

Welfare | Rights | & | Advocacy | Service

**Annual Report
2012/2013**

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Funding and Support provided to Welfare Rights & Advocacy Service in 2012/2013

COMMONWEALTH GOVERNMENT



Attorney General's Department through the Legal Aid Branch of the Family Law and Legal Assistance Division (Welfare Rights Services Program and Community Legal Centre Program)

WESTERN AUSTRALIAN GOVERNMENT



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

Legal Contributions Trust



Department of Commerce



Public Purposes Trust of the Law Society of Western Australia

Donations

Memberships

Personnel and Staff Profile for 2012/2013

Management Committee

Marina Georgiou	Chairperson from October 2012
Simon Millman	Chairperson to October 2012
Glen Williamson	Deputy Chairperson
Daniel Pastorelli	Treasurer
Luke Villiers	Secretary
Shayla Strapps	Committee Member
Jack Nicholas	Committee Member to October 2012
Shannon Walker	Committee Member
Dominic Rose	TLC Committee Member from October 2012
Courtney Collins	Committee Member from February 2013
Anastasia Phylactou	Committee Member from April 2013

Permanent and/or Contract Staff

Kate Beaumont	Executive Officer/Case Manager
Chris Belcher	Welfare Rights Advocate/Tenant Rights Advocate
Jeanie Bryant	Welfare Rights Advocate
Catherine Eagle	Principal Solicitor
Marilyn Marvelli	Welfare Rights Advocate
Paul Harrison	Tenant Advocate
Greg Cross	Tenant Advocate
Tom Milton	Administrative Officer to October 2012
Christine Carr	Bookkeeper/Administrative Officer

Chairperson's Report

This AGM marks the end of my first year as the Chairperson of the TLC Emergency Welfare Foundation of Western Australia (Inc.) trading as the Welfare Rights & Advocacy Service. With the almost depletion of the One Off Funding from the Federal Government at the end of the last financial year, a delay in the granting of Legal Contributions Trust funding and without any increases to other funding levels the service was in a difficult financial position coming into 2012/2013. Funding from the Commonwealth Attorney General's Department, the Public Purposes Trust and a new contract with the Department of Commerce continued in 2012/2013. The agency was notified in November 2012 that Legal Contributions Trust funding would continue in 2012/2013.

In August 2012, the Management Committee determined that a reduction in staff hours was necessary to ensure the service would be financially sustainable within the fiscal restraints of the current year. Working in collaboration the Management Committee and staff came to an agreement for a number of staff to reduce their hours to ensure that there was not the need for positions within the organisation to be made redundant. These new working arrangements commenced from October 2012.

With the closure of the Tenants Advice Service (TAS) in November 2012 the agency in collaboration with other Local Service Units developed an Interim Servicing Proposal to provide the services of the Central Resource Unit pending the Department of Commerce undertaking a new tender process. As part of that proposal the agency agreed to be the provider of Tenant Advocate Support which had previously been provided by TAS. In late December 2012 the agency was notified by the Department of Commerce that from 1 January 2013 that Welfare Rights & Advocacy Service would be contracted to provide Tenant Advocate Support to 30 June 2013. The secure of this interim contract provided some additional resources for the agency in 2012/2013 and the ability to increase some staff hours.

In April 2013, the service was notified that its application for continued funding from the Public Purposes Trust for the Prosecutions and Women in Prison Project for 2013/2014 had been unsuccessful. With this loss of funding it was likely that there would have to be a further review of staffing of the agency at the commencement of the 2013/2014 financial year. The Principal Solicitor, Catherine Eagle had been employed for the preceding nine years in this project and had for a number of years provided additional support to the CLC sector in Western Australia, as the State PII Representative and the Convenor of the CLCA WA Legal Practice and PII Committee. In 2012/2013 Catherine Eagle became the National Convenor of the National Association of Community Legal Centres (NACLC) PII Committee.

Fortunately, due to the hard work of the staff of the service, and the reputation the service has in the sector, in June 2013 the Commonwealth Attorney Generals Department advised it would provide an additional \$80,000 per annum over the next four years to assist with sustainability of the service and in recognition of the disadvantage of our clients.

It has been a busy year for the service with increasing demands for assistance in both its welfare rights, prosecutions and tenancy programs. The agency has also taken on an additional tenancy support and coordination role in the current year which included the organisation of regular Tenant Advocate Meetings and Tenant Coordinator Meetings and the successful State Tenancy Conference which took place in June 2013.

The Management Committee and staff of Welfare Rights & Advocacy Service have also been supportive of the collaborative undertaking of it and a number of other community legal centres to establish a new specialist community legal centre, Tenancy WA Inc. to fill the gap left by the demise of the Tenants Advice Service late last year.

After a period of financial uncertainty in 2012/2013 it is pleasing that with increased Commonwealth funding and the continuation of the Tenancy Support contract until at least mid-November 2013 that the agency is in a more stable position and looking forward to an exciting year ahead. All staff have now returned to their normal hours. The Management Committee and the staff have commenced negotiations for a renewed Enterprise Bargaining Agreement, which we hope to complete in the New Year.

The Management Committee has also commenced the process of preparing a Strategic Plan for the coming years and will work with staff to finalise this in the New Year. The staff and Management Committee will also be working together toward NACLC accreditation with our assessment scheduled for April 2014.

We have had a number of resignations from the Management Committee and some new, talented members join. Of those resigning, we thank Simon Millman, Shayla Strapps and Jack Nicholas for their work on the Management Committee. We welcome Anastasia Phylactou, Shannon Walker, Courtney Collins and Dominic Rose who have all already made some valuable contributions. I would also like to thank Daniel Pastorelli, Luke Villiers and Glen Williamson for their continued work on the Management Committee.

In conclusion, on behalf of the Management Committee, I would like to thank the staff for their hard work and dedication to the service. It would be difficult to find a group of people who are more committed to providing an excellent service and who care so much about their clients. Despite the fact that there was a temporary reduction in funding and to their hours, the staff still delivered results far above the targets for the year in all areas of the practice.

I would like to say a special thank you to Kate Beaumont, who has worked tirelessly to ensure that we deliver a service to clients, that staff are provided for and that our funders understand the needs of our clients and the requirements for the service we provide. Congratulations on another year and I look forward to working together over the next year.

A handwritten signature in black ink, appearing to be 'Marina Georgiou', with a small dot at the end of the final stroke.

Marina Georgiou

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

The Objects for which the Foundation is established 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 to 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 Foundation.
- To assist and represent persons in conducting appeals against administrative decisions by Government agencies.
- 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.
- To promotes the principles of equal opportunity.

Vision, Values, Mission and Objectives

Our Vision

That all people be able to equally access adequate housing, justice, income support, education, health and employment opportunities and enjoy the level of decision making and self-determination which all Australians expect.

Our Values

Welfare Rights & Advocacy Service provides a non-judgmental information, advocacy and referral service, which assists and empowers disadvantaged or low income groups in gaining equity.

Our Mission

To achieve structural change aimed at the elimination of disadvantage within the community and seek to empower citizens generally with respect to their legal, welfare and other rights.

Our Objectives

To enhance people's skills in self-advocacy and decision making.

To achieve structural change through social justice activities based on the experience of clients.

To provide services that empower citizens with respect to their legal, welfare and other rights.

To ensure Welfare Rights & Advocacy Service operates effectively and ethically.

Model of Service Delivery



Agency Report

Overview

Welfare Rights & Advocacy Service in 2012/2013 has continued to provide legal help in its traditional and specialist area of Social Security and Family Assistance Law, as well as in relation to Social Security Prosecutions and Tenancy Law. As a community legal centre the core services provided by the agency continue to be in the three areas of advice and casework, community legal education and law and policy reform.

Demand for casework services has increased in 2012/2013. That increase has in part been due to additional work undertaken in Tenancy Support but also due to increasing numbers of clients from outside of our geographic catchment areas. The community legal education and policy and law reform activities undertaken by Welfare Rights & Advocacy Service are underpinned by the experience of clients who access the agency. The approach which is taken reflects the vision, values, mission and objectives of the TLC Emergency Welfare Foundation of Western Australia (Inc.). The agency is provided with additional opportunities to undertake law reform and legal policy work due to our involvement with the National Welfare Rights Network at a national level.

Funding

Core funding for the service remains with the Commonwealth Attorney General's Department through the Community Legal Service Program (CLSP) who provide funding for our welfare rights program. The most recent year was the third year of a triennial funding agreement and the only increase was due to CPI. In 2012/2013 the agency used the remaining surplus funds from one off funding provided by the Commonwealth Attorney General's Department in 2008/2009 and 2009/2010.

In 2012/2013 the agency continued to receive funding for a ninth year from the Public Purposes Trust (PPT) of the Law Society to conduct a Prosecutions and Women in Prison Project. This project was a collaborative endeavour with the Women's Law Society of Western Australia. The latest year was the final year of a three year agreement. The agency was not successful in its application for funding for 2013/2014.

The agency was successful in securing funding from the Department of Commerce following an open tender conducted in early 2012. Welfare Rights & Advocacy Service was contracted to provide services to tenants in the Lower North Metropolitan Zone of Perth. Following the closure of the Tenants Advice Service in November 2012 the agency in collaboration with

Northern Suburbs Community Legal Centre and SCALES Community Legal Centre put forward an interim servicing proposal to provide the services of the Central Resource Unit (CRU) until the completion of a new tender. From January 2013 Welfare Rights & Advocacy Service provided Tenant Advocate Support and Coordination assistance to the Tenancy Network.

Welfare Rights & Advocacy Service continues to be funded through the Legal Contributions Trust for a seventh year to conduct a project to give extra welfare rights help to young people. Legal Contributions Trust funding is annual funding and in 2012/2013 the agency was only notified in November 2012 that this funding would be forthcoming. The remainder of funding for the agency is through donations and memberships.

Direct Service Provision

The principal area where the agency provides direct services is in the continued provision of independent and free information, referral, advice, advocacy and representation to individuals so that they can challenge the decisions of the Department of Human Services (DHS). The agency prioritises the provision of information and advice to individuals so that they have knowledge of the appeal and review rights available to them.

Welfare Rights & Advocacy Service has been able to continue to provide help in the area of Social Security Prosecution matters which is not a traditional area of assistance from the other welfare rights centres around Australia. As part of the collaborative Prosecutions and Women in Prisons Project the agency has in collaboration with Women's Law Centre provided some welfare rights casework at both Bandyup and Boronia Prisons. The agency has also continued to undertake welfare rights casework with young people to encourage this population to challenge DHS decisions.

Tenancy Law is the other main area of law that the agency provides advice and casework assistance. Help is provided to both public and private tenants to ensure that they are aware of their rights and obligations within the Residential Tenancies Act 1987 and Department of Housing policies. Following the closure of TAS the agency provided additional assistance in this area by providing support to Tenant Advocates who assist tenants in the fifteen Local Service Units (LSUs) across Western Australia.

Advice and casework is provided by our lawyer and paralegal staff at Welfare Rights & Advocacy Service. The agency does not run a volunteer program and so direct casework assistance is not provided by volunteers. From time to time private lawyers provide some ad hoc pro bono assistance to clients referred by the agency. Welfare Rights & Advocacy Service does not provide help in other areas of law outside of our designated areas of expertise and makes appropriate referrals of such matters to appropriate services.

