

PRESIDENT'S REPORT

I am pleased to present my President's report to the 2019 AGM of the Hobart Community Legal Service Inc. (HCLS) covering our achievements in the 2018-19 year. During that time, we fostered community awareness of the law to make the law more equitable and accessible to the Southern Tasmanian community and provided high-level free legal information and advice services to address the increasing legal need of the most vulnerable Tasmanians.

On behalf of HCLS I wish to gratefully acknowledge the core operational funding we received from the Commonwealth and State Governments in the past year. We are particularly grateful to the State Government for the additional funding of \$287,172 in this financial year to make up for the ongoing reduction in Commonwealth funding. The State funding has enabled HCLS to maintain the provision of legal services to vulnerable and socially disadvantaged Tasmanians. It is hoped that with the Review into Legal Assistance Services in Tasmania now concluded, and the National Partnership Agreement for the next 5 years to be shortly implemented, we might receive long term secured funding rather than be subject to the vagaries of yearly funding contracts with no regard to the increased costs of running the service.

HCLS continues to provide legal services to people attending the Migrant Resource Centre and deliver Community Legal Education sessions to their clients. We maintain our Health Justice Partnership with the Link Health Services for young people, with one of our lawyers attending the Link offices on a weekly basis to conduct a legal assistance session. This is an important initiative as it allows the young people to access legal assistance services in a place that they are comfortable and familiar with. Once again, this year, HCLS has worked closely with Knowmore Legal Services helping them assist those affected by Institutional Child Sexual Abuse following on from the Royal Commission. We provided free legal advice and information about the justice and redress options that may be available to them.

Due to budgetary constraints we were forced to close our Sorell Office at the end of September 2018. However, we continue to provide legal services to this community using offices provided by the Sorell Council at a nominal cost. A lawyer from the Hobart Office visits Sorell on a weekly basis and appointments are made through the Hobart Office. The savings from the closure of the Sorell Office has enabled us to start providing legal services to the Huon region. The Huonville Community Health Centre has very kindly allowed us to use their facilities once a month at no cost. We have coordinated our Civil Lawyer visits to occur on a Magistrates Court sitting day in Huonville and also provide a Duty Lawyer to offer assistance on criminal matters.

This financial year HCLS has continued to partner with the Law Society of Tasmania and the Tasmanian Legal Practice Course to provide a Duty Lawyer Service in the Hobart Magistrates Court. HCLS plays a pivotal role in delivering this service by providing supervision and training of newly admitted practitioners and graduates of the Legal Practice Course.

I acknowledge the contribution of HCLS staff that have diligently worked and offered their support to the Director. I commend the dedication and work of volunteers, both solicitors and co-ordinators, some who have consistently and reliably participated in the evening advice roster for a number of years. HCLS relies on its volunteers to extend some of its core services to vulnerable and disadvantaged people.

I would also like to acknowledge the efforts of the members of the Committee of Management of HCLS and thank them for their ongoing service and dedication to the management and promotion of the objectives of HCLS.

Dr Kiki Mussared
President

TREASURER'S REPORT

The Hobart Community Legal Service (HCLS) has continued to be prudent in our financial affairs. As in previous years every effort has been made to be as cost effective as possible. The staff are at all times mindful of cost saving measures and this year has been no different. They are to be commended for this.

Funding continues to be an ongoing concern for HCLS with the current year to year funding providing very little security for staff and, more especially, for the clients to whom we provide legal assistance services. HCLS's recurrent funding remains uncertain, with a continuation of one-year funding agreements making financial stability and future planning difficult.

Since the National Partnership on Legal Assistance Services 2015-2020 (NPA) came into place the drastically reduced funding to the Tasmanian Legal Assistance Services including HCLS has meant the organisation being reliant on the State Government to provide funding to make up the funding shortfall from the Commonwealth. We are grateful to the State Government for providing this shortfall funding however, as it is provided on a year to year basis, we need a longer-term commitment from the State Government that they will continue to provide the funding.

With the Tasmanian Review into Legal Assistance Services now finalised recommending funding stability - and a new NPA being negotiated between State and Commonwealth Government - we are hopeful that we will be able to enter into long term funding agreements. We also need our funders to understand that the cost of running this organisation increases each year and that this needs to be taken into consideration in our service agreements.

We are disappointed that this financial year saw the closure of our Sorell Office as it was becoming more and more difficult to operate within current funding constraints. We are pleased however to be able to continue to provide legal assistance to the area using offices provided by the Sorell Council at a nominal cost on a casual weekly basis.

I would like to thank our Director and our Office Manager for the highly competent manner by which they manage the organisations finances.

John Green
Treasurer

DIRECTOR'S REPORT

Hobart Community Legal Service Inc. (HCLS) has had another busy year in 2018/19 in which HCLS continued to provide legal services to the community of Southern Tasmania through our Welfare Rights Service, Generalist Services (including Industrial Relations, Consumer Credit, Civil and minor Criminal matters), Child Support Service for current Carer Parents, Evening Legal Information Service, Prisoner Advice Service, an outreach office in Bridgewater and outreach services to Sorell and Huonville. We continue to endeavour not to duplicate services provided by other legal services.

Reluctantly we found it necessary to close our Sorell Office at the end of September 2018. The ever increasing cost of running the office combined with our funding not increasing to meet the increased costs but also the funding uncertainty that has in recent years become a constant problem left us with no alternative. We have however found office space with the Sorell Council that we can use on a casual basis once a week at a nominal cost enabling us to continue to provide a service to this community.

In March 2019 we initiated an outreach service to Huonville. The Huon Community Health Centre have kindly provided us with office space at no cost. At present we visit Huonville on the 3rd Friday of every month to coincide with the Magistrates Court sitting day and a Duty Lawyer accompanies our solicitor.

As well as these services, HCLS has continued to provide a weekend out of hours duty solicitor service at the Hobart Magistrates Court as a project for the Legal Aid Commission of Tasmania (LACT). The Planning Aid Service, in conjunction with the Planning Institute of Australia, is another service that continues to be provided by HCLS.

HCLS has continued to provide legal assistance services to the Migrant Resource Centre(MRC), with a solicitor attending their offices to see clients when needed and providing Community Legal Education particularly tailored to the clients of the MRC We would like to thank the MRC for their assistance in collaborating to provide these services, in particular Catherine Doran, Clarissa Adriel and Scoutt Winter.

HCLS has continued the legal justice partnership with the Linc Health Services in Hobart with a solicitor visiting their office on a weekly basis to provide legal assistance to young people accessing their services.

We were disappointed not to receive any dedicated grants from the State Government or Commonwealth Government to help provide assistance in the areas of family violence and elder abuse. HCLS continues to provide assistance in both areas to both victims as well as perpetrators of family violence but we are also aware that legal assistance services, in particular to areas south of Hobart, are desperately needed.

HCLS continued the partnership with the Law Society of Tasmania and the Tasmanian Legal Practice Service to provide a Duty Lawyer Service to people attending the Hobart Magistrates Court through a grant from the Solicitors' Guarantee Fund. HCLS employs the newly admitted solicitors, helps in their training and provides ongoing supervision of their work. Chris Rice, our Principal Solicitor, has been instrumental in seeing that this service runs smoothly.

We have also continued to provide client interviewing skills experience to students from the Tasmanian Legal Practice course.

