



WELFARE RIGHTS &
ADVOCACY SERVICE

ANNUAL REPORT
2013/2014

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Funding and Support provided to Welfare Rights & Advocacy Service in 2013/2014

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



Tenancy WA Inc.

Donations

Memberships

Personnel and Staff Profile 2013/2014

Management Committee

Marina Georgiou	Chairperson
Glen Williamson	Deputy Chairperson to April 2014
Courtney Collins	Deputy Chairperson from April 2014
Daniel Pastorelli	Treasurer to April 2014
Anastasia Phylactou	Treasurer from April 2014
Luke Villiers	Secretary
Shayla Strapps	Committee Member to September 2013
Anastasia Phylactou	Committee Member to April 2014
Shannon Walker	Committee Member to May 2014
Courtney Collins	Committee Member to April 2014
Daniel Pastorelli	Committee Member from April 2014
Dominic Rose	TLC Committee Member
Matthew Davey	Committee Member from June 2014

Permanent and/or Contract Staff

Kate Beaumont	Executive Officer/Case Manager
Catherine Eagle	Principal Solicitor
Chris Belcher	Welfare Rights Advocate/Tenant Rights Advocate
Jeanie Bryant	Welfare Rights Advocate
Paul Harrison	Tenant Advocate
Marilyn Marvelli	Welfare Rights Advocate to November 2013
Lorilee Yu	Solicitor from April 2014
Zara Spencer	Solicitor from April 2014
Christine Carr	Bookkeeper/Administrative Officer
Kate Davis	Project Officer (November – December 2013)
Sue Chadwick	Tenant Advocate (September to October 2013)

Volunteers

Megan Healy
John Rome
Lisa McAnearney
Hugo Seymour
Isabelle Flynn
Hannah Flynn

Pro Bono Assistance

Nilan Ekanayake

Chairperson's Report

This year has seen the commencement of a number of developments for the Welfare Rights & Advocacy Service (**WRAS**) and in particular for the Management Committee and I am proud to report on another year for the Service.

The agency came into the current year with carried forward funds in its CLSP, DOC and LCT programs. Although we had lost Public Purposes Trust funding for 2013/2014 shortly before the commencement of the financial year we secured additional funding of \$80,000 for a four year period from Commonwealth Attorney General's Department. The agency had a long term welfare rights advocate, Marilyn Marvelli leave the agency in November 2013. The appointment of new staff was delayed pending the outcome of LCT funding for the year which became known in late January 2014. The decision was made to employ two lawyers on a fixed term contract for six months with these contracts commencing in April 2014. The work conducted by the solicitors has been very beneficial for WRAS and I would like to thank them for their work. I would also like to thank Catherine Eagle and the rest of the staff for training these solicitors and helping them navigate new areas of law.

WRAS commenced a volunteer program for final year law students in November 2013. These law students volunteer one day a week conducting legal research to support the Principal Solicitor. This program has been successful and I thank those volunteers for their work. I would like to take this opportunity to also thank those solicitors currently doing pro bono work for the Service, without whom we would not be able to deliver the service that we do.

The Committee has also taken further steps towards drafting a new Strategic Plan. The Strategic Planning Sub-Committee has met with consultants and determined to proceed with the strategic plan as soon as possible. An application for funding for the strategic plan is currently being considered by Lotterywest and we hope to hear whether the application was successful in the coming months. Governance training has also been organised and will be likely to take place with the newly formed Committee in November 2014. It is my hope that this will be the focus of the service in the next year.

As part of the National Accreditation process Kate Beaumont and Catherine Eagle worked extremely hard to update WRAS's policies and procedures and as a result, WRAS was accredited by the National Association for Community Legal Centres. Arising out of the accreditation process, a number of issues have been identified for the attention of the Committee who, together with the Executive Officer, are working together to review, in particular, the governance policies to ensure we continually improve our practices and procedures. The Policies and Procedures Sub-Committee is working on this process.

The Committee approved the development of a new website and logo. The website is still being finalised. Once it is operational it will enable WRAS to provide more information about the services provided, to provide links to useful websites and will provide many opportunities for WRAS to increase its web presence.

Staff and the EBA Sub-Committee of WRAS have been in negotiations for the new Enterprise Bargaining Agreement. This is now close to finalisation, despite some delays experienced due to a turn-over of members in the EBA Sub-Committee.

This AGM will see the retirement from the Committee of a number of members and the nomination of some new Committee Members. I would like to take this opportunity to thank those who left the committee throughout the year including Shayla Strapps, Glen Williamson and Shannon Walker. I would also like to thank Anastasia Phylactou, Daniel Pastorelli, Luke Villiers, Courtney Collins, Dominic Rose and Matthew Davey for their work on the Committee this year.

I will also be resigning from the Committee and would like to thank, in particular, Kate Beaumont for her tireless work and dedication to WRAS and, in particular, for her support of myself and the Management Committee. I would also like to thank the rest of the staff whose long term commitment to the Service means that between them, there is very little about welfare rights and tenancy law that is left unknown, and whose ability to provide assistance to and advocate for our clients make the Service what it is today. I wish the newly formed Committee the very best for the coming year.

A handwritten signature in black ink, appearing to be 'Marina Georgiou', written over a circular scribble.

Marina Georgiou

Objects of the 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 promote 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.

Agency Report

Overview

Welfare Rights & Advocacy Service in 2013/2014 has continued to provide legal help in the areas 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.

In 2013/2014 demand for casework services has continued to increase. Some of that additional demand was due to the additional Tenancy Support undertaken until March 2014 but also due to increasing demand for assistance from clients who do not live in the geographic catchment area serviced by the agency. The agency ensures that the community legal education and policy and law reform activities it undertakes are informed by the experience of clients who access our service. This response is in line with the articulated vision, values, mission and objectives of the organisation and is underpinned by the Constitution and Rules of the TLC Emergency Welfare Foundation of Western Australia (Inc.) The agency continues to undertake extra law reform and legal policy work due to our active involvement with the National Welfare Rights Network.

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 a one year extension of the previous triennial funding agreement. Just before the start of the year the agency entered into a separate funding agreement for a 4 year period with Commonwealth Attorney General's Department. It was fortuitous that this additional funding occurred as it assisted with the shortfall which had arisen as the agency had not been successful in its application for Public Purposes Trust (PPT) funding for 2013/2014. Unfortunately in May 2014 the agency was notified that the separate funding agreement entered into in June 2013 would cease on 30 June 2015 after 2 years rather than running the course of the contract. In June 2014 the agency received supplementation funding from the Commonwealth to provide additional support to cover additional wage costs, as a result of the WA SACS Equal Remuneration Order. The future of CLSP funding is currently being reviewed by the Department as part of a broader review of the entire Legal Assistance Program. It is unlikely the agency will know about future funding from this source until the Federal Budget in May 2015.

Welfare Rights & Advocacy Service continues to receive funding for its tenancy program from the Department of Commerce (DOC) following an open tender conducted in early 2012. The agency is contracted to provide education and advice services to tenants in the Lower North Metropolitan Zone of Perth.

When Tenants Advice Service closed in November 2012 Welfare Rights & Advocacy Service in collaboration with Northern Suburbs Community Legal Centre and SCALES Community Legal Centre put forward an interim servicing proposal to DOC to provide the services of the Central Resource Unit (CRU) until the completion of a new tender. We provided Tenant Advocate Support and Coordination assistance to the Tenancy Network from January 2013 until 9 November 2013. Following the award of the tender Welfare Rights & Advocacy Service provided these interim CRU services under a sub contract arrangement with TenancyWA Inc. during its establishment phase up until February 2014.

Welfare Rights & Advocacy Service continues to be funded through the Legal Contributions Trust for an eighth year to conduct a project to give extra welfare rights help to young people. The remaining funding from the agency comes from other sources and includes donations and memberships.

Direct Service Provision

Direct service provision is provided by way of independent and free information, referral, advice, advocacy and representation to individuals. The specialist area of law dealt with by the agency is in relation to Social Security and Family Assistance law. Priority is given to those impacted by Centrelink decisions. We do not provide assistance in relation to Child Support matters. Critical in this work is ensuring that information and advice is provided to individuals so that they know the appeal and review rights available to them to challenge DHS decisions. Welfare Rights & Advocacy Service has continued to provide assistance in the area of Social Security Prosecution matters. The agency continues to undertake welfare rights casework with young people to encourage them to challenge DHS decisions.