Catchment Areas

There are a number of geographic catchment areas for the work undertaken by the agency depending on which area of law. Casework help is provided in Welfare Rights matters within the designated catchment area North of the Swan River to the top of Western Australia and across to the South Australian and Northern Territory border. The welfare rights catchment area of the agency is the largest catchment area of any welfare rights centre in the country.

The agency as a specialist welfare rights centre has always provided some welfare rights assistance to clients who are located in the geographic catchment areas serviced by Fremantle Community Legal Centre (FCLC) and Sussex Street Community Law Service (SSCLS). This help has been provided to ensure that clients are not disadvantaged by the servicing arrangements of the other services. There has been an increasing trend over the most recent year for clients within the SSCLS catchment area being referred for help from Welfare Rights & Advocacy Service. This has in part been due to the welfare rights position remaining unstaffed for periods of time. Additionally SSCLS do not routinely provide telephone advice and book all clients for face to face appointments. As a result of this servicing strategy appointments are booked up to six weeks in advance. Welfare Rights & Advocacy Service provides assistance to any clients trying to access for urgent or time critical assistance which is not provided by SSCLS.

The other main time when Welfare Rights & Advocacy Service provides help to those outside of its geographic catchment area is where conflicts of interest are identified. In these situations the other service is unable to provide legal assistance to a client where a conflict of interest exists. There are reciprocal arrangements in place wherein FCLC and SSCLS provide assistance to clients from our catchment area where conflicts of interest have been identified.

In most instances, apart from where a conflict of interest has been identified, the agency tries to ensure that clients are linked into the appropriate geographic welfare rights assistance for ongoing casework assistance. In cases which are time critical and cannot wait for the welfare rights worker from another service to be available some ongoing assistance and casework is undertaken.

Advice and casework assistance in relation to Social Security Prosecution matters is provided across Western Australia. This is because neither FCLC nor SSCLS provide help for these types of matters. As such the welfare rights workers from FCLC and SSCLS make regular referrals of Prosecution matters to Welfare Rights & Advocacy Service. In circumstances where clients are provided with advice in relation to Social Security Prosecution matters they are usually referred back to the welfare rights service in their geographic catchment to assist with administrative review. In some instances where there is

an interconnection of potential prosecution and administrative challenge of a DHS decision the agency may continue to act in relation to both aspects for the client to ensure that there is continuity of servicing. Apart from Prosecution casework assistance across Western Australia the agency solicitor regularly provides help to other welfare rights workers within the National Welfare Rights Network and those working in the Northern Territory at NAAJA and CAALAS.

The agency does not adhere to its traditional welfare rights boundaries in relation to assistance provided to young people as part of its Legal Contributions Trust project. The reason for this is that neither FLC nor SSCLS provide specialist assistance to young people. It is also a priority with this population to ensure that they are not referred from one service to another as this will potentially impact and act as a barrier to welfare rights assistance being provided to young people.

Within the new contract tenancy help continues to be provided in the catchment area to the lower Northern Suburbs of Perth. This catchment area includes the local government areas (LGAs) of the City of Perth, Vincent, Subiaco, Nedlands, Claremont, Peppermint Grove, Cottesloe, Mosman Park, Cambridge, Scarborough, Glendalough, Wembley Downs, Wembley, Menora, Coolbinia, Mount Lawley, Bayswater and Mt Hawthorn. The agency has continued due to its longstanding relationship with Northern Suburbs Community Legal Centre (NSCLC) to provide services to those in other LGAs in the North Metropolitan area of Perth. This flexibility is to ensure that clients who have been traditional users of Welfare Rights & Advocacy Service under previous servicing arrangements are not impacted.

As with our welfare rights program the agency regularly has tenants accessing for assistance outside of its geographic catchment area from the other LSUs. There was a significant increase of out of catchment clients in the period leading up to and after the closure of TAS and prior to the commencement of the new interim servicing arrangements. The agency continues to get referrals on a regular basis as a result of other services not providing telephone advice and insisting on booked face to face appointments. These servicing arrangements result in other services lacking the capacity to respond to urgent matters or those presenting where waiting times for appointments can be between 4 to 6 weeks.

The agency continues to have high numbers of direct referrals from the Department of Commerce and Legal Aid WA as the agency is geographically closest LSU to their offices. The agency also has many direct referrals of Aboriginal tenants from Day Dawn Advocacy as the agency is located within a short walk from their premises. Similarly the agency has regular referrals from the Street Law Centre who undertake many of their outreach services within the inner city which falls within the Welfare Rights & Advocacy Service catchment.

The catchment area for tenancy support and advice is across the entire state to the fifteen LSUs and includes metropolitan, rural and remote services. Apart from tenancy support to

the LSUs the agency provides tenancy support and advice to community workers across the state.

Hours of Operation and Accessibility

Welfare Rights & Advocacy Service provides assistance from its premises at 98 Edward Street Perth. The agency is open between 9.00 am to 5.00 pm from Monday to Friday with the exception of Public Holidays. The TLC Emergency Welfare Foundation of Western Australia (Inc.) Enterprise Bargaining Agreement provides for a two week closure of the agency at Christmas and an additional day off on Easter Tuesday. The additional day at Easter is to bring parity between members of staff employed under a previous award conditions which included a Public Holiday on Easter Tuesday. Welfare Rights & Advocacy Service has disabled access to its premises including ramps and wider doors to facilitate wheelchair access. The agency is located in close proximity to public transport, including both bus and rail lines.

The agency has a Disability Action Plan which includes the provision of disability access to its buildings and ensuring that all facilities hired to conduct education and information sessions are compliant with disability access requirements. All materials produced by the agency are user friendly and able to be accessed by people with disabilities. People with disabilities are provided with the opportunity to have the assistance of support people in matters relating to their particular issue. 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.

The agency does not routinely do home visits, however on occasion due to the disability of a client it is appropriate where all staff security requirements have been addressed for such interaction to occur.

The agency regularly uses Telephone Interpreting Service (TIS) to assist with our communication with culturally and linguistically diverse background clients. Interpreting services are used over the telephone and on site. In the most recent year there was an interruption to these services due to a fire at TIS Headquarters which delayed the provision of some services which were not deemed to be urgent. The agency was prepared to pay for required interpreters if required urgently.

For many years the agency had provided access to a dedicated Teletypewriter for the hearing impaired to access the service. Following the demise of the equipment the agency consulted the Deaf Society in the most recent year to review the services provided to the hearing impaired. As a result of advice provided by the Deaf Society the agency has moved to use of the National Relay Service to facilitate access with the hearing impaired. The agency pays for interpreting services for our hearing impaired clients when required.

Servicing Priorities

Priority for direct service for the agency is to the most disadvantaged within the community. For those seeking welfare rights assistance the chief priority is to help those without income and those who are at threat of loss or a significant reduction in income. Tenancy assistance is prioritised to those who are at risk of eviction or who are homeless. The other priorities for ongoing casework help is to those who have additional barriers in progressing their matter due to disability, culture, language, literacy, age and other points of diversity. Another aspect of ongoing casework assistance is that a matter must have legal merit and the person does not have the means to afford legal assistance. These priorities are in line with the target for Community Legal Centres providing access to justice for those without means and who may have difficulties within the mainstream legal system.

Whilst welfare rights casework assistance is prioritised for those on low or no income increasingly the agency provides advice to those on higher levels of income in line with the broader range of clients receiving income support and family assistance payments. Whilst one off advice is provided ongoing casework assistance is not usually provided although from time to time it may be that additional one off advice may be provided to assist a person to progress their matter further.

A contractual obligation in relation to the provision of tenancy assistance by the agency is that it is delivered to tenants irrespective of means. The reason for this difference is that the funding for this program is sourced from the interest from the Rental Accommodation Fund, which includes the bonds of the full range of tenants including those on low and high incomes. As such it is important to ensure that all tenants have access to advice and assistance.

In July 2012 with the commencement of the new contract with the Department of Commerce Welfare Rights & Advocacy Service added the issue of means testing to the agenda for the first Coordinators Meeting with the Department. This was in response to an increasing issue of referrals for assistance from tenants outside of our geographic area who had been referred for tenancy help because they were above the means test for other community legal centres. It was rearticulated to the Department that tenancy assistance was to be provided by all LSUs irrespective of means. The agency does not provide advice or casework assistance in tenant against tenant disputes as assistance provided could result in the eviction of or disadvantaging another tenant.

The agency endeavours to provide a balance between its one off advice and ongoing casework assistance. There is however a finite capacity of the agency to provide ongoing casework assistance and the agency does not have the ability to meet that demand from all

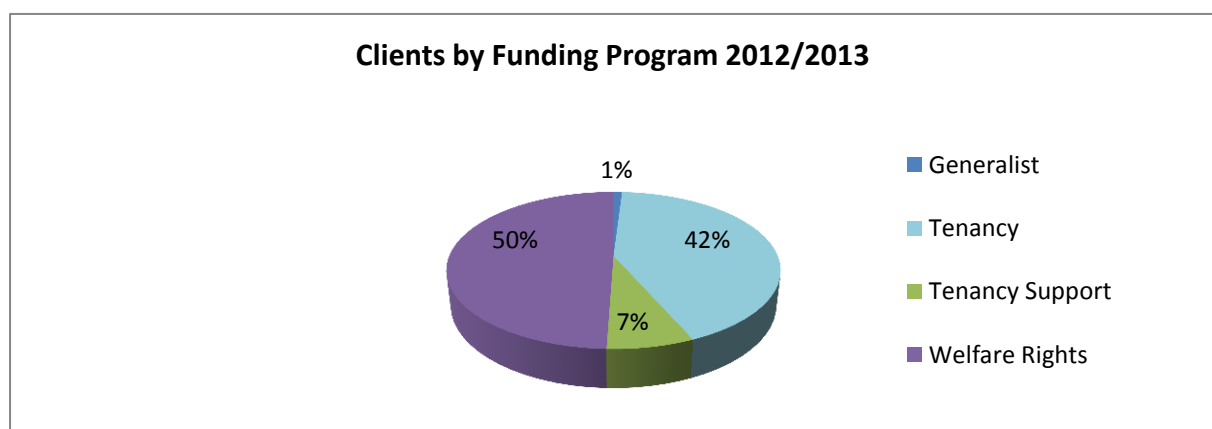
users of the service. In circumstances where the agency is not able to provide ongoing casework assistance the agency continues to use empowerment approaches. This is to ensure that clients are provided with information and resources to be able to progress their own matters. Similarly where a person has the means to secure appropriate legal help in the market one off advice is provided and supplemented with information and resources.

In instances where there is little legal merit the agency does not commit ongoing casework assistance. The agency clearly communicates this to the client and that this is the reason why ongoing help will not be provided. Even in such circumstances the client is advised they have a right to pursue the matter and are advised where there are risks or unintended consequences of pursuing a matter. The agency regularly provides resources in such instances for clients to pursue their own matter.