HCLS has continued a close professional collaboration with Knowmore Legal Service, with staff attending training they conducted as well as our solicitors participating in ongoing training from Knowmore lawyers. Knowmore continued to use the HCLS interview room and reception services during 2018/19 and the Tasmanian Refugee Legal Service also continued to use our facilities until the end of November 2018 when they opened their own offices.

HCLS continues to co-locate with the Tenants' Union of Tasmania (TUT) and provide reception services and the use of the interview room and other facilities in the Hobart Office at no cost to TUT. HCLS sells lease and condition reports on behalf of TUT and makes a very slight profit, which helps in a small way to defray costs of providing services to TUT.

The assistance and cooperation of many individuals from outside the Service is also acknowledged. These include, Kristie Bourne, Leesa Bevan and Janelle Lucas (Department of Justice Tasmania), the office of Andrew Wilkie MHR, the office of Senator Lisa Singh, the office of Brian Mitchell MHR, the office of Senator Jacquie Lambie, Ian Sansom, Darrell Choong, May Wong, Gynette Tan, Jolene Yip, Heather Johns, Martika Palmer, Kelsey Lewis, Sebastian Chua, Elish O'Keefe and Stuart Davey. There are many others who have not been named but whose support has been extremely welcome.

The Committee of Management has continued this year to provide essential oversight of our day-to-day activities and financial situation. The time and energy each Committee Member dedicates to the Service is greatly appreciated and is essential in contributing significantly to the high standard of service provided by HCLS.

Volunteers continue to make a huge contribution to HCLS and without their generous commitment of time and expertise we would be unable to provide the free evening information service, a cornerstone to our service delivery.

The staff are the public face of the organisation and we are fortunate to have a professional and committed team; I would like to thank all of them for their hard work and dedication.

HCLS staff during the past year:

Jane Hutchison	Director
Bernadette R	Office Manager
Pam Barrett	Hobart Office Assistant (part time)
Chris Rice	Principal/Welfare Rights Solicitor
Meg Mitchell	Senior Family Law Solicitor (part time)
Alicia Moore	Child Support/Family Violence Solicitor (part time) maternity leave from May 18
Irene Tiang	Child Support/Family Violence/Generalist Solicitor
Daniel Chan	Generalist Solicitor
Alexander Davidson	Generalist Solicitor (part time)
Peter Foster	Outreach & Generalist Solicitor
Bunewat Keo	Bridgewater Office Solicitor
Sandra Higgins	Bridgewater Office Assistant (part time)
Tania Jablonski	Sorell Office Assistant (part time) resigned July18
Lucy Smejkal de Vreeze	Law Handbook Editor (casual contract)

VOLUNTEERS

Dedicated volunteers, whose commitment to providing high quality services are greatly appreciated by HCLS, provide the following services.

The Evening Information Service provides basic legal information to the public, identifying if there is a legal problem and what avenues for redress are available. The efforts of the 35 solicitors and 15 law students who give up their time after completing their own work for the day can never be overestimated.

HCLS continues to provide a Planning Aid Service. This service is provided in conjunction with the Planning Institute of Australia, Tasmanian Division, and provides Tasmanians with access to qualified planners who can provide basic assistance for help with matters pertaining to planning.

Again, this year, a number of recently admitted graduate solicitors volunteered at our offices. This arrangement assists the young graduates to become experienced, which increases their job opportunities, and helps with the management of the workload at each of the offices. It is unfortunate that we have limited space in the Hobart Office, which limits the number of volunteers we can have at any one time.

I would like to express my appreciation to all our volunteers for their time and commitment, which can never be overestimated.

“Very comfortable environment. Easy to talk to. Left feeling confident in my future directions:

TRAINING AND STUDENT SUPERVISION PROVIDED TO AND BY STAFF

All new staff members receive a copy of the HCLS Policy and Procedures Manual and a staff induction when they begin with HCLS.

Staff members are encouraged to attend relevant training sessions; in particular, solicitors are encouraged to attend the Continual Professional Training (CPD) sessions conducted through the Law Society of Tasmania. Relevant staff are also encouraged to attend Family Pathways seminars.

All new members of the Management Committee receive the Management Committee Kit.

All Evening Information Session volunteers receive an induction when they begin volunteering.

HCLS has continued to work with the Centre for Legal Studies in assisting their students obtain client interview skills. Each student is provided the opportunity to attend HCLS offices and, initially, observe a client interview with a lawyer. Once all students have completed this first phase they then return for the second phase where, under the strict supervision of a staff solicitor, they conduct an interview and take instructions from the client. Feedback from this project has been very positive, with the majority of the students enjoying both the opportunity to interact with clients and the very practical nature of this project.

We have also been fortunate this year to continue our relationship with the Consumer Action Law Centre who continue to provide the Generalist Solicitors with mentoring and assistance in their casework.

“Great response and quick call back service”

“Patient, attentive and respectful”

LAW REFORM, RESEARCH, ADVOCACY & COMMUNITY DEVELOPMENT WORK

HCLS has continued to direct attention to law reform and advocacy during this financial year by responding to requests for input into various law reform activities. This has been achieved by contributing to the law reform work conducted by Community Legal Centres Tasmania. This decision was made in recent times due to changes to our funding agreement with the Commonwealth Attorney-General’s Department (AGD) not allowing Commonwealth monies to be used for advocacy and law reform.

The Tasmanian Law Handbook Online continues to be a major project of HCLS and this year saw a major redesign of our website with particular emphasis to the Law Handbook section. The website is now far more functional and user friendly with the Law Handbook now easily viewed on hand held devices.

HCLS has continued to take a very active role in the Law Society of Tasmania’s Pro Bono Clearinghouse.

A summary of our key activities follows:

Liaison with Government

- Tasmanian Department of Justice (DoJ)
- Guardian and Administration Board Tasmania
- Consumer Affairs and Fair Trading Tasmania
- Commonwealth Ombudsman
- Tasmanian Ombudsman
- Fair Work Commission
- Fair Work Ombudsman
- ASIC
- ACCC
- Legal Aid Commission of Tasmania (LACT)
- Safe At Home Team Legal Aid
- Child Support Agency
- Court Support Liaison Services
- Equal Opportunity Tasmania
- Office of the Tasmanian Children’s Commissioner
- Police Prosecutions
- Tasmanian Prison Service
- Child Safety Services
- Department of Health and Human Services
- State Attorney General Vanessa Goodwin MLC

2018/2019 Annual Report of Hobart Community Legal Service Inc.

- Andrew Wilkie MHR
- Brian Mitchell MHR
- Scott Bacon MHA
- Rebecca White MHA
- Lara Giddings MHA
- Rosalie Woodruff MHA
- Senator Lisa Singh
- Senator Carol Brown
- Senator Jacquie Lambie
- Julie Collins MHR
- Huon Community & Health Centre
- Huon Domestic Violence Service
- Centrelink Social Workers
- Centrelink Legal Services
- Skills Tasmania
- Administrative Appeals Tribunal

Liaison with Non Government Organisations

- Community Legal Centres Tasmania
- Family Pathways Network of Southern Tasmania
- Member of the Southern Tasmania Family Pathways Steering Committee
- National Association of Community Legal Centres
- TasCOSS
- Shelter Tasmania
- Tenants' Union of Tasmania (TUT)
- Law Society of Tasmania
- Planning Institute of Australia Tasmanian Division
- Fitzroy Legal Service
- Redfern Legal Service
- Consumer Action Law Centre
- Financial Rights Legal Centre
- Consumers Federation of Australia
- Tasmanian Council of the Aging
- Financial Ombudsman Service
- Credit and Investment Ombudsman
- Telecommunications Industry Ombudsman
- Tasmanian Law Reform Institute
- Relationships Australia (Tas)
- Advocacy Tasmania
- Family Law Pathways
- Family Law Support Services
- Family Law Practitioners Association Tasmania
- Speakout Tasmania

