



**Hobart Community
Legal Service Inc.**

providing legal direction

ANNUAL REPORT 2019/2020

ANNUAL GENERAL MEETING

24 SEPTEMBER 2020

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Hobart Community Legal Service Inc
166 Macquarie Street
HOBART TAS 7000

Phone: (03) 6223 2500

Fax: (03) 6223 2510

Website: www.hobartlegal.org.au

PRESIDENT'S REPORT

I am pleased to present my final report as President to the 2020 AGM of the Hobart Community Legal Service Inc. (HCLS) covering our achievements in the 2019-20 year. HCLS worked hard to help individuals and communities navigate the impact of the COVID-19 crisis and government responses across a wide range of areas. In the context of COVID-19, there was an increase in the number of people accessing our services as well as the need to adapt to changed work environments and service delivery to meet demand.

We have continued to foster 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.

This year saw challenges that were not contemplated in July 2019 with the onset of the COVID-19 pandemic in Australia. This meant that HCLS had to quickly change the way that services were provided. It was important to continue to provide legal assistance services but at the same time, ensure the wellbeing and the health of our staff. In late March there was no option but to close our doors to the public and provide services by phone. This also meant that our evening information session needed to cease as we could not risk the health of our volunteers.

With Tasmania going into lockdown, the majority of staff began working from home on the 30th March with our administrative team attending our offices in Hobart and Sorell between 10am and 2pm daily to answer the phones and pass messages onto the lawyers working from home, who returned calls and offered legal advice over the phone. The Duty Lawyer Service was suspended on the 1st April at the request of the Magistrate Court.

In mid-June staff returned to working normal business hours in both offices and continued providing legal assistance over the phone. During this time, the Director provided the Committee of Management with regular updates and the Committee held meetings via teleconference.

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 \$387,172 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, and the mapping of legal assistance in Tasmania now concluded, and the National Partnership Agreement for the next 5 years to be shortly implemented from next financial year, 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.

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.

HCLS has continued to provide legal services to the Sorell 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 rent 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.

It is with great sadness that we farewelled our long-standing Treasurer, John Green, who passed away in August 2020. John had been suffering from poor health for a number of years but still diligently attended meetings and took an active role in the Management of HCLS. John was a shining light in our legal community who was highly respected and well liked. John had a distinguished legal and political career. His manner could sometimes be concise and he could also be a little bit brusque, but he had a very good heart and an infectious laugh. We also paid tribute to the Honourable John White, who died in June. John worked at our Bridgewater Office for over 6 years and was popular with both staff and the local community. Both John Green and John White had prominent political and legal careers which focused on the rights of the individual and fair process to the disadvantaged. They will be sadly missed.

I acknowledge the contribution of HCLS staff that have worked diligently and hard during these trying times 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 information roster for a number of years. HCLS relies on its volunteers to extend some of its core services to vulnerable and disadvantaged people. I am pleased to say that the evening information sessions recommenced in August 2020 with people making appointments to receive advice.

I would also like to acknowledge the efforts of the members of the Committee of Management of HCLS, in particular during this time of difficulty. Members adapted relatively fast to a new setting where some meetings were held by telephone or, when allowed, in person. In my final year as President, I thank the members for their ongoing service and dedication to the management and promotion of the objectives of HCLS. It is with a sense of pride I leave the role of President with the knowledge that we will continue to provide effective high-quality services to the Hobart community.

Finally, I express my gratitude to our Director, Jane Hutchison and, during times of Jane taking leave, Chris Rice as Acting Director, and the staff of HCLS who were flexible and adaptable in finding ways to continue their work during this challenging time. HCLS was able to continue providing vital community legal advice and access to justice to those who might not otherwise have the means because of the dedication and commitment of the staff and members of the Committee.

Dr Kiki Mussared
President

TREASURER'S REPORT

Funding certainty continues to be a major problem with this being the fifth year that Hobart Community Legal Service (HCLS) has received a one-year funding agreement. This makes it impossible to make any long-term planning for the service and does not provide any security for staff.

HCLS continues to be dependent on the top up funding provided by the State Government through the Department of Justice in addition to the grant from the Commonwealth Attorney General's Department. 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 new 5 year National Partnership Agreement between the Commonwealth and State Governments due to be finalised and to start in July 2020 and the Department of Justice finalising recommendations from the review of Legal Assistance Services in Tasmania it is hoped that we might be able to enter into a longer term funding agreement next financial year.

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.

It is disappointing to note that due to funding for this financial year not keeping up with the ongoing cost of running the service that we had to make the difficult decision to not replace a legal position in the Hobart Office when one of our Generalist Solicitors resigned.

The Federal Government's economic package for small business due to the impact of COVID-19 has meant a welcome saving for HCLS given our current funding difficulties.

Please note that this report has been prepared by the Director, Jane Hutchison due to the unexpected death of our long standing Treasurer, John Green, just prior to the Annual Report being prepared.

DIRECTOR'S REPORT

Hobart Community Legal Service Inc. (HCLS) has completed another busy year in 2019/20 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 assistance services.

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 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 to help provide assistance in the areas of family violence and elder abuse. We are however grateful that the funding that the Commonwealth reinstated through a variation to the National Partnership Agreement is defined funding to provide assistance in Family Law and Family Violence. HCLS continues to provide assistance 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. As well we continue to help people affected by elder abuse.

At the beginning of this financial year we had no idea of what was to come in the final quarter of the financial year with the impact of the COVID-19 virus to the Australian community and to how HCLS would need to make changes to continue to provide services from March 2020.

On Monday 23rd March the decision was made to close the doors in both offices to the Public and to provide legal assistance by telephone, this included cancelling the evening information service. By the 3rd of April it was apparent that the majority of staff needed to work from home and all staff except the administrative staff were asked to pack up and take anything that they would need to work from home. Bernie Reade our Office Manager organised for our IT consultants to set up a virtual network so that those working from home could access their emails and the CLASS data base. Our insurers were informed about computers and other equipment being taken to employees homes and the insurance altered to reflect this. Our website was updated with changes to work practices to keep the public informed as best we could.