The agency also provides advice and casework assistance in respect of tenancy law. 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. The agency also 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.

The agency commenced a volunteer program in 2013/2014, however direct casework assistance is not provided by volunteers. From time to time private lawyers have provided some ad hoc pro bono assistance to clients referred by the agency. In the most recent year however the agency has been provided with significant assistance by a barrister, Nilan Ekanayake who has represented a client at the Administrative Appeals Tribunal (AAT) in a Departmental appeal.

Welfare Rights & Advocacy Service does not provide help in other areas of law outside of out designated areas of expertise and makes appropriate referrals of such matters to appropriate services.

Catchment Areas

For each of the programs undertaken by the agency there are geographic catchment areas which apply. Casework help is provided in Welfare Rights matters within the 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.

As a specialist welfare rights centre the agency 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 clients are not disadvantaged by the servicing arrangements of other services. There has been a continued trend in 2013/2014 for clients outside our catchment area to contact us for assistance.

The agency provides one off assistance to any clients trying to access for urgent or time critical assistance which is not provided by SSCLS or FCLC. If further assistance beyond initial advice is required clients will be referred back for ongoing assistance to the welfare rights centre who services their catchment area. 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. There are reciprocal arrangements in place with the other welfare rights providers in Western Australia to assist clients who cannot be assisted by the centre in their area for ethical reasons.

Advice and casework assistance in relation to Social Security Prosecution matters is provided across Western Australia. This is because neither of the other two Welfare Rights services in the state provides help for these types of matters. 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 where appropriate. In some cases where there is an interconnection between the 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 service. The Principal Solicitor of Welfare Rights & Advocacy Service continues to provide regular support in relation to prosecution matters to member centres and associate members of the National Welfare Rights Network (NWRN) including 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 FCLC nor SSCLS provide specialist assistance to young people. For young people it is critical that they are not referred from one service to another as this will potentially impact and act as a barrier to helping to resolve the issue.

The geographic catchment area for our tenancy program is to the lower Northern Metropolitan 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 clients in other LGAs in the North Metropolitan area of Perth. This arrangement is to ensure that clients who have been traditional users of Welfare Rights & Advocacy Service under previous servicing arrangements are not impacted.

The agency regularly has tenants outside of its geographic catchment area seeking assistance. The agency continues to get referrals on a regular basis as a result of other services not providing telephone advice. This can result in other services lacking the capacity to respond to urgent matters.

The agency continues to have high numbers of direct referrals from the Department of Commerce and Legal Aid WA, as the agency is the 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 our catchment. Both Day Dawn Advocacy and the Street Law Centre make referrals for assistance in relation to both tenancy and welfare rights matters.

The catchment area for tenancy support and advice was statewide to workers in other LSUs, as well as to community workers in other community organisations 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 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 this may be appropriate due to the disability of a client.

The agency regularly uses the Telephone Interpreting Service (TIS) to assist with our communication with culturally and linguistically diverse background clients. The agency has paid for accredited interpreters where TIS does not provide assistance in a particular language.

The agency uses the National Relay Service to facilitate access with the hearing impaired. The agency pays for interpreting services for our hearing impaired clients when required.

Over recent months the agency has engaged a web designer to develop a new website so the agency has an increased web presence.

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. Ongoing casework assistance is only provided where a matter has legal merit and the person does not have the means to afford legal assistance. These parameters are in line with the goal of Community Legal Centres to provide access to justice for those without means and who may have difficulties within the mainstream legal system.

Welfare rights casework assistance is prioritised for those on low or no income. The agency provides advice to those on higher levels of income in line with the broader range of the population receiving income support and family assistance payments. Ongoing casework assistance is not provided but where appropriate a client may contact a few times during the course of a review.

The tenancy contract stipulates we provide tenancy assistance irrespective of the means of a tenant. This is because the funding for this program is sourced from the interest accruing from the Rental Accommodation Fund, which includes the bonds of all tenants. As such it is important to ensure that all tenants have access to advice and assistance.

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.

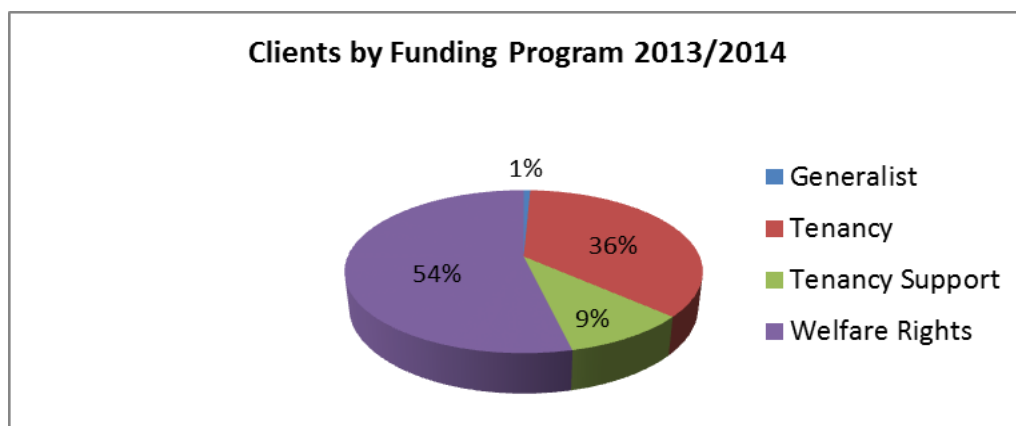
The agency endeavours to provide a balance between its one off advice and ongoing casework assistance. There is however a finite capacity of the agency to provide ongoing casework assistance. In circumstances where the agency is not able to provide ongoing casework assistance we try to ensure clients 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 from a private solicitor one off advice is provided.

Where there is little legal merit to a matter we do not provide ongoing casework assistance resources. We explain the reasons for this and that the client can pursue the matter themselves. Where there are risks or possible unintended consequences of pursuing a matter the client will be advised about this.

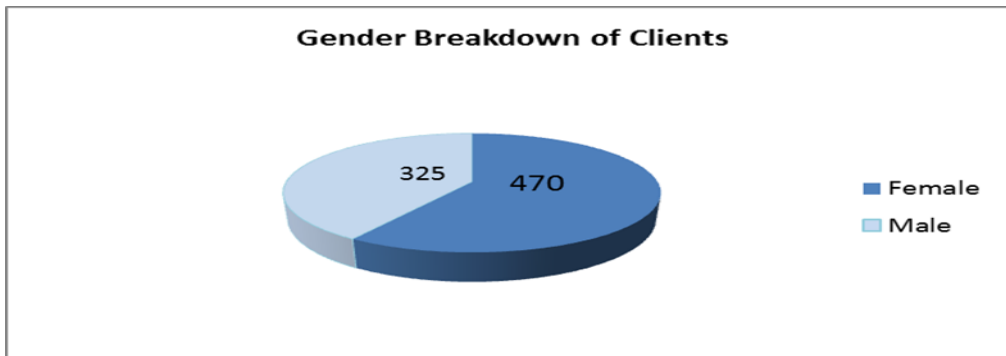
The agency regularly provides both advice and ongoing casework assistance to other community organisations who are working with their clients. This assistance is provided in relation to all of our programs. In the most recent year the proportion of organisational casework assistance continued in line with the trend in the previous years.