The agency regularly provides both advice and ongoing casework assistance to other community organisations who are working with their clients. This assistance is provided in relation to all of our programs. In the most recent year the proportion of organisational casework assistance has increased in line with the agency providing tenancy support to tenant advocates across the Tenancy Network.

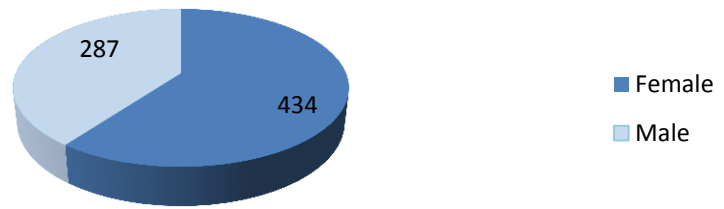
Statistics

After a slight reduction in the number of clients in the previous year in 2012/2013 there was a 24% increase in the number of clients assisted in the current year. The numbers of clients increased from 719 to 892. The breakdown of clients across the different funding programs in 2012/2013 includes the generalist, welfare rights, tenancy and tenancy support categories. In 2012/2013 clients presenting for welfare rights and tenancy is divided almost equally.



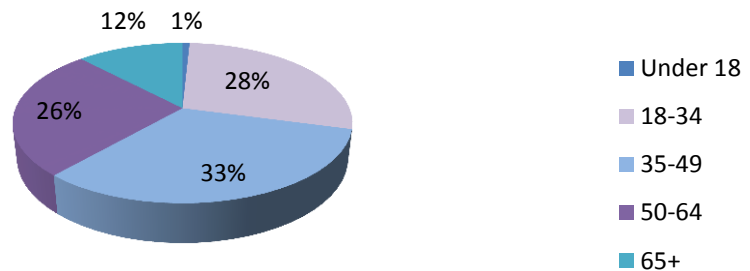
The demographic characteristics of the clients who have used the service in 2012/2013 are recorded on the CLSIS Database.

Gender Breakdown of Clients



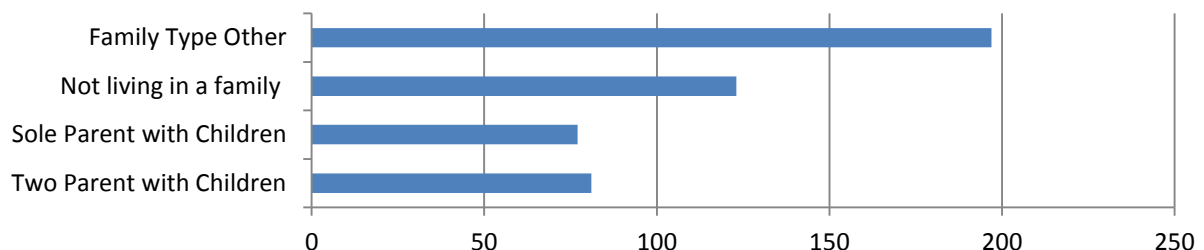
There are a range of client types provided assistance by Welfare Rights & Advocacy Service which includes: individuals, groups, organisations etc. Consistent with previous years the agency assisted more women than men in relation to its advice and casework assistance in 2012/2013. This gender difference is in part because there are more females dependent on income support from DHS and thus need assistance in relation to welfare rights issues.

Age Breakdown of Clients



The agency does not routinely seek the ages of those seeking assistance from the agency unless it is relevant to their matter. Of those clients where their age or date of birth was provided the ages of clients accessing Welfare Rights & Advocacy Service ranged from 18 to 85 in the most recent year. The greatest number of clients were in the age range from 35 to 49 years of age followed closely by those between 18 to 34 years old and those between 50 to 64 years old.

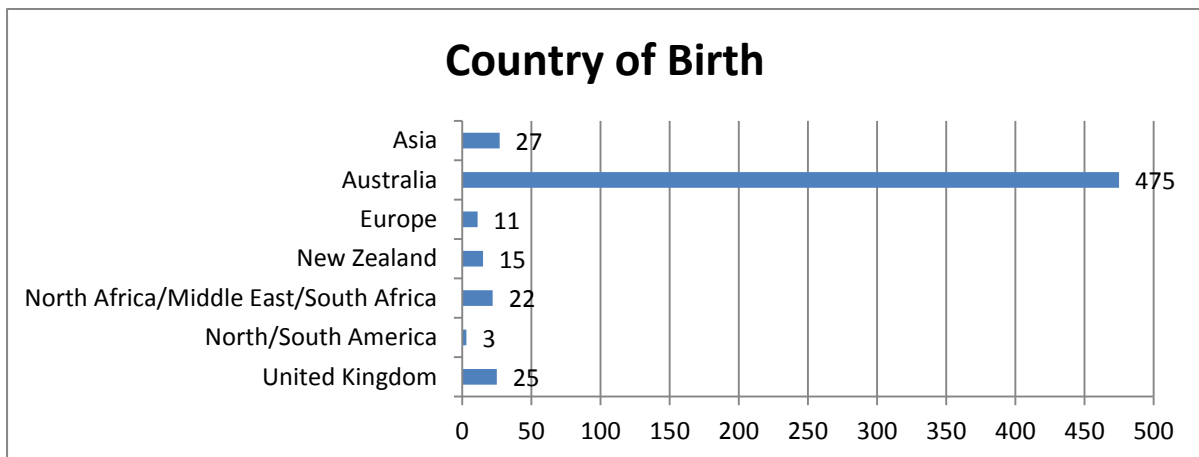
Family Type of Clients



The agency does not always inquire about the family types of clients presenting, as it may not be relevant for their type of matter. Of those from whom family type information has been provided Family Type Other is the highest occurring family type followed closely by those Not Living in a Family which includes those living as boarders, in shared house or

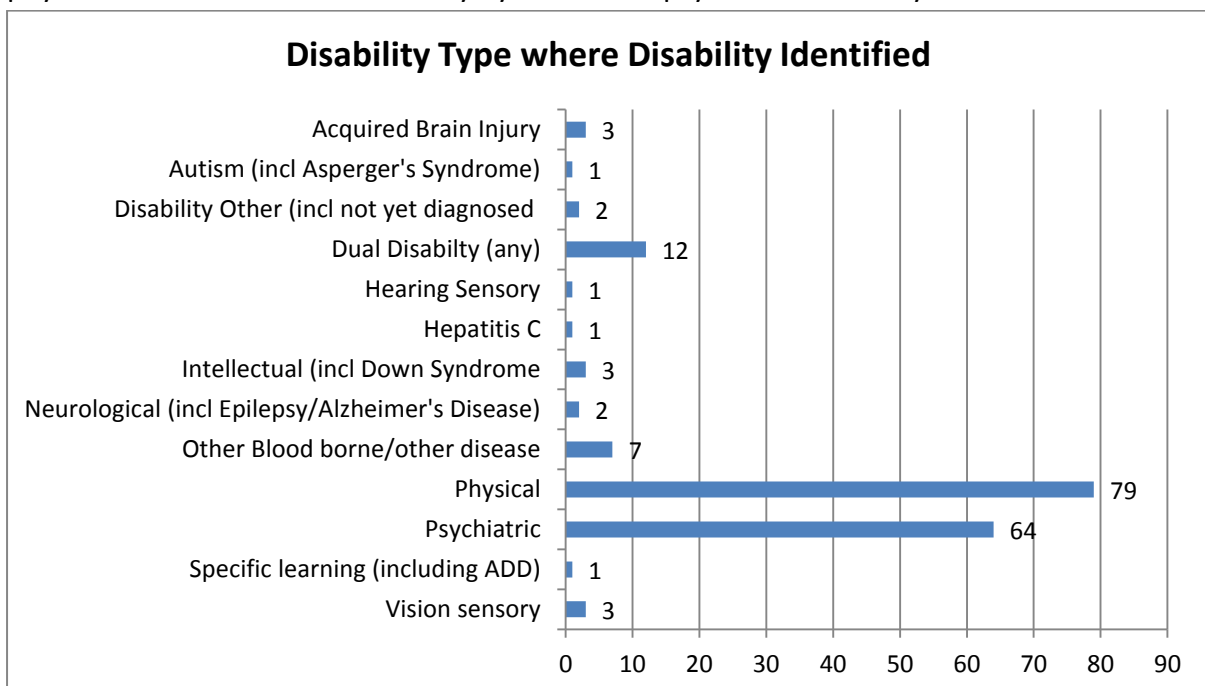
alone. Interestingly there are similar numbers of sole parent with children and two parents with children accessing the service for help which is different from past trends where sole parents have always been better represented amongst clients.

In 2012/2013 there were 5.9% of clients of the service who identified as being of Aboriginal and/or Torres Strait Islander descent or of both Aboriginal and Torres Strait Islander descent. This is a small reduction from last year when the rate was 6% of our individual clients. The agency continues to get significant direct referrals from Day Dawn Advocacy which principally works with Aboriginal clients. Both welfare rights and tenancy clients are referred for assistance.

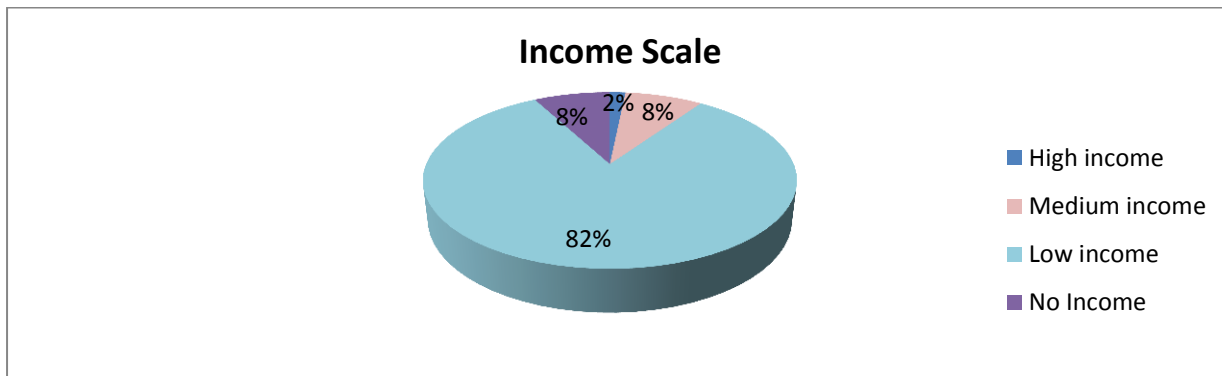


Most of the clients of the agency continue to have been born in Australia. Of clients where a country of birth is recorded 17.8% were born overseas and there were 10.8% who were born overseas where the dominant language was not English.