It was decided that the administrative staff would continue to attend both offices and answer the telephone between 10am and 2pm Monday – Friday in the Hobart Office and Tuesday – Friday in the Bridgewater Office. Client details would be taken, conflict checks undertaken then the details emailed to the relevant lawyer. Court appearances that could not be adjourned were conducted by either phone or Zoom and the Out of Hours Bail Court went ahead via Zoom. The Principal Solicitor made sure the lawyers were informed of legal practice compliance whilst working from home and I provided staff with details and a check list to ensure their occupational health and safety whilst working from home was addressed. Staff meetings via teleconference were held on a weekly basis, something that we have continued since returning to work from both offices. Committee of

Management received regular updates via email and Committee meetings were conducted via teleconference during this time.

On behalf of HCLS I attended fortnightly meetings of all the legal assistance services in Tasmania where we were able to share information about how we were providing services and to support one another. These meetings were facilitated by the Department of Justice.

All HCLS staff returned to office based work from mid-June but we remained shut to the general public and continued to provide assistance via the telephone. With the return to working in the offices new cleaning regimes needed to be put in place. The staff are to be commended for the way that they adjusted to the changing circumstances.

HCLS continued the partnership with the Law Society of Tasmania and the Tasmanian Legal Practice Course 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, is instrumental in seeing that this service runs smoothly. Unfortunately, this year has seen problems for the Service due to funding complications and the impact of COVID-19. This is explained in more detail in the separate Duty Lawyer Service Report of this document.

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 participating in ongoing training from Knowmore lawyers. Knowmore continued to use the HCLS interview room and reception services during 2019/20, and HCLS has provided assistance to their clients or clients they are unable to assist due to conflicts.

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 Brian Mitchell MHR, the office of Senator Jacquie Lambie, Ian Sansom, Jason Cheow, Noor Khan, Shaun Hanch, Pabita Pradham, Farid Tapias, Sheen Shanmugaratnam, Katherine Weston and Gavin Mackie. 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 (Maternity Leave 19/20)
Irene Tiang	Child Support/Family Violence/Generalist Solicitor (Extended personal leave from May 2020)
Daniel Chan	Generalist Solicitor resigned July 2019
Alexander Davidson	Generalist Solicitor
Peter Foster	Outreach & Generalist Solicitor
Bunewat Keo	Bridgewater Office Solicitor 12 months leave without pay from January 2020)
Hamish Locke	Bridgewater Office Solicitor (part time casual from Feb 20)
Sandra Higgins	Bridgewater Office Assistant (part time)
Lucy Smejkal de Vreeze	Law Handbook Editor (casual contract)

It is with much regret that I acknowledge the loss of two stalwarts of the Service. John White who was our Bridgewater Office Solicitor for over 6 years died in June after health difficulties. John was very popular with staff, volunteers and clients and successfully built up the number of people attending the Bridgewater Office over his time there. He was also a wonderful mentor to young lawyers and I had to restrict the numbers wanting to volunteer at Bridgewater at one stage. Secondly John Green our long standing Treasurer died a month ago after suffering ill health for some time. He took an active role in the running of HCLS and could always be relied upon for timely advice and assistance. Even in recent times when his health was obviously deteriorating he took an active interest in the affairs of the organisation. Both will be very much missed.

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.

We have been very grateful to have Noor Khan volunteer his services on a regular basis in the Hobart Office. Noor is a refugee who has extensive legal qualifications and experience in Pakistan, but are not recognised in Australia. He has proven to be a valuable volunteer and his assistance is very much appreciated.

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

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 staff undertook Cultural competency training with SBS that was kindly organised by the Launceston Community Legal Centre, we thank them for enabling our staff to engage in this training.

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. Unfortunately, this had to cease in late March due to COVID-19. Most of the students had the opportunity to sit in on an interview but did not get to practise taking instructions from a client.

The Director and the Principal Solicitor meet regularly with individual members of staff to discuss their work and to make sure they have a manageable workload. All staff participate in regular staff meeting. These were particularly important during the COVID-19 lockdown and were held on a weekly basis via teleconference.

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 the finish of the 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. A submission for \$20,000 to the Solicitor's Trust Fund was successful and the money will be used for additional ongoing editing to make sure that the information is as accurate as possible.

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
- Centrelink
- Equal Opportunity Tasmania
- Office of the Tasmanian Children's Commissioner
- Registry of the Federal Circuit Court and Family Court
- Police Prosecutions
- Tasmanian Prison Service
- Child Safety Services
- Department of Health and Human Services
- Andrew Wilkie MHR
- Brian Mitchell MHR
- Rebecca White MHA
- Ella Hadid 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

Liaison with Non-Government Organisations

- Community Legal Centres Tasmania
- Family Pathways Network of Southern Tasmania
- Member of the Southern Tasmania Family Pathways Steering Committee
- Community Legal Centres Australia
- TasCOSS
- Shelter Tasmania
- Tenants' Union of Tasmania (TUT)
- Law Society of Tasmania
- Planning Institute of Australia Tasmanian Division
- Fitzroy Legal Service
- Consumer Action Law Centre
- Financial Rights Legal Centre
- Consumers Federation of Australia
- Tasmanian Council of the Aging
- Australian Financial Complaints Authority
- Telecommunications Industry Ombudsman
- Tasmanian Law Reform Institute
- Relationships Australia (Tas)
- Advocacy Tasmania
- Family Law Support Services
- Family Law Practitioners Association Tasmania
- Speakout Tasmania
- Carers Australia Tas
- Derwent Valley Community House
- Midway Point 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 Valley Service Providers Network
- Hobart Family Relationship Centre
- Australian Red Cross
- Headway Tasmania
- Baptcare
- Anglicare

- Catholic Care
- Colony 47
- 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

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
- Attended Community Legal Centres Tasmania meetings
- 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
- Attended National Conference on Elder Abuse
- Attended meetings of the Tasmanian Legal Assistance Forum
- Attended Tasmanian Legal Assistance Services Planning meetings
- Attended Community Legal Centres Australia Policy Council meetings
- Attended Community Legal Centres Australia National Conference
- Attended Tasmanian Legal Assistance Sector Meetings
- Attended meetings of the Australian Pro Bono Centre
- Attended meetings of the Law Society of Tasmania's Pro Bono committee
- Various Law Society CPD seminars
- 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
- 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 2019/20 conducted sessions at organisations such as Skills Tasmania, University of Tasmania, Headway Tasmania, The Linc, Goodwood Neighbourhood House, Gagebrook Neighbourhood House and the Migrant Resource Centre.

We partnered with the Australian Red Cross to deliver CLE sessions to inmates at Risdon Prison.

Unfortunately, COVID-19 interfered with our ability to conduct CLE sessions.