- Carers Australia Tas
- Derwent Valley Community House
- Midway Point Neighbourhood House
- Dunalley Neighbourhood House
- Gagebrook Neighbourhood House
- Goodwood Community House
- Tasmanian Aboriginal Centre
- Tasmanian Aboriginal Community Legal Service
- Launceston Community Legal Centre
- North West Community Legal Centre
- Women's Legal Service Tas
- Justice Connect
- Link Health Service
- Knowmore Legal Service
- Huon Service Providers
- Hobart Family Relationship Centre
- Australian Red Cross
- Headway Tasmania
- Baptcare
- Anglicare
- Catholic Care
- JusTas
- Holyoake
- Mission Australia
- Salvation Army
- Australian Pro Bono Centre
- Law Society of Tasmania Pro Bono Committee
- Migrant Resource Centre Southern Tasmania (MRC)
- Palliative Care Tasmania
- Australian Communications Consumer Action Network
- University of Tasmania
- Tasmanian Centre for Legal Studies
- Tasmanian Council of the Aging
- Onesimus Foundation

Conference Attendance / Event Presentation/Meetings

- Conducted Legal Education seminars for Migrant Resource Centre on various topics
- Conducted presentation to Relationships Australia on the role of HCLS
- Conducted presentation to Legal Studies Students
- Attended Community Legal Centres Tasmania meetings

2018/2019 Annual Report of Hobart Community Legal Service Inc.

- Conducted training session to Anglicare Financial Counsellors
- Conducted Legal Education sessions to inmates of Ron Barwick Prison in conjunction with Red Cross on various topics
- Met with Planning Institute re Planning Aid
- Conducted Community Education session on Consumer Rights
- Attended meetings of Hobart Family Pathways Steering Committee
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- Attended meetings of the Tasmanian Legal Assistance Forum
- Attended Tasmanian Legal Assistance Services Planning meetings
- Attended NACLIC Policy Council meetings
- Attended NACLIC National Conference
- Attended Access to Justice Conference (Canberra)
- Attended meetings of the Australian Pro Bono Centre
- Attended meeting of the Law Society of Tasmania's Pro Bono committee
- Various Law Society Lectures
- Conducted Community Education session with DHS Social Workers
- Attended Child Inclusive Family Dispute Resolution Seminar
- Attended workshop on the Impact of Family Violence on Children
- Attended meetings of the Huon Valley Service Providers Network
- Participated in a Service Providers Expo in Huonville
- All staff attended Trauma Informed Legal Practice training provided by Deacon Law School
- Attended Domestic Violence Response Training conducted by Lifeline
- Attended National Elder Abuse Conference (Sydney)
- Attended training conducted by Knowmore Legal Service on working with survivors of institutional child sexual abuse

COMMUNITY LEGAL EDUCATION

HCLS provides Community Legal Education sessions (CLE) when requested by the community and during 2018/19 conducted sessions at organisations such as Skills Tasmania, University of Tasmania, Headway Tasmania, Linc , Goodwood Neighbourhood House, Gagebrook Neighbourhood House and the Migrant Resource Centre.

HCLS continued and expanded its partnership with the MRC to provide information sessions to recently arrived refugees.

HCLS conducted a CLE at the Carer's Association of Tasmania.

HCLS conducted sessions at the Financial Counselling Australia Annual Conference on credit law.

We partnered with the Australian Red Cross to deliver CLE sessions

The Tasmanian Law Handbook Online continues to be a major project of HCLS.

Lucy Smejkal de Vreeze continues to be employed on a contract basis as Editor of the Handbook. I would like to thank Marion Clarke for her continued assistance and guidance with the Handbook.

HCLS is happy to provide CLE sessions when requested by the community.

AGENCY ADMINISTRATION

HCLS remains ever vigilant about being as cost effective as possible without compromising the quality of the services provided. However, it is becoming more difficult to meet our ongoing expenses, with the closure of the Sorell Office a direct example of the difficulties.

This is the fourth year of the National Partnership Agreement on Legal Assistance Services 2015-2020 between the Attorney General's Department (AGD) and the DoJ (Department of Justice). This agreement saw the AGD handing all responsibility for the distribution funding and administration of legal services to the States. In Tasmania, the DoJ is responsible for the provision of legal services.

The current National Partnership Agreement has seen a significant reduction in Commonwealth funding to Tasmania. HCLS is fortunate this financial year with the AGD reinstating funding, after threatening a major reduction in funding, and the State providing additional funding to bring us up to the amount of funding we would have received prior to the current NPA. Our funding continues to be provided by yearly funding agreements which makes it very challenging to provide stability of services.

The new data base CLASS that all community legal centres (CLCs) are now forced to pay to use for the collection of data, as required by our funding agreement, has proven challenging due to the many problems in the functionality of the system. CLASS has replaced the previous data base provided by the AGD free of charge to CLCs. The National Association of Community Legal Centres has been funded to develop CLASS by AGD, unfortunately the project was severely underfunded, which in turn has seen a product that we now not only have to pay to use but have also found to be grossly inadequate for our needs.

The switch to the National Broadband Network for all our internet and telecommunications in the Hobart and Bridgewater Offices has proven challenging and the changeover did not go smoothly. The fact that we are located in a building that contains more than one business caused difficulties and at times we found ourselves without any telephone system that in turn caused a disruption to services and caused our clients problems with contacting us. It has also meant unexpected costs in having to update some of our older infrastructure.

With the continued uncertainty of our ongoing funding HCLS has continued to not be in a position to renew the leases on our offices. We have been fortunate with the landlord in our Hobart Office agreeing to us continuing on a month-to-month arrangement. Negotiations have begun with the landlord of the Bridgewater Office to enter into a one-year lease.

HCLS continues to sell residential tenancy leases and condition reports on behalf of TUT. A profit is made on each lease and condition report sold and although the amount raised is not substantial it helps offset the cost of providing reception services to TUT.

I would also like to take this opportunity to thank our administrative team across all three offices for their exceptional dedication and professionalism, especially when dealing with some of the more difficult problems that present at all three office locations. Bernadette R, our Office Manager and needs to be specially thanked for her ability to keep everything running smoothly with the assistance of Pam Barrett in the Hobart Office and Sandra Higgins in the Bridgewater Office.

Hours of Operation

Hobart Office: Monday to Thursday 9am – 5pm, Friday 9am – 1pm (Office closed to public every Friday afternoon).

Evening Legal Information Sessions are conducted from the Hobart Office every Monday and Wednesday at 6pm (closed from Christmas till late January)

Bridgewater Office: Free Legal Advice clinics Tuesday – Friday 9.30am – 12.30pm.

“Very helpful”

“Excellent advice. Empathetic and respectful. Also very knowledgeable.”

Access and Equity

HCLS makes active use of access and equity principles as part of its underlying philosophy of increasing access to justice for those who experience economic and social disadvantage.

HCLS endeavours to treat all clients equally in relation to the provision of information, legal advice and casework.

HCLS is a non-discriminatory Equal Opportunity employer of paid and volunteer staff.

HCLS ensures that all staff and volunteers are sensitive to accessibility issues.

