



**Hobart Community  
Legal Service Inc.**

providing legal direction

# **ANNUAL REPORT 2020/2021**

## **ANNUAL GENERAL MEETING**

**30 SEPTEMBER 2021**

PRESIDENT'S REPORT

TREASURER'S REPORT

WORKERS' REPORTS

FINANCIAL STATEMENTS

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# PRESIDENT'S REPORT

I am pleased to present my report as President to the 2021 AGM of the Hobart Community Legal Service Inc. (HCLS). HCLS continues to work hard to help individuals and communities, particularly those who