Statistics

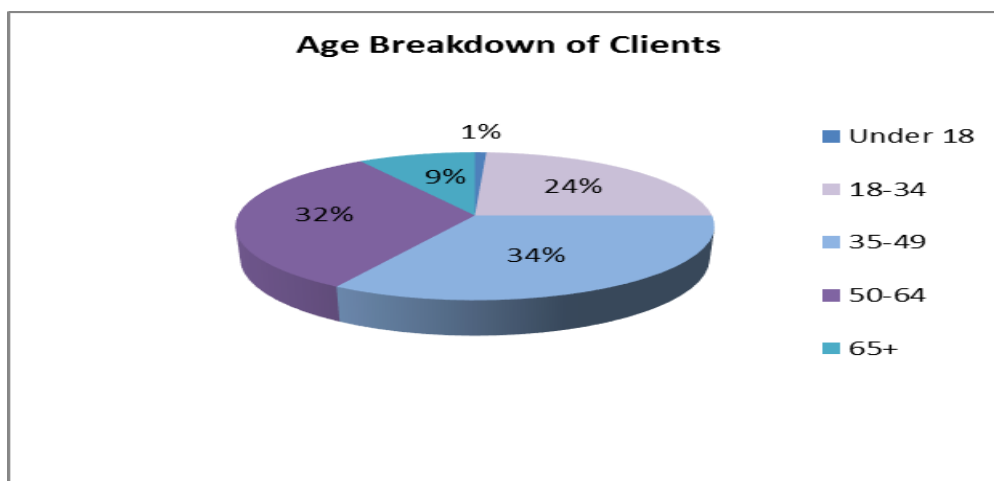
All data is sourced from the CLSIS database. In 2013/2014 there was a 10% increase in the numbers of clients assisted by the agency (from 892 to 986). This follows on from a 24% increase in the numbers of clients assisted in 2012/2013. The breakdown of clients across the different funding programs in 2013/2014 includes generalist, welfare rights, tenancy and tenancy support categories. In 2013/2014 over half of clients presented for welfare rights assistance. Tenancy assistance which combines Tenancy and Tenancy Support accounted for 45% of clients assisted.



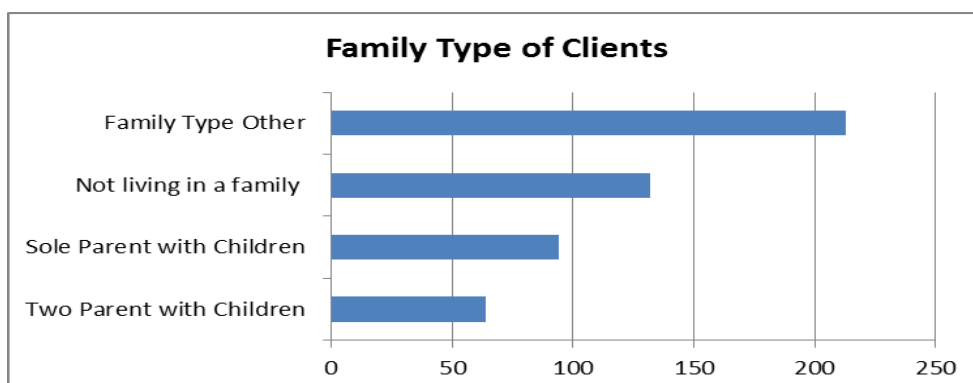
There are a range of client types provided with assistance by Welfare Rights & Advocacy Service which include: individuals, groups, organisations etc. The client type breakdown was 654 individuals and 185 organisations.



More females than males access the agency for assistance. This gender difference is in part a representation that there are more women dependent on income support from DHS and thus in need of assistance in relation to welfare rights issues.

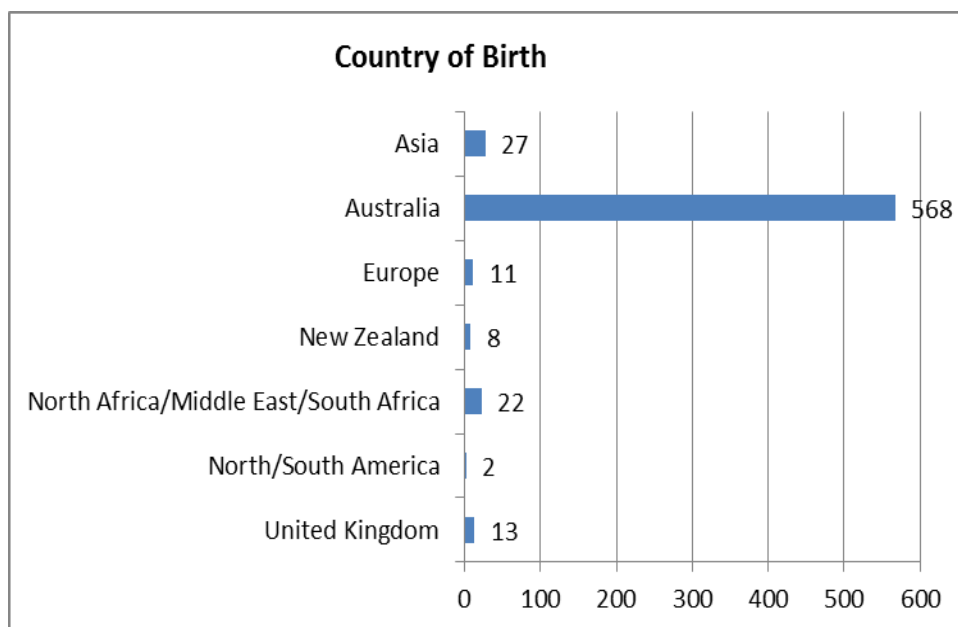


Not all clients provide their age or date of birth but for those who did the age range was 15 to 79 in 2013/2014. The greatest number of clients were in the age range from 35 to 49 years of age followed closely by those between 50 to 64 years old and those between 18 to 34 years old.



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. Unlike last year when there were equal numbers of sole parent families with children and two parent families with children in the current year we reverted back to the previous trend of having more sole parents with children accessing for assistance in 2013/2014.

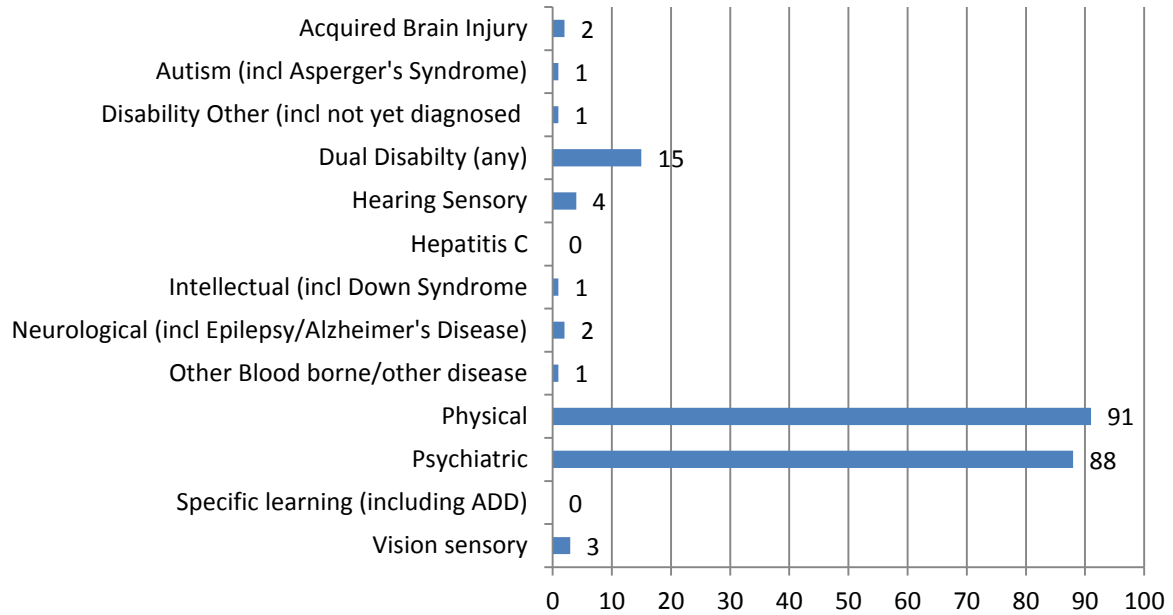
In 2013/2014 there were 6.7% of clients of the service who identified as being of Aboriginal and/or Torres Strait Islander descent or of both Aboriginal and Torres Strait Islander descent. This is an increase from last year when the rate was 5.9% of our individual clients. The agency continues to get significant direct referrals from Day Dawn Advocacy which principally works with Aboriginal clients.