HCLS strives to contribute to the creation of a society where all members can participate fully and have their contributions recognised. To achieve this, HCLS endeavours to ensure that the organisation is both accessible and equitable.

“I’d like to thank [you] for your patience as this kind of thing could have just about brought me undone. It’s nice to know that there are people willing to help a pensioner as we mostly believe we are unimportant and unwanted so TA!!”

“Very helpful – [I] didn’t understand the whole process but was explained well and feel more confident after”

“Top job”

Information and Advice activities and number of files opened and closed during 2017/18

Total Information & Referral Activities	2217
Total Advice Activities	1190
Legal Tasks	83
Total Files Opened	149
Total Files Closed	206

Funding

HCLS gratefully acknowledges its major source of funding for 2017/2018 from the National Partnership Agreement (NPA) between the AGD and DoJ.

HCLS was also grateful for the additional one-off funding from the DoJ

HCLS acknowledges a one-off grant from the Solicitors' Guarantee Fund to upgrade our website with particular focus on the Law Handbook section.

Jane Hutchison
Director

“Thank you so much for taking my matter seriously and trying to help me with the situation.”

GENERALIST SERVICES

The Generalist Service continues to focus on industrial matters, consumer credit matters, minor civil matters and minor criminal matters. We continue to support clients with no or limited English, those who have mental health problem and those experiencing difficulties with legal proceedings and negotiation.

“[They] have done an exceptional job in helping me with my drivers' licence. Thanks guys.”

Daniel Chan, Peter Foster, Alex Davidson and Irene Tiang have worked in the Generalist Service in varying capacities during this financial year. Peter Foster has spent some time working in the generalist area, sometime providing legal services to the MRC as well as attending our Sorell Office in the capacity of Outreach Solicitor. Irene Tiang, although continuing to work in the Child Support Service, also resumed generalist work in March 2018 on the return of Alicia Moore from maternity leave.

“Thank you to all the staff...”

As in previous years, the generalist team have been fortunate in having a number of dedicated volunteers work with us in this past year. Our volunteers assisted us with legal research, typing up correspondence and undertaking a range of other administration and research tasks. They have all provided invaluable assistance to the service. We are extremely grateful to have so many committed and engaged people choosing to volunteer with HCLS, they have greatly increased our capacity in the past year.

“Patient and attentive handling of issue. Sound clear and thorough provision of information.
Very professional.”

CRIMINAL LAW

General Comments

This year the Generalist Service has continued to provide assistance with minor criminal matter, when LACT has been unable to assist. We have also been providing assistance where an accused has special needs (such as refugees, people suffering from disability and young people)

The types of criminal matters we have been providing assistance with include (but are not limited to):

- Traffic offences
- Assault
- Drug offences
- Property offences;
- Dishonesty offences;
- Breach of Family Violence Order/ Restraint Order; and
- Offences involving a breach of a suspended sentence.

A number of referrals continue to come from LACT and private practitioners, as well as from the courts, Tasmania Police and aid organisations. Our referrals from LACT rejections have increased in volume and also in seriousness, including matters where individuals are most probably going to serve a potential sentence of imprisonment or have breached suspended sentences.

Case Study 1:

Ms E was charged with a large number of public order and breach of bail offences. Ms E had been admitted under the *Mental Health Act* shortly after she was alleged to have committed these offences. There was evidence to support that the majority of the offences occurred when she was experiencing a psychotic episode. Through the assistance of HCLS, the offences were dismissed.

Case Study 2:

Mrs S suffered from serious mental health and substance abuse issues. Over two nights, after consuming a large amount of substances on each occasion, she called emergency services multiple times. This behaviour amounted to a breach of a suspended sentence she had received for this type of offence 8 months prior. Her sentence was suspended for a period of 12 months.

We represented her at court regarding these new offences. Our application to have her placed on the Mental Health Diversion List was granted. Through the assistance of Forensic Mental Health Services, she was put in contact with mental health professionals and substance abuse programs that could assist her. By complying with orders of the court and continually attending her appointments she was able to receive the help she needed which resulted in her making significant improvements to her life.

Police Prosecutions were impressed by the progress she has made. As such, they elected not to pursue with their application to activate the suspended sentence.

EMPLOYMENT LAW

General Comments

Our work in the employment law area continues to aid a vast number of individuals in an array of areas, with advice about contracts, awards, mediations, dismissals, redundancies and underpayment of wages. We are continuing to receive direct referrals from a variety of sources including the Fair Work Commission (FWC) and the Fair Work Ombudsman. Unfair dismissal applications made up the majority of our work in this area in the past year.

“...was very helpful and worded things well so I would understand what to say in any hearing”

Equal Opportunity Tasmania, (the office of the Anti-Discrimination Commissioner) continues to be a jurisdiction suitable for individuals who want a low cost and low risk option to pursue discrimination in employment cases. During this period, we have provided representation and assisted clients in completing the complaint form.

The introduction in 2014 of anti-bullying laws has expanded our area of practice. The Fair Work Act's anti-bullying powers allow the FWC to make orders that acts of bullying in the workplace cease. While attempts are made to resolve anti-bullying applications by alternative dispute resolution mechanism such as conciliation, unresolved matters eventually proceed to a final hearing at which the employee and employer are required to present their case to a member of the FWC. We have had a number of enquiries from employees who claimed that they have been bullied/harassed in workplace but most of employees are reluctant to pursue further as they are concerned that participation in the proceedings may in fact cause damage to the employment relationship, diminishing or destroying the prospects of a return to normal working relations.

Case Study 1:

Mr G worked for a large company. During three years of his employment he was subjected to serious bullying behaviour by many of his co-workers and supervisors. Examples of the bullying included physical assault, verbal abuse, and intimidating behaviour.

After making numerous complaints to his employer over this time, the issues still largely remained unresolved. The bullying behaviour has a very serious adverse effect causing Mr G to remove himself from his workplace on stress leave.

He lodged an application for an order to stop bullying with the FWC. HCLS assisted in negotiating a settlement with his employer. As a result, his employer offered him employment in a new role on the same pay and conditions of his previous one. Of great benefit to Mr G was the fact that this new role was very solitary meaning that he would not have to interact with the co-workers who had bullied him.

Case Study 2:

Mr A worked for a small company for over 30 years. One day Mr A was supervising a few workers when one of his co-workers was involved in a near miss accident. All parties involved in the near miss immediately continued work. An incident report was subsequently completed a few days later by a co-worker.

Mr A was subsequently demoted from his position for breaches of the company's policies and procedures.

HCLS represented Mr A in an unfair dismissal application in the FWC. HCLS assisted in negotiating a settlement with his employer at conciliation. As a result, Mr A was offered reinstatement.

CIVIL LAW

General Comments

Our civil law work continues to be limited primarily to assisting parties in drafting small claims and defences in the Hobart Magistrates Court. A number of clients are supported in taking their own action if they have the capacity to do so.

Case Study 1:

Mrs F was the executor of her late mother's estate and she was also personally liable for her mother's aged care account. When Mrs F's mother passed away, there was an outstanding account of approximately \$12,000 of unpaid care and facilities fees.

Mrs F decided to not pay due to the poor service provided to her late mother. The aged care provider sent the account to a collection service.

HCLS represented Mrs F by asserting that the aged care provider had breached their service guarantees under Australian Consumer Law. Contraventions included guarantees as to due care and skill, service to achieve reasonable expected result, and reasonable time for supply of services had been breached.

As a result of negotiations, the outstanding account was waived.