The Tasmanian Law Handbook Online continues to be a major project of HCLS and we were successful in obtaining a small grant from the Solicitor Guarantee Trust Fund to make sure the Handbook is up to date with the information it contains. Lucy Smejkal de Vreeze continues to be employed on a contract basis as Editor of 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 fifth year of the National Partnership Agreement on Legal Assistance Services 2015-2020 between the Commonwealth Government of Australia and the Tasmanian State Government administered by the Commonwealth Attorney General's Department (AGD) and the State Department of Justice (DoJ). 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.

This is the last year of the current National Partnership Agreement which saw a significant reduction in Commonwealth funding to Tasmania. The majority of our funding continues to come from the Commonwealth Attorney General's Department but we are also very dependent on the top up funding we receive from the State Department of Justice. Our funding continues to be provided by yearly funding agreements which makes it very challenging to provide stability of services. It is hoped that with a new National Legal Partnership agreement between the State and the Commonwealth and the recommendations of the recent State review into Legal Assistance Services including a mapping of legal needs that we will be able to enter into more long term funding agreements.

We continue to have to pay for the use of the CLASS data base that we are required by our funding agreement to us for accountability purposes. CLASS is also used as a practise management tool as every client we see is entered into the system and allows us to check to make sure we do not have any conflicts with any new client we provide assistance to. A number of improvements have been made to CLASS and it is now working more efficiently. However, there are still bugs that need to be dealt with.

With the changeover to using the NBN finally sorted in the Hobart Office this financial year we have had to deal with the move from the existing copper network to the NBN at our Bridgewater Office. As we experienced with the move to the NBN in the Hobart Office the move at the Bridgewater Office brought it's challenges, after the initial problems the telephone and internet connections appear to be stable.

With the continued uncertainty of our ongoing funding HCLS has continued to not be in a position to renew long term 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. The landlord of the Bridgewater Office has allowed us continue to enter into one-year leases.

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 both offices for their exceptional dedication and professionalism, especially when dealing with some of the more difficult problems that present at both locations. Bernadette R, our Office Manager and Pam Barrett in the Hobart Office and Sandra Higgins in the Bridgewater Office for keeping our offices running smoothly especially during the COVID-19 lockdown period. Without them being willing to attend our offices and answer the phones we would not have been able to continue to provide legal assistance to the Southern Tasmanian Community.

Hours of Operation

Normal Office hours are:

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.

During the Covid-19 crisis period both offices were closed to the public from late March and were still closed at the end of June 20. During the lockdown period there was only phone contact with the public being able to phone the Hobart Office between 10am – 2pm Monday to Friday and the Bridgewater Office Tuesday to Friday.

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.
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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.

Information and Advice activities and number of files opened and closed during 2019/20

Total Information & Referral Activities	2529
Total Advice Activities	1023
Legal Tasks	88
Total Files Opened	156
Total Files Closed	195
Duty Lawyer Services	583

Funding

HCLS gratefully acknowledges its major source of funding for 2019/2020 from the Commonwealth Attorney General's Department through the National Partnership Agreement (NPA) between the Commonwealth Government and the Tasmanian Government, and the State Government funding administered by the Department of Justice through the Tasmanian Community Legal Service Program.

Jane Hutchison
Director

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.

Daniel Chan, Peter Foster, Alex Davidson, Irene Tiang, and Jason Cheow have worked in the Generalist Service in varying capacities during this financial year. Peter Foster has spent some time working in the generalist area, as well as attending outreach locations in Sorell and Huonville in the capacity of Outreach Solicitor.

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.

CRIMINAL LAW

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:

Mr D had been charged with a low range drink driving. He was a student from overseas completing his Masters. He had lived in Australia for over 5 years. His ultimate goal was to become an Australian citizen, and intended to apply for permanent residency after completing his studies.

Mr D was extremely distressed about the effect a conviction could have on his student visa and chances of becoming an Australian citizen. His fears were well founded as our research showed that the Minister for Immigration has the power to cancel a student visa if the holder is convicted of any offence. Also, our research showed that a conviction can have grave consequences regarding an applicant's character requirements to be granted Australian citizenship.

We represented Mr D in court on a plea of guilty. During the plea in mitigation, in addition to highlighting his good character (volunteer work, employment history, lack of offending), we urged the Magistrate to not record a conviction, emphasising that the effects of a conviction could have a severely more detrimental effect on this defendant than most charged with the same offence. As such, the Magistrate chose not to record a conviction and imposed the minimum disqualification and fine.

Case Study 2:

Mr X is a young man who had only recently turned 18. He originally attended HCLS due to a minor traffic offence including failing to have proper control of vehicle (in a hooning incident) having a number of people in the back of his ute illegally where one person suffered minor difficulties.

During his initial appointment X informed that he suffered from a genetic condition that directly affected his intelligence and impulse control.

He had entered a relationship with a woman close to his age who was the scion of a family with high incidents of intergenerational crime.

In the following months X lost his apprenticeship, became homeless, had his provisional license suspended, several drug driving charges, committed in excess of 15 drive while license suspended offences, in excess of 20 stealing charges.

X had gained accommodation with an individual well known to the Police for taking in homeless youths in return that they go out and steal items for them to sell as well as missing his court date.

X also had lost his family support and was not receiving any medication (which he had previously been taking) and any other treatment (Mr X had lost access to his treatment when he turned 18).

Mr X had also been charged with evade police in which the circumstances were aggravated in that the car chase occurred along a busy stretch of the Brooker Highway.

X was arrested and bailed.

X moved back to the family home and we worked with X and his mother to gather evidence of previous diagnosis and treatment for his syndrome.

We also assisted in helping X to seek assistance from psychiatrists and social workers.

On the sentencing hearing it was remarked by the Magistrate that he had started with the presumption that X would receive a minimum 6 month prison sentence if not more but on the strength of the plea bringing to light the circumstances of X and evidence of XY syndrome in both evidence we had put forward and the pre-sentence report he had changed his mind.

The Magistrate deferred sentence for a year as well as a supervision order and driver license disqualification.

During this time, we had continual contact with X and his mother, and continued to help X to access treatment.

During this year X committed no new offences and in the review since, X received a further 6-month supervision order

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.

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 J worked for a small business for 9 years. He attended work feeling unwell, and told his employer this during an argument regarding entitlements. The employer left the workplace for the day, and Mr J kept working until he was no longer able to do due to the effects of his illness. He told the shift supervisor that he had to leave work early due to feeling unwell, and that he had set things up so as to minimise the inconvenience that would be caused to the remaining staff. He then went home and booked a doctor's appointment for the next day.