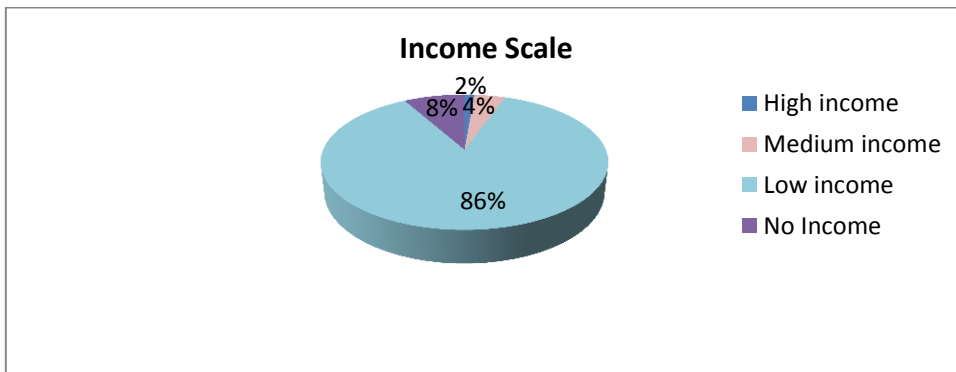
Most of the clients of the agency were born in Australia. Of clients where a country of birth is recorded 12.7% were born overseas and there were 9.5% who were born overseas where the dominant language was not English.

In 2013/2014 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. Both the proportion of people with disabilities assisted and the types of disability are consistent with 2012/2013.

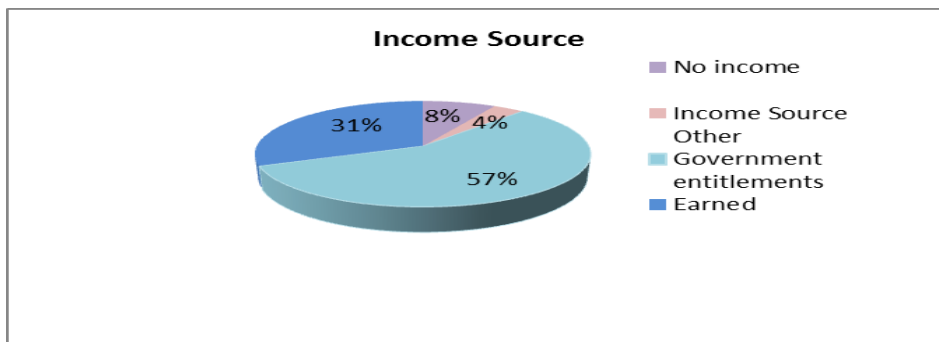
Disability Type where Disability Identified



With priority for advice and casework assistance being directed toward those on a low income 86% of clients for whom income scale has been provided are on a low income. It is of concern that in the most recent year there continues to be 8% of clients of the service with no income.



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

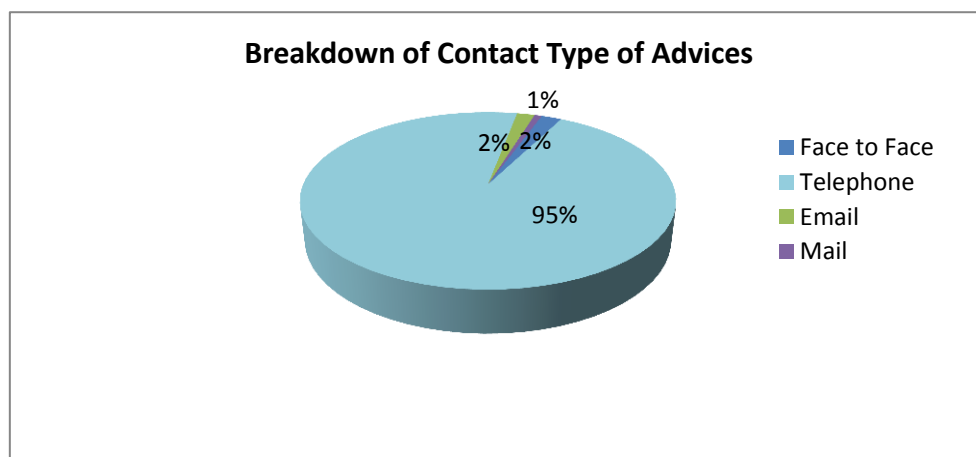


In 2013/2014 with an increasing numbers of clients there was a correlating increase in the number of advice activities undertaken by the agency. In 2013/2014 there was a 7% increase in the numbers of advices provided. There was a 6.9% reduction in the numbers of cases opened for the year.

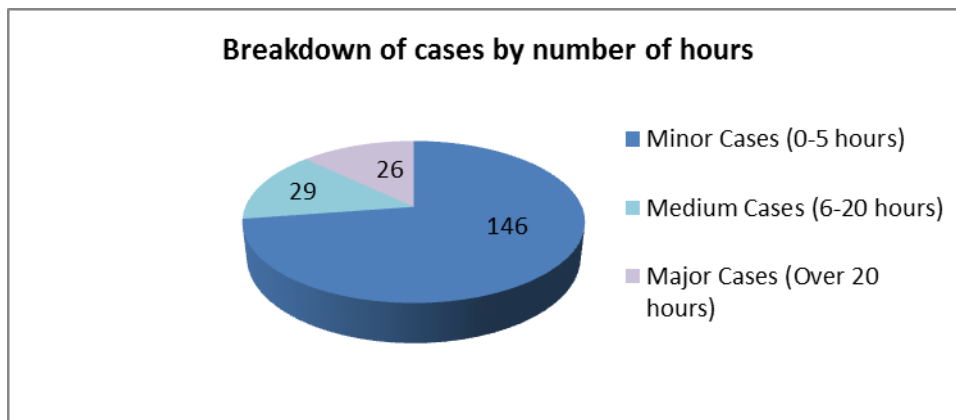
Service Activity	2013/2014	2012/2013	2011/2012	2010/2011
Casework				
Cases open/ opened	255	280	311	337
Cases Opened	217	233	253	280
Cases Closed	201	240	267	276
Information	422	344	225	202
Legal Advice				
Clients	982	892	719	771
Total advices	1210	1121	860	957
Face to Face	25	51	34	45
Telephone	1154	1031	792	873
Mail/Email	31	39	34	27
CLE	16	15	17	19
Law Reform	27	39	23	26

This table provides a comparison of the key numerical data for 2013/2014 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.

Most advice is provided by telephone with lesser numbers being advised face to face, or by mail or email. In 2013/2014 95% of advice activities occurred by telephone. The provision of advice by telephone allows the agency to deal with greater volumes of advice work than if we booked face to face appointments. It also ensures we can provide advice across our entire catchment area much of which is outside of the metropolitan area.



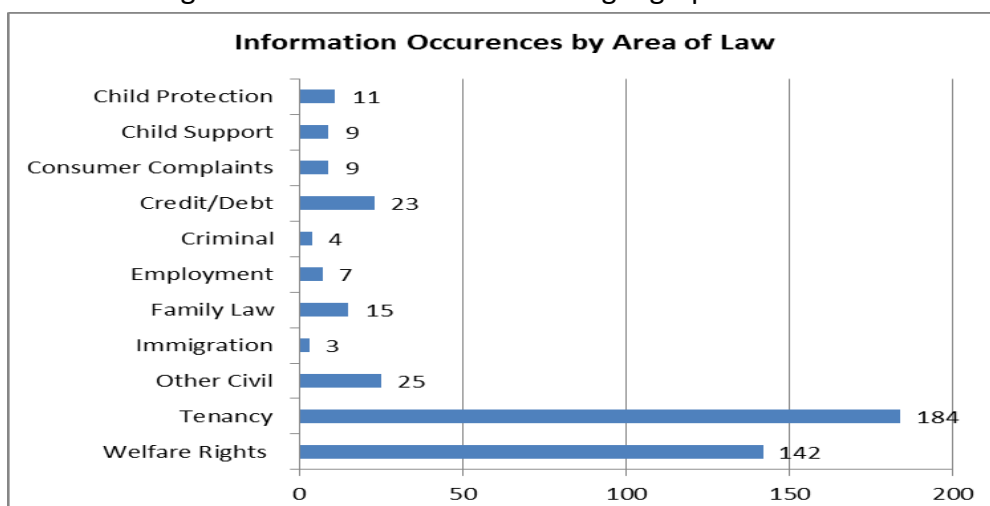
In 2013/2014 the agency had 38 cases open at the start of the year and opened 217 cases during the year. Through the year the agency closed 201 matters. The Commonwealth Attorney General’s Department sets out parameters for defining whether a case is a minor, medium or major case in terms of the hours 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, Administrative Appeals Tribunal or the Magistrates Court.