Case Study 2:

Mr R had two disabled siblings. One died over 40 years ago. Mr R's parents had told Mr R that the other sibling had also died.

Mr R became aware that his brother was still alive and living in a nursing home in the northern Tasmania. He wanted to find out whether his brother was happy and if appropriate, be part of his life.

The client attempted to contact his brother through his public guardian but he was immediately refused with no reasons given.

HCLS was able to contact the guardian on behalf of Mr R and was able to be put into contact with the caseworker in charge of his brother.

Once the matter was brought to the attention of the caseworker, the caseworker was quickly able to assess whether the Mr R's brother wanted to see our client. As Mr R's brother wanted to make contact, HCLS was able to pass on our client's details in order for visits to be arranged.

Mr R recently informed us that the relationship is progressing very well, that other members of the Mr R's family were now meeting their sibling for the first time. Through

our assistance Mr R's brother now has regular contact with family members that he had never met. Mr R is now the nominated person for his brother under the National Disability Insurance Scheme.

CONSUMER CREDIT

General Comments

The Generalist Service team continues to be busy in providing advice and representation in consumer credit matters. The types of consumer credit matters that we have dealt with in the past year include:

- refusal by creditors of applications to vary credit contracts on the basis of financial hardship;
- irresponsible lending;
- unjust lending;
- creditors harassing debtors in bankruptcy;
- mortgage foreclosures;
- consumer protections; and
- insurance disputes.

In most of these matters HCLS has been able to rely on the protections contained in the *National Consumer Credit Protection Act 2009 & Competition and Consumer Act 2010* to resolve matter early for our clients.

“Top service provided by [you]. Thank you.”

We continued to receive a large number of referrals for consumer credit matters from financial counsellors, social workers, the Consumer Credit Hotline (operated by HCLS), Financial Ombudsman Service and Credit and Investments Ombudsman Service.

This year we have received assistance and advice from the Consumer Action Law Centre (CALC), ASIC and ACCC on consumer credit and insurance matters.

Case Study 1:

Ms D is a 70-year-old aged pensioner living in a nursing home. A significant portion of her pension is spent on nursing home and medical expenses. She has no savings. Ms D sought our services when she could no longer make the repayments on her credit card account of \$125 per month and was considering bankruptcy. The credit card account had \$6,500 outstanding.

On the current payment plan it would approximately take more than 55 years to clear the account.

HCLS assisted Ms D by seeking the credit card amount to be waived on the basis of financial hardship and companionate grounds.

As a result of our assistance Ms D's credit card account was closed.

“Very courteous and easy to understand what was being explained. Thank you”

Daniel Chan, Alex Davidson, Peter Foster and Irene Tiang
Generalist Solicitors

2018/2019 Annual Report of Hobart Community Legal Service Inc.

CHILD SUPPORT SERVICE/FAMILY LAW REPORT

The Child Support Service saw staffing change in the 2018-2019 year. The child support solicitor - Alicia Moore - commenced maternity leave in May 2019 and Irene Tiang, previously part of the Generalist Law team, was appointed as Child Support solicitor in Alicia's absence.

Meg Mitchell continued to carry many of the more complex child support/family law matters, and acted as a mentor for the younger lawyers at HCLS, 2 days each week. She has a wealth of knowledge and assisted enormously in interpreting the complex law in this area, as well as providing support in managing emotional and difficult clients and respondents.

“Very helpful. Very experienced and made sure that I knew that the next steps were”

Our primary focus is on providing advice and assistance to payee parents in a wide range of child support matters. The main areas in this financial year included assisting in:

- Paternity determination/establishment of child support liability matters;
- Changing the child support payable, due to factors such as incorrectly reported incomes and children's special needs;
- Disputes over actual care/time with children and corresponding child support rates;
- Enforcement of child support arrears;
- Advice on limited and binding child support agreement; and
- Having incorrect father's name removed from Birth Certificates.

Our Child Support Service continued to receive referrals from the Legal Aid Commission of Tasmania, Centrelink, Department of Human Services, private lawyers, other Community Legal Centres and the Family Relationship Centre.

Our work continues to include parenting matters that are inextricably linked to a child support matter, partially due to clients being unable to obtain assistance through Legal Aid for family law matters.

We have been able to assist a number of child support clients who are also experiencing family violence. We have seen a strong correlation between payee parents who have been/continue to suffer family violence perpetrated by the payer parent, and that payer parent refusing to pay child support. This correlation is unsurprising, as it is a ready means for a perpetrator to continue financial abuse after the relationship has ended.

There continues to be demand for family law/child support advice and representation in the lower socio-economic community. We manage this by providing capable clients with extensive advice and support to represent themselves where possible, instead of acting for them. This is limited to a small number of clients, however, due to the high rates of illiteracy and comprehension difficulty among our client base.

“Very professional”

We noted many interesting circumstances arising out of current files. Case studies follow :-

Child Support Offset

1. The circumstances in which a Father obtained a credit of one and a half thousand dollars by way of a Non Agency Payment against his future child support liability by purchasing something for the elder of his two children and having it off-set by a subsequent increase in liability for the younger child, seem unfair and anomalous. The younger child with disabilities received an increase in her child support by way of a Change of Assessment Decision and the outstanding credit for the elder child (who was no longer an eligible child) reduced the amount he was required to pay under the Decision. We are intending to again challenge Child Support's view that this is a proper construction of the legislation.

Adult Child Maintenance

We have a matter in which the disabled adult child's father is paying private practitioners to shield him from the Mother's claim for a reasonable contribution towards the child's financial support. A Change of Assessment process recently obtained records and documents and examined his financial position and determined that he had the capacity to pay an increased amount of child support. In contrasting the processes available to under 18 year olds with those required for over 18 year olds, it is apparent that the Child Support's administrative process available to parents of children under 18 have significant benefits. This is particularly so with regard to eliciting evidence that the Registrar's delegate can obtain by exercising powers under s161 of the *Child Support (Assessment) Act* compared with the process of issuing subpoenas.

Family Violence:

1. We are currently acting for a woman who has experienced severe family violence interstate and has moved to Tasmania with her young son for safety. We are acting for her in an application to the Magistrates Court to change her son's name from the father (family violence perpetrator)'s surname to the mother's surname. There are strong arguments for the change, including management of the child's trauma from the violence and the child's sense of belonging and identity. We are applying for the matter to be dealt with ex-parte, due to the risk to the mother and child's safety were the father to be made aware of the application. We are waiting to hear the Magistrates decision as to whether the matter needs to go to hearing or can be decided in chambers.

We have acted for Ms A in a number of paternity matters for her children over the past 4 years, and the most recent matter was recently resolved as a result of receipt of a positive DNA parentage test. The Queensland father in that matter has now decided that he wants to have shared care of the child, despite having had no contact with the child for 8 years (the child is now 9 years old), having actively avoided our process servers for some. We are now assisting the parties to arrange for the child to meet the father for the first time here in Hobart. We are assisting the mother to negotiate the new relationship in the child's best interests, despite considerable pressure to rush the process from the father, who is refusing to obtain any legal advice. We are discussing the idea of consent orders as a security measure for the mother and child at present.

2. A further issue we have encountered relates to an Application for Change of Assessment in an instance involving Family Violence. A potential Applicant who had, for safety, relocated from interstate may well not pursue her Application for an increase because she is required to disclose details of her mortgage payments. Such disclosure, even if her address was withheld, would alert the liable parent to search the LTO and its interstate equivalents. He is likely to obtain details of her address. In reflecting on this situation for the purpose of preparing these notes, it has occurred to us that this is a case in which (subject to client instructions) it may be appropriate to try and encourage the Registrar to initiate the process in accordance with the legislative powers.