Approximately 1 hour after returning home, his employer sent him a message informing him that he was dismissed for abandoning his employment. He responded to her by reiterating that he had left due to feeling unwell, informed the shift supervisor before leaving, and that he had taken action to minimise the effects of his absence. The employer confirmed he was still dismissed.

We advised Mr J that he had a potential general protections claim. However, he wanted to proceed with unfair dismissal. The F3 employer response detailed many other allegations of misconduct as the reason for his dismissal. None of these were communicated to him when being dismissed. He admitted some were true, but the majority were either not true or gross exaggerations.

We represented Mr J at conciliation. After lengthy negotiations, the employer agreed to settle for a significant lump sum.

Case Study 2:

H was a long term employee of a Bus company.

H had gone many years without accident and was a good employee.

During a routine bus route, H was involved in a single vehicle accident involving backing in to a road sign that caused the back window to shatter.

Accidents in this line of business are common but without any due process or consideration of the otherwise good service of H was dismissed.

After advising the client of her options, we went ahead and filed an unfair dismissal application.

Before the planned mediation, we were able to successfully negotiate a settlement involving H being re-assigned from being dismissed to having resigned, and receiving a generous payment from her employer.

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:

Mr B's parked car was struck by Ms L when driving her own. She had left the scene without providing details. However, her brother made contact with Mr B and explained what had happened. Ms L agreed she would pay for the damage once a quote was provided to her.

Mr B obtained a quote to repair the damage showing a cost of \$2,000. Ms L became unresponsive after receiving this quote.

We wrote a letter of demand to Ms L. She did not respond. Nor did she make payment to Mr B. As such, we assisted Mr B by drafting a minor civil claim and giving him written step by step instructions detailing filing and service requirements.

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.

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 K is an 80-year-old aged pensioner. A significant portion of her pension is spent on medical expenses. She has no savings. Ms K 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 over \$5,000 outstanding.

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

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

Case Study 2:

Mr H and Mrs I had a mortgage over their house.

After their business had failed, they had begun missing payments on their mortgage.

By the time that they contacted us the couple were in arrears by in excess of three hundred thousand dollars.

After coming to see HCLS, we were able to communicate to the Bank on their behalf and successfully bring to light financial hardship and were successful to get the Bank to agree to a settlement for Mr H and Ms I.

The Clients would recommence payments at a lower rate, the Bank would not charge any fees or interest on the original amount borrowed, would not institute any bankruptcy or default proceeding nor make any adverse credit reporting while the payments were maintained.

Alex Davidson, Peter Foster and Irene Tiang
Generalist Solicitors

CHILD SUPPORT SERVICE/FAMILY LAW REPORT

Staff who have worked in this area of law in the Hobart office during the past financial year are Irene Tiang, Alicia Moore and Meg Mitchell. Alex Davidson appeared in the Federal Circuit Court on instruction on a day when none of the other staff were available.

Notably, work locations and conditions for all staff including family law and child support solicitors changed significantly during this financial year, as COVID-19 restrictions required us to work from home. We had to adapt our working methods as a result of not being able to meet clients face-to-face, which presented its challenges.

For example, many of our clients did not have access to printing and/or scanning facilities and were therefore not able to print documents such as Client Agreements for signature or rescan them for return. We received many documents – some quite lengthy- which clients had photographed using their mobile phones and then emailed

to us. The quality of these photos was often less than ideal, but we managed with them pretty well, or used regular mail when necessary.

Our Office Manager organised so that our home computers/laptops were configured to allow us to access our work computers, email and printers remotely. This is but one of many instances in which we steadily developed good systems for working cooperatively with our administrative staff who continued in attendance at the Hobart office.

Our Principal Solicitor made himself readily available to discuss matters with staff during the work from home period as did our Director. Staff meetings by teleconference which commenced during the lockdown period have continued on a weekly basis since we returned to the office. These are a good opportunity for staff to meet as a complete group, including those at outreach office or working from home.

During this period there were numerous clients whose family law and child support situations were adversely affected by COVID-19, and the family / child support team noted an increase in family violence intake. Many clients were quite emotional and distressed which required us to provide a higher level of wholistic support to some of those clients, mostly by linking them in with other services for ongoing emotional support. Clients overwhelmingly expressed their appreciation for our assistance during this time.

Staffing changes also occurred in the Hobart office during this financial year. Irene Tiang started maternity leave in May 2020. Alicia recommenced some employment from home during mid-June 2020 in advance of her scheduled return to the office part-time in July 2020 following her maternity leave.

Meg continued two days per week throughout the 2019-20 year and Irene worked full time prior to going on leave, spreading her work between family law, child support and other areas as needed.

We are fortunate that the Law Society has made professional development courses available to community legal centre lawyers at a reduced fee or no fee under their 'CPD Assist' programme. We are also appreciative of the free professional development offered to us by the Tasmanian Family Law Pathways Network. The Family Law Book subscription continues to be an essential resource for our family law practice.

We have continued to have a spread of child support matters including DNA testing, applications to the Court for declarations of paternity and liability to pay child support, family violence in relation to child support, obtaining temporary and permanent exemptions from the Centrelink requirement to seek child support, enforcement of child support arrears (private- and Registrar- collect cases), child support and FTB, Estimates, advising on proposed Binding Child Support Agreements drafted by private practitioners, Objections, care percentage disputes, Departure applications and Adult Child Maintenance claims for disability.

We have noticed an increase in requests for general family law advice particularly in relation to property divisions and in parenting matters including advising on efforts to exercise shared parental responsibility with an uncooperative other parent.

During this same period our impression is that there has been a decrease in incoming child support matters. Some of our child support clients have commented along the lines that they wished they had known about us before as they have struggled

themselves in trying to obtain remedies without a full knowledge of the system or available choices.

Reflecting on such comments, it would be surprising if the Southern Tasmanian community's need for our specialised child support services has reduced in recent times; it may be productive to look into ways to reach those vulnerable individuals who aren't accessing our services but need to.

Case Study - Parenting

A client whom we had previously assisted with obtaining child support and parenting orders again approached us regarding her now 17 year old daughter. The parental relationship was one of high conflict and, among other things, the father rejected the child's well-documented and professionally assessed diagnosis of Autism. He maintained it as a fabrication of the mother. Since separation the child lived in her mother's full-time care in Tasmania and over the years spent some holiday time interstate with her father although at times was reluctant to go.