During the 2013/2014 the agency represented clients at court or tribunal in 23 matters which have now been closed. As at 30 June 2014 the agency had 54 cases remaining open.

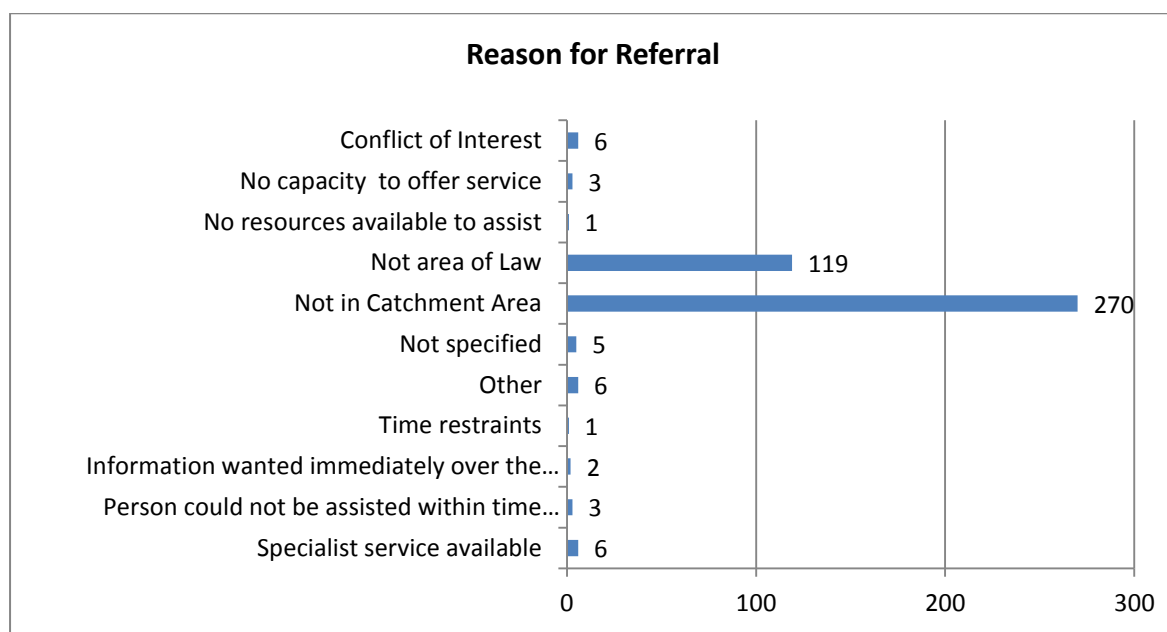
At the time of closing matters the agency sends a survey to clients seeking feedback in relation to their service experience. This feedback is used to improve the services provided by Welfare Rights & Advocacy Service. Feedback provided by clients in the last year has been positive.

There was a 22% increase in the number of information occurrences in 2013/2014 in comparison to prior years. 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.



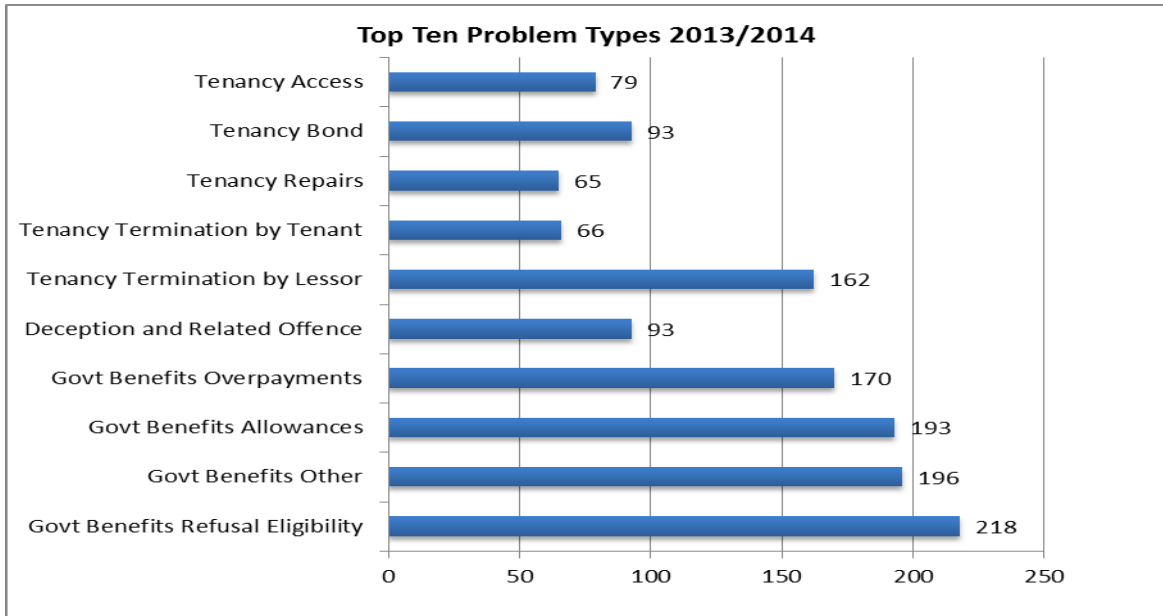
In 2013/2014 the largest number of information and referrals are in the tenancy and welfare rights areas. There was a 20% increase in the numbers of tenancy referrals and 65% increase in the numbers of welfare rights referrals. Some of this increased volume may have been associated with interim servicing arrangements of the tenancy telephone advice line for a significant proportion of the year.

For a second year the agency recorded 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 in 2012/2013. The use of this additional data was to better assist the agency to track the reasons for referral from the agency to other services and identify unmet need that the agency has not been able to deal with.



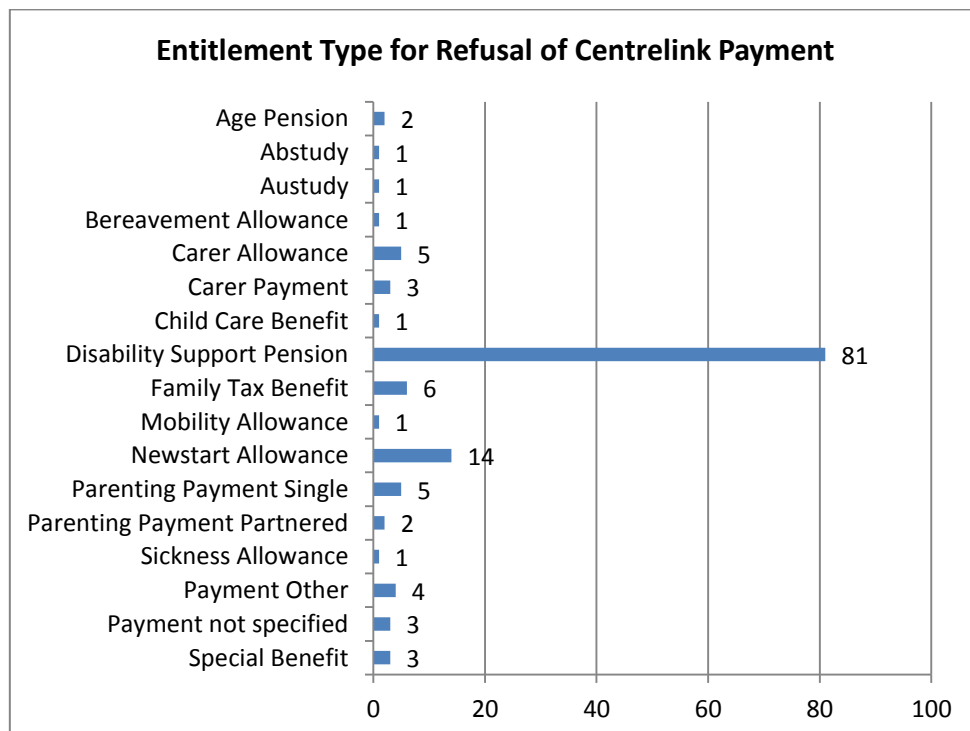
The majority of referrals of clients to other services are because they are not from our geographic catchment area or because assistance is required in an area of law not dealt with by us. It is unfortunate that there continue to be instances where the agency had no capacity to provide assistance to 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 wanting assistance at the last moment and welfare rights and tenancy clients accessing from outside of our catchment area. In most instances the agency tried 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 with an almost doubling since last year. Unlike last year there has been an increase in the numbers of clients seeking help in relation to Centrelink and Family Assistance overpayments. For tenancy matters the highest occurring problem type is termination by lessor where there was a 67% increase from the previous year. The second highest tenancy issue is still bond disputes. Tenancy access is the third most prevalent tenancy problem.