“Thank you for this essential service.”

Meg Mitchell, Alicia Moore and Irene Tiang
Child Support Solicitors

WELFARE RIGHTS ADVOCACY SERVICE REPORT

The Hobart Welfare Rights Advocacy Service (“WRAS”) employed one full-time solicitor over the last 12 months. Hobart Community Legal Service (“HCLS”) is fortunate to employ a number of generalist solicitors and volunteers who are able to assist WRAS when required.

As expected the WRAS workload continued to be busy over the period in question; the number of clients having difficulties with the Department or the Social Security legislation only continues to grow. The main areas of contention in the 2018/19 period centered heavily on overpayments and also issues of Disability Support Pension (“DSP”) eligibility.

“Easy to talk to.”

WRAS evaluated the merits of each case thoroughly and provided advice only at the first instance, unless representation was clearly required. This allowed WRAS to maintain its caseload at a manageable level. In turn, an increased number of advices (with follow up advice) were conducted and appropriate referrals were made where necessary.

Our clients continue to have difficulties communicating with Centrelink, as a result of the Department’s push to conduct minimal face-to-face contact with clients, but rather communicate via telephone and Internet. Long hold times, unresponsive telephone systems and the inability to access the Internet obviously adds to our clients’ frustration with the Department, their disempowerment and ultimately their inability to comply with their obligations. We continue to work closely with these clients to resolve their issues and where necessary, liaised with Centrelink Social Workers, whom we find very approachable and of great benefit to our mutual clients.

Referrals from other community groups, Members of Parliament, the Commonwealth Ombudsman, University of Tasmania and Centrelink staff provide an ongoing source of clients. The Administrative Appeals Tribunal (“AAT”) also continued to refer unrepresented clients to the service.

“[he] is fantastic and explains things, produce (sic) copies of relevant details.”

Once again, the range of work spanned the spectrum of Centrelink decisions. In addition to the most common problems of Centrelink overpayment and DSP refusal, we provided advice on a regular basis with relation to suspension of payments for alleged breaches of activity and participation requirements, significant financial hardship caused by the imposition of compensation preclusion periods, factors considered in the assessment of whether a person was a member of a couple and the impact to their pension/benefit, problems arising from the portability restrictions on payments to people whilst overseas, obligations and restrictions to people while studying and a myriad of other Social Security related topics.

Disability Support Pension:

As with previous years, our busiest area was by way of providing support for those with a disability. We have taken on a large number of matters at all levels of appeal involving DSP. In particular, we assist clients who are having difficulty with the associated eligibility criteria, rejection and cancellation. In the majority of these cases, we are successful in assisting our clients to obtain the relevant medical information for their claim to be approved or a new claim to be lodged, however, these matters can take a great deal of time and resources.

The majority of these DSP cases relate to refusal of entitlement. The common issues arising are whether the client's condition was fully diagnosed, treated and stabilised, can be awarded 20 points under the impairment tables, whether those points can be obtained from a single impairment table and are therefore classified as severe, and if not, whether they have engaged in a program of support to investigate their future capacity for work.

Automated Debt Recovery:

During the 2016/2017 financial year the Department of Human Services/Centrelink used a new online system to obtain information from people whose Australian Taxation Office ("ATO") records did not match the employment income they reported to Centrelink. The Department would send a letter to the client asking them to confirm the data they have received from the ATO, via their online myGov account. HCLS continues to assist a large number of clients who were issued these 'robo-debts'.

If the client did not go online before the deadline provided in the letter, the system automatically assessed and calculated a debt by averaging the total income across each fortnight in the period of employment in the ATO records. It also did this if the client went online and confirmed the ATO information as correct, but didn't enter the details of their pay and the specific pay periods during which they received it during their employment.

As a result, this often gave a client a debt when they should not have one. Clearly, as a result of the above, there was a considerable amount of lobbying to have the system abandoned due to it being fundamentally flawed. The Turnbull government eventually admitted it issued robo-debt recovery notices to 20,000 welfare recipients who were later found to owe less or even nothing.

HCLS assist the client to provide as much detail as possible through their myGov account at the first instance – details of earnings, the pay periods in question, thus the correct period of employment – to avoid simply agreeing to the figures the ATO has provided the Department. If this doesn't resolve the matter, we refer clients to Centrelink for a manual data match to recalculate the debt. If the matter is still unresolved, we proceed with the usual review mechanisms available to Centrelink customers (Authorised Review Officer ("ARO") and then the Administrative Appeals Tribunal ("AAT")).

Through this process a significant proportion of client's robo-debts have been reduced to a smaller amount, whilst somewhat frustratingly, a large number were found to have no legitimate debt at all. HCLS will endeavour to assist these clients to have their debts waived, due to the injustice this system has created for clients in order to defend the alleged overpayments.

Chris Rice
Principal Solicitor / Welfare Rights Solicitor

BRIDGEWATER OFFICE REPORT

The Bridgewater Office (BO) continues to provide free and independent legal advice, direction and representation to the greater Bridgewater area. This is an important service, as those within this community often do not have access to any other legal assistance.

“Complete Service”

Currently, BO has a full time lawyer, an administrative assistant and one volunteer, Kelsey Lewis who assists on a Monday.

BO continues to provide assistance in areas of law including criminal, civil, consumer credit and family. Further, BO provides assistance to inmates at Risdon Prison Complex (RPC). That assistance ranges from providing a referral to outside organisations or providing advice on particular matters.

“Great place, very friendly and helpful”

BO sees a demand for legal services in this regional area. The bulk of the work is still criminal or criminal related matters. Those matters range from drink driving matters to minor assault matters. As always, indictable matters are referred to private lawyers. This year saw a significant increase in advice and cases to inmates at RPC. Generally, they were advices relating to understanding current family violence orders or assistance in obtaining Tasmanian or interstate comments on passing sentence

“Happy with service”

Again, BO undertook a number of Community Legal Education (CLE) sessions primarily, the continued partnership between the Australian Red Cross (ARC). The ARC currently run a peer support program within the RPC. This has allowed BO to provide CLE in relation to important topics (as determined by the inmates) such as parole and its conditions, domestic violence, and RPC rehabilitation programs.

In addition, BO has provided a CLE to the Tasmanian Prison Support Service in relation to understanding and complying with Family Violence Orders and Legislation.

“Gave me the info I needed and explained things clearly, very happy.”

Case Study:

A case study which highlights the work of BO is the criminal matter of Peter.

Peter was a referral to BO by Holyoake Tasmania. Originally, Peter was charged with a breach of family violence. Peter had intended to just enter a plea of guilty to deal with the matter, but his counsellor at Holyoake identified that Peter had significant mental health issues that should be taken into account.

BO interviewed Peter and discussed the pending charge. It was identified early on there was a question as to Peter's mental health and current capacity to enter pleas to the charge. BO made a successful application to have Peter listed on the Mental Health List to resolve the underlying mental health and alcohol issues.

During the proceedings of the Mental Health List, police filed additional charges. Some related to the family violence order and was preceding the original family violence order, and some charges that were after the family violence incident, namely disorderly conduct, and a number of resist, assault, abuse police officer charges.

While on the Mental Health List, BO obtained a special psychiatrist report as to Peter's offending and his personal and professional background. This report helped form the plea in mitigation submissions for Peter.