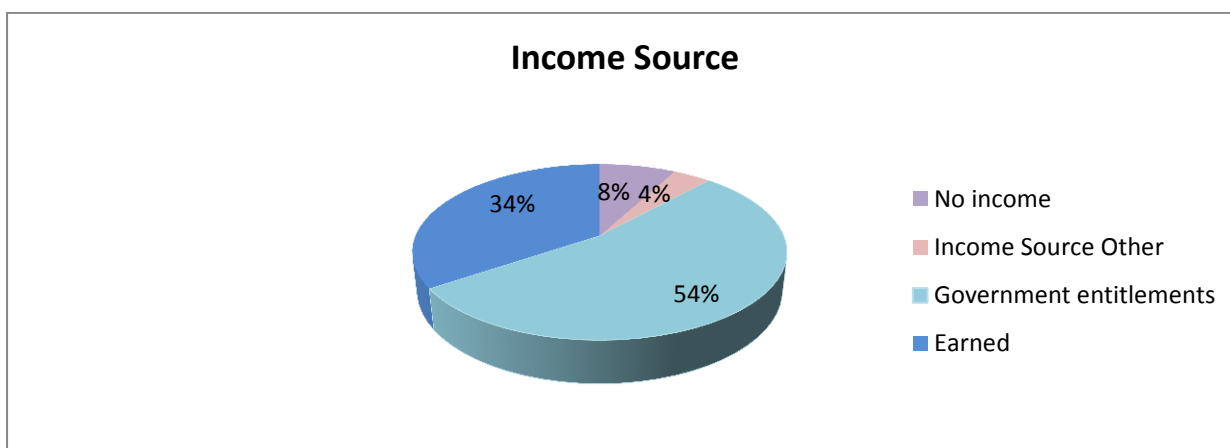
In 2012/2013 there were 29% of clients of the service who identified as having a disability. Of those who have identified as having a disability the highest proportion are those with physical disabilities followed closely by those with psychiatric disability.



With priority for advice and casework assistance being directed toward those on a low income 82% of clients for whom income scale has been provided are on a low income. It is of concern that 8% of clients of the service have no income. The agency does provide advice to those on high incomes in line with its contractual obligations as a Local Service Unit providing tenancy assistance.



The source of income for just over half of our clients continues to be predominantly government income support payments followed by those on wages.



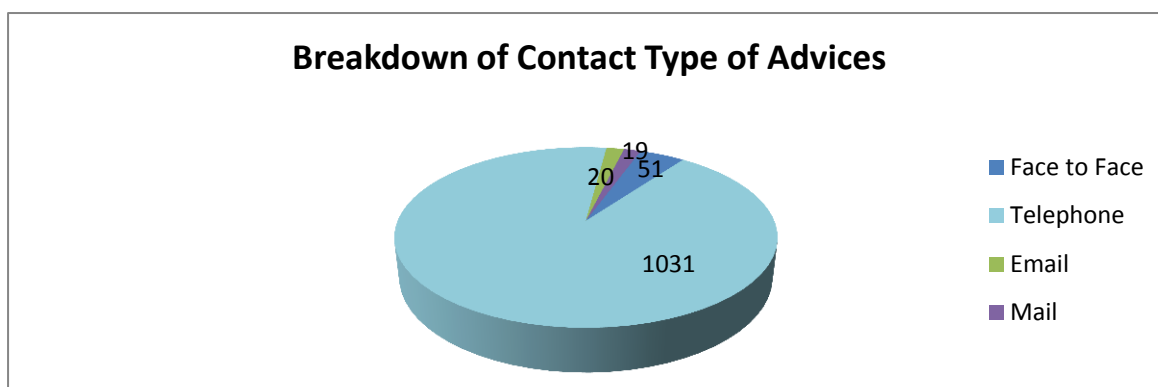
In 2012/2013 with an increasing numbers of clients there was a correlating increase in the number of advice activities undertaken by the agency. In 2012/2013 there was a 30% increase in the numbers of advices provided. At the same time as this increase in advices there was a small reduction in the numbers of cases opened with an 11% reduction for the year.

Service Activity	2012/2013	2011/2012	2010/2011	2009/2010
Casework				
Cases open/ opened	277	311	337	348
Cases Opened	233	253	280	284
Cases Closed	240	267	276	267
Information	341	225	202	197
Legal Advice				
Clients	892	719	771	775
Total advices	1121	860	957	922

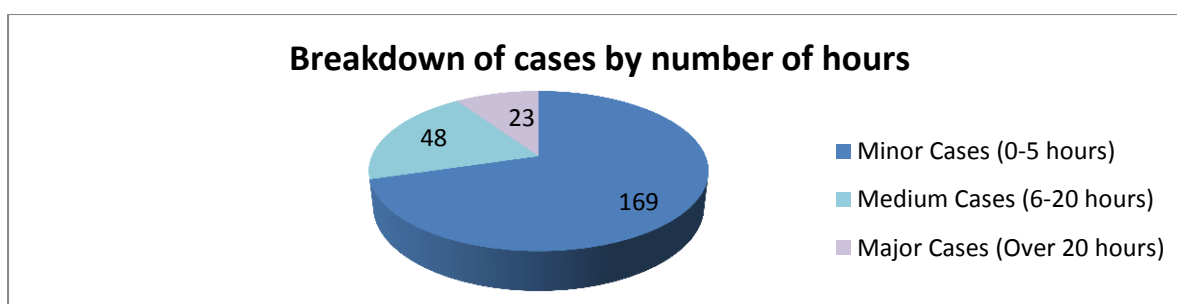
Face to Face	51	34	45	37
Telephone	1031	792	873	868
Mail/Email	39	34	27	17
CLE	15	17	19	22
Law Reform	39	23	26	31

This table provides a comparison of the key numerical data for 2012/2013 compared with the preceding 3 years across the key areas of service delivery including casework, information occurrences, legal advice, community legal education and law reform projects. This information is sourced from data recorded on the Community Legal Service Information System (CLSIS) on which all agency activities are recorded.

The predominant method in which advice is provided is by telephone with lesser numbers being provided with advice face to face, by mail or by email. The provision of advice by telephone allows the agency to deal with greater volumes of advice work than if booked face to face appointments were the routine means of servicing. It also facilitates the agency providing advice across its entire catchment area much of which is outside of the metropolitan area.



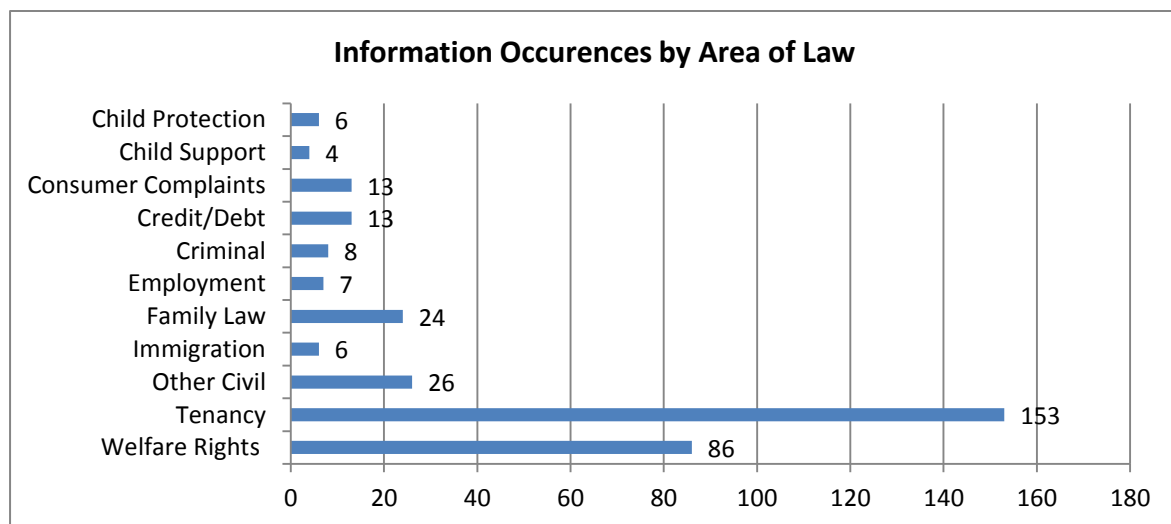
In terms of casework assistance in 2012/2013 the agency had 44 cases open at the start of the year and opened 233 cases during the year. Through the year the agency closed 240 matters. The Commonwealth Attorney General's Department sets out parameters for defining whether a case is a minor, medium or major case in terms of the hours undertaken in the completion of the matter. The maximum hours used with this classification system is over 20 hours which from our experience does not reflect the hours taken to undertake a major case at the Social Security Appeals Tribunal and Administrative Appeals Tribunal.



During the latest year the agency represented clients at court or tribunal in 26 matters which is a 44% increase from the previous year. As at 30 June 2013 the agency had 37 cases remaining open.

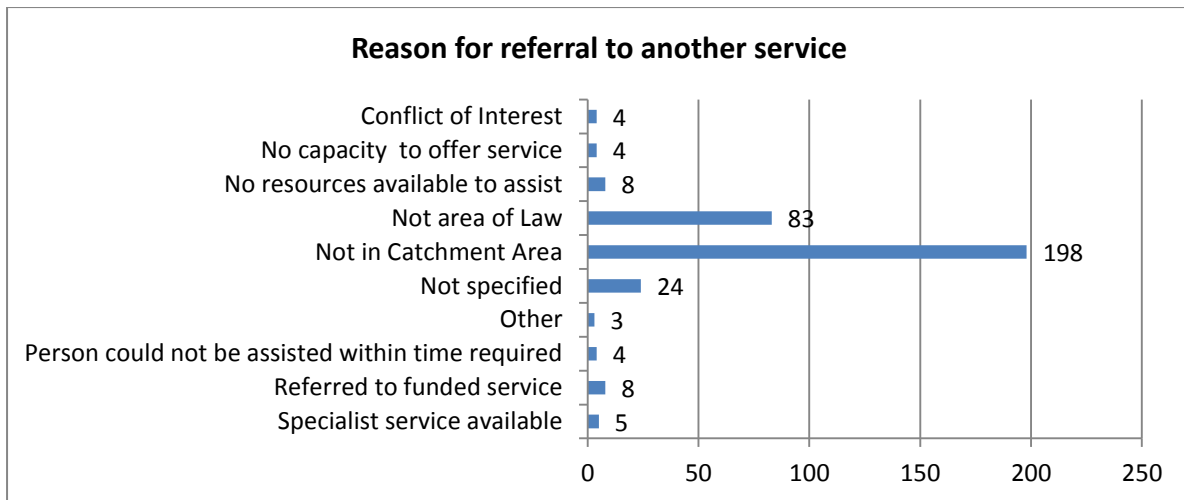
At the time of closing matters the agency sends a survey to clients seeking feedback in relation to their service experience. This feedback is used to improve the services provided by Welfare Rights & Advocacy Service.

In terms of information occurrences in 2012/2013 there was a significant increase in the number of these in comparison to prior years with a 51% increase. Routinely information and referral is provided where individuals access Welfare Rights & Advocacy Service for help in areas not dealt with by the agency or those who are seeking assistance from outside of the geographic catchment area.