Trends in Welfare Rights Work



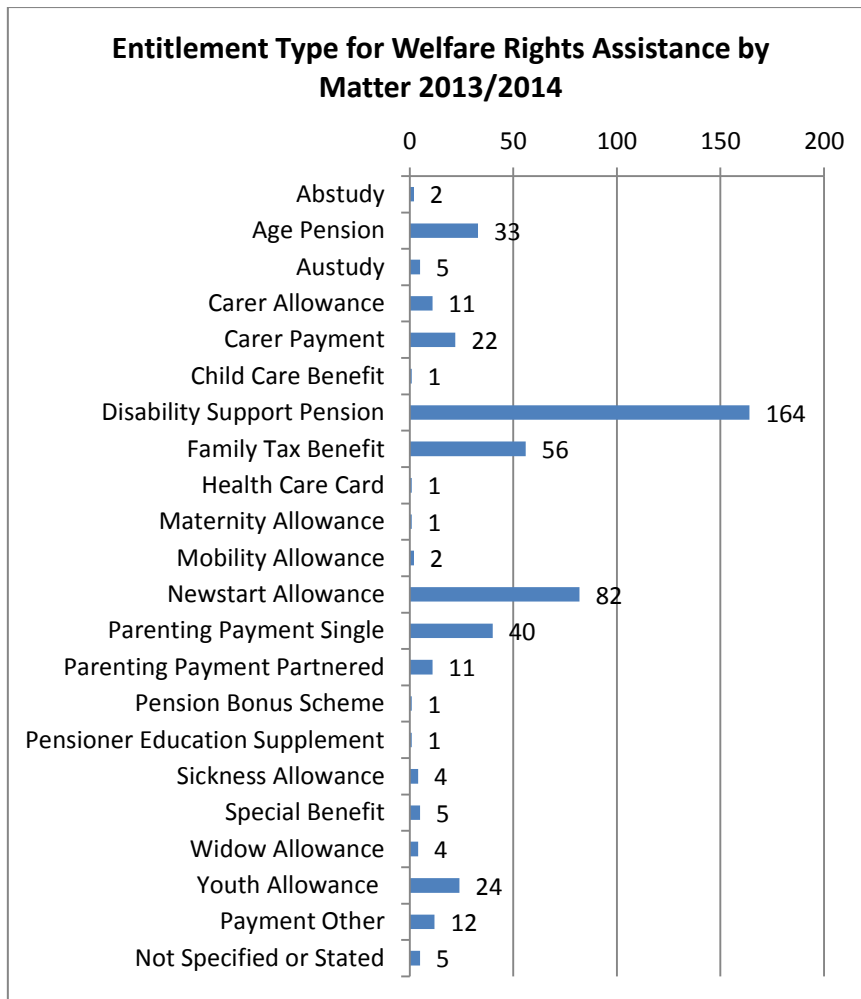
Consistent with prior years the main entitlement for refusal of payment continues to be Disability Support Pension (DSP). The high levels of clients accessing assistance in relation to DSP rejection or cancellation is reflective of the introduction of the Program of Support changes introduced on 3 September 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.

Similar to 2012/2013 many of the new clients applying for DSP 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 difficulty for this group is that many will never be able to satisfy the Program of Support requirement to qualify for DSP due to lack of capacity as they will be exempt from activity requirements and never referred for assistance from a Disability Employment Service Provider. Despite having significant disabilities they are 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.

The agency is beginning to see increased numbers of clients whose DSP is to be cancelled, as they no longer qualify under the new Impairment Tables. Many of these clients 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 not fully diagnosed, treated and stabilised to attract impairment points despite decades of treatment. It is likely that this trend will continue especially as there is a budget measure to review the DSP entitlement of people under 35 who were granted DSP between 2009 and 2011. Whilst this initiative is about potential to participate in a Program of Support an unintended consequence is medical review using the tougher 2012 Impairment Tables.

The agency has continued 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 range of Centrelink and Family Assistance entitlements. The highest number of clients accessed in relation to DSP, followed by Newstart Allowance and Family Tax Benefit. We have continued to have clients accessing in relation to the Paid Parental Scheme which continue to be recorded as Payment Other.



We were approached in relation to more Centrelink and Family Assistance debts in the most recent year. Of those seeking assistance with Centrelink debts at least 93 of those had either been or were at risk of being referred by DHS to the Commonwealth Director of Public Prosecution (CDPP) for consideration of criminal prosecution. Welfare Rights & Advocacy Service has provided casework assistance with two large Member of a Couple debt matters at the Administrative Appeals Tribunal in the most recent year.

Welfare Rights Case Study

An 18 year old young woman who was born in Sudan who is in Year 11 was referred to the agency by Centrelink as her application for payment at the Unreasonable to Live at Home (UTLAH) rate had been rejected. She and her sibling were thrown out of the family home of her adopted father and step mother and told not to come back. The client had lodged a claim on line with Centrelink a couple of days later, as she had no means of support. She had approached her adopted father about returning home, however her step mother said that she was not permitted to. She also approached community members to intervene and make approaches to her adopted father and step mother but there was refusal on their part.

Her UTLAH claim was rejected as Centrelink did not have third party verification of the breakdown of the family. The client was provided with initial advice by a caseworker. At the time she came to WRAS she had already had the decision reviewed by an Authorised Review Officer (ARO). The advocate initially made representations to Centrelink as she was able to provide letters from a counsellor she had seen following the family breakdown which verified that even though the young woman wanted to return home that her step mother refused this option. Centrelink refused to look at the case again and suggested that the client lodge a new claim for payment. The advocate assisted the client to lodge an urgent application to the Social Security Appeals Tribunal (SSAT) as the wait time (8 weeks) for processing a new claim was likely to be longer than it would take to have the matter heard at the SSAT. Additionally there was potential for her to be back paid to the date of claim if she was successful at the SSAT.

The advocate assisted the client in preparing a submission to the SSAT and represented her at the hearing. The SSAT decision found that the client was unable to live at home due to extreme and enduring family conflict and eligible for payment of Youth Allowance at the UTLAH rate. Due to the urgency of the situation the advocate approached DHS for urgent consideration of whether or not the Department intended to appeal the decision to the AAT. Usually there is a 28 day period for this scrutiny to occur, however within 5 minutes of the initial contact DHS contacted back to advise they would not be appealing the decision and they would refer it for implementation straight away. Once processed the client was to have her Centrelink payments backdated 4 months.

Without the assistance of WRAS it is likely the client would have had to make a new claim for UTLAH and missed out on payments from the date of claim.

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 refused. Over the last twelve months we have sought review of these decisions initially through DHS and then to the Office of the Information Commissioner (OAIC). As reported in the last Annual Report there were lengthy delays in allocation to a caseworker at the OAIC and the OAIC refused requests for the matters to go directly to the AAT for a decision.

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. Throughout 2013/2014 significant agency resources have been **wasted** on the issue of DHS FOI without resolution. Complaints were also made to the Commonwealth Ombudsman's Office in relation to this issue.

Although not within the period of this report sixteen months after our first complaint to the OAIC we have received a decision. The OAIC found that the routine requests for information from employers and their responses were not exempt under s37 (2). On 23 October 2014 we received advice from the OAIC that they are conducting an Own Motion investigation into the Department of Human Services' processing of freedom of information requests. The investigation is to be conducted within a short time frame due to the closure of the OAIC at the end of the year. We have been requested to make a submission to this inquiry based on our numerous complaints. We will await the outcome of the inquiry with anticipation, hopeful of improvement in this area.