The end result was that Peter was awarded a global sentence of a no conviction for offences, order of compensation for damages done, court costs and that Peter be of good behaviour. In addition, that Peter continue to actively engaging with his counsellors and mental health plan. *Name has been changed.

Again, BO is thankful for the assistance provided by private lawyers in different areas of law.

“Very beneficial and informative meeting. My mind is relieved as a result.”

Bunewat Keo
Solicitor

SORELL OFFICE REPORT

Major changes were made for 2018/19. Sorell Office Administrative Assistant, Tania Jablonski, left Hobart Community Legal Service early in the financial year and a decision was made not to refill her position. The phone was diverted to the Hobart Office so appointments could be made to see the solicitor who continued to attend the office every Friday.

At the end of September 2018, the office was closed down as the running costs could no longer be justified. The phone continues to be diverted to the Hobart Office so appointments can be made to see the solicitor. Peter Foster continues to provide legal advice to members of the community every Friday (except the third of each month), by appointment, in rooms provided by the Sorell Council at a minimal cost.

Whilst the service provides legal advice in all areas of law, most commonly advice is provided in relation to consumer law, family law, family violence, criminal matters, restraint orders, disputes with insurers, and debt matters including mortgagee possession and bankruptcy.

The service still operates on the principle of assisting clients to resolve matters using the least adversarial, least costly method. This can be achieved through providing information, community education, advocacy, referrals to appropriate agencies or assistance to self-represent

“Best help I have had so far”

In the last year, the number of referrals coming from legal aid has increased – these include active referrals (i.e. legal aid rings us directly), and warm referrals for clients who are not eligible for legal aid (i.e. legal aid advises client to come to the HCLS).

The service also provides traditional legal support, including attendance at court for minor criminal matters such as drug offences and traffic matters. The solicitor also attends on occasion in relation to family violence or restraint order matters, although generally assistance is limited to support with self-representation.

Case Studies

Case 1

Mrs R attended in relation to a complaint she had against her bank. Earlier in the year she had signed up, using her credit card details, for a service which involved a monthly subscription of \$20 per month. She did not use internet banking and would only check her bank balance on the very rare occasions she withdrew cash from the ATM.

6 months after signing up for the service she withdrew cash and checked the receipt. The receipt showed there was \$300 pending on her account. As such, she went into the branch and obtained a printout of all of her transactions for the last 12 months. This showed hundreds of unauthorized transactions being made to companies all over the world amounting to more than \$5,000. She cancelled her card and made a complaint to the bank disputing the transactions. The bank investigated and only agreed to pay the \$300 that was pending. The bank refused to pay the rest on the grounds that she had not reported her card as stolen, and she had delayed in reporting the transactions.

We assisted by lodging a complaint with the Financial Ombudsman Service and speaking with representatives of the bank. As a result, the bank credited the full amount claimed to Mrs R’s account.

Case 2

Mr Z attended in relation to charges of driving whilst disqualified, cultivating, using and selling cannabis. He was intercepted at his home after being followed by Police who established he was driving whilst disqualified after conducting checks on his registration. Police could smell cannabis coming from his home and subsequently searched. Consequently, they found a small number of cannabis plants.

We represented him at court on a plea of guilty. During submissions we emphasised that the cannabis was primarily for his own use as pain management due to negative reactions to prescription pain medications, he had occasionally sold cannabis to two friends who were already cannabis users and that they paid him small amounts of money far below the average price “for his troubles”, and that his reason for driving was to collect other vital prescription medication after his pre-arranged lift cancelled 30 minutes prior to the pharmacy closing.

The Magistrate disqualified him from driving for a further 3 months and did not record a conviction on the drug charges. Additionally, the Magistrate suggested to Mr Z that he apply for the Medical Cannabis Controlled Access Scheme. Mr Z acted on this suggestion and immediately started work with his GP on the application.

Peter Foster
Sorell Outreach Solicitor

Duty Lawyer Service Report 2018-19

In August of 2015 it was announced a grant distributed from the Solicitors' Guarantee Fund would be made to the Law Society of Tasmania ("LST") and Centre for Legal Studies ("CLS") to trial a new Duty Lawyer Service ("DLS") for clients who would otherwise be unrepresented in the Hobart Magistrates Court during 2016.

The partnership was formed to serve a number of purposes. Primarily, it was envisaged the establishment of the DLS would significantly contribute to the efficiency and effectiveness of the Hobart Magistrates Court. Moreover, it would also provide an employment pathway for recent graduates of the CLS's Tasmanian Legal Practice Course ("TLPC"), who could either be employed by a legal firm or by the Department of Justice ("DoJ").

The scheme operated as a pilot program for 12 months, with a review conducted during the second year of its application. One of the main findings was for future models to include a proposal where the DoJ was not responsible for employing the TLPC graduates. It was at this point a proposal was made for the Hobart Community Legal Service ("HCLS") to employ the TLPC graduates in 2018, with an emphasis on increased supervision to be provided to the employed Duty Lawyers.

The benefits were clear to all members of this proposed partnership and a further grant was sought from the Solicitors' Guarantee Fund, to cover the provision of the established DLS in 2018, albeit under a new collaborative model. In late December of 2017, HCLS was informed the grant was successful for the DLS to continue for a further 12-month period.

We believe there was a seamless transition from the previous model to the new collaboration between the LST, CLS and HCLS. We received positive feedback from a number of sources with regard to the quality service our Duty Lawyers provided during 2018, the first year of our involvement in the program. It is a testament to the success of the program that by the end of the initial 12-month contract, 10 of our original 11 trainees had gained permanent full-time employment.

It was no shock that in late December of 2018, HCLS was informed a further grant was successful for the DLS to continue for a further 12-month period in 2019. A two-week intensive training course was held for 12 new trainees in late December. Unlike previous years, Mr Peter Dixon was unavailable to conduct the training, however, we were very fortunate to engage the services of Mr Garth Stevens for the two-week period. As well as covering HCLS training sessions/induction, a large number of topics specific to the provision of the DLS were provided and a wide variety of guest speakers delivered training relevant to their areas of expertise.

During the training, Garth Stevens, Chris Rice and Naomi Bryant (CLS Course Director), conducted interviews with each applicant. There were 2 applicants appointed to the DLS employed through private law firms. Whilst the decision was ultimately made for HCLS

to hire all 10 remaining applicants on a casual basis for the 2019 DLS. As with previous years, those successful applicants were placed on a rotating weekly roster (two lawyers per day). Initially, the DLS lawyers could expect to be on duty at the Hobart Magistrates Court, for at least one day each fortnight. However, as the number of members participating in the DLS dwindled (to take up full time employment positions elsewhere, or for other reasons) they could expect the number of DLS shifts to increase proportionally.

The Duty Lawyers are employed to appear on behalf of claimants, applicants, defendants and respondents appearing at the Hobart Magistrates Court on adjournments, bail applications, restricted licence applications, family violence/restraint order applications and pleas in mitigation. They are also required to provide substantive, procedural, and referral advice to those people requiring it.

As employees of HCLS the Duty Lawyers are expected to complete all documentation as required by HCLS and to keep up to date with relevant legal developments and procedures by

attending continuing professional legal education programs. An emphasis was placed on the Duty Lawyers to maintain collaborative relationships with HCLS staff, Hobart Magistrates Court Staff and other justice organisations, to ensure cooperative and proactive approaches to improving access to justice.