More recently the child developed a serious eating disorder requiring medical intervention in a specialist clinic. Her weight loss not only affected her cognitive and emotional competencies but also threatened her physical survival; she was at risk of suffering a cardiac arrest. The daughter's on-going rejection of treatment and refusal to eat caused disagreements with her mother and when the girl failed to return home our client sought police help to find her. It took some time for the mother to receive a report back. It emerged that the girl had first convinced a boyfriend that the mother was perpetrating family violence and so he provided her with a 'safe home' until he developed his own concerns about her failure to eat. She had then contacted her father, persuaded him that her mother posed a safety risk and she then somehow obtained an exemption from the COVID-19 flight restrictions and travelled interstate to her father's. This was all achieved without the Mother's knowledge and without her being consulted or advised in advance by any service which may have been involved in helping the girl to relocate interstate.

The history of high conflict between the parents and the father's continuing unconstructive attitude towards genuine and well-founded concerns of the Mother about the child's medical needs have excluded the Mother from any role now their daughter is with the father. Yet there is no specialised service in the rural area where he lives and the father is reportedly not viewing the mother's concerns about lack of medical supervision as reasonable which in turn supports the daughter's own circumvention of treatment.

We advised the Mother on her options. She sought legal aid for representation and not surprisingly aid was refused due to the fact that the child was almost 18 and soon beyond the jurisdiction of the court even though it was arguable that the child was not making decisions in her own best interests. We advised on Guardianship pursuant to State laws but the girl is presently out of this jurisdiction. The equivalent of a Treatment Order under our Mental Health Act 2013 (Tas) may be available to our client under the relevant interstate legislation. We encouraged the Mother to continue accessing her own psychological support and guidance. As lawyers we also find situations with such limited options very challenging but hope for a positive outcome.

Case Study – Binding Child Support Agreements (BCSA)

More than one instance of a client approaching our service with a pre-drafted BCSA which they ask us to witness has arisen. Whilst we do not draft BCSA from scratch we have protected clients who convey that they regard it as a formality and that a lawyer simply needs to watch them sign. In reality the obligations of the lawyer in these situations includes giving comprehensive advice on the pros and cons and the legal

effect of the BCSA on the client's rights in this complex area of law. These draft BCSA have been presented to us by clients who are in fact being encouraged to disregard their own interests by the payer and who are, or have, experienced family violence and are fearful of possible consequences and subject to a degree of pressure from the payer. One carer needed to make application to the Court for urgent return of a child whom the payer was retaining because she had not signed the BCSA he had presented to her. He had also notified a change of care to the Registrar of Child Support and over-payments had been raised against our client by both Centrelink and Child Support. There remains an ethical dilemma in such a situation (even if the lawyer has fulfilled the obligation to advise) if the client seeks that the lawyer sign the requisite declaration when the lawyer is aware that the client would be signing under pressure.

Paternity dispute

Our client is a mother of 3 young children, the youngest is aged 4. She and her husband have recently separated as a result of our client disclosing to him that she was a victim of rape around the time of the 4 year old's conception, and that she thinks the perpetrator may be the child's biological father. She had not told the husband about this before now as she knew he would be very upset. The husband is now asking that they do a DNA parentage test for the child. Our client is reticent to have a test done because she thinks that the husband will not want to have any further contact with the child if it shows he is not the biological father. She is of the view that this will be extremely damaging to the child who has had the husband as their father their whole life. I advised that if the father made an application to the court for DNA testing orders, it would be very likely that the court would make those orders in the circumstances. In light of this, undertaking the test by consent out of court would save her the time, money and trauma of court proceedings. We referred her to a counselling service and recommended that she contact Relationships Australia who may be able to help mediate and support the ongoing family relationships pre and post DNA test.

Client Feedback

The following unsolicited client feedback sometime after file closure is the type of comment that makes our work feel worthwhile:

".. I just wanted to thank you and let you know how grateful I am for the work you've put in for me over the last couple of years, it's amazing. ..." and "I'm forever grateful to you and your service for without it I don't think things would have gone the way they did....I'm enjoying this new chapter in my life. I won't forget you...."

Meg Mitchell, Irene Tiang and Alicia Moore

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 utilise the skills of volunteers to assist when required.

As expected, the WRAS workload was constant over the period in question; the number of clients having difficulties with the Department or the Social Security legislation continues to grow. The main areas of contention in the 2019/20 period centered heavily

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on Disability Support Pension ("DSP") eligibility, overpayments (including robo-debts) and in 2020, issues arising from the Government's economic response to the coronavirus pandemic.

Like previous years, 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. Long hold times, unresponsive telephone systems and the inability to access the Internet only 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, liaise 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.

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 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 issued letters to clients asking them to confirm the data they have received from the ATO, via their online myGov account.

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 confirmed their 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 this 'robo-debt' system abandoned due to it being fundamentally flawed. In the meantime, HCLS assisted clients to review these decisions with success. A significant proportion of client's robo-debts were reduced to smaller amounts, whilst somewhat frustratingly, a large number were found to have no legitimate debt at all.

After a considerable amount of time and use of resources in assisting these clients, we were pleased by the Federal Government's announcement in early 2020 that they would refund \$721 million worth of overpayments recovered through their controversial robo-debt scheme. This was in response to the finding by the Federal Court of Australia in late 2019, that the practice where Centrelink would calculate an average fortnightly income based on a person's annual tax return to be unlawful.

The Department said in a statement at the end of May 2020 that 470,000 debts would be waived, with refunds to be rolled out from July 2020. Unpaid debts will simply be zeroed within the Department, while people who have already paid their debts will be refunded. More than 370,000 people were affected by this scheme, with some having been issued with multiple debt notices.

In addition to this announcement, Service Australia also contacted all those affected by the robo-debt scheme to advise them of a class action being taken by Gordan Legal. In November 2019, Gordan Legal launched the 'Robo-debt Class Action' on behalf of five representative applicants and on behalf of many thousands of other people who are included in the case as 'Group Members'. In essence, they are arguing that the robo-debt calculation system was unlawful and all recipients should be compensated by the Commonwealth for loss of interest on money collected and other consequential losses arising from the robo-debt.

Response to Coronavirus:

As we all know, the Coronavirus has presented a fast evolving and significant challenge to global health systems and economies. The Australian Government acted decisively in the national interest to support households and businesses and address the significant economic consequences of the Coronavirus.

