public tenants, 3.2% were community housing tenants and the remaining 3.8 % were either boarders and lodgers or homeless.

On an outreach basis Welfare Rights & Advocacy Service provides assistance as part of a Duty Advocate Pilot Project at Perth Magistrates Court on a Thursday morning once per month. Unrepresented tenants are provided with advice and representation at the court. If ongoing casework assistance is required and the tenant is from our catchment area a case is opened. Otherwise if the tenant is not from our catchment area we refer them to the Local Service Unit (LSU) in their area.

The main reason for tenants contacting the service for tenancy assistance was in relation to Tenancy Termination by lessor which

accounted for 26.4% of our work in this area and is consistent with the 2014-2015 year.

The service has continued to have high numbers of tenants being evicted by the Housing Authority using s75A of the *Residential Tenancies Act 1989* (RTA). In addition to these evictions there has been an increase in tenancy terminations by the Housing Authority for rent arrears (including outstanding tenant liability and water bills) and for property standards (hoarding).

Welfare Rights & Advocacy Service prioritises assistance to those facing eviction or at risk of homelessness. Advice and representation at court has been provided where appropriate to tenants to defend matters to stop the tenant's eviction. The service has undertaken additional work in this area because of the duty advocate work conducted at the Magistrates Court.

As a result of these interventions some tenancies have been saved and the service has worked closely with other community organisations and the Housing Authority to support tenants to retain their accommodation. Unfortunately there are still too many tenants who are evicted to homelessness.

The second highest occurring issue was Tenancy Bond which represented 13.9% of activities. Having their bond returned at the end of a tenancy continues to be a major issue for tenants. We expected that changes to the RTA in 2013 to require mandatory Property Condition Reports (PCRs) at the start of a tenancy would reduce bond disputes. We have not however seen any reduction in the number of clients seeking assistance in this area.

Too often at the time of vacation of a property the owner takes the opportunity to refurbish or upgrade the facilities in the property with an expectation the tenant will be liable for the cost with little consideration of fair wear and tear. There are however still instances where tenants do not understand their responsibility to return the property in the same state as when the agreement commenced which results in bond disputes.

Most tenants have the capacity to progress their bond dispute matter without a Tenant Advocate providing representation at court. Tenant Advocates provide detailed advice to tenants about the law and the process and assist clients to prepare their case.

Break lease and Tenancy Termination by tenant represents 13.3% of the tenancy matters undertaken by the service. The difficulty for tenants is that there needs to be legislative change to regulate a tenant being able to end a tenancy early similar to what occurs in Victoria and New South Wales. We have developed a fact sheet in relation to Break Lease which is available from our website.

10.2% of tenants accessing our service are seeking advice about tenancy repairs. The changes to the RTA where repairs are categorised within the Act has been positive. It is now possible for tenants to find out what the owner's responsibilities are where there are urgent repairs needed of essential services and other urgent repairs. A worrying trend has been tenants who contact the service who have been left without essential amenities for extended periods. This includes both public and private tenants. Unfortunately many tenants are fearful of making a complaint because of concerns that

they will lose their tenancy if the property is deemed uninhabitable.

Tenancy Case Studies

Tenancy Case Study 1

Facts of the Case – Our client was a Housing Authority tenant who was issued with a notice of termination for 'hoarding'. The Housing Authority applied to Court seeking termination and vacant possession. The tenant presented with a number of issues including mental health, domestic violence and substance misuse. The tenant was also grieving the loss of a parent. The tenant had a history of not engaging with STEP (housing support) but had recently begun working with a mental health worker from RUAH. The tenant advocate agreed to assist and represent at Court.

Advice Provided -The Tenant Advocate provided the tenant with advice about the need for her to rectify the breach and the court process. The Tenant Advocate obtained a lengthy adjournment in order that the tenant could work towards decluttering and cleaning the property. During this period the tenant advocate liaised closely with the tenant and her support worker and encouraged the tenant to address the Housing Authority's concerns.

One week before the trial the Housing Authority conducted an inspection. The Housing Authority did not believe the breach had been rectified. The Tenant Advocate argued for one more inspection the day before the trial. The Housing Authority finally agreed to this.

Outcome - When the Housing Authority inspected they were satisfied that the breach had been rectified and the property standards were much improved. As a result of the last inspection the application to terminate was withdrawn by the Housing Authority. Now that the tenant is no longer in breach the Tenant Advocate is providing assistance to the tenant in relation to a property transfer which would not have been considered if the tenant was in breach of her agreement.