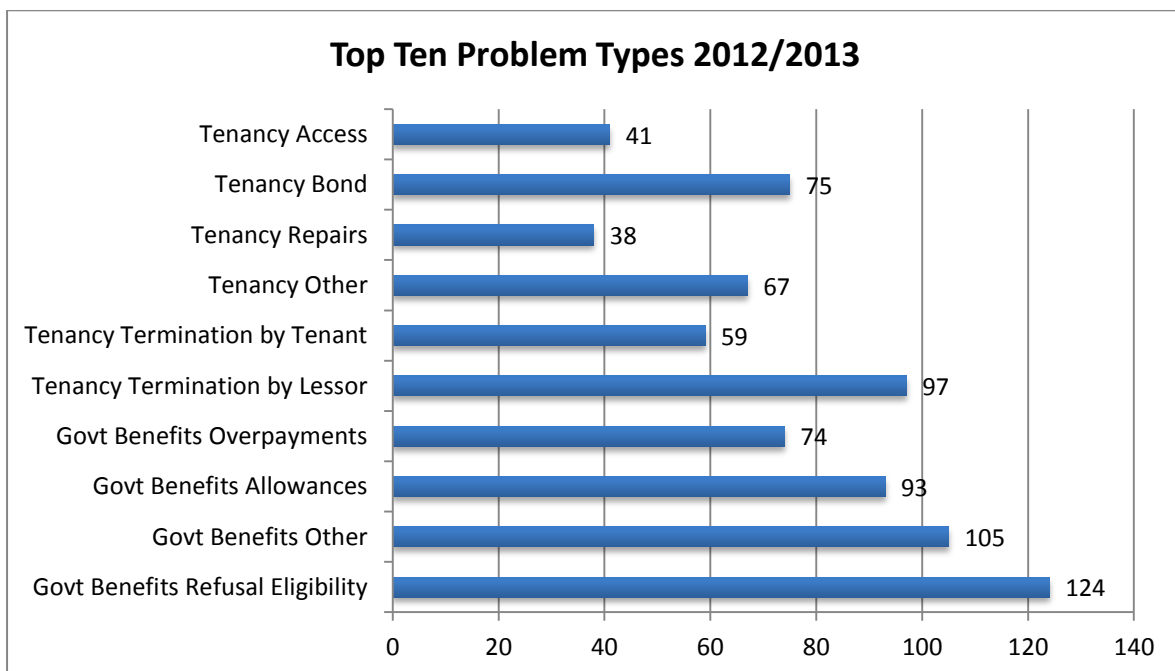
The largest number of information and referrals are in the tenancy and welfare rights areas. This increase in tenancy information and referrals may have been as a result of the reduction and withdrawal of tenancy services by the Tenants Advice Line in the first half of 2012/2013. With the regular telephone advice lines for tenants not operating there was increased traffic of tenancy clients seeking advice and assistance unable to get through on the TAS phone lines.

The agency also at times tracked the high volumes of work emanating from other catchment areas making referrals of their clients to Welfare Rights & Advocacy Service. Additionally in the current year the agency commenced to record the reasons for referral to other agencies, as an additional data set on our recording of Information activities on CLSIS, as this field became available on CLSIS. The use of this additional data was to better assist the agency to track the reasons for referral from the agency to other services.



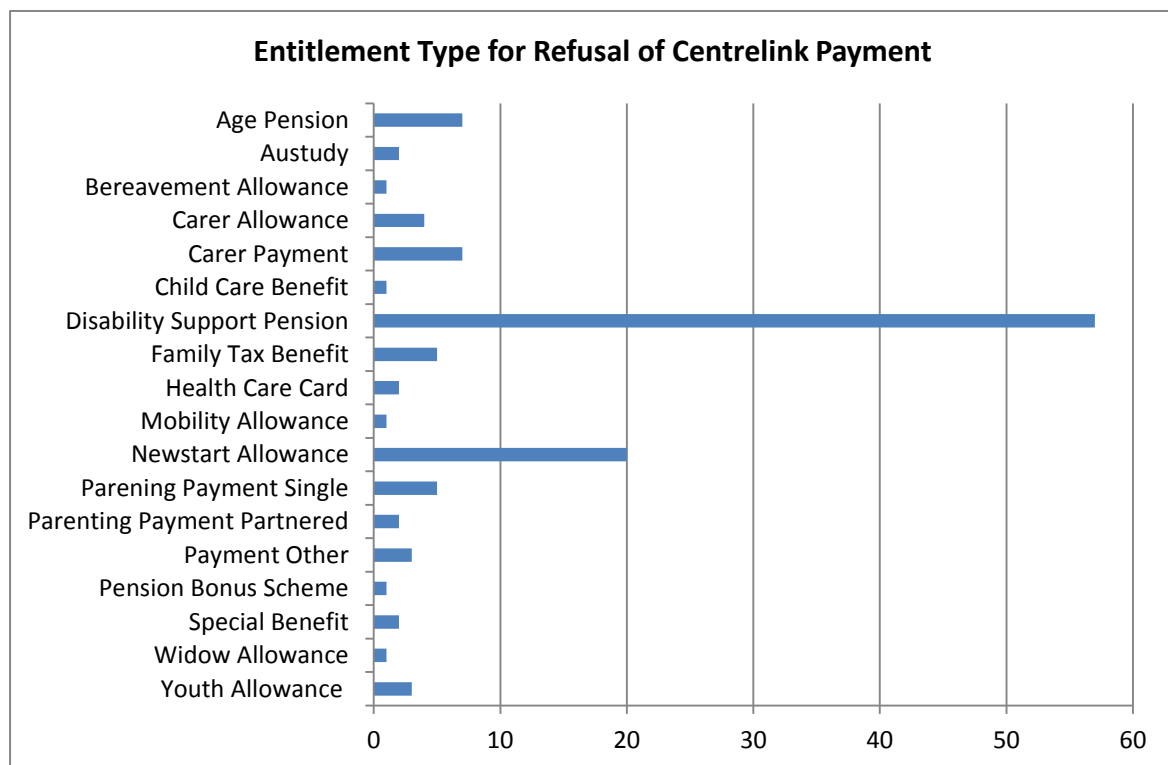
It is unfortunate that there were instances in which Welfare Rights & Advocacy Service had no capacity to provide assistance to a client whether on the basis that the agency was at capacity or that it did not have the resources to be able to assist the client within the time frame required. This included clients seeking assistance at the last instance and also welfare rights and tenancy clients accessing from outside of the agencies catchment area. In most instances the agency endeavoured to provide one off advice especially in time critical situations bearing in mind the existing casework being undertaken by the agency and the priority of providing services to the clients in our own geographic catchment area.

Within the Community Legal Service Information System (CLSIS) each presenting matter provides for a problem type to be recorded which categorises the issues clients are presenting for assistance with.



The most common reason for clients accessing the service for welfare rights matters spreads across the range of Centrelink problems. Consistent with the preceding year the refusal of eligibility is the highest occurring issue in the current year. Similar to the trend reported in last year's report there has been a significant reduction in those seeking help in relation to overpayments. For tenancy matters the highest occurring problem type is termination by lessor where there has been a sharp increase from the previous year. The second highest tenancy issue is bond disputes which has previously been the most prevalent tenancy problem.

Trends in Welfare Rights Work



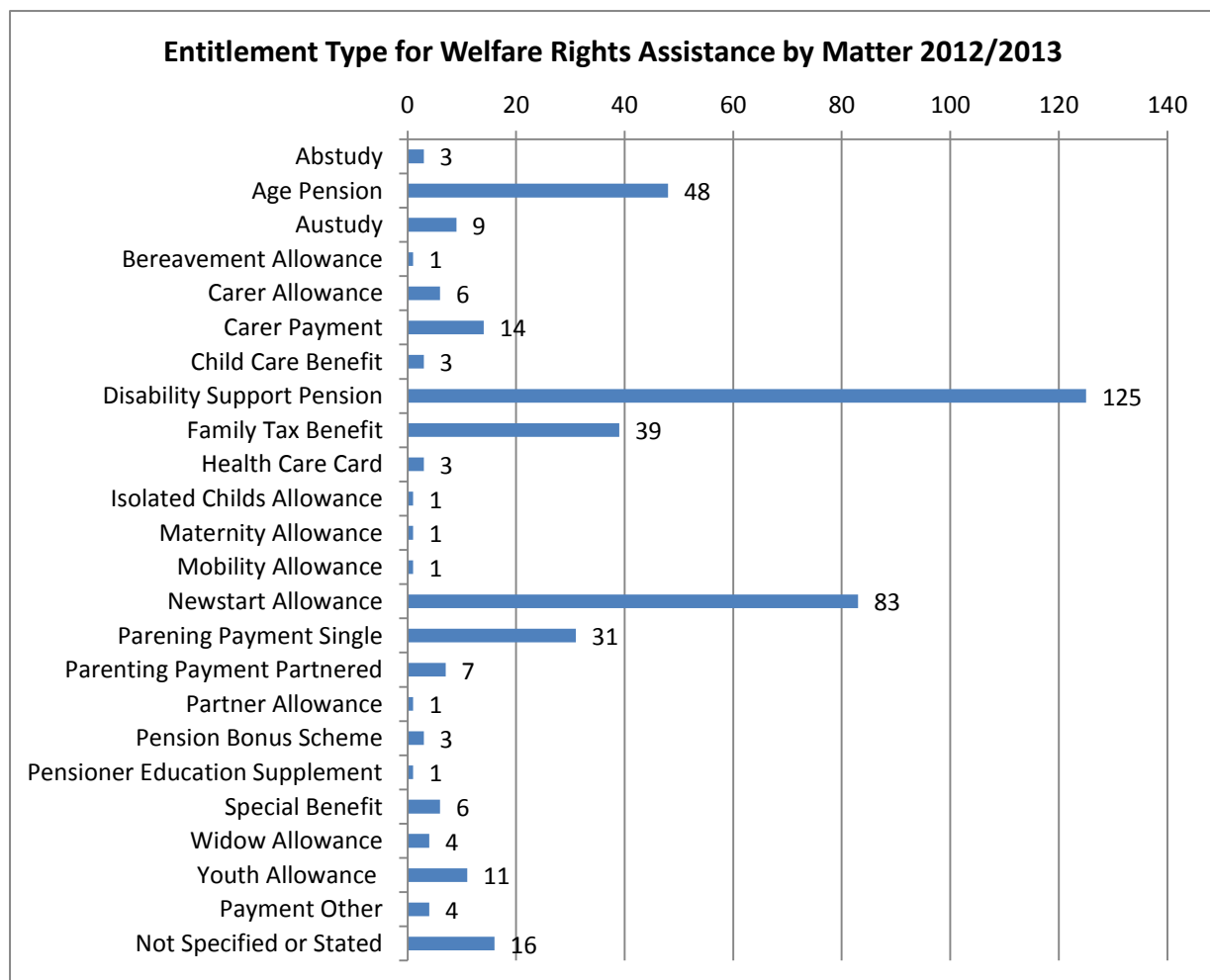
The main entitlement for refusal of payment continues to be Disability Support Pension (DSP) which represents almost half those presenting for assistance for this issue. The high levels of clients accessing in relation to DSP rejection or cancellation is reflective of the introduction of the Program of Support changes introduced on 3 September 2011 and the new Impairment Tables introduced on 1 January 2012. Many of those asking for help in relation to DSP do not understand the complexity of the eligibility criteria and often have not been provided with a clear explanation of the interaction between the many eligibility requirements for this payment.