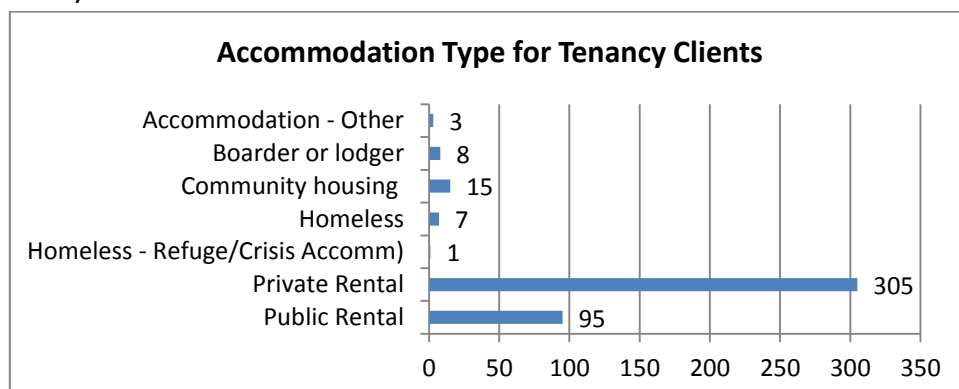
Trends in Tenancy Work

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 access, tenancy termination by tenant, and tenancy repairs.

The agency has continued to have large numbers of tenants being evicted by the Department of Housing (DOH) using s75a of the *Residential Tenancy Act*. We have provided advice and representation to clients facing eviction and have been able to defend matters, so that the tenant was not evicted. Apart from successfully defending evictions the tenant advocates have been able to negotiate an extended period of time prior to eviction with the DOH and to resolve the dispute without the need to evict.

Bond disputes are a regular tenancy issue which clients present with. The agency does not routinely assist clients at court with these matters. Regularly, however assistance has been provided to tenants as they prepare for court to conduct or defend the matter.

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 - Public Housing Tenancy

The tenant was a young Aboriginal woman who was facing eviction by DOH under S75a. In late 2013 she had her children removed by DCP. She was referred to Welfare Rights & Advocacy Service by Day Dawn Advocacy for assistance with her court matter in February 2014. The tenant had two strikes issued by DOH. The strikes related to loud parties in November 2013 and a neighbour alleged that the tenant had abused her.

The tenant advocate gave advice to the tenant and also explained the need for the tenant to ensure that further strikes were not issued pending the court hearing. The Tenant Advocate applied to access the tenants DOH file. The Tenant Advocate then attended court and sought adjournment and disclosure by DOH. In the course of preparing for the court matter the Tenant Advocate became aware that the tenant was living in what DOH referred to as a “dysfunctional complex”. It became apparent through working with the tenant that she was likely to have an undiagnosed or untreated mental illness.

The Tenant Advocate represented the tenant in court and defended the matter. Through cross examination of witnesses the other parties witnesses outlined the dysfunction of the complex and the numerous neighbour disputes. The Disruptive Behaviour Management Unit (DBMU) discredited their witnesses as unreliable and as to whether any of the alleged events had actually occurred. Other witnesses were not able to confirm if the parties were the tenants, just that they had been in the complex and also that there had not been any reoccurrence for several months. The DOH application was dismissed and the tenant was not evicted. If assistance had not been provided to the tenant it is likely that she would have been evicted into homelessness.

The agency assisted another tenant (from an Islamic background) who was being evicted from the same complex who appears to have been the victim rather than the perpetrator in ongoing racial and religious abuse from others within the complex. DOH withdrew their application following representations from the Tenant Advocate.

Tenancy Case Study 2 – Private Tenancy

A young Irish woman sought assistance in relation to a bond dispute. She had been co-tenants with three others (from Ireland) and only she and her partner remained in Perth. The tenancy had ended in November 2013 and the owner was claiming that the tenant owed \$1,525 and the tenant disagreed with this. The landlord in this matter is well known to the tenancy network.

The tenant contacted WRAS in late March 2014 (four months after the end of the tenancy) to get help in refuting the owner’s claims and the return of their bond. The tenant was provided with advice in relation to available options which included lodging at court and court preparation. Advice included information about the court process and how to present evidence. Prior to court the tenant advocate provided additional advice regarding the court process for the two other co-tenants who were in Ireland and unable to participate in

person through the completion of a Form 23 and affidavits. After the hearing the tenant contacted the agency to advise they had a partial win at court with the owner's claims being reduced from \$1,525 to \$650 and an order for the tenant to receive \$2,500 of their \$3,150 bond back. The tenant was happy with the outcome. It is likely that without the assistance of the agency that the tenant would not have received their bond back from the landlord.

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 16 community legal education activities conducted by Welfare Rights & Advocacy Service in 2013/2014 which included delivery of formal sessions conducted with a variety of audiences, including clients, community workers, government employees and students. We 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 participants and feedback is actively sought to ensure there is improvement in such activities. Staff of the agency use 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 2013/2014 the agency did not do a rural or remote CLE visit in the current year, however we conducted a number of activities with one of the solicitors at Kimberley Community Legal Service using SKYPE.

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

- Ethnic Disabilities Advocacy Service;
- National Welfare Rights Conference;
- Pilbara Community Legal Service;
- NACLIC Conference;
- Tenancy Community Workers;
- Lorikeet Centre;
- Kimberley Community Legal Centre;
- Legal Aid CPD;
- South East Metro ER Forum,
- WACOSS;

- Perth Homecare; and
- Legal Practice Forum.

Law Reform, Policy and Media Activities

In the last year there was a reduction 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:

- S75a Deaths in Custody Meeting;
- Tenancy WA s75 Workshop;
- DSP and Mental Health Conditions;
- Beyond Finding a Place;
- DOH Aboriginal Debt;
- SSAT Agency Visit;
- DHS Serious Non Compliance Meetings; and
- UWA Research.

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, Tenancy Network Meetings, Tenancy Coordinator Meetings, WA Community Legal Centres Association Meetings, the CLC Association Legal Practice and PII Sub Committee, NACLC 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 2013/2014.

In 2013/2014 Catherine Eagle continued as the Convenor of the NACLC PII Committee, the WA State Representative on the NACLC Professional Indemnity Insurance (PII) Committee and as the convenor of the WA CLC Association Legal Practice and PII (LPP and PII) Committee. 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 WA Legal Practice and PII Sub Committee every six weeks. They have oversight over the conduct of six monthly

mandatory LP and PII Meetings, organisation of CPD training for CLC lawyers, and the conduct of the Annual Crosschecks across WA CLCs.

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. Both Catherine Eagle and Kate Beaumont participated in the annual NWRN Conference in Brisbane in July 2013. Agency staff have convened, chaired and participated 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 2013/2014 continued as the Vice President 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. In 2013/2014 the NWRN was successful in securing Secretariat Funding from the then Department of Families, Housing, Community Services and Indigenous Affairs. The NWRN has continued to have regular dialogue with various Ministers, politicians, Government Departments and agencies in its efforts to influence in the legislation to be enacted and the processes of service delivery on the ground. Kate Beaumont has undertaken a number of media interviews over the last year in relation to both Social Security and Tenancy Law.

Sector Development

As one of the principal drivers of the establishment of a new specialist tenancy community legal centre, Welfare Rights & Advocacy Service provided significant assistance to Tenancy WA Inc. over the last twelve months. Initially through the incorporation phase of Tenancy WA and the tender process culminating in them securing the Central Resource Unit (CRU) contract. Once funding had been secured we hosted the Project Officer, Kate Davis in the establishment phase of Tenancy WA. Agency staff provided administrative and bookkeeping support to Tenancy WA until March 2014. Our tenant advocates provided support to the new agency through a sub contract arrangement to ensure a smooth transition in relation to service delivery for the new agency. Kate Beaumont has been the Chairperson throughout the last eighteen months.

Organisation and Governance

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 and Glen Williamson continued for a second year respectively as the Chairperson and Deputy Chairperson of the association. In the most recent year both Daniel Pastorelli and Luke Villiers continued in their respective roles of Treasurer and Secretary. In April 2014 both Glen Williamson and Daniel Pastorelli stepped down from their office bearer positions, with Daniel Pastorelli reverting to a position as an ordinary Management Committee Member from that time. Courtney Collins and Anastasia Phylactou were

respectively elected from their positions as ordinary Committee Members as the Deputy Chairperson and Treasurer at the April 2014 Management Committee Meeting.