Tenancy Case Study 2

Facts of the case – Private tenant with \$1,560 in arrears at court. She was assisted by the Tenant Advocate as the Duty Advocate at court. The tenant was in arrears as her Rent Assistance had been cut off as her son's name did not appear on the immunisation register and her ex-partner had not been paying his child support and was \$800 in arrears. The fixed term tenancy was due to end shortly and the tenant had been advised that the REA would not renew the lease. The tenant also had a mental health condition.

Advice Provided – The Tenant Advocate provided advice to the tenant about termination by the lessor, and the court process. After obtaining an authority the Tenant Advocate assisted the tenant in the pre-trial seeking an adjournment or consent order. The REA was insistent on possession and the registrar indicated that the trial could proceed the same day without the need for an adjournment. The REA would not consider renewal of the lease and wanted a decision about bond disposal. The Tenant Advocate advised the Registrar and REA that the decision about the bond was not part of the current proceedings.

Outcome – The Tenant Advocate was able to negotiate termination by consent suspended for 21 days. If the matter had proceeded to trial it was likely the magistrate would have terminated in 7 -14 days or if an adjournment was granted termination at a later date. The tenant was happy with the outcome. She was referred to another CLC for assistance in relation to enforcement of child support and help with her Rent Assistance issue as she was from their catchment area.

Tenancy Case Study 3

Facts of the case – Our client was a tenant referred by a financial counsellor in October 2015. She needed assistance with maintenance issues with Housing Authority tenancy. The maintenance issues included mould in most rooms, leaking taps, kitchen cupboards rotting, ceiling bowing, water leaks, overflowing toilet and raw sewage in the back yard. The Housing Authority sent out people to do the maintenance but they were only ever temporary fixes with the problem remaining. The tenant who is a sole parent with four young children (2-8 years old) wanted either the maintenance completed or for her to be transferred to other accommodation. The tenant's children were unable to play in the back yard because of the sewage.

Advice Provided – The Tenant Advocate provided advice to the tenant in relation to the outstanding maintenance issues and began advocating with the Housing Authority about fixing the issues and if unable to do so assisting the tenant to get a transfer of accommodation. The Tenant Advocate made numerous representations to the HA in relation to the maintenance. The Tenant

Advocate assisted the tenant to lodge an application for a transfer of accommodation. The transfer application was declined because the Housing Authority said that they would do the repairs. The Tenant Advocate assisted the tenant in her housing appeal.

Outcome – The housing appeal was unsuccessful as the committee found that maintenance issues are not grounds for appeal and the Housing Authority will address all of the reported maintenance issues. The Tenant Advocate assisted the tenant to issue a Form 23 to the Housing Authority for failure to maintain the property in a safe and healthy condition. No repairs had been done to kitchen cupboards (mould etc), locks, sewage/septic not capped properly, roof issues not addressed, back fence not replaced and ongoing plumbing issues. The breach notice was sent to the Housing Authority on 3 March 2016. On 4 March 2016 the tenant was offered a brand new 4 bedroom home in a nearby suburb. The tenant accepted this new accommodation.

Community Legal Education

There was an increase in the numbers of community legal education activities undertaken by Welfare Rights & Advocacy Service in 2015-2016. Education activities were undertaken in both our welfare rights and tenancy program and included both one off workshops and the development of information resources. Our new website was launched in 2015-2016 and we developed a number of new fact sheets for use in our advice and casework assistance. Of particular note in the current year was the Welfare Rights CLE Project undertaken in Rural,

Regional and Remote Western Australia which was funded by the Public Purposes Trust. As part of the PPT CLE Project the service did a number of sessions in locations away from metropolitan Perth, including to Broome, Geraldton, Kalgoorlie, Leonora, and Karratha. The service also conducted a number of activities which have been directed toward young people.

Sessions were undertaken in the following settings:

- NWRN Conference 2015;
- NALCLC Conference 2015;
- UWA Welfare Week (Centrelink and Tenancy);
- Anglicare;
- WIPT (Welfare Payments Infrastructure Transformation Project);
- YACWA Conference;
- CLCA WA;
- ANU International Welfare Conference;
- CLCA SA;
- UWA Social Work;
- Knowmore;
- Kulbardi Aboriginal Centre;
- Broome Aboriginal Family Law Service;
- Geraldton Community Legal Centre;
- UnionsWA; and
- Red Cross.

The Welfare Rights and Tenancy Fact Sheets developed by the service in 2015-2016 include:

- Abstudy – Appealing Decisions and Debts;
- Appealing Decisions- Child Care Payments;
- Appealing Decisions- Family Tax Benefit;
- Getting Bond Money Back if you are living interstate or overseas;
- Proof of Identity for Housing Authority;
- Relationships;

- Students – Frequently Asked Questions;
- Young Parents – Frequently Asked Questions.