An emerging issue within this cohort is that many clients who have multiple permanent disabilities across a range of impairment tables (none of which individually score 20 impairment points) and who have not been able to complete a Program of Support may never qualify for DSP. The reason for this is that if clients are receiving Newstart Allowance

and are exempted from activity requirements, as they have less than 8 hours work capacity will not be referred for a Program of Support. As such they are in a Catch 22 situation of being too unwell to participate in a Program of Support but without that participation or without 20 impairment points in one table they will never qualify for DSP.

A significant proportion of clients are those trying to access DSP for the first time there are increasing numbers who are having their DSP cancelled, as they no longer qualify under the new Impairment Tables. Many of these have been in receipt of DSP for long periods of time, however when assessed under the new Impairment Tables their conditions are often regarded as being no fully diagnosed, treated and stabilised to attract impairment points despite sometimes decades of treatment.

Welfare Rights & Advocacy Service has endeavoured to ensure that it has information resources which assist DSP clients when seeing their doctors, as often the quality of information provided in a Treating Doctors Report can impact on the end decision made about DSP eligibility.



For those presenting for welfare rights assistance the entitlement type relating to that inquiry cuts across the full swathe of entitlements. Similar to the refusal of payment those

on DSP are the highest occurring entitlement type for those seeking welfare rights help. This is followed by problems with those on Newstart Allowance, Age Pension, Family Tax Benefit and Parenting Payment Single. This hierarchy of those seeking welfare rights assistance is similar to previous years although the numbers of Age Pensioners seeking assistance has overtaken both Parenting Payment Single and Family Tax Benefit in the most recent year. In 2012/2013 we have had our first clients accessing for help in relation to the Paid Parental Scheme which has been recorded as Payment Other.

The agency was approached in relation to fewer Centrelink debts in the most recent year. It is perhaps not as pleasing that some of the clients who accessed the agency for assistance had had very large debts raised against them. With such debts there is the risk of these matters being referred by DHS to the Commonwealth Director of Public Prosecution (CDPP) for consideration of criminal prosecution. Due to changes in the way in which DHS select cases for referral to the CDPP in line with investigations conducted by the Commonwealth Ombudsman's Office and the Australian National Audit Office (ANAO) in 2010 there are increasing numbers of member of a couple cases being considered for referral for prosecution. The agency has provided help to challenge decisions administratively with the outcome being that success can result in a criminal prosecution matter being stopped. In 2012/2013 the agency in just three debt cases was able to assist clients to prove that either a debt did not exist or recovery of debts should be waived due to special circumstances in the amount of \$420,000.

Welfare Rights Case Study

Ms A is a 59 year old woman who contacted Welfare Rights & Advocacy Service in June 2012. She was referred to us by a Social Worker in the Serious Non Compliance Team of Centrelink after they made a decision to raise a \$192,000 debt against. The basis of the decision was that she had been paid disability support pension (DSP) as a single person and Centrelink had formed the opinion that she was a member of a couple from 1991. As well as raising the overpayment Centrelink were considering whether or not Ms A's matter should be referred to the CDPP to consider whether criminal charges should be commenced. At the time Ms A contacted us she had not been receiving DSP for almost 2 years following a Centrelink decision to suspend her payments in mid-2010. Since that time Ms A had been supported financially by her adult children. Ms A's instructions were that she had never been a member of a couple with the alleged partner. We obtained a copy of her file under FOI – due to the lengthy period of the debt and the investigation there were boxes of documents provided under FOI. We went through them and prepared a submission to the Centrelink ARO in support of Ms A's request to have the decision reviewed. The review was partially successful – the Centrelink ARO changed the start date of the debt to 1996 which reduced the amount of the debt to \$160,000. We assisted Ms A to request further review at

the Social Security Appeals Tribunal (SSAT). This required gathering further evidence from witnesses and gathering additional documents in support of Ms A's evidence.

The SSAT decided that Ms A was not and had not been a member of a couple with the alleged partner and that her payment of DSP should be restored from 2010. The department have requested a review of the decision of the SSAT by the Administrative Appeals Tribunal (AAT) and sought a stay of the SSAT decision. We represented Ms A at the stay hearing and the stay was refused. The effect of this is that Ms A is receiving DSP on an ongoing basis at least until the AAT matter is finalised. She has also been paid arrears. We will represent Ms A at the AAT as the department will be represented by a solicitor from AGS and possibly counsel and the matter is a complex one. The resources involved for a small agency like ours make it difficult to take on many matters like this and highlight the resource imbalance between individual clients and the department.

The case also highlights the importance of clients being able to access their files under FOI to get advice about and ultimately challenge decisions made by Centrelink. Without that access it is unlikely Ms A could have had a successful outcome in this matter.

Whilst the administrative proceedings are ongoing we have also made submissions to the CDPP on behalf of Ms A arguing that this is not an appropriate matter to commence a prosecution regardless of the outcome of the review by the AAT. We are waiting for a response to this submission.

DHS Freedom of Information

Since May 2013 we have encountered difficulties in providing legal advice to our clients in relation to Centrelink matters. Requests we have lodged on behalf of clients for access to documents from their files under the Freedom of Information Act (FOI) have been referred to the Strategic Information Management Legal Branch of DHS who have delayed and then ultimately refused to provide the documents sought.

The decision to refuse our requests are usually made on the grounds that to process the request would 'substantially and unreasonably divert the resources of the agency from its other operations' – previously we had understood that processing requests for documents was the sole purpose of the FOI branch. The decision to refuse a request is able to be reviewed by the Office of the Information Commissioner however, frustratingly, we have been advised that requests for review that were lodged in May 2013 will not be allocated to a caseworker for 7-9 months. We do not know how long the process will be to make a decision once the matter is allocated.

Without access to a client's file we cannot assist them to seek review of a Centrelink decision that affects them – when the basis for seeking waiver of a debt is that it was due to Centrelink error we need to have access to the file to demonstrate this. The successful outcomes we have had for our clients this year would not have been possible without access to the relevant parts of their files. With the other welfare rights centres we are looking at the most effective way to challenge this change in practice by DHS so that we can once again properly advise our clients.

Trends in Tenancy Work

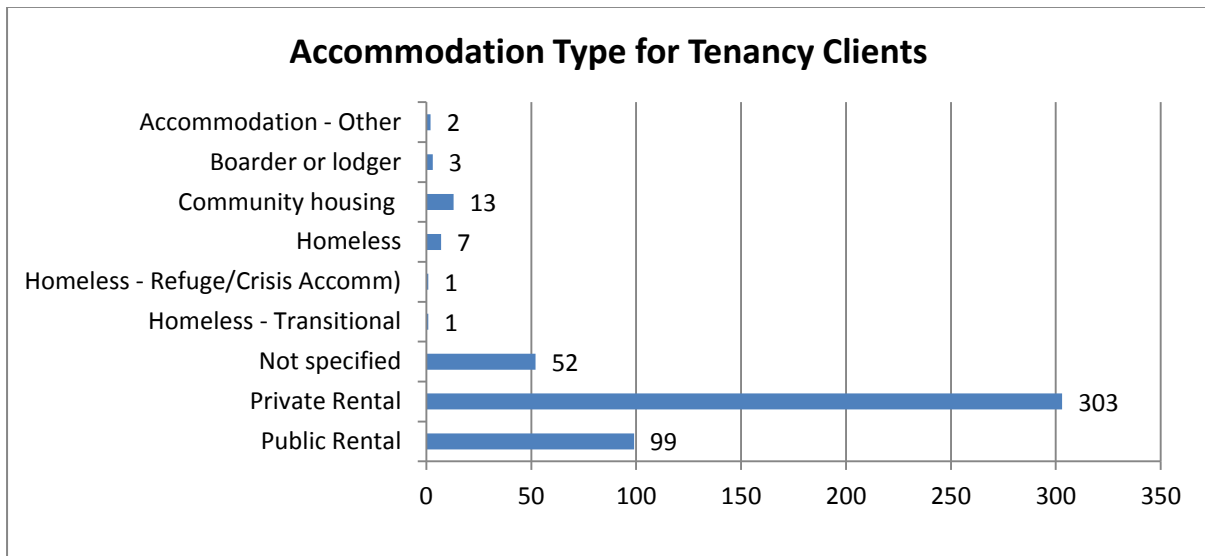
The highest occurring issue in relation to the tenancy work undertaken by the agency relates to termination by lessor, followed closely by tenancy bonds, tenancy other, tenancy termination by tenant, tenancy access and tenancy repairs. In 2012/2013 with the introduction of the social housing provisions of the new *Residential Tenancy Act* and Regulations the agency was faced with its first experience of DOH terminations using the new Section 75a of the RTA. The agency provided advice and assistance to clients facing eviction and was able to defend matters, so that the tenant was not evicted. Apart from successfully defending evictions the tenant advocate was on occasion able to negotiate for an extended period of time prior to eviction with the Department of Housing and to resolve the dispute without the need to DOH to evict.

Bond disputes are a regular tenancy issue with clients present with. On occasion through the most recent year tenants were provided with representation in relation to bond disputes where the tenant had little or no capacity to present the matter at court. There were other instances where tenants were provided with support to prepare and conduct or defend the court matter. It is anticipated that the new changes to the RTA and Regulations which have mandatory ingoing property condition reports will have an impact on this area of demand in the future.

In the last year (particularly the second half of the year) it was a regular occurrence that tenants accessing Welfare Rights & Advocacy Service that they were provided with advice in relation to the RTA but also provided with advice about the changes to the RTA and Regulations which were to commence from 1 July 2013. The agency decided to take a proactive approach so that tenants were better informed of the current and prospective changes which would apply to them and landlords.

The type of accommodation for tenancy clients is usually information obtained when providing assistance to tenants. The bulk of tenants who are provided with advice and casework assistance in the last year have been private tenants. Assistance is provided to public tenants. The reason for there being a number of matters where the tenure type of tenants has not been provided relates to assistance provided to other tenant advocates, as

part of the advice and support provided to other LSUs where the tenure type of their clients is not routinely recorded.



Tenancy Case Study 1 – Public Housing Tenancy

Ms G approached Welfare Rights & Advocacy Service in July 2012 as she had had three strikes and was at risk of being evicted by the Department of Housing (DOH). Ms G is paranoid schizophrenic and there were allegations that she had caused damage to the door of a neighbour in the most recent strike. Ms G reported there had been a long history of antagonism between her and her neighbour and she agreed that she had damaged the door. The Tenant Advocate advocated in relation to Ms G's matter with DOH and also attempted to get Ms G linked into supported accommodation with support for her mental health condition. DOH did not continue to take eviction action at that time. Ms G made the decision that she did not want the agency to assist her further, as her family was going to help her.

In February 2013 Ms G returned to seek assistance from the agency after DOH issued a further strike and commenced eviction action. In the intervening period prior to court Ms G was assaulted by the neighbour's son and they set their dog on her. Ms G had to seek treatment for the injury. As a result of the attack Ms G left her home as she did not feel safe. The Tenant Advocate tried to advocate with DOH about dropping the eviction action and permitting Ms G to be transferred to another DOH property. DOH refused this request as Ms G was in breach of her tenancy agreement due to the strikes.