This assistance included income support payments, payments to support households and temporary early release of superannuation. As such, there was a number of significant impacts to the work HCLS was conducting for the WRAS – including the increase in the number of people reliant upon income support during this crisis.

Initially, we did not see a significant increase in workload for the WRAS; this was also the experience across the board Nationally. However, there was a steady increase over the last few months of the financial year, as people eventually felt the effects of Centrelink decision making.

A Coronavirus Supplement was automatically paid to eligible recipients at a rate of \$550 a fortnight. This was paid to both existing and new recipients of JobSeeker Payment, Youth Allowance, Austudy, Abstudy, Parenting Payment, Farm Household Allowance and Special Benefit.

Additionally, Australians were being supported via financial assistance to businesses. The JobKeeper payment helps businesses significantly impacted by the Coronavirus cover the costs of their employees' wages. The majority of enquiries with regard to JobKeeper payments require legal advice on other Industrial Relations matters and were mostly dealt with at the same time by our generalist solicitors.

One of the Government's economic response to the coronavirus pandemic was to introduce temporary changes to certain payments. Under the COVID-19 arrangements, eligibility for the JobSeeker Payment (the old Newstart Allowance) was widened to accommodate the substantial increase in the number of people reliant upon income support during this crisis.

In particular, mutual obligations were suspended for all recipients of JobSeeker, to avoid suspension and financial penalties for failure to comply with participation requirements in these unprecedented times. Nevertheless, from 9 June 2020, mutual obligations were gradually reintroduced, with JobSeeker Payment recipients required to undertake at least one appointment with their employment service provider (online or over the phone).

Initially, suspensions and financial penalties did not apply to job seekers who did not meet these requirements. However, as these obligations are reintroduced and less financial assistance is available, we envisage our service will see an increase in clients presenting with issues of suspension or queries about obligations to engage with employment service providers for the remainder of the year and the foreseeable future.

Chris Rice
Principal Solicitor/Welfare Rights Solicitor

BRIDGEWATER OFFICE REPORT

The Bridgewater office of the Hobart Community Legal Service continues to provide free legal advice, referral and case work to Hobart's Northern suburbs and the Eastern Shore. This service is offered through drop-in, appointments. The Bridgewater office will be providing outreach to Tasmania's South East through outreach to Sorell and Huonville. It is also hoped to establish an outreach service to New Norfolk later in 2020.

The office is staffed between the hours of 9:30 am to 2:30 pm Tuesday to Friday by one lawyer and one administrative officer.

The Bridgewater office provides legal advice in civil and most family law matters and provides case work assistance in summary crime, family violence, child safety and commonwealth entitlements.

We have been offering assistance with restraint orders but are cautious as to which matters we take on. Ordinarily we will only provide assistance where:

- The client has an intellectual disability or mental health issue or is otherwise vulnerable
- Due to intellectual disability or mental health issue is not capable of representing his/herself and
- The client will suffer a hardship as a result of the order being made against them or suffer hardship or assault if an order is not made in their favour.

The office also has a suite of community legal education programs to offer. These can be delivered to HMP Risdon and community and neighbourhood centres.

During the transition from the previous lawyer and the current lawyer client numbers declined. However, visits to various community centres and charitable organisations and attendance at Brighton Alive meetings to re-introduce the service has seen numbers start to pick up.

Matter types

The majority of ongoing case work has been in summary crime, with a focus on assaults and drink/drug driving.

We have represented clients in relation to restraint order application on several occasions, for both applicants and respondents. for restraint orders on several occasions.

Advices continue to be quite varied but with a focus upon family law advice.

Community Legal Education

A number of CLE sessions were conducted in 2019 at HMP Risdon. These were well received and plans made to run more in 2020. However, with the arrival of Covid-19 and incoming social distancing, all community legal education sessions planned for HMP Risdon were cancelled. At this stage they have not been reinstated.

Despite the cancellation of CLE, we have used this time to develop a suit of CLE programs to be delivered by PowerPoint. We are also currently designing a poster to distribute to both community and government services in the local community.

Case studies

Family law

Our client Ms WB is mother to 6 year old W. the Department of Health and Human Services removed W from her care some years ago due to her alcoholism and family violence. W was initially placed with his aunt and uncle and then reunited with his father in Kalgoorlie.

Ms WB received an application for consent orders from W's father's lawyer, seeking sole parental responsibility of W and for the opportunity to move with him to New Zealand.

Ms WB instructed that she was happy to agree to this. She recognised that W had been out of her care for some time and living with his father in Kalgoorlie and that living in New Zealand close to extended family to be in his best interests.

We assisted Ms WB to sign consent orders that ensure that their relationship is preserved and that W has the opportunity to have a meaningful relationship with his mother despite being located so far away. The orders now include annual contact with W for 7 days per year and electronic video contact on Mother's Day, birthdays, Christmas and Easter.

This was a straightforward matter with a good outcome for Ms WB as she now has certainty as to contact arrangements that suit her.

Civil

In September 2019 the Bridgewater office assisted Ms W, a 69 year old retiree in an application to recover a debt of \$3,500.

Ms W had leant the money to Ms L who had not repaid the money by the due date, 28 June 2019.

The lawyer with carriage of the matter sent through a letter of demand but to no avail. The lawyer then drafted an application to the Magistrates Court Civil Division. Once this was served the matter resolved with Ms L repaying the loan in full.

Criminal law

Last year this office assisted Ms P in relation to firearms charges and trespass. Photos of Ms P with a firearm were posted on social media. This led to police investigation and charges followed.

The offence arose when a friend of Ms P posted photos of Ms P holding a firearm on a private property with the caption "first shoot".

At the time of the offence Ms P was a student at TasTafe completing qualifications in veterinary care. She was most concerned to avoid a conviction.

Submissions were prepared and made seeking a non-conviction bond on the basis of Ms P's age, lack of prior convictions, employment prospects and the fact the offence was a relatively low-level example the type of offending.

The court accepted the submissions and sentenced Ms P and dealt with the matter in the manner suggested. A costs order was also made against Ms P.

Hamish Locke
Bridgewater Solicitor

OUTREACH SERVICES

The Outreach Service continued to provide legal advice to members of the Sorell community every Friday (except the third of each month), by appointment, in rooms provided by the Sorell Council at a minimal cost.