The existing suite of Fact Sheets was regularly reviewed and updated in response to changes to ensure their currency.

Law Reform

In 2015-2016 there was a small increase in the number of law reform activities undertaken by the service. These activities are informed by the experiences of our clients to bring about structural and systemic change.

Activities through the year included a range of law reform activities which included forum participation, submissions, Senate Inquiry appearances, media interviews, and feedback to DHS on particular issues. A number of these occurred in the context of activities of the National Welfare Rights Network of which we are a member.

At a local and national level staff of the service participated in a number of regular meetings and forums and other activities. . Some of the regular and ad hoc forums, conferences and meetings and activities in which staff have participated in 2015-2016 have included:

- WA Tenancy Conference;
- WA Tenant Advocates' Meetings;
- WA Tenant Coordinators' Meetings;
- DHS Serious Non Compliance Meeting;
- NACLIC PII Committee;
- CLCA WA Legal Practice and PII Sub Committee;
- NWRN Conference (Melbourne);
- NACLIC Conference (Melbourne);
- NWRN Indigenous Issues Sub Committee;

- NWRN Welfare Reform Sub Committee;
- NWRN Members' Meetings;
- NWRN Committee Meetings;
- DHS Aboriginal Consultative Committee;
- DHS Community Consultative Committee;
- DHS Serious Non Compliance Social Worker Meeting;
- NWRN Planning Days;
- Office of the Australian Information Commissioner (OAIC) Meeting;
- Commonwealth Ombudsman's Roundtable;
- AAT Stakeholder Liaison Meeting;
- Feedback to AAT on website;
- Feedback to DHS about the Guide to Payments Resource;
- Meeting with Minister for Social Services, Christian Porter;
- Submission to the Senate Committee Healthy Welfare Card Trial;
- Media – July 2015 Centrelink changes;
- Media – Healthy Welfare Card Trial;
- Media – Disability Support Pension;
- Media – Mandatory Counselling for the Unemployed;
- Media – Ice and Centrelink Payments;
- Submission to the Senate Inquiry into the Compliance Bill;
- Submission about Carer Payment changes to DSS;
- Submission and Appearance before the Senate Inquiry into the Social Security Youth Bill;
- Submission and Appearance before the Senate Inquiry into the Family Tax Benefit and Participation Reform Bill;
- WIPT (Welfare Payments Infrastructure Transformation Project) Co-Design Workshop;
- Leadership 2016;
- Welfare Rights Review;

- Co-Location/Merger Committee;
- NWRN Biannual Meeting with Department of Social Services; and
- NWRN Biannual Meeting with Department of Human Services.

In 2015-2016 Catherine Eagle continued in her roles as the Convenor of the NACLCL Professional Indemnity Insurance (PII) Committee, the WA State Representative on the NACLCL PII Committee and as the convenor of the WA Community Legal Centre Association (CLCA) Legal Practice and PII (LP&PII) Committee. In this role Catherine Eagle provides support and guidance to other CLCs in relation to PII issues and a range of issues that arise within a community legal setting.

Welfare Rights & Advocacy Service is an active participant in the National Welfare Rights Network (NWRN) of which they are a member centre. Catherine Eagle and Kate Beaumont participated in the Annual NWRN Conference in Melbourne in August 2015. In the last year staff of the service have convened, chaired and participated in the monthly Members Meetings, various NWRN Sub Committees and Committee Meetings of the NWRN. These meetings have a focus on casework trends, policy and law reform, as well as the governance of the NWRN.

Kate Beaumont continued in the role of President of the NWRN in 2015-2016. As President of the Network she was the Network's Spokesperson and responsible for the media work undertaken by the NWRN. This role provided greater scope for Welfare Rights & Advocacy Service to contribute to the law reform and legal policy work undertaken by the NWRN. The role of NWRN spokesperson has shifted to the Executive

Officer of the NWRN Secretariat following decisions made at the June 2016 Planning Day of the NWRN.

Governance

The governance of the Association rests with the Board of the TLC Emergency Welfare Foundation of Western Australia (Inc.). At the Annual General Meeting (AGM) in October 2015 the membership considered and approved changes to the Constitution and Rules of the Association.