In 2013/2014 most of the Management Committee from the previous year continued after the Annual General Meeting. The only exception was Shayla Strapps who stepped down from the Committee in September 2013. Continuing ordinary Committee Members in 2013/2014 were Courtney Collins, Anastasia Phylactou and Shannon Walker. In the current year Dominic Rose has continued as the UnionsWA representative on the Management Committee for a second year. There were vacancies on the committee for a period of time following Courtney Collins and Anastasia Phylactou's election to office bearer positions and Shannon Walker's resignation from the committee, however Matthew Davey joined the committee in June 2014.

In the latest year the Management Committee has met on a bi-monthly basis as per the Constitution and Rules. In the most recent year in total there were 8 Management Committee Meetings convened. During 2013/2014 the Management Committee has convened Sub Committees to progress work on the agency Strategic Plan, Enterprise Bargaining Agreement and Policy Approval. In June 2014 a Lottery West application was made for funding of the development of a new Strategic Plan. It is likely that the outcome of that application will be known in November 2014. Governance Training for the Management Committee has been organised for the Management Committee after the Annual General Meeting.

Accreditation

In 2013/2014 Welfare Rights & Advocacy Service as part of the National Association of Community Legal Centres (NACLC) Accreditation Scheme was reviewed by the State Accreditation Coordinator. Prior to that review existing policies and procedures of the agency were reviewed extensively and a number of new policies were developed. The Accreditation Review was conducted in April 2014. Following on from that review the agency has developed a work plan for further work to be undertaken. The agency has been assessed under the National Accreditation Scheme as providing Community Legal Services in conformity with the requirements of the NACLC Accreditation Criteria for Community Legal Centres and the NACLC Certification Rules and has been granted a licence to use the NACLC Certification Trade Mark.

Staffing and Volunteers

After many years of stability the agency had some changes to its staffing in 2013/2014. These changes occurred as the agency continued to provide additional tenancy assistance up until February 2014. The core welfare rights and tenancy staff remained Christine Belcher, Marilyn Marvelli, Jeanie Bryant, Catherine Eagle, Paul Harrison, Christine Carr and Kate Beaumont. The agency employed Sue Chadwick as a Tenant Advocate on a contract basis to assist with Tenant Advocate Support. In November 2014 Marilyn Marvelli resigned

from the agency after sixteen years employment, initially as an Administrative Officer and later as a Welfare Rights Advocate. In April 2014 the agency employed Zara Spencer and Lorilee Yu as solicitors on fixed term contracts in the Welfare Rights and Tenancy area.

The agency has commenced a volunteer program and there were 197 volunteer hours completed in 2013. Volunteers have included past welfare rights staff, family of staff members and final year law students.

Catherine Eagle as the Principal Solicitor of the agency continues to be the Responsible Person for Professional Indemnity Insurance purposes. These responsibilities are delegated to Kate Beaumont during her absences. The agency participated in the Annual Crosscheck of its files in July 2013 and no issues were identified.

In November 2013 the agency employed Kate Davis as a Project Officer employed to oversee the establishment of Tenancy WA Inc. This arrangement was made as Tenancy WA did not have the requisite infrastructure in place for the employment of staff. This was a short term arrangement for one month until Tenancy WA had operational bank accounts. Up until February 2014 the agency hosted Kate Davis whilst Tenancy WA's office accommodation was readied. Tenancy WA Inc. reimbursed Welfare Rights & Advocacy Service for all expenses incurred in this arrangement.

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 2013/2014 all staff participated in Clear Communication Training. Other ad hoc training was completed by individual staff members including participation in Aboriginal Cross Cultural Training, Dealing with Challenging Behaviours, Roofs for Youth, First Aid Training and Occupational Safety and Health Training. Lawyers on staff have participated in Continuing Professional Development seminars provided by Legal Aid WA, the Law Society and CLCA WA.

During the year staff participated in various conference opportunities as they arose with Catherine Eagle and Kate Beaumont participating in the NWRN Conference in Brisbane. 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. OPTUM (formerly known as PPC Worldwide) continued to provide staff and volunteers of the agency with confidential counselling services as the need has arisen as part of the CLC Association group scheme.

Future Directions

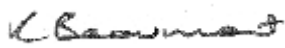
Every year brings its challenges for a community legal centre. After an extension to our Community Legal Service Program (CLSP) contract we had expected to enter into a new agreement only to have a further one year contract extension to June 2015. In May 2014 we were advised by the Commonwealth that the additional \$80,000 per year funding secured for a four year period, would cease after two years. This coupled with the Commonwealth Attorney General's Department's current review of the Legal Assistance Program, which includes the Community Legal Service Program puts, us in a heightened state of uncertainty. At this stage it is expected that the Funding Model for community legal centres may be known by the end of the year, however levels of funding will remain unknown until Budget 2015.

The agency in the current year is being faced with a fundamental change to the work which is permitted within its CLSP contract. Law reform and legal policy work has been removed from the core activities to be undertaken within our community legal service contract. As an organisation whose objectives are aimed toward the achievement of structural change informed by the experiences of our clients this has been a frustrating development. It is however fortuitous that that our State funding does not prevent law reform work and the NWRN is in a position to continue its law reform and legal policy work on behalf of its member centres.

The ultimate achievement in the next year would be that once again we are able to easily gain access to our client's DHS documents through FOI. Though the Office of the Australian Information Commissioner is to be disbanded on 31 December 2014 we are hopeful that their own motion inquiry into DHS Freedom of Information findings provide for improvements in this area. With demand for assistance constantly increasing it would be wasteful to have to spend another twelve months battling bureaucracy.

The year ahead the agency will continue in its work to complete its Accreditation Work Plan, working toward the development of a new Strategic Plan and additional policies in relation to governance and risk management for the organisation..

I would like to acknowledge the continued work of the staff of the agency, who work above and beyond in assisting their clients. 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 2013/2014.



Kate Beaumont
Executive Officer

Treasurer's Report for the Financial Year 2013/2014

The year started off strongly with the receipt of the Commonwealth Attorney General's Department additional funding late in the prior year, as well as additional funding under the Tenancy Support Program, as we still continued to provide the services at the start of the 2013/2014 year. Core funding continued from the Commonwealth Attorney General's Department, State Attorney Generals Department, Department of Commerce and the Legal Contributions Trust.

Following the awarding of the Central Resource tender to Tenancy WA Inc. in October 2013, the services and funding were transitioned to the new organisation. In addition we were advised in May 2014 that additional Commonwealth Attorney General's Department funding would continue to June 2015, rather than four years, as we were previously contracted for.

In addition, future recurrent Community Legal Service Program funding will be impacted by a Productivity Commission review of the Legal Assistance Program funding currently being conducted. Shortly before the end of the financial year 2014 we were advised that we were to be provided with supplementation funding to cover the additional salary costs which were incurred as a result of the State Equal Remuneration case from August 2013.

These factors combine mean that even though this year was a positive one from a funding perspective, there is some uncertainty regarding funding going forward beyond June 2015. The final result for the year was a surplus of \$90,549. Of this surplus \$44,557 relates to our sub contract arrangement with TenancyWA, interest received and from our Department of Commerce contract in the current year which are retained earnings. The remaining \$45,992 relates to the redundancy provision which was written back in the current year as the redundancy provision was moved from current liabilities to a redundancy provision in the organisation's accumulated funds.

At the end of the financial year the agency had cash of \$384,026, plus receivables of \$18,975, bringing the total current assets to \$403,001. Combined with property, plant and equipment with a book value of \$249,901, the agency holds total assets of \$652,902.

Current liabilities include payables of \$818. Unspent grants of \$58,183 are also included as a current liability, although there is no expectation that they will be required to be paid back and will be utilised in the coming financial year. Current and non-current employee provisions bring the total liabilities to \$211,052, and leave the agency in a net asset position of \$441,850.

The agency enters the new financial year in a strong financial position which provides short term stability but uncertainty regarding funding, particularly core funding means the long term position is less certain.

Anastasia Phylactou
Treasurer

**Financial Statements of the TLC Emergency Welfare Foundation of Western
Australia (Inc.) 2013/2014**