The Tenant Advocate assisted Ms G to present at court. The Magistrate dismissed DOH's application under s75A and also said that DOH should transfer Ms G to another property. As a result of the Magistrate's decision Ms G has not been evicted and although initially placed on the priority waiting list Ms G has now been rehoused by DOH in alternative accommodation.

Without the assistance provided by Welfare Rights & Advocacy Service it is likely that Ms G would have been evicted from her property by DOH. She has also been able to secure a priority transfer to alternative DOH accommodation which had been refused previously.

Tenancy Case Study 2 – Private Tenancy

A young married Chinese couple on student visas was referred by the Department of Commerce to Welfare Rights & Advocacy Service. They were referred for help at court as they had approached their landlord about a number of issues as the landlord had not lodged their bond, had charged them 6 weeks for their bond, regularly entered their property without notice (and was using their mailbox for his personal mail), demanded that they pay the water rate's account on the property and had not rectified maintenance issues relating to the hot water cylinder which worked only intermittently.

The tenants had served a breach notice on the landlord. When the couple had complained the landlord had said that he was not going to lodge the bond and that he would get them deported. He also started to bring other prospective tenants through the property and threatened that he was going to evict the couple. The landlord also told the tenants that they were not able to go to court as they were not Australian citizens. The landlord also came to the property and removed the bed and mattress from the second room (furnished property) and told them that he intended to do a further rental inspection every Sunday.

The tenant advocate provided advice in relation to their options for pursuing the matter in court. The tenants were also referred to a local community legal centre (working with clients from CaLD backgrounds) in relation to the threats made and also to get assistance with the translation of the lease agreement. DOC had indicated that there would be difficulties if the lease had not been translated from Mandarin. The agency also had to refer them to the local police via the Indigenous & Community Diversity Unit, as the landlord had also made physical threats to them. The police also advised the tenants that they should go out on Sunday to avoid an incident occurring during the inspection.

The clients were assisted at court by the Tenant Advocate who assisted them in the Conciliation Conference. The owner indicated that he had not lodged the bond and did not intend to and that he had never ever lodged a bond before despite having a number of rental properties. As the parties were unable to come to an agreement the matter was listed for an urgent court hearing the following Wednesday. The owner indicated that unless the tenants paid him \$2,000 that he intended to come to the property and remove the rest of the furniture. The registrar of the court advised the owner that he should get legal advice prior to the court hearing.

In the interim the owner provided the tenants with a DOC bond lodgement form and asked them to sign and return it to him. The tenants took the completed form to DOC and lodged it, as the landlord had signed the form and provided his bank details, authorising DOC to deduct the bond. The day before the scheduled hearing the owner paid to the tenants the 2 weeks rent which had been overcharged in their bond.

The tenant advocate had prepared the tenants to present their case at court. At court, however it was discovered that the owner had lodged a cross application although the tenants had not been notified of this. The tenant advocate was granted leave to represent the tenants in court. The owner's cross application was dismissed by the Magistrate. Orders were made which required the owner to not enter the premises unless doing so in compliance with s46 of the RTA, the owner was to return the bed slats which he had removed from the premises at a time convenient to the tenants (within 2 days of the order), within 7 days the owner was to have the hot water system at the premises repaired or replaced by a licensed plumber to provide a consistent and continual flow of how water to the premises and the owner was to pay the tenant's application fee. The magistrate instructed the tenant that if there were any breaches of the court order that they should return to court.

Subsequent to the success of the proceedings the owner did not comply with the order and the tenants with the tenant advocate were forced to return to court. Although the Magistrate made further orders which the owner did not comply with in the end the tenants came to a decision that continuing in the tenancy was impossible. The tenant advocate assisted the tenants to make a further application to Court and the Magistrate ended the tenancy. The Tenant Advocate then had to assist the couple in relation to a bond dispute as the owner refused to sign the bond release.

The above case is illustrative of increasing numbers of tenants accessing for tenancy assistance who are newly arrived students or migrant workers who have not had experience with renting a property in Western Australia and the difficulties they can experience in relation to their tenancy rights.

Community Legal Education

Welfare Rights & Advocacy Service continues to prioritise the undertaking of community legal education activities within its service delivery. In total there were 15 community legal education activities conducted by Welfare Rights & Advocacy Service in 2012/2013 which included delivery of formal sessions conducted with a variety of audiences, including clients, community workers, government employees and students. Welfare Rights & Advocacy Service workers continue to work collaboratively as a team in the preparation of community legal education materials and both materials and sessions are modified for the individual

activities and in line with the prospective audience and the purpose of the session. Every effort is made to ensure sessions are appropriate to the level of knowledge of the participants and feedback is actively sought in order that there is continuous improvement in such activities. Staff of the agency utilise technology available to them when presenting information, which is also modified to fit the venue, audience and facilities available.

Through the year the agency presented community legal education activities in both metropolitan and rural and remote locations within our geographic catchment area. In 2012/2013 the agency utilised an opportunity when Kate Beaumont was in Port Hedland for a regional Legal Aid Commission Meeting to conduct a community legal education activity with the Karratha and Port Hedland staff of the Pilbara Community Legal Service in relation to welfare rights. As a result of that session Pilbara CLS have lobbied to provide additional welfare rights assistance from their centre.

Another major community legal education activity for the agency in the most recent year was the organisation of the WA State Tenancy Conference which took place in June 2013. Welfare Rights & Advocacy Service took on a leadership role and worked collaboratively with a Tenancy Conference Sub Committee to organise the conference. This was the first Tenancy Conference undertaken in Western Australia since November 2011. The Tenancy Conference was facilitated for Tenant Advocates, Coordinators and Principal Solicitors working in Local Service Units across the state. The conference had a strong education focus in preparation for the changes to the *Residential Tenancies Act 1987* and Regulations which were to commence from 1 July 2013. Apart from the organisation of the tenancy conference Welfare Rights & Advocacy Service staff were involved in the delivery of community legal education in collaboration with Northern Suburbs Community Legal Centre in relation to Tenancy Education for Community Workers and the Court Advocacy Training.

The agency conducted activities in a range of localities and covering a variety of topics and issues. Community legal education activities undertaken throughout the year have included singular and multiple sessions conducted at:

- National Welfare Rights Network Conference;
- NACLCL;
- Pilbara Community Legal Service;
- Community Legal Centre Association of WA;
- DHS Service Delivery Advisory Group;
- Financial Counsellor's Conference;
- DHS Business Integrity;
- Ethnic Disabilities Advocacy Service;
- Curtin Social Work;
- Northern Suburbs CLC;
- WA State Tenancy Conference; and
- YES Housing.

Law Reform, Policy and Media Activities

In the last year there was an increase in the numbers of law reform activities undertaken by the agency. The law reform, policy and media activities undertaken by Welfare Rights & Advocacy Service come from the experiences of the clients we assist through our casework activities. Priority is given to the conduct of such activities as they can result in changes at a structural and systemic level, which can benefit greater numbers within the community beyond the individual client assisted in casework activities.

The agency also took up opportunities to participate in forums and research relating to issues for clients of our service including:

- SSAT Liaison Meeting;
- ANAO Investigation External Debt Collection Agents;
- WA DHS Serious Non Compliance Meetings;
- DHS Serious Non Compliance Linkups;
- DHS Program of Support Linkups;
- DHS Freedom of Information Linkups;
- Homelessness and Refugees;
- Review of Local DHS Community Teams;
- ASU Research into Homelessness;
- Tenancy Network Meetings;
- DOH Income Ineligibility Forum;
- DOC Boarders and Lodgers Consultation;
- WACOSS Tax Concession Consultation;
- Housing Symposiums;
- Finding a Place Forum; and
- Housing Forums.

At a local level the agency participates in a number of regular meetings and forums. Representatives of the agency also participate in the DHS Community Consultative Meeting, DHS Aboriginal Consultative Meeting, Morley DHS Community Meeting, Tenancy Network Meetings, Tenancy Coordinator Meetings, WA Community Legal Centres Association Meetings, the CLC Association Legal Practice and PII Sub Committee, NACLCL PII Committee and Pro Bono Network Working Group. The agency also takes up opportunities to participate in community forums as they arise and participated in activities with other community organisations during 2012/2013.

In 2012/2013 Catherine Eagle continued as the WA State Representative on the NACLCL Professional Indemnity Insurance (PII) Committee and as the convener of the WA CLC Association Legal Practice and PII Committee. From November 2012 Catherine Eagle also became the Convenor of the NACLCL PII Committee. During 2012/2013 the network has been

engaged in two main activities – ensuring the PII policy provides the cover CLCs need and updating the Risk Management Guide (RMG) to increase its usefulness for centres. As a result of work undertaken the RMG has been updated to include a new section on decision making and dispute resolution. The Network and NACLCL thought it was important to have a transparent process to deal with any issues that arise due to non-compliance with the RMG or disagreement about how the RMG should be interpreted. In her local role Catherine Eagle continues to field calls from centres about potential notifications and a wide range of issues that arise when running a legal practice within a community legal centre setting. Catherine Eagle meets with the local Legal Practice and PII Sub Committee every six weeks and they are responsible for the conduct of six monthly mandatory LP and PII Meetings, organisation of CPD training for CLCs, provided sessions on PII at the State Conference, provided training on the RMG and finalised the 2012 and organised the 2013 crosschecks.

Welfare Rights & Advocacy Service continues to actively participate in the National Welfare Rights Network (NWRN), in collaboration with all of the other welfare rights services across Australia. Attendance at the annual NWRN Conference is seen by the agency as a key opportunity to gather with others within the network to identify common areas of concern and action for the coming year. In 2012 Kate Beaumont participated in the NWRN Conference which was held in Adelaide preceding the National Association of Community Legal Centres (NACLCL) Conference. Additionally staff of the agency have been involved in the convening, chairing and participating in both Members Meetings and Committee Meetings of the NWRN which have a focus on both policy and law reform, as well as the governance of the NWRN.

Kate Beaumont has in 2012/2013 continued as an office bearer of the NWRN. Kate has continued to be involved in much of the law reform and legal policy work undertaken by both the NWRN and Welfare Rights & Advocacy Service. Throughout 2012/2013 the NWRN continued to have regular dialogue with various Ministers, politicians, Government Departments and agencies in its efforts to influence legislation to be enacted and the processes of service delivery on the ground.

Kate Beaumont continued to represent the Network on the Department of Human Service's Service Delivery Advisory Group (SDAG) until its dissolution in November 2012. This group had been the peak consultative forum for DHS with external stakeholders on issues of service delivery and had met twice in 2012/2013. Prior to its dissolution Kate Beaumont had taken on the role as an informal convenor of the stakeholders to facilitate their input. Kate Beaumont also did a number of media interviews in the last year in her role with the NWRN and particularly about the changes to Parenting Payment Single from 1 January 2013. At a local level Catherine Eagle and Kate Beaumont appeared on West TV Undercurrent program in relation to Social Security Prosecutions and Imprisonment.

Sector Development

Welfare Rights & Advocacy Service was faced with the unexpected demise of the Tenants Advice Service in November 2012 which impacted on this service due to increased tenancy demand. In the past the agency has offered help to the Management Committee of TAS when there had been organisational issues. It was not however until TAS had already withdrawn from the CRU contract that the sector became aware of the likely closure of TAS.