The Chairperson up until the AGM was Kevin Gaitskell, who did not renominate to the Board in 2015-2016. Owen Whittle led the Board as the Chairperson for the remainder of the year moving into the position from that of the UnionsWA nominee. He was ably assisted by the other Office Bearers, Brendyn Nelson as Deputy Chairperson, Matthew Davey as Secretary and Cindy Labuschagne as Treasurer who stepped into the role following our former Treasurer Stephanie Norris's relocation to New Zealand. Continuing on the Board from the previous year were Philip O'Donoghue, Sinead Glackin, and Leon Stojmenov. Rebecca Dennison joined the Board at the October AGM and Helen Tuck was the UnionsWA nominee to the Board from November 2015.

The Board met 8 times in 2015-2016 and there was quorum for all meetings.

Key achievements of the Board in 2015-2016 included:

- finalisation of the Strategic Plan 2015-2020;
- development of the Board Plan;

- registration of the TLC Emergency Welfare Foundation of Western Australia (Inc.) Enterprise Bargaining Agreement 2015; and
- development of and agreement to the TLC Emergency Welfare Foundation of Western Australia (Inc.) Enterprise Bargaining Agreement 2016.

We acknowledge the assistance of Joel Levin for the help he provided the Association in the organisational planning undertaken over the last two years.

The coming year will see the Board review the Constitution and Rules of the Association to ensure that they comply with changes to the *Associations Incorporation Act 2015*.

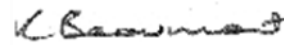
Future

It is of concern to the service that in the next twelve months we will see a significant reduction in both our Welfare Rights and Tenancy funding. At a time when there has never been more demand for the assistance we provide the funding is to be cut. We can foresee the impact of this on the level of services we will be able to provide to our disadvantaged clients and this will be amplified across the whole of the community legal sector. Unfortunately our pleas for funding to be maintained seem to fall on deaf ears - the Federal Government deny that there are to be cuts. We worry about all those vulnerable clients that we are not able to assist to access income support payments they are entitled to and/or help to maintain their tenancies. We are greatly concerned about the reduction in access to justice for the most vulnerable in the community.

Acknowledgement and Thanks

I would like to acknowledge the work of the Board over the last year and their ongoing commitment to Welfare Rights & Advocacy Service. It is pleasing that most Board members intend to stand for another term building and consolidating on the work undertaken in 2015-2016.

Without the staff of Welfare Rights & Advocacy Service our work would grind to a halt. The last year has been a challenging one. I am grateful that we have a stable and dedicated team who use their expertise and compassion to assist our clients.



Kate Beaumont
Executive Officer

Treasurer's Report

Welfare Rights & Advocacy Service ended another successful year with a surplus of \$41,615. Core funding continued from the Commonwealth and State Attorney General's Department, Department of Commerce and the Legal Contributions Trust with funding levels remaining consistent with the prior year.

Welfare Rights & Advocacy Service received an increase in the Commonwealth Attorney General's Department SACS wage supplementation for the year. The annual SACS wage supplementation is used to cover the additional staffing costs arising from the Equal Remuneration Order.

Funding was also received from the Public Purposes Trust for the Community Legal Education project in the year. A further grant application was submitted in July 2016 for funding in 2017/2018.

Welfare Rights & Advocacy Service was able to generate additional income during the year with \$10,200 received for the National Welfare Rights Network (NWRN) backfill for President. The service also provides bookkeeping services to the NWRN with \$6,700 included in other income for the year. The bookkeeping services will continue in 2016/2017.

During the year the agency recognised accommodation income of \$12,000 with a charge for the use of the Welfare Rights & Advocacy Service building to funding programs. This provides the agency with funds for future maintenance or upgrades to the building.

Uncertainty regarding future funding remains prevalent and the agency is exploring additional funding sources as well as cost saving initiatives.

Of the surplus for the year \$2,666 was allocated to the agency's redundancy reserve.

At the end of the financial year the agency had cash of \$455,647 and prepayments and other receivables of \$3,448, bringing the total current assets to \$459,095. Combined with property, plant and equipment with a book value of \$246,692, the agency holds total assets of \$705,787.

Current liabilities includes other payables of \$15,956 and accrued expenses of \$5,500. Unexpended grant funds reduced from the previous year and the total of \$26,046 will be utilised in 2016/2017. Provision for employee entitlements remains the largest liability for the agency with a total of \$156,376. After deducting total liabilities of \$203,878 from total assets, the agency has a net assets position of \$501,909.

The agency's strong net assets and cash position provides a sound financial platform for Welfare Rights & Advocacy Service whilst the board focus on long term financial sustainability.

A handwritten signature in black ink, appearing to read 'Cindy Labuschagne', written in a cursive style.