The service was expanded to Huonville. We were able to book a room at the Huonville Community Health Centre on the third Friday of each month. Consultations were done by appointment.

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, civil 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

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 Study 1:

Mr T had advertised his coatrack for sale online. He agreed to loan it to Ms H on a 'try before you buy' basis. It was agreed that she would pay for it or return it within seven days depending on whether she was satisfied with it.

Ms H failed to pay or return the coatrack within 7 days. She told Mr T she was not satisfied with it, and would be returning it. At the time of engaging us, it had been six weeks since Ms H said she would return it, and she was still in possession.

We wrote a letter of demand to Ms H requiring her to return the coatrack. She returned it to Mr T two days after receiving our letter.

Case Study 2:

Mr G has new dentures made and fitted by Teeth R Us (TRU). He paid \$2,000 for them.

The new dentures caused ulcers on the inside of his mouth because they did not fit correctly. His 50 years of experience of using dentures made it obvious that they needed to be shaved down to fit correctly.

He engaged TRU to shave them down. Shortly after having them the dentures shaved down, they fell out of his mouth. After trying to use the dentures for a week it was obvious they had been shaved down too far because they would not stay in his mouth.

We wrote a letter to TRU rejecting the dentures because they were not of acceptable quality as required under the Australian Consumer Law and demanded a refund (the dentures accompanied the letter). TRU agreed to refund Mr T the entire amount he had paid for dentures and the shaving down.

Peter Foster
Outreach Solicitor

Duty Lawyer Service

Hobart Community Legal Service (HCLS) continued its collaboration with the Law Society of Tasmania and the Tasmanian Centre for Legal Studies; to provide a Duty Lawyer Service (DLS) to the Hobart Magistrates Court. Recent graduates of the Centre for Legal Studies are given the opportunity to apply for a casual position through HCLS, as a Duty Lawyer after completing a two-week intensive training course. The experience gained from working as a Duty Lawyer assists in obtaining the experience needed to gain full time employment in the legal profession. Part of the collaboration also provides the ability for a private law firm to employ a graduate and receive incentives from the Law Society to also join the DLS under the supervision of HCLS.

All, but two, of the 2019 Duty Lawyers were successful in obtaining permanent full-time employment by February 2020. We like to think their inclusion in the DLS contributed to their employment in the legal profession. Due to the success of the DLS at the Hobart Magistrates Court in 2019, we were also in a position to offer a similar service to the Huonville Magistrates Court during their regular sitting days, the third Friday of every month.

The DLS is funded through a grant from the Solicitor's Guarantee Fund. The invitation to apply for funding for 2020 was circulated in late December 2019, with the date for expressions of interest closing in early January 2020. Fortunately, the members of the partnership had foreseen this might occur and had prepared a funding submission in late 2019. Apart from an acknowledgement of receipt of the submission, we heard nothing until May 2020, when we received a phone call from the Attorney General's office to say the application had been successful. This was despite constant lobbying to the Department of Justice and the Attorney General's office. As of 30th June 2020, funding had not been received.

The predicament with the funding made it difficult to know whether to proceed with the DLS in 2020. However, during December 2019 a new cohort of 9 graduates, including one employed under the scheme through an arrangement with private practice and the Law Society, participated in training provided by Peter Dixon, a retired Magistrate and HCLS Principal Solicitor, Chris Rice.

A decision was made to employ the new cohort of Duty Lawyers in early March 2020, with money left from previous grants. We believed this was crucial, despite not having acknowledgement of funding, as we were concerned the period of time from the date the graduates undertook their training and the commencement of their employment

was growing significantly. They were employed on a 10-month casual basis in mid-March 2020, with a condition of their contract being their employment with HCLS was contingent on funding being provided for the ongoing service. We were assured funding would be confirmed imminently.

Nevertheless, later in March the COVID-19 virus became a very great concern to everyone including the Magistrates Court. Special precautions were taken to make sure the Duty Lawyers could stay as safe as possible but on April 1st the Magistrates Court asked for the DLS to be suspended due to the safety of the duty lawyers and that the court was beginning to phase in their lockdown procedures.

As of the 30th June 2020 the service had not resumed.

Jane Hutchison & Chris Rice

HOBART COMMUNITY LEGAL SERVICE INC

FINANCIAL STATEMENTS

30TH JUNE 2020

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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 2020

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 2020 and the results of its operations for the year then ended.

In my opinion, the financial report has been prepared in accordance with the requirements set down in Division 60-45 of the *Australian Charities and Not-for-profits Commission Act 2012 (as amended)*

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
16 September 2020

Office 5 Meath Avenue Taroona 7053
Telephone 03 6233 4967 Mobile 0419 588 575

Postal address PO Box 600, Sandy Bay, Tasmania 7006
Fax 03 6233 4967 Email r.wedge@maxpeckandassociates.com

**Hobart Community Legal Service Inc.
Consolidated Profit & Loss Statement
for year ended 30 June 2020**

	2020	2019
Income	\$	\$
Commonwealth Funding	471,396	457,339
State Funding	379,702	387,172
Car Parking, Rent	28,269	27,576
Interest Received	6,347	7,972
Costs Awarded	0	1,320
Lease & Condition Agreement	2,215	2,109
Other Income	51,205	980
Wage Reimbursements	225,888	208,019
Total Income	\$1,165,023	\$1,092,487
Expenses		
Advertising	3,134	2,894
Amenities: Client, staff, volunteers	3,003	3,022
Audit Fees/ Accountant	1,850	2,715
Cleaning	2,243	3,104
Computer Expenses	6,179	5,729
Conferences and Training	1,390	4,986
Consultancy Services	9,441	9,666
Depreciation	6,986	0
Electricity	1,773	6,923
Equipment Purchases (minor)	3,943	7,170
Employee Leave Entitlements	61,333	57,311
Insurance & workers Comp	740	1,761
Library Expenses	2,082	1,576
Memberships	7,168	8,357
Office Rental	86,091	87,983
Practising Certificates	885	986
Printing, Postage, Stationary	3,783	5,186
Rates, Land Tax	13,174	8,890
Salaries & Related Expenses	775,655	799,409
Security	659	745
Subscriptions	351	1,129
Sundry Expense	1,358	1,004
Superannuation	77,101	81,985
Telephone	11,117	12,880
Travel	1,386	537
Total Expenses	\$1,082,822	\$1,116,509
Operating Profit	\$82,202	-\$24,022