Throughout this process both the Management Committee and staff of the agency have been supportive of the former TAS and in the absence of TAS the establishment of a new tenancy community legal centre in Western Australia to fill the gap. Welfare Rights & Advocacy Service has actively assisted in the establishment of other community legal services including Women's Law Centre and the Employment Law Centre and willingly has contributed over much of the last year in dealing with the fallout from the closure of TAS.

Initially Welfare Rights & Advocacy Service collaboratively with other CLC partners and Legal Aid WA arranged for a meeting with the Department of Commerce (DOC) in relation to support that might be able to be provided by the CLC partners to assist TAS. It became clear that DOC was unwilling to consider any arrangement which involved TAS and that it was beyond capacity for the CLC partners to assist with a rescue of that CLC. As a result of this response by the Department the CLC partners lobbied in relation to the need for a new tender to occur to test the market. Although conducted in March 2012 the previous tender had not included any services which had been supportive of the TAS application to continue as the CRU after 1 July 2012. This CLC partnership also advocated with TAS's closure there was a need to establish a new specialist tenancy community legal centre to provide the services of the Central Resource Unit. It was also proffered that it would not be ideal for a generalist LSU to provide the services of the CRU. This group of LSUs worked together to develop an interim servicing proposal to provide services whilst a new tender process was undertaken. The interim proposal developed was to ensure that tenants and tenant advocates in LSUs were not disadvantaged and continued to be provided services in relation to education, advice and support.

Following the decision of DOC to complete a new CRU Tender Process from January 2013 Welfare Rights & Advocacy Service has taken on the role of providing Tenant Advocate Support to Tenant Advocates and Community workers. In that role the agency apart from providing ongoing advice and support to Tenant Advocates has also coordinated the two monthly Tenant Advocate Meetings, coordinated Tenant Coordinator Meetings and organised the State Tenancy Conference. The provision of interim services has occurred in collaboration with SCALES and Northern Suburbs Community Legal Centre (NSCLC) who are providing telephone advice lines and tenancy education and publications respectively.

Apart from the delivery of these core services Welfare Rights & Advocacy Service along with SCALES and NSCLC have been the principal drivers of the establishment of a new specialist tenancy community legal centre. The new association is Tenancy WA Incorporated which was incorporated in April 2013. Tenancy WA Inc tendered for the CRU Contract which was to commence from 1 July 2013. Unfortunately as the tender was not completed within the expected time frame the interim servicing arrangement has been extended further and are currently expected to provide these services until mid-November 2013 pending the new CRU being in place. All applications for the initial tender were rejected but another limited tender with a fixed price was advertised in July 2013 which we still await that outcome.

Organisation and Staffing

The governance of Welfare Rights & Advocacy Service continues to rest with the Management Committee of the TLC Emergency Welfare Foundation of Western Australia (Inc.) who continues to give their skills and commitment to the organisation. Marina Georgiou commenced as the Chairperson of the TLC Emergency Welfare Foundation of Western Australia following Simon Millman stepping down from that role at the 2012 AGM. Glen Williamson continued for a second year as the Deputy Chairperson. Both Daniel Pastorelli and Luke Villiers continued in their respective roles of Treasurer and Secretary in the most recent year.

The Management Committee has a mix of older and new members with continuing participation from Marina Georgiou, Luke Villiers, Glen Williamson, Daniel Pastorelli and Shayla Strapps. At the AGM Shannon Walker and Dominic Rose joined the Management Committee. Dominic Rose was the new UnionsWA representative on the Management Committee. There were vacancies on the committee for a short period of time but Courtney Collins joined the committee in February 2013 and Anastasia Phylactou joined the Committee in April 2013.

In the latest year the Management Committee has met on a bi-monthly basis as per the Constitution and Rules. There is capacity for additional meetings and in the most recent year the Management Committee convened some additional meetings. The Management Committee has commenced work on the development of a new Strategic Plan for the organisation and this is likely to be completed at the start of 2014.

After many years of stability the agency had some changes to its staffing in 2012/2013. From October 2012 most staff had their work hours reduced in response to reduced budgetary capacity for the year. Initially staff were canvassed in relation to potential redundancy, however it was agreed between the Management Committee and staff of the agency that we would take a "shared pain approach" with most staff agreeing to a reduction in hours to prevent staff being made redundant. The core welfare rights and tenancy staff remained Christine Belcher, Marilyn Marvelli, Jeanie Bryant, Catherine Eagle, Paul Harrison,

Christine Carr and Kate Beaumont, however Tom Milton left to take up alternative employment at the end of October 2012. The agency employed Christine Carr to fill the vacancy left by Tom Milton's departure. Christine Carr now fills both the agency's Administrative Officer and Book-keeper Role in the agency. The agency employed Greg Cross as a Tenant Advocate on a contract basis to backfill the vacancy left when Paul Harrison began to provide Tenant Advocate Support. Following the securing of additional Tenancy Support funding from January 2013 most staff of the agency reverted to their previous work hours. Two staff declined an increase in their hours as they were enjoying the reduced hours in relation to work life balance. The agency is about to commence negotiation of a new Enterprise Bargaining Agreement.

Catherine Eagle as the Principal Solicitor of the agency continues to be the Responsible Person for PII purposes. These responsibilities are delegated to Kate Beaumont during her absences. In 2012/2013 a PII claim against the agency was settled in the amount of \$617.55.

Throughout the year all staff of the agency have undertaken performance appraisals and as a result of the identified training needs the Management Committee has prioritised training for the year and committed financial resources to the completion of training activities. In 2012/2013 the agency organised Clear Communication Training which was to happen in the first couple of days of the new Financial Year. Other ad hoc training was completed by individual staff members including participation in tenancy training provided to the tenancy network and other Continuing Professional Development seminars for our lawyer provided by Legal Aid WA, the Law Society and the CLC Association.

During the year staff participated in various conference opportunities as they arose with Paul Harrison, Chris Belcher, Greg Cross and Kate Beaumont all participating in the State Tenancy Conference, Catherine Eagle, Paul Harrison and Chris Belcher participating in WA State Conference and Kate Beaumont participating in the NWRN Conference in Adelaide. Catherine Eagle also facilitated and participated in the twice yearly Legal Practice and Professional Development Meetings which are conducted by CLCA WA.

Apart from training and development opportunities being provided Welfare Rights & Advocacy Service continues to support staff of the agency through the provision of the services of an Employee Assistance Provider. PPC Worldwide continued to provide staff of the agency with confidential counselling services as the need has arisen as part of the CLC Association group scheme.

Future Directions

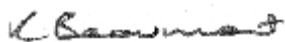
The last year has had its challenges with an initial reduction in the hours of employment for many Welfare Rights & Advocacy staff due to the anticipated budget for 2012/2013. The

unexpected demise of the Tenants Advice Service in November 2012 resulted in the agency securing some additional funding for tenancy work up to June 2013. As the CRU tender has not been completed this additional funding has been extended to mid November 2013. If the Tenancy WA Incorporated tender is successful it is likely that Welfare Rights & Advocacy Service will continue to provide tenancy support pending the setup of the new organisation for at least a three month period. Apart from those direct services during the set up phase the agency is supportive of the further development of Tenancy WA as the hub in the tenancy network.

Additional to the extra funding for tenancy work the agency has received some additional funding from the Commonwealth Attorney General's Department for the next four years in recognition of the work undertaken with particularly vulnerable clients and to assist with the sustainability of the agency. Whilst this funding is not part of our recurrent CLSP contract this was contracted prior to the change of government and provides \$80,000 per annum. Apart from direct funding for our service in July 2013 the NWRN secured Secretariat Funding from the former Department of Families, Housing, Community Services and Indigenous Affairs for the next three years to fund the law reform, research and policy work of the NWRN. Continuity of funding will assist the agency to undertake its work into the future and this is particularly important, as we do not know what the legislative or policy agenda in store for the clients we service with the new Commonwealth government.

From an agency perspective the biggest challenge which the agency currently faces is in relation to Freedom of Information and the difficulty we are experiencing in gaining access to our client's DHS documents. Whilst this roadblock exists it will continue to impact on the ability of this service to provide advice to our clients and to assist them to challenge DHS decisions. The agency will take every avenue available and work with our colleagues in the NWRN to draw attention to this issue.

I would like to acknowledge the tireless work of the staff of the agency, as their focus on outcomes for clients drives this organisation and the work that we do. We thank the Management Committee and all of the members of the TLC Emergency Welfare Foundation of Western Australia (Inc.) for their support of the work done by the agency in the latest year.



Kate Beaumont
Executive Officer

Treasurers Report for the Financial Year 2012/2013

The most recent year has had its challenges with the agency moving into 2012/2013 with only a small surplus of \$13,434 remaining from previously received One Off Funding from the Commonwealth Attorney General's Department. Core funding continued from the Commonwealth Attorney General's Department, State Attorney General's Department, Department of Commerce, Legal Contributions Trust and the Public Purposes Trust of the Law Society of Western Australia. However for much of this funding there was no or little increase to our core funding. It was against this backdrop the agency in 2012/2013 in consultation between Management Committee and staff worked on a solution which resulted in reduced work hours for many of the staff, but which did not result in any positions being made redundant. The staffing change came into effect in October 2012.

Following the agency securing additional funding in early 2013 many staff of the agency reverted to their previous hours. This additional contract was as part of an interim proposal to provide the Tenant Advocate Support services of the Central Resource Unit until a new Central Resource Unit was in place. As part of this project the agency also undertook the organisation of the State Tenancy Conference in June 2013.

In 2012/2013 a prior year debt from 2009/2010 which had appeared on the balance sheet was written off for a project where the money was not received and the amount is now no longer recoverable. These monies are recorded as an expense for 2012/2013 although these would have come from the organisation's accumulated funds.

For 2012/2013 the financial statements for the agency has a deficit. However in its CLSP, LCT and Tenancy funding a surplus was carried over into the new financial year and appears as an unexpended amount on the profit and loss and also appears on the balance sheet as liabilities in the amount of \$40,850.

At the end of the financial year the agency has \$320,675 in its bank accounts and had made prepayments of \$10,208 and was owed \$15,949 by the Department of Commerce in relation to the Tenancy Conference expenses. In total as at 30 June 2013 the current assets were \$347,032.

The employee's leave and redundancy provisions totalled \$190,997 and other liabilities, these being GST, PAYG, accrued expenses to cover the audit and creditors, and unexpended grants totalling \$59,673. This provides a remaining cash reserve of \$96,362 as at 30 June 2013.

Unlike last year the agency is in a good position moving into 2013/2014. The agency has also continued to provide Tenancy Support into the new financial year pending the new Central

Resource Unit being in place. Although the agency did not secure continued support from the Public Purposes Trust for 2013/2014 additional funding has been provided by the Commonwealth Attorney General's Department separate from our core CLSP Funding. This funding for the next four years of \$80,000 per annum should provide greater security for the organisation into the future.

Daniel Pastorelli
Treasurer

**Financial Statements TLC Emergency Welfare Foundation of WA (Inc.)
2012/2013**