During the first three months of employment with HCLS the newly appointed Duty Lawyers were heavily supervised by our staff at the Hobart Magistrates Court. They were also required to attend monthly meetings. As anticipated, the level of supervision reduced, as the Duty Lawyers gained the requisite experience to perform their role. Chris Rice conducted a three-month performance review with the Duty Lawyers all receiving positive feedback.

HCLS, TLS and CFLS see the DLS providing the following advantages:

- enhancing the chances of newly admitted lawyers obtaining permanent legal positions in Tasmania, by gaining practical experience otherwise not available to graduates;
- increasing the number of legal practitioners in the private profession undertaking criminal work;
- improving the range and quality of legal services provided to the public;
- increasing the number of people receiving free legal services in circumstances where previously they would not; and
- improving the operation of the justice system, by having less unrepresented defendants appear before the courts.

With HCLS now providing a legal assistance outreach service in Huonville, we have also included the provision of a Duty Lawyer on sitting days at the Huonville Magistrates Court.

We acknowledge the work of the Law Society of Tasmania, the Centre for Legal Studies and Garth Stevens regarding the continuation and success of the Duty Lawyer Service. There is no doubt the DLS has achieved its main objective, by significantly contributing to the efficiency and effectiveness of the Hobart Magistrates Court, in providing access to justice to those who would otherwise have been unrepresented.

Chris Rice
Principal Solicitor

HOBART COMMUNITY LEGAL SERVICE INC

FINANCIAL STATEMENTS

30TH JUNE 2019

CONTENTS

Auditor's Report
Consolidated Profit & Loss Statement
Balance Sheet
Cash Flow Statement
Committee of Management

**Independent auditor's report
To members of Hobart Community Legal Service Incorporated**

I have audited the special purpose financial report of Hobart Community Legal Service Incorporated for the year ended 30 June 2019.

Audit Opinion

In my opinion, the special purpose financial report of Hobart Community Legal Service Incorporated presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia the financial position of the Association as at 30 June 2019 and the results of its operations for the year then ended.

Management Committee's Responsibility for the Financial Report

The Management Committee is responsible for preparation and fair presentation of the special purpose financial report and information contained therein. This responsibility includes establishing and maintaining internal controls relevant to preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I have conducted my audit in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the accounts are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting amounts and other disclosures in the accounts, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Concepts and Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) (where applicable), and statutory requirements so as to present a view which is consistent with my understanding of the Association's financial position and the results of its operations and cash flows.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

To the best of my knowledge and belief, there has been no contravention of auditor independence and any applicable code of professional conduct in relation to the audit.

Limitation of Scope

As is common for organisations of this type, it is not practicable to establish complete accounting control over cash received from all of its activities. Verification therefore has been limited to the receipt of funds recorded in the Association's financial records.

Max Peck & Associates



Rendell W. RIDGE
19 September 2019

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**Hobart Community Legal Service Inc.
Consolidated Profit & Loss Statement
for year ended 30 June 2019**

	2019	2018
Income	\$	\$
Government Grants	844,511	838,182
Car Parking, Rent	27,576	27,318
Interest Received	7,972	8,049
Costs Awarded	1,320	0
Lease & Condition Agreement	2,523	2,627
Other Income	980	1,281
Wage Reimbursements	208,019	106,152
Total Income	\$1,092,487	\$983,611
Expenses		
Advertising	2,894	4,797
Amenities: Client, staff, volunteers	3022	3,522
Audit Fees/ Accountant	2,715	2,600
Cleaning	3,140	2,307
Computer Expenses	5,729	23,684
Conferences and Training	4,986	5,145
Consultancy Services	9,666	16,446
Electricity	6,923	6,728
Equipment Purchases (minor)	7,710	1,796
Insurance & workers Comp	1,761	6,432
Library Expenses	1,576	1,557
Memberships	8,357	5,572
Office Rental	87,983	96,394
Practising Certificates	986	120
Printing, Postage, Stationary	5,186	2,929
Rates, Land Tax	8,890	19,911
Salaries & Related Expenses	799,409	693,186
Security	745	1,245
Subscriptions	1,129	847
Sundry Expense	1,541	1,538
Superannuation	81,985	70,678
Telephone	12,880	13,695
Total Expenses	\$1,116,509	\$1,032,857
Operating surplus (-Deficit)	-24,022	-49,246
<i>Add</i> Unspent Funds Brought Forward	0	42,500
Operating Profit	\$-24,022	\$-6,746

Hobart Community Legal Service Inc.
Balance Sheet
as at 30 June 2019

	2019	2018
Assets		
<i>Current Assets</i>		
Cash at Bank, on Hand	14,028	38,073
Deposits at Call, Term	325,705	332,502
Trade Debtors	7,704	15,623
Total Current Assets	347,438	386,198
<i>Non-Current Assets</i>		
Equipment – at cost	147,408	147,408
Deduct Provision Depreciation	-147,408	-147,408
Total Non-Current Assets	0	0
Total Assets	\$347,438	\$386,198
Liabilities		
Trade Creditors	4,001	8,191
GST Liabilities	21,178	19,859
Payroll Liabilities	28,507	18,223
Provision for Employee Leave Entitlements	49,404	80,204
Total Liabilities	\$103,089	\$126,477
Net Assets	\$244,349	\$259,721
Equity		
Retained Earnings	259,721	174,407
Current Earnings	-24,022	-6,746
Pay Contingency	8,650	92,060
Total Equity	\$244,349	\$259,721

**Hobart Community Legal Service Inc.
Statement of Cash Flows
for year ended 30 June 2019**

	\$ 2019	\$ 2018
Cash flows from operating activities		
Cash receipts in the course of operations	1,100,406	998,452
Payments for Project & Operating	<u>-1,131,248</u>	<u>-1,023,389</u>
Net cash provided (- used) in operating activities	<u>-30,842</u>	<u>-24,937</u>
Cash flows from investing activities		
Purchase of new assets, inventory	<u>0</u>	<u>0</u>
Net cash provided by investing activities	<u>0</u>	<u>0</u>
Net increase (-decrease) in cash held for year	-30,842	-24,937
Cash at the Beginning of Financial Year	<u>370,576</u>	<u>395,513</u>
Cash at the End of Financial Year	<u>\$339,734</u>	<u>\$370,576</u>
Cash at year end represented by:		
Cash at bank, cash floats	14,028	38,073
Term deposits	<u>325,705</u>	<u>332,502</u>
Total Cash at end of Financial Year	<u>\$339,734</u>	<u>\$370,576</u>

Reconciliation of cash from operating activities with result for year

Operating surplus (- deficit)	-24,022	14,041
Change in non-cash items		
Payroll liabilities	10,283	6,420
Employee entitlements	-22,150	-38,401
Sundry debtors	7,918	14,841
Sundry creditors	<u>-2,871</u>	<u>-1,051</u>
NET CASH PROVIDED BY/(USED IN) OPERATING ACTIVITIES	<u>-\$30,842</u>	<u>-\$24,937</u>

**COMMITTEE OF MANAGEMENT
YEAR ENDED 30th JUNE 2019**

President	Dr Kiki Mussared
Vice-President	Mr Chris Webster
Vice-President	Ms Anne Horner
Secretary	Ms Natalie Marzella
Treasurer	Mr John Green
Public Officer	Mr James Walker
Ordinary Members	Mrs Marion Clarke
	Mr Henry Pill
	Ms Carey Higgins
	Mr Indi Gunadasa
	Ms Esme Wong
Staff Rep	Ms Irene Tiang