Hobart Community Legal Service Inc.**Balance Sheet****as at 30 June 20120**

	2020	2019
Assets		
<i>Current Assets</i>		
Cash at Bank, on Hand	17,560	14,028
Deposits at Call, Term	402,390	325,705
Trade Debtors	6,721	7,704
Total Current Assets	426,671	347,438
<i>Non-Current Assets</i>		
Equipment – at cost	147,408	147,408
Add Additions	20,958	0
Deduct Provision Depreciation	-154,394	-147,408
Total Non-Current Assets	13,972	0
Total Assets	\$440,643	\$347,438
Liabilities		
Creditors	12,601	4,001
GST Liabilities	3,514	21,178
Payroll Liabilities	26,925	28,507
Employee Leave Entitlements:		
:Annual Leave	57,323	35,678
:Long Service Leave	97,583	74,830 (Note 2.5.2)
Total Liabilities	\$197,946	\$164,193
Net Assets	\$242,697	\$183,245
Equity		
Retained Earnings	152,289	176,311
Current Earnings	82,202	-24,022
Pay Contingency	8,206	30,956
Total Equity	\$242,697	\$183,245

Hobart Community Legal Service Inc.
Statement of Cash Flows
for year ended 30 June 2020

	\$ 2020	\$ 2019
Cash flows from operating activities		
Cash receipts in the course of operations	1,166,007	1,100,406
Payments for Project & Operating	<u>-1,064,832</u>	<u>-1,131,248</u>
Net cash provided (- used) in operating activities	<u>101,175</u>	<u>-30,842</u>
Cash flows from investing activities		
Purchase of new assets, inventory	<u>-20,958</u>	<u>0</u>
Net cash provided by investing activities	<u>-20,958</u>	<u>0</u>
Net increase (-decrease) in cash held for year	80,217	-30,842
Cash at the Beginning of Financial Year	<u>339,734</u>	<u>370,576</u>
Cash at the End of Financial Year	<u>\$419,950</u>	<u>\$339,734</u>
Cash at year end represented by:		
Cash at bank, cash floats	17,560	14,028
Term deposits	<u>402,390</u>	<u>325,705</u>
Total Cash at end of Financial Year	<u>\$419,950</u>	<u>\$339,734</u>

Reconciliation of cash from operating activities with result for year

Operating surplus (- deficit)	82,202	-24,022
Change in non-cash items		
Depreciation	6,986	0
Payroll liabilities	-1,582	10,283
Employee entitlements	-21,649	-22,150
Sundry debtors	984	7,918
Sundry creditors	<u>-9,064</u>	<u>-2,871</u>
NET CASH PROVIDED BY/(USED IN) OPERATING ACTIVITIES	<u>-\$101,175</u>	<u>-\$30,842</u>

Hobart Community Legal Service Inc.
Statement of Change of Equity
For year ended 30th June 2020

	\$	Note
Balance 1 July 2018 brought forward	268,371	
Deficit for the year	<u>-24,022</u>	
Balance as at 30 June 2019 carried forward	<u>244,349</u>	
Balance as at 30 June 2019 brought forward	244,349	
Adjustment to prior years long service leave	-83,854	2.5.2
Surplus for the year	<u>82,202</u>	
Balance as at 30 June 2020 carried forward	<u>\$242,697</u>	

1. Basis of Preparation

1.1 Statement of accounting policies

The financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act 1964, the requirements of the Association's Constitution and the requirements of the Australian Charities and Not for Profits Commission. The Board of Governance has determined that the Association is not a reporting entity as defined in Statement of Accounting Concepts 1: Definition of the Reporting Entity. The Association has however, prepared the financial report in accordance with the Australian Accounting Standards and the Reduced Disclosure Requirements.

Hobart Community Legal Service Inc. is a not-for-profit entity for financial reporting purposes under the Accounting Standards.

1.2 Basis of Preparation

The financial statements, other than the statement of cash flows, has been prepared on an accruals basis and are based on historical costs and do not take into account changing money values or, except where stated, current valuations of non-current assets. Cost is based on the fair value of the consideration given in exchange for assets.

2. Significant accounting policies

The following significant accounting policies have been adopted in the preparation of these statements and are consistent with prior years unless otherwise stated.

AASB 101 Presentation of Financial Statements

AASB 107 Statement of Cash Flows

AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors

AASB 1031 Materiality

AASB 1048 Interpretation of Standards

AASB 1054 Australian Additional Disclosures.

2.1 Income Tax

No provision for income tax has been raised as the Association is exempt from income tax under Div. 50 of the Income Tax Assessment Act 1997. The Association holds deductible gift receipt status.

2.2 Goods and Service Tax (GST)

Revenue, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australia Taxation Office (ATO).

2.3 Cash and Cash Equivalents

Cash and cash equivalents include cash on hand and at bank.

2.4 Revenue

Revenue comprises income from the sale of services, government grants, client contributions and donations. Revenue is recognised when the amount of revenue can be measured reliably, collection is possible, the costs incurred or to be incurred can be measured reliably.

2.5 Employee Benefits

2.5.1 Short-term employee benefits

Short term employee benefits are benefits, other than termination benefits, that are expected to be settled within twelve (12) months after the end of the period in which the employees render the service. A liability is recognised for the amount expected to be paid if the Association has a present or constructive obligation to pay this amount as a result of past service provided by the employee and the obligation can be estimated reliably.

2.5.2 Other long term employee benefits

Provision is made for the organisation's liability for employee entitlements arising from services rendered by employees to balance date.

In 2019-2020, a full review of employee's long service leave entitlements was undertaken. The review revealed a substantial under provision was being carried in the accounts of the Service. The balance sheet at 30 June 2020 has been updated to record actual entitlements at that date. An amount of \$83,854 has been transferred from the Equity account Parity Pay to the long service leave provision. An amount of \$9,027 in the shortfall in the provision has been expensed in the current financial report. Prior year data has also been amended.

2.6 Economic Dependence

Although there is no reason to believe that funding will cease, the ongoing viability of the Association as a going concern is dependent on continued government funding.

2.7 Payments to Auditor

Payments to the auditor were \$1,850 in 2020 and \$2,665 in 2019. No other payments were made in either year.

OFFICE BEARERS

YEAR ENDED 30th JUNE 2020

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

**The financial assistance of the Commonwealth Government's
Attorney-General's Department and the Tasmanian
Department of Justice (Tasmanian Community Legal Services
Program) is gratefully acknowledged.**