Cindy Labuschagne

Treasurer

Abridged Financial Statements

T.L.C. Emergency Welfare Foundation of Western Australia Inc ABN: 95 512 184 786

Abridged financial report for the year ended 30 June 2016

	2016	2015		2016	2015
	\$	\$		\$	\$
STATEMENT OF FINANCIAL POSITION			STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME		
AS AT 30 JUNE 2016			FOR THE YEAR ENDED 30 JUNE 2016		
CURRENT ASSETS			Accommodation income		
Cash assets	455,647	395,588		12,000	-
Receivables	3,446	14,456	National Welfare Rights Network Backfill	10,200	-
TOTAL CURRENT ASSETS	459,093	410,044	Grants	548,767	505,964
NON CURRENT ASSETS			Membership fees	445	345
Property, Plant & Equipment	246,692	248,961	Donations	650	970
TOTAL NON CURRENT ASSETS	246,692	248,961	Interest received	5,869	8,312
TOTAL ASSETS	705,785	659,005	Other income	13,617	8,130
CURRENT LIABILITIES			Employment expenses	(452,392)	(420,104)
Payables	21,456	14,071	Administration expenses	(55,879)	(52,759)
Unexpended grant funds	26,046	49,654	Property expenses	(35,885)	(28,437)
Provisions	154,851	134,030	Depreciation	(4,077)	(3,975)
TOTAL CURRENT LIABILITIES	202,353	197,755	PROFIT/(LOSS)	41,615	18,446
NON CURRENT LIABILITIES			Other comprehensive income	-	-
Provisions	1,525	997	TOTAL COMPREHENSIVE INCOME	41,615	18,446
TOTAL NON CURRENT LIABILITIES	1,525	997	STATEMENT OF CASH FLOWS		
TOTAL LIABILITIES	203,878	198,752	FOR THE YEAR ENDED 30 JUNE 2016		
NET ASSETS	501,909	460,295	Cash flows from Operating Activities		
EQUITY			Receipts from operations	550,108	517,885
General funds	453,690	414,742	Payments to suppliers and employees	(504,110)	(511,601)
Reserves	48,219	45,553	Net cash generated by operating activities	55,998	6,284
TOTAL EQUITY	501,909	460,295	Cash flows from Investing Activities		
STATEMENT OF CHANGES IN EQUITY			Purchase property, plant & equipment	(1,808)	(5,034)
Beginning Retained Earnings	414,742	399,213	Interest received	5,869	8,312
Profit/(Loss) for the year	41,615	18,446	Net cash generated by investing activities	4,061	5,278
Transfers to reserves	(2,000)	(2,917)	Cash flows from Financing Activities		
Closing Retained Earnings	453,691	414,742	Net cash generated by financing activities	-	-
			Net increase in cash held	60,059	11,562
			Cash at beginning of financial year	395,588	384,026
			Cash at end of financial year	455,647	395,588

NOTES

The Abridged Financial Report has been derived from the audited special purpose financial report that is prepared in accordance with note 1 to that report.

AUSTRALIAN AUDIT

DIRECTORS:
ROBERT CAMPBELL CPA, FCA, MAICD, NSW
ANDREW SULLIVAN B.Bus, FCPA
ALASTAIR ARBOTT CA, MAICD, M.FORMER ACCOUNTANT

T.L.C. Emergency Welfare Foundation of Western Australia Inc

ABN: 95 512 184 786

Abridged audit report

For the Year Ended 30 June 2016

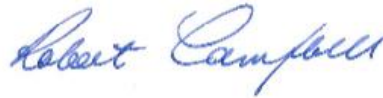
Scope

I have audited the abridged financial report of T.L.C. Emergency Welfare Foundation of Western Australia Inc for the year ended 30 June 2016 as set out on the following page in accordance with Australian Auditing Standards.

Audit Opinion

In my opinion, the information reported in the abridged financial report of T.L.C. Emergency Welfare Foundation of Western Australia Inc is consistent with the annual special purpose financial report from which it is derived and upon which we expressed an unqualified audit opinion in our report to the members. For a better understanding of the entity's financial position and performance, as represented by the results of its operations and its cash flows for the year, and the scope of our audit, this report should be read in conjunction with the annual special purpose financial report and our audit report.

Robert John Campbell CPA
Registered Company Auditor No. 334773
Australian Audit Group Pty Ltd
Level 2, 459 Hay Street, PERTH, WA



DATE: 18 October 2016

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Full copies of our Special Purpose Financial Report are available and can be requested by emailing welfare@wraswa.org.au