

CANBERRA  
COMMUNITY  
LAW



# Annual Report 2015/16

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# Introduction

Canberra Community Law (CCL) is an independent not for profit community legal centre operating in the Canberra region. Canberra Community Law was founded in 1986 under its former name, the Welfare Rights and Legal Centre.

CCL was the first CLC to open in Canberra and is managed by a voluntary and community based board consisting of people from academia, the community sector, peak bodies and the private legal profession.

CCL provides the following six services:

## Housing Law

Provides legal advice to people experiencing problems with housing/tenancy issues in the ACT. Matters include: defending public housing evictions, rent arrears, repairs, maintenance and debts.

## Social Security Law

Provides assistance with Centrelink and Social Security matters such as appealing Centrelink decisions, payments, entitlements, debt recovery and refused claims.

## Street Law

Provides legal services to people who are experiencing homelessness or at risk of homelessness. Matters can include traffic fines, minor criminal law charges, employment law, debts, consumer issues and a wide range of civil law matters.

## Disability Discrimination Law

Provides advice and assistance to people who have been discriminated against because of a disability in relation to employment, education, access to premises, provision of goods, services, facilities, accommodation, Commonwealth laws and programs and requests for information.

## Socio-Legal Practice Clinic

Combines legal assistance with intensive social work support to help clients overcome their social issues that are linked with their housing, social security or disability discrimination legal problems to maximum the prospects of a successful outcome.

## Night Time Legal Advice Service

Provides information, referral services or one-off legal advice in most areas of law including fines and other traffic infringements, minor criminal law offences, family law, employment law, debts, complaints and consumer issues.

CCL provides these services in order to address disadvantage in the community and in pursuance of creating a just and compassionate community.

CCL also seeks to address disadvantage and assist vulnerable people in the Canberra community by providing legal awareness training to community workers/organisations within the ACT. This enables early identification and intervention to address the legal issues of people who access these services. CCL also actively raises issues of concern with Government whereby it seeks to improve the operation of laws and policy which impact on its vulnerable client base.



## Acknowledgements

During the report period, CCL received funding from the Commonwealth Government under the National Partnership Agreement and also from the ACT Government through the Community Services Directorate and the Justice and Community Safety Directorate.

CCL also acknowledges funds received through the Statutory Interest Grants program administered by the ACT Law Society and philanthropic funding received from the Snow Foundation and the Clayton Utz Foundation.

CCL also received funding from the Australian National University to operate our clinical legal education program.

We also thank the Canberra Southern Cross Club for a \$1000 grant to assist us to purchase much needed books for our library.

## CCL's Vision, Mission and Values

**Vision:** Working towards a just and compassionate community.

**Mission:** Providing free legal advice, assistance and advocacy to address disadvantage in the community.

## Our Values

CCL is committed to:

- Empowering people
- Fiercely guarding our independence
- Respecting and valuing diversity
- Evidence-based advocacy
- Providing high quality and client focused services
- Accountability
- Social Justice and Human Rights principles
- Community engagement and participation
- Striving towards a holistic approach to meeting client needs
- Robust advocacy and tenacity
- Treating people with respect and dignity

- Collaboration
- Building support for the Centre's work among students, legal profession and other key stakeholders
- Innovation and creativity
- Professional and ethical practice

## CCL's Client Work at a Glance

During 2015/16, Canberra Community Law:



During the financial year, Canberra Community Law prioritised clients who were on low incomes or facing other significant disadvantage.

**CCL also prioritises clients for advice, assistance and representation who are:**

- From Aboriginal and/or Torres Strait Islander backgrounds (13% of clients in 2015-16 who provided this information)
- From CALD backgrounds (25% of clients in 2015-16 who provided this information were born in a country other than Australia)
- Homeless or at risk of homelessness (50% of clients in 2015-16 who provided this information)
- People with disability (50% of clients in 2015-16 who provided this information)
- Subject to or who have been subject to family violence (34% of clients in 2015-16 who provided this information).

## Hours of Operation and Location

CCL is located in the ACT CLC Hub on Level 1, 21 Barry Drive (corner of Watson Street) Turner.

The office is open Monday to Friday from 9am to 5pm.

The Social Security and Tenancy telephone advice service operates from 9.30am to 1pm on Monday, Tuesday, Thursday and Friday.

The Night Time Legal Advice Service (NTLAS) which provides general legal advice operates a phone and drop in advice service every Tuesday evening from 6pm to 8pm (February to November each year).

## CCL's Board of Directors 2015/16

The Board of Directors during the year ended 30 June 2016 were:

**Daniel Stewart**, Chairperson

**Deborah Pippen**, Treasurer

**Genevieve Bolton**, Director and Secretary

**Amanda Ryan**, Director

**Helen Daley-Fisher**, Director

**Carmel Franklin**, Director

**Anusha Goonetilleke**, Director (Staff Representative)

**Anya Aidman**, Director, since October 2015

**Laura Hilly**, Director, since February 2016

**Yen Eriksen**, Director, since April 2016

## CCL Staff

CCL employed the following staff in 2015/16

**John Alati**, NTLAS Supervising Solicitor (part time)

**Tom Allen**, Solicitor (resigned January 2016)

**Louisa Bartlett**, Solicitor

**Genevieve Bolton**, Executive Director/Principal Solicitor

**Rosemary Budavari**, Disability Discrimination Law (DDL) Senior Solicitor (part time)

**Jordan Bulley**, Office Manager (from March 2016) (part time)

**Radhika Chaudhri**, Solicitor (from February 2016)

**Farzana Choudhury**, Street Law Solicitor (from May 2016)

**Charlotte Fletcher**, Street Law Solicitor (resigned October 2015)

**Anusha Goonetilleke**, Street Law Supervising Solicitor

**Naomi Gould**, Solicitor (part time)

**Parastou Hatami**, DDL Senior Solicitor (on unpaid leave from December 2013)

**Sarah Hein**, Office Manager/Adviser (from August 2015) (part time)

**Joseph Ishow**, Street Law Solicitor, from 6 June 2016

**Kate Kenny**, Office Manager and Legal Advisor (on parental leave from October 2015)

**Heather McAulay**, Street Law Program Manager/Solicitor (on parental leave from October 2015)

**Amelia McCormick**, Solicitor (resigned August 2016)

**Catherine Murnane**, Social Worker

**John Thornton**, Street Law, Senior Solicitor (retired September 2015) (part time)

**Chelsi Wingrove**, Bookkeeper (part time)

**Anne Yuille**, Advice Line Co-ordinator (part time) (resigned February 2016)

# Chairperson's Report

As I write this, Canberra Community Law has just celebrated its 30<sup>th</sup> year. I would like to thank again Justice Richard Refshauge and George Masri for speaking at the event, sharing their reflections on the Centre's history, and future. Thanks also to all the staff who made the event such a success, and to everyone who came along to help celebrate. I especially want to thank Naomi Gould, a solicitor in CCL's Social Security and Tenancy Service. Naomi reminded me why CCL is so important. Not just the way its staff know the law, or their ability to act as powerful and persuasive advocates for the legal rights of their clients, or even the time management skills needed to deal with high caseloads and endless to do lists. Naomi reminded me of how the staff at CCL are able to help their clients tell their stories. Giving voice to the most disadvantaged in our society is the difficult but vital task the staff at CCL (just like the ACT Welfare Rights and Legal Centre before it) have been doing every day for 30 years. For as long as those stories need to be heard, I am sure that CCL, as it continues to adapt and develop into the future, will help tell them.

It is not only the change in name that distinguishes CCL from the ACT Welfare Rights and Legal Centre of 30 years ago. CCL launched its new Socio-Legal Practice Clinic, further integrating social work and legal assistance. The Clinic is thanks to the generous funding of the Snow Foundation and Clayton Utz and I want to thank all those involved for support for this new and exciting development.

This year CCL faces yet another substantial reduction in its funding, with even more substantial cuts likely next year. Fundraising is now a substantial part of CCL's activities, with resources being drawn away from providing assistance to try to find new sources of funding for the future. CCL's social media presence has expanded – you can keep up with CCL in your social media platform of choice. Even Genevieve Bolton, whose position has been renamed the Executive Director / Principal Solicitor of CCL, has had to establish a Facebook page.

CCL once again has been accredited under the National Accreditation Scheme for Community Legal Centres by the National Association of Community Legal Centres, thanks to the hard work of Genevieve and Rosemary Budavari who put together the review documents. Genevieve's extraordinary contribution to CCL, its clients and the community generally was recognised by two richly deserved awards: the Australian Human Rights Commission's Law Award and the Medal of the Order of Australia for service to the law and welfare rights. CCL is indeed fortunate to have staff like Genevieve and Naomi.

This past year also saw the retirement of Anne Yuille, after over 26 years at the Centre. As I mentioned at her farewell, Anne was a member of the Board of Management when I was invited to join the Board, and her dedication and sense of justice was then both, as now, inspirational. Anne's farewell, like Anne herself, was understated, but it is impossible to overstate how important Anne has been for CCL and the thousands of people she has assisted. She is missed, and everyone at CCL wishes her all the best in her retirement.

This year also saw the retirement of Deb Phippen, who has been on the Board of Management since 2007, and for much of that time served as treasurer. Deb is the Executive Officer at Tenants' Union ACT, and her long involvement with the Board represents the very close relationship between CCL and the Tenant's Union. While I hope that relationship will continue for many years to come, the time has come to recognise the independence of the two organisations, and the need to forge our own identities in this difficult funding environment. I want to thank Deb for her commitment to the Board, for her governance experience, her deep knowledge of the sector and the many contributions she has made. As always, many thanks to my other Board members and the whole of the CCL community for their efforts as we face the difficult challenges ahead.

## **Daniel Stewart**

Chair, Board of Management

# Executive Director/ Principal Solicitor's Report

This year, Canberra Community Law (CCL) celebrated its 30th anniversary. The event was an important reminder and acknowledgement of the unique role that CCL plays in the ACT as the only specialist provider of legal services in the areas of public housing, Social Security and disability discrimination law and the provider of Street Law, a generalist law outreach service targeted to people who are experiencing or at risk of homelessness.

As the first community legal centre established in the ACT, CCL has a long and proud history of providing legal services in innovative ways to address disadvantage and reach out to the most vulnerable and disadvantaged members of the Canberra community. This year, saw the launch of our Socio-Legal Practice (SLP) Clinic thanks to funding from the Snow Foundation and the Clayton Utz Foundation. The Socio-Legal Practice (SLP) Clinic is a specialist service providing combined legal and social work assistance with a specific focus on women and children who are experiencing or at risk of homelessness due to family violence. This initiative is another example of CCL's commitment to providing a range of flexible and responsive service approaches to clients who have multiple and complex needs.

The SLP's work to date not only highlights the importance of a wrap around, holistic service but that people experiencing family violence are often facing multiple legal needs. They not only need to obtain a domestic violence order and family law assistance, but also often need a broad range of legal advice and assistance such as to access public housing, stop eviction from public housing, obtain basic income support or to deal with joint public housing, Centrelink or other debts incurred as a result of their violent ex partner's actions. With the ACT having the second highest rate of homelessness per capita in Australia (after the Northern Territory) of 50 people experiencing homelessness per 10,000 ACT residents, it is vital that people experiencing family violence have access to specialist legal services to secure and maintain a roof over their head and basic income support entitlements.

Demand for Canberra Community Law's services continues to outstrip available resources. In particular, over the last year, the Centre experienced a surge of phone calls for social security and public housing advice. At one point during the year, we had 45 people waiting on a call back for public housing and social security advice, five times, our usual waiting list.

Whilst demand across all our services continues to grow, Canberra Community Law continues to absorb reductions in funding. This difficult and uncertain funding environment has resulted in CCL only being able to offer short term

contracts to new staff over the last couple of years. The impact of this unfortunate development was keenly felt this year with significant staff movement. I would like to formally record my heartfelt thanks to Derek Emerson-Elliott who came out of retirement (Take 3) to help the Centre out on a pro bono basis during a period of staffing shortages arising from staff movement.

As reported last year, funding reductions have also resulted in the loss of a full time Senior Solicitor position in our Social Security and Tenancy service and more recently, the loss of a 0.6 Senior Solicitor position in our Street Law program. This has placed significant pressure on the remaining staff. As the Naomi Gould so eloquently expressed in her speech at the Centre's 30th Birthday party, we have been like the magic pudding – constantly finding a way to keep up with demand. To find ways to be flexible, to find pro bono partnerships and volunteers to be innovative and clever with our time. And still we can not keep up. That come July our funds will be cut dramatically and that safe space we offer will start to close a little... Our office lights are already on late into the evening and throughout the weekends. We work at home, we work in our sleep. There's not much more we give as individuals."

Thank you to our supporters, volunteers, and pro bono partners for your assistance and support during these difficult times. Thanks also to our CLED students who assisted the Centre in the past year. As in previous years, our clinical legal education program (CLED program) ran in partnership with the Australian National University (ANU) provided opportunities for law students to contribute to and be exposed to the work of the Centre.

CCL's capacity to assist the most disadvantaged and vulnerable members of the ACT community will be severely curtailed if the funding cuts proposed under the National Partnership Agreement come to pass on 1 July 2017. In the year ahead, CCL will continue to seek out new funding sources and highlight the crucial work that the Centre has done over 30 years and continues to do.

I would like to record my thanks to CCL's Board of Management for their guidance, support and commitment to the work of the Centre over the last 12 months. I would also like to acknowledge the herculean efforts of all staff who have worked incredibly hard throughout the year to meet client demand in a very difficult funding environment. May the funding landscape in 2017 improve.

**Genevieve Bolton**  
Executive Director/Principal Solicitor

# Disability Discrimination Law

## Sector Engagement

CCL continues to collaborate with other CLCs, government, the private legal profession and other services to ensure that resources are targeted to best meet legal needs.

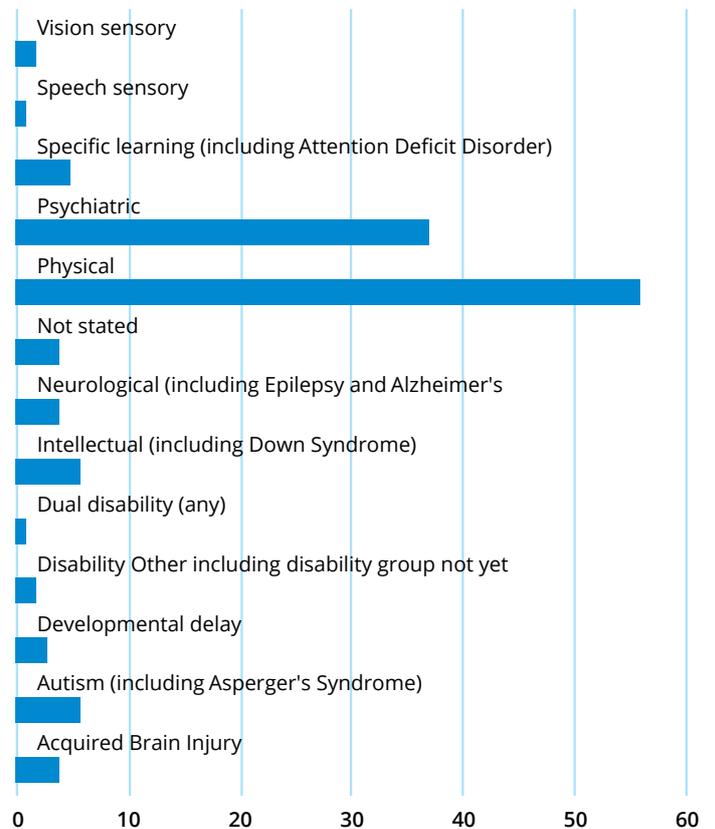
During the reporting period, we participated in the following activities:

- ACT Legal Assistance Forum
- ACT Jurisdiction Service Planning Forum
- ACT Pro Bono Clearing House Assessment Panel
- ACT Pro Bono and Human Rights Stakeholders meeting
- National Association of Community Legal Centres (NACLC) Advisory Council
- NACLC Professional Indemnity Insurance (PII Committee)
- National Welfare Rights Network (NWRN) member and committee meetings
- ACT Community Legal Centre Association
- ACT Joint Pathways Forum
- ACT Shelter Forum

## Client Work

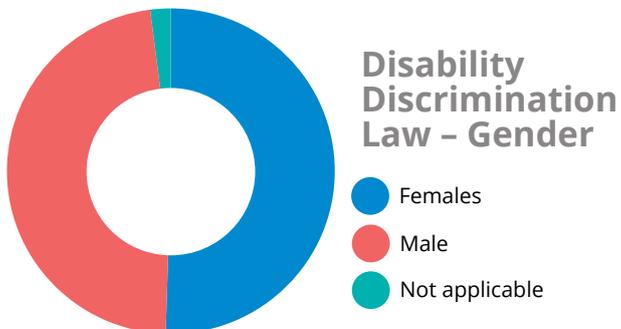
Disability Discrimination Law (DDL) provided 337 advices in relation to disability discrimination, an increase of 62% over the previous year. The three major areas for advice work were service provision; employment; and accommodation. The major types of disabilities involved were physical and psychiatric disabilities as shown in the table below.

## Disability Type



Fifty cent per cent of those seeking advice were female, 48% were male and 2% were organisations as shown by the graph below.

## Gender



DDL provided representation and casework for 19 clients. The casework included nine discrimination complaints and one health service complaint to the ACT Human Rights Commission. Several of these complaints settled with the payment of monetary compensation; changes to policies and procedures; the provision of reasonable adjustments and of disability discrimination training for staff of relevant businesses and agencies. Some casework has involved direct negotiation with employers and service providers which has resulted in the provision of reasonable adjustments and changes in policies and procedures.

## Other Activities

DDL participated in the Community Law Clinical Program and provided supervision and training to ANU law students. DDL also delivered tutorials on Discrimination and Human Rights Law as part of the CLED program.

DDL coordinated the Canberra Community Law (CCL) submission to the Justice and Community Safety Directorate (JACS) on reforms to the *Discrimination Act 1991* (ACT) in January 2016 and participated in a consultation with relevant stakeholders convened by JACS in May 2016. A number of CCL's recommendations were included in amendments to the *Discrimination Act 1991* (ACT) which were introduced to the ACT Legislative Assembly in June 2016 and passed in August 2016.

DDL also assisted with the implementation of CCL's first Disability Action Plan (DAP) from 1 June 2015 to 30 June 2016 and the preparation of its second DAP which covers the period from 1 July 2016 to 30 June 2019.

## Case Study: Grace's story

Grace was born with an intellectual disability; vision impairment; and cerebral palsy. She uses a wheelchair and has a speech impediment which can make her speech difficult to understand. Despite her impairments, Grace has been raised to be very independent.

Grace often attends various pubs and clubs around Canberra. She was recently refused entry to a club on a number of occasions. She said that the security staff told her on one occasion that she was taking too long to produce her ID and on other occasions that she needed a carer.

Grace made a complaint to the ACT Human Rights Commission which was unable to resolve the complaint through conciliation. Grace requested that it be referred to the ACT Civil and Administrative Tribunal (ACAT) for determination. DDL represented Grace at ACAT. Grace's complaint was settled with a compensation payment made to Grace.

# Disability Action Plan Report

CCL's first Disability Action Plan (DAP) had the following objectives:

1. To increase awareness in staff, students and volunteers of CCL of the needs to people with disability.
2. To improve the accessibility of CCL's services
3. To increase opportunities for people with disability to participate in employment, educational and volunteering opportunities at CCL and to provide reasonable adjustments for employees, students and volunteers with disability
4. To increase consultation with and participation by people with disability in relation to CCL's strategic direction and management
5. To respond to invitations to participate in relevant ACT and Commonwealth policy and legislative reviews affecting people with disability
6. To promote awareness of and evaluate the DAP

Some of the actions taken under the DAP included:

1. Engaging a consultant to update a report on the accessibility of CCL's premises and implementing his recommendations regarding upgrading of visual contrast strips and mat wells
2. Installing an intercom to improve the ability of people with disability to communicate with CCL staff, students and volunteers on the first floor of CCL's premises
3. Including information on effective communication with people with disability in staff, student and volunteer induction materials
4. Providing training for staff on effective communication with people with disability, including training by the National Relay Service and Disability Confidence Canberra
5. Including information about reasonable adjustments in the CCL Recruitment Policy and in staff, student and volunteer induction materials
6. Holding an annual forum with organisations representing people with disability about the strategic direction for CCL
7. Lodging the DAP with the Australian Human Rights Commission and publishing it on the CCL website

Overall the first CCL DAP has led to significant improvements in CCL's services for people with disability.

CCL looks forward to continuing to work with people with disability to further improve its services over the three year period covered by its second DAP.



# Social Security and Tenancy Service

Our Social Security and Tenancy Service encompasses our Housing Law and Social Security Law services.

## SS&T Team

The SS&T service had several staffing changes including the retirement of Anne Yuille in February 2016 after 26 years of working with the Centre. She will forever be remembered as the guru of public housing law and her expertise and good judgment continues to be missed.

We were very fortunate that Derek-Emerson-Elliott came out of retirement (Take 3) to help us out on a pro bono basis as we managed significant staffing changes in the early half of 2016. Thank you Derek!

Our staff team was ably assisted by three students, Frances Bradshaw, Ly Ly Lim and Sam Rutherford who undertook their Graduate Diploma of Legal Practice (GDLP) placements with us throughout the year. A special thanks to Frances for her reflections on the work of the Centre and her placement which is included at the end of this report.

Thank you also to Megan Driscoll from the Australian Government Solicitor's office who undertook a secondment in the second half of the year and produced an excellent collection of legal education materials.

## Our Client Work

In 2015/16, the SS&T service assisted 516 clients. We provided 921 advices and worked on 165 cases.

Our clients are the most vulnerable in our community. 86% of our clients were on low incomes and 3% had no income. 67% were in receipt of a Government payment. Just under 10% identified as Aboriginal or Torres Strait Islander, 55% of our clients had a disability and 23% of our clients were living in a sole parent family with children.

As in previous years, assistance was provided on a broad range of tenancy and social security matters.

As the relative supply of public housing has decreased so the eligibility criteria has tightened and what that means is that today public housing is only available to those whose need for housing is "urgent and critical." Increasingly, people are seeking our assistance to tell their story to housing and

gather the documentary evidence required to get onto the Priority Housing list. During the past year, we have assisted the homeless, people with disability, single mothers escaping domestic violence living in refuges with young children, the homeless elderly and those with trauma sleeping in cars to get onto the Priority Housing list and get into housing.

Eviction matters have also continued to form our 'bread and butter work'. This work is particularly demanding and happens within the context that if evicted, there is really no other stable accommodation options available for our clients combined with the current pressure on the public housing waiting list which means that people can be waiting well over 12 months for housing even if determined to have an urgent and critical need.

The SS&T service undertook 81 appearances in the ACT Civil and Administrative Tribunal (ACAT) in respect of cases closed during the 15/16 financial year. The majority of these matters involved defending applications for evictions based on rental arrears, condition of property and allegations of neighbourhood nuisance. Several of the cases run this year involved complex issues of tenancy law and human rights legal arguments where Housing ACT was often represented by the ACT Government Solicitor. The SS&T service now has a well established human rights practice and continues to lead the development of jurisprudence in this area of law.

Over the last year, the SS&T service has seen an increase in applications being brought by Housing ACT due to property condition. These are particularly complex and resource intensive cases.

The SS&T service also provided representation in some administrative review matters including appeals against refusal of rental rebate backdate.

Approximately 20% of the case work matters undertaken by the SS&T service during this financial year involved Centrelink matters. Centrelink matters included appeals against Disability Support Pension rejections and cancellations, overpayments, compensation preclusion periods and Family Tax Benefit issues. The SS&T service undertook 10 appearances in the Administrative Appeals Tribunal on Centrelink matters in respect of cases closed which were during the 15/16 financial year.

Examples of the service's casework follows:

## **Social Security and Tenancy Case Studies**

### ***Case 1 – Rebecca's\* Story***

Rebecca was an Aboriginal woman with seven children and was a Housing ACT tenant who had recently been released from the Alexander Maconochie Centre (AMC). While incarcerated, Housing ACT was successful in an application for a Termination and Possession Order at the ACT Civil and Administrative Tribunal (ACAT) on the basis of a 26 week no cause notice, despite the fact that our client was awaiting the outcome of an appeal against sentence at the time.

We represented Rebecca to appeal the Tribunal's decision making complex legal submissions regarding errors of law. The appeal was ultimately successful and the original application for a Termination and Possession order was dismissed allowing Rebecca to remain living in her home.

### ***Case Study 2 – Deidre's\* Story***

Deidre was a mother of four children who had a moderate intellectual disability and severe anxiety and experienced panic attacks. The family had lurched from crisis to crisis. Centrelink had raised a debt against Deidre totaling around \$5000. The family was living in a refuge and had a significant amount of debt. The Centrelink debts were causing Deidre and her family significant stress and financial hardship.

We obtained several letters of support from community organisations and the Deidre's doctor explaining the family's personal and family circumstances and the impact of the debt. Before the Administrative Appeals Tribunal (AAT) we argued that the debts should be waived on the ground that they had been caused solely due to Centrelink's administrative error or alternatively that there were special circumstances justifying waiver of the debts.

Our submissions were successful with the Tribunal deciding to waive the debt on the basis of sole administrative error and in the alternative special circumstances.

\*Names have been changed

### ***Case Study 3 – Stacey's\* Story***

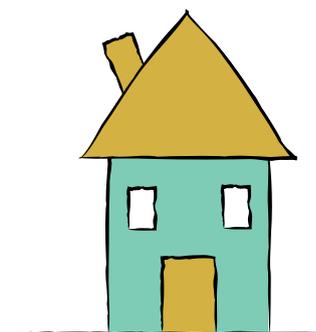
Stacey was a young Aboriginal mother with 3 young children. She had significant rent arrears of around \$5000 largely arising from when she was out of the state to visit with family during times of crisis.

When Stacey contacted our service, her tenancy had been terminated by the ACT Civil and Administrative Tribunal (ACAT) and the warrant executed. At the time of the hearings, Stacey had been making rent payments. We took the matter on to run a set aside application and appeal against the decision at first instance to terminate the tenancy. Simultaneously, the Centre entered into negotiations with Housing ACT for Stacey to be granted a new fixed term over the property.

Stacey was homeless during the negotiations as the warrant had already been executed. During the negotiations, our social worker was able to provide critical social support and assistance to Stacey.

We were able to leverage our legal expertise to mount convincing arguments that the original termination should not have gone ahead whilst also entering into negotiations with Housing ACT to avoid unnecessary delay and expenditure by settling the matter expeditiously.

The appeal was withdrawn following Stacey entering into a new fixed term tenancy agreement with Housing ACT.



## Policy Submission Work

During the 2015-16 financial year, the SS&T services produced the following submissions and research papers:

- Students Payment reform discussion in collaboration with the National Welfare Rights Network
- NWRN Commonwealth Budget submission in collaboration with the National Welfare Rights Network
- Submission to the Justice and Community Safety Directorate Consultation regarding changes to the *ACT Civil and Administrative Tribunal Act 2008*
- In partnership with our Street Law service, submission to the ACT Community Services Directorate (CSD) regarding a proposal to extend Rental Rebate policy eligibility for minimal rent payable to those escaping domestic and family violence
- Submission to the Justice and Community Safety Directorate in relation to the ACT Tribunal Fee Exemption proposal

The SS&T service also participated in consultations around reforms to the *Residential Tenancies Act 1997*.

## Community Legal Education

The SS&T service was involved in a number of community legal education projects and activities during the 2015/16 year.

The Centre's series of 18 factsheets on common issues facing public housing tenants was updated and a short video on Frequently Asked Public Housing Questions was produced. We also developed a Housing Law training package for community workers consisting of 4 half day modules and a participant and trainer's manual. This training will be rolled out to community workers in the first half of 2017.

The SS&T service partnered with the Legal Aid ACT Commission to present their "Law for Non-Lawyers training" in the areas of public housing and Social Security Law. We also presented a separate session to Legal Aid Commission staff on public housing litigation in ACT Civil and Administrative Tribunal.

We partnered with the ACT Human Rights Commission and the ACT Law Society to present a seminar during Law Week on "Developments in Human Rights: Perspectives from Government, Profession and the Commission." Our presentation explored the common issues we commonly see and how we utilise the *Human Rights Act 2004* on a regular basis when assisting our clients.



## Reflections from Frances Bradshaw

Like many students close to graduating law school, I had no idea what I wanted to do after graduation. I wasn't even sure if I wanted to practice law. This all changed after I successfully applied for a volunteer practical legal placement at Canberra Community Law (CCL).

My six months working in litigation at CCL made me certain that I did want to be a lawyer.

I worked in CCL's Social Security and Tenancy service. One of the most common issues CCL's clients face is eviction from public or community housing, often as a result of falling into rental arrears. The issue with eviction is that clients will also face the threat of becoming homeless, due to an inability to afford rent on the private market and a lack of public housing stock.

What makes CCL's clients' stories remarkable is that they are on low incomes, often coming from disadvantaged backgrounds and often raising families while relying almost entirely on Centrelink benefits. I assisted on matters where clients were unable to work due to being chronically ill, or had serious mental health issues themselves or within their family. Some clients were subject to domestic violence and others to histories of trauma including childhood abuse and immigration detention. It is easy to understand why individuals in the public housing system would struggle to pay their rent regularly while also dealing with these stress factors in their lives.

At CCL, there is a high demand for legal assistance from the most vulnerable sectors of Canberra's community. The Centre will often receive requests for assistance on eviction matters at a late stage, such as after a client receives a notice to vacate or after being served with an application seeking termination of their tenancy. When there is a phone call or email request for assistance on an eviction matter, CCL treats it as a matter of urgency. As such CCL's environment can be hectic and demanding because of the urgent nature of such requests.

The staff at CCL balances these demands while also dealing with low funds and the threat of further cuts to community legal sector funding. Staff worked late into the night and often on weekends.

My legal placement at CCL was a richly rewarding experience, I learnt a wide range of legal skills including legal drafting, how to conduct a client interview, legal analysis and legal research. I got lots of exposure to advocacy at the ACT Civil and Administrative Tribunal. I also worked on matters that raised issues under developing areas of law, including indigenous land claims, administrative law, and human rights law under the ACT Human Rights Act 2004. The staff at CCL were extremely supportive of my learning and were always open to answering my questions. The dedication and work ethic of the Centre's staff goes to show how passionate they are about the areas of law they practise in, and how much they care about their clients' wellbeing.

I am immensely grateful for my experience at CCL. The lessons I learnt and the people I met will always inform my approaches and practices as I progress through my legal career. For me, volunteering in a community legal centre was the ideal space to start my legal career.

# Street Law

## Program Overview

Street Law provides free legal outreach services to individuals who are experiencing homelessness or who are at risk of homelessness. It works on an outreach model: Street Law lawyers attend places where people experiencing homelessness are already accessing support services such as refuges or free food services. Street Law also provides community legal education and undertakes law and policy reform activities.

## Year in Review

Street Law has had yet another busy year. Street Law's 6 years of operation have seen it develop from a fledgling community legal service to a well established and efficiently run program. We are fortunate to have strong connections across the community and legal sectors that support us to provide access to justice for some of the most vulnerable and marginalised Canberrans.

Our highlight for the year was expanding our specialised bite-sized legal training sessions for support workers and clients. We have previously provided training in relation to how to spot a legal issue and traffic and court fines but have developed and started to run training on topics including:

- writing support letters;
- you and the police;
- public space issues;
- voting with no fixed address;
- early release of superannuation;
- employment; and
- the victims of crime financial assistance scheme.

Our Street Lawyers have enjoyed giving this training at locations including Samaritan House, the Red Cross Roadhouse, the Early Morning Centre, Toora Women Inc and Street to Home. We are looking at rolling this training to more locations in the 2016-7 financial year.

**Our Street Lawyer, Farzana, running training for support workers with the Red Cross's Migrant Support Program.**



## Pro bono support – Secondees and Volunteers

Street Law continues to be well supported by the ACT legal profession. In 2015-16, we were able to attract a significant amount of pro bono support in the form of secondments from the private legal profession. Street Law was privileged to be able to work with Freya Weston and Alexandra Shearer from Minter Ellison, Nicholas Bouvier from Clayton Utz and Brigid McCarthy from the Australian Government Solicitor (AGS). Street Law would like to thank all of our secondees for their invaluable contributions throughout the year.

Street Law has also had several students volunteer with us during the 2015-16 year. We would like to thank Nina Hoang and Rebecca Richardson for their dedication and enthusiasm when working in the Street Law team.

Street Law has been fortunate to attract significant in kind support. We were provided with free training from AGS, Ashurst, Clayton Utz and Minter Ellison, and significantly subsidised training from the ACT Law Society. We were also given access to meeting room facilities for a program planning day by Russell Kennedy Lawyers. Street Law would like to thank the ACT legal community for its ongoing support.

## Staff

Street Law had a number of staffing changes in the 2015-16 year. Anusha Goonetilleke remained in the Supervising Solicitor role. John Thornton retired from the role of Senior Solicitor in September 2015 and we were not able to fill this role due to funding cuts.

In October 2015, our Street Lawyer Charlotte Fletcher left and Kate Hehir took over this role from November 2015 until April 2016. Farzana Choudhury started as a Street Lawyer in May 2016 on a thirteen month contract.

Heather McAulay, our Program Manager & Solicitor went on parental leave in October 2015 and is returning to Street Law in January 2017. Louisa Bartlett was seconded to Street Law from the Housing Law team from October 2015 until June 2016. Joseph Ishow also started as a Street Lawyer in June 2016 on a seven month contract.

## Advisory Group

Street Law has continued to receive support from its Advisory Group. The Advisory Group in 2015-16 consisted of:

**Shannon Pickles**, St Vincent de Paul

**Carrie Fowlie**, Alcohol Tobacco and Other Drugs Association

Peter McNulty, Ashurst

Luke Tarlington, Ted Noffs Foundation

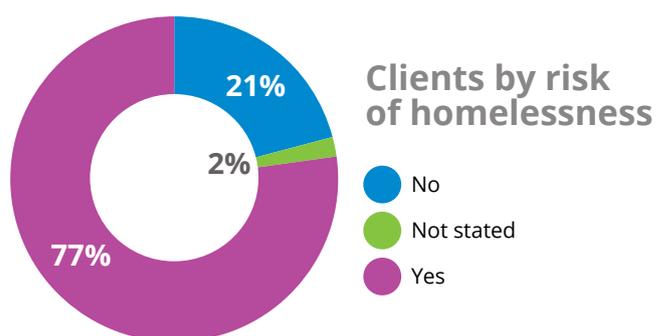
Elaine Li, Legal Aid ACT

## Client Work

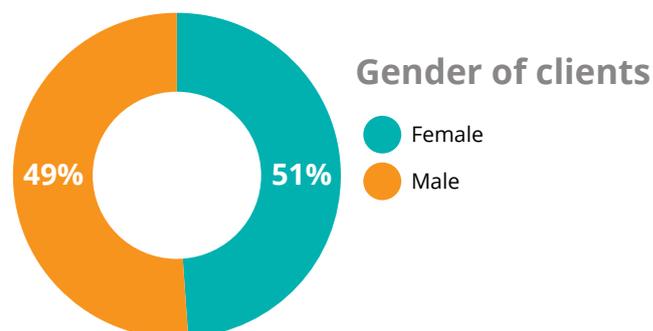
In 2015-16, Street Law assisted 121 clients. We provided 342 advices, made 115 referrals and opened 96 cases. Street Law's clients raised issues in relation to many different areas of law including tenancy, dealing with government, family law, criminal law and a wide range of civil law issues.

## Who are our Clients?

In 2015-16, 77% of Street Law's clients were homeless or at risk of homelessness. Street Law will provide one-off advice to individuals who are not homeless or at risk of homelessness.

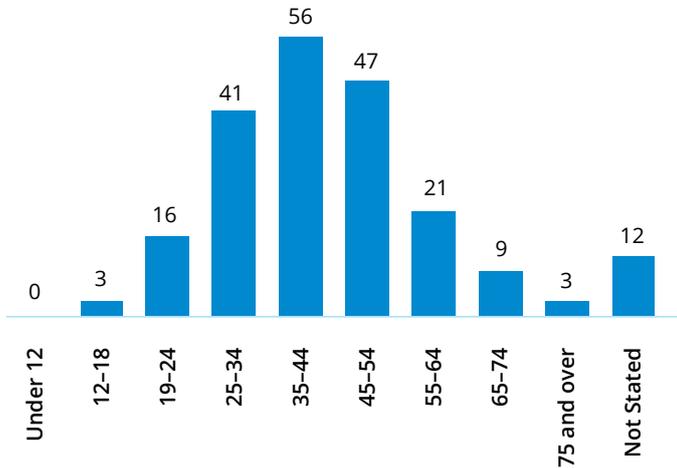


Street Law works with both women and men.



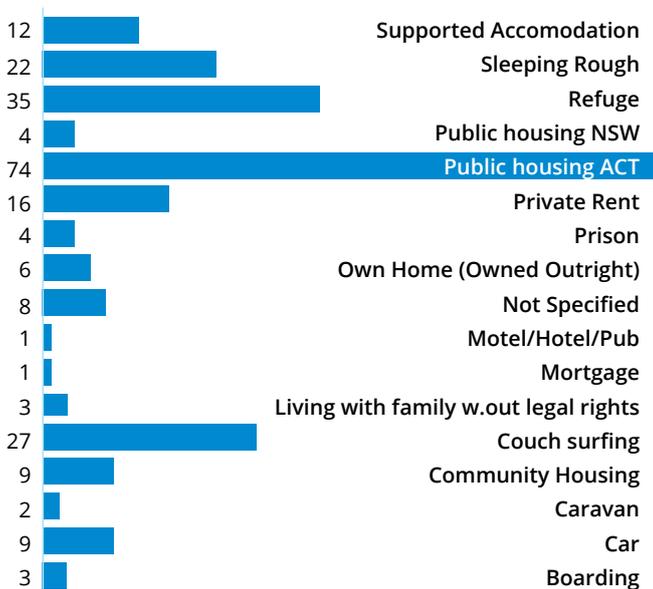
Street Law works with clients across many different age groups. The bulk of our clients were aged from 25-54 years old.

## Clients by age

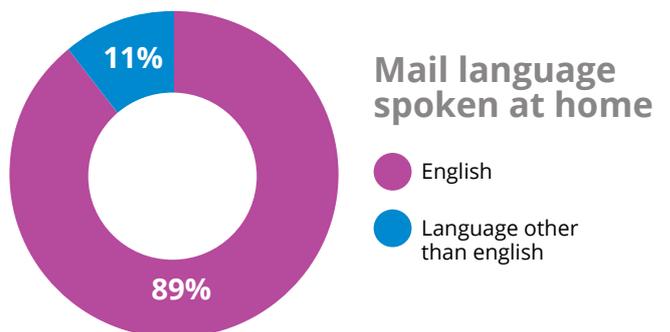
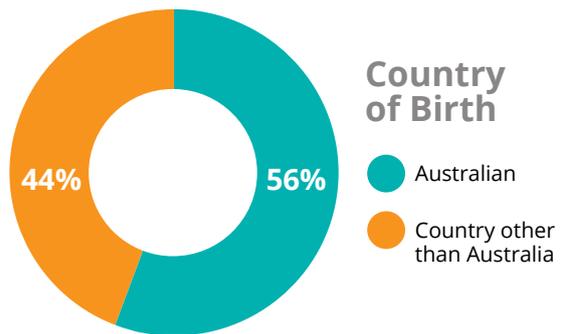
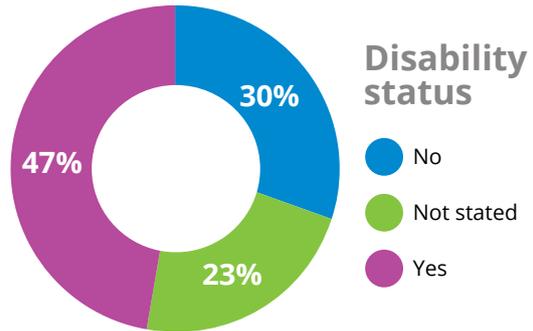
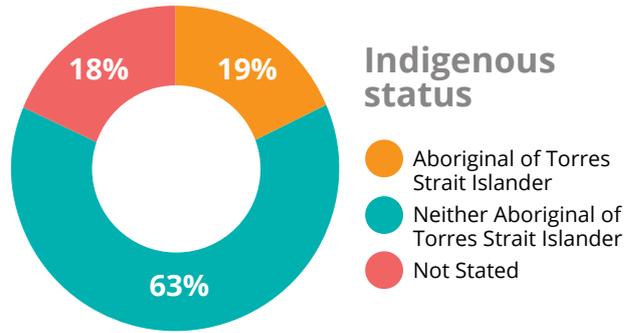


Street Law works with clients who are homeless or at risk of homelessness. Our clients have a variety of different living arrangements.

## Clients by living arrangements



Street Law works with clients with a wide range of life experiences. 19% of our clients in this financial year identified as being Aboriginal or Torres Strait Islander, 47% had a disability, 44 % were born outside Australia and 11% identified as speaking a language other than English at home.



## Community Legal Education

Street Law has been involved in a number of community legal education activities throughout the 2015-16 year. Street Law continued to offer its 'How to Spot a Legal Issue' training which is aimed at empowering support workers to identify when their clients are facing legal problems that may benefit from advice or assistance and how to refer clients to legal services.



### Our Street Lawyer, Farzana running a 'Law for Non-Lawyers' training about writing support letters

We also continued to run clinics where we assist and pay for clients to obtain the birth certificate which will help them open a bank account, obtain income support and get on the public housing list.

Street Law has collaborated with other services in the delivery of community legal education. We have partnered with Legal Aid ACT to present their 'Law for Non-Lawyers', worked with our ACT Legal Assistance Forum (ACTLAF) colleagues to deliver the 'Free Law' training as part of Law Week and worked with the Women's Legal Centre's Aboriginal and Torres Strait Islander Women's Law and Justice Support Program to deliver training as part of their 'Know your Rights' training series.

Street Law again ran its 'working with vulnerable clients' sessions for the Australian Government Solicitor Graduates and lawyers at Clayton Utz and Minter Ellison.

### Community Engagement Meetings and Events

In 2015-16, Street Law participated in the following community meetings and events:

- ACTLAF including the ACTLAF Community Legal Education Working Group;
- Pro Bono Stakeholders Forums;
- Joint Pathways Forums;
- ACT Shelter Forums;
- Who's New on the Streets Meetings;
- National Association of Community Legal Centres Annual Conference;
- International Tenants Day Organising Committee.

## Case Study: Street Law Assistance to a Homeless Family Escaping Domestic Violence

**Dee\* and her young family fled to a refuge to escape domestic violence at the hands of a violent ex-partner. Dee's support worker referred her to Street Law as she had a myriad of legal issues, and Street Law met with her at a training session.**

Dee had a car registered in her name, which was being used by her ex-partner. During the time in which the ex-partner had the car, he incurred thousands of dollars worth of fines, which were all in Dee's name. Street Law provided Dee with advice and assistance and sought a waiver of these fines. Street Law's fine waiver application was successful. Without Street Law's advocacy, this issue alone would have threatened Dee's income. While resolving this issue, Street Law also helped Dee and her family to obtain ID. Street Law was then able to refer Dee for family law advice.

Street Law's assistance with Dee's legal issues gave her time to focus on other priorities for herself and her family, including their social needs and securing permanent housing.

\*Name has been changed

# Socio-Legal Practice Clinic

## Overview

The period 2015/2016 has been an exciting time of development for the new Socio-Legal Practice Clinic (SLP Clinic). The SLP Clinic's holistic model focuses on preventing homelessness by providing intensive legal and social case work for some of the Centre's most disadvantaged and vulnerable clients. The SLP Clinic meets an unmet need in the Canberra community by improving access to housing; preventing evictions and reducing the negative effects of homelessness. The SLP Clinic has a crucial role in preventing homelessness for women and children fleeing domestic violence.

The new model commenced in July/August 2015, when existing clients with complex social needs and a legal issue on foot, were transitioned to the SLP Clinic. During the period the SLP Clinic's innovative holistic model was promoted in the sector, with information sessions to key agencies such as Care Financial Counselling Service, Legal Aid Commission ACT, Domestic Violence Crisis Service (DVCS), Partners in Recovery and Canberra Men's Centre.

## The Launch

The highlight of 2015/2016 was the official launch of the SLP Clinic on the 2<sup>nd</sup> May 2016. The launch was well attended by community and sector representatives. Andrew Leece from Snow Foundation and David Hillard from Clayton Utz acknowledged the benefits of the combined socio-legal model, as well as the valuable and important role of the SLP Clinic in "being the last hope" for people who would otherwise fall through the cracks. The SLP Clinic's work is critically important for vulnerable clients to have the intensive legal and social support they need to resolve their legal issue and move forward with their lives.

**Genevieve Bolton (CCL), Daniel Stewart (Chairperson, CCL), Catherine Murnane (CCL), Attorney General Corbell and Radhika Chaudhri (CCL) at the launch of the SLP Clinic.**



# Case Study Lucy's Story

**Lucy's story best demonstrates the critical importance of the clinic's work: Lucy\* was a single parent with 3 very young children under 6 years old. She was experiencing primary homelessness and was couch surfing with her 3 young children.**

Lucy had fled to Canberra from interstate to escape domestic violence, and to be closer to her mother. She applied for public housing but was refused on the grounds that she didn't meet the 6 month residency criteria. Lucy had not been able to tell housing about her history of domestic violence, as she had felt too ashamed and embarrassed to talk to "strangers" about it.

## How the clinic helped

The social worker worked intensively with Lucy which enabled her to discuss and provide information about the domestic violence that she had suffered, and assisted Lucy to obtain the documents required to corroborate her history of family violence. Letters of support were obtained which substantiated Lucy's exceptional circumstances and the reasons she felt it necessary to flee to Canberra for her safety and well being.

The lawyer used this information to lodge a review of decision to refuse her housing, and successfully overturned that decision which enabled Lucy to gain access to priority housing.

Without the clinic's intensive legal and social work assistance, Lucy and her 3 young children would have been thrown into long term homelessness.

\*Name has been changed

## Client Work

During the period 1 July 2015 to 30 June 2016, the SLP Clinic provided assistance to 80 clients in the form of discrete support or casework services. Discrete support involves less than 5 hours of work and includes information, brief client assessment, targeted referrals to appropriate support services and crisis support. Cases are opened for matters involving more than 5 hours of work.

During the 2015/16 financial year, the SLP Clinic opened 40 cases and provided approximately 800 hours of intensive casework assistance. In total, the SLP Clinic provided casework support to 44 individuals.

Since the SLP Clinic was established all the SLP Clinic's casework clients were in receipt of Social Security payments and approximately:

- 60% of the clients were vulnerable women with children,
- 15% of the SLP's clinics' casework clients identified as being Aboriginal,
- 70% had experienced family violence,
- 65% identified as having either an intellectual, physical and psychiatric disability and
- 30% of the clients were from a culturally or linguistically diverse background.

Around 55% of the clients were helped to access safe and affordable housing or to avoid the trauma of eviction from their homes. With the exception of two clients who decided not to progress their case further, the remaining clients are awaiting resolution of their matter.

A key feature of the clinic model is flexibility and responsive engagement and during 2015/16 clinic staff attended 38 home visits to assist clients whose circumstances prevented them attending appointments at the centre.

In addition, the SLP Clinic provided 100 well targeted referrals to community supports for clients to obtain:

- Specialist help and support for family and domestic violence issues;
- Medical and mental health assistance;
- Assistance and brokerage for hoarding and squalor issues;
- Assistance with obtaining employment;
- Counselling and support for difficult personal and family issues;
- Practical help and support, for example, food parcels, home help services; and
- Help with financial and budgeting issues.

These referrals have assisted vulnerable individuals and families to get help with their situation, engage with community supports and gain the assistance needed to improve their lives.

# Night Time Legal Advice Service

The Night Time Legal Advice Service provides advice and referrals to members of the Canberra community in most areas of law and operates on Tuesday nights. Most of our advice is provided face to face, but we also provide advice by phone or email where necessary to facilitate and maximise service delivery.

The service is staffed by a supervising solicitor and volunteer legal practitioners from private and government practice, aided by law students. Volunteers generally work in pairs, as far as possible in an area in which they have expertise, taking instructions from clients and providing advice after conferring with the supervising solicitor.

Apart from a service to the community, NTLAS provides an important means for law students and recent graduates to gain practical experience and for experienced solicitors to expand on their skills base. We share knowledge and learn from each other, providing professional enrichment to students or solicitors at various stages of their careers.

As always, the complexity and urgency of matters usually means a very intense 2 hours for our volunteers. Advice, assistance and referrals have been provided in a range of areas including: family law, consumer issues, credit and debt, employment and workplace relations, administrative law, wills and probate, civil law, property law.

Employment law has been a growing issue in the last year, and is the single most prevalent area we have dealt with. We have assisted many people who are not members of a union, often in quite complex workplace matters. Several of our clients are employed people facing issues in the workplace such as investigation or termination. Employees affected by public service cuts and those in service industries prone to exploitation seem to be the main groups seeking assistance.

As the service is not resourced to provide casework, representation, or ongoing assistance, we often face the added challenge of guiding clients in the process of self-help, which often includes an appearance in a court or tribunal. Our once-weekly operation can make compliance with external deadlines challenging. We often help clients with submissions, statements or letters of demand. Increasingly we are seeing clients braving self- representation in the superior courts.

One of the key strengths of NTLAS is that it fills a service gap for clients who would not qualify for Legal Aid but cannot reasonably access private legal representation. Quite a few of our clients identify as having a disability. Many are in significant distress by the time they seek our help.

NTLAS is a vital service to the community, and operates at capacity most evenings. Like all community legal services, it represents outstanding value on a dollar for dollar basis. It would be unthinkable in the private or government sectors to provide the number of services we provide on the miniscule budget on which we operate.

It would not be possible if not for members of the Canberra legal community giving generously of their time. We are as ever extremely grateful to our volunteer solicitors and students who keep NTLAS operating. They do so graciously, accepting the most challenging matters with good cheer. Many have been doing so for a number of years; some have just joined us this year and are proving to be an invaluable asset to the service.



# Professional Development

CCL is committed to providing professional development opportunities for its staff.

The Centre supported all staff lawyers holding practising certificates to meet their Continuing Professional Development (CPD) requirements. The Centre also provided external supervision for our Social Worker.

Professional Development opportunities provided to staff during this financial year included:

- Family Law and Child Protection Seminar
- Human Rights Training
- National Welfare Rights Network conference
- National Association of Community Legal Centres conference
- Strategic Tendering Seminar
- Victims of Crime Seminar
- National Disability Insurance Scheme and Compensation
- National Relay Service Training
- Lawyers returning from Parental Leave
- ABS Data workshop
- Victims of Crime Financial Assistance Scheme
- St John's CPR training
- Maurice Blackburn claim on superannuation insurance claims for clients unable to work
- Working with Vulnerable Clients: Assessing capacity and client confidentiality
- ACT Lifetime Care and Support Scheme and the NDIS
- Child Support Training
- Emotional Intelligence and resilience for young lawyers
- AOD session
- ANU Health Justice Partnership workshop
- Practice Management Course
- Supported decision making
- Media training
- Solicitor Conduct Rules
- Social Security Law training

- Public Housing Law training
- Bankruptcy training
- Legal Resources
- Client Experience and marketing
- Ethical Conduct
- Internet searches
- Cloud computing
- Government and climate change
- Employment law
- Dealing with clients in difficult situations
- Fifty Acres Media training
- Mental Health Act training
- Employment Law Financial Year 2016 in Review

CCL acknowledges the ongoing support of the ACT Law Society in providing significant subsidized CPD training to CCL staff.

CCL also records its thanks to Minter Ellison, Maurice Blackburn Lawyers, ACT Human Rights Commission, Australian Government Solicitor who delivered free training sessions to CCL staff during this reporting period. Thanks also to the ACT Legal Aid Commission for inviting CCL staff to attend some of their internal training sessions.

# Appendix: Auditor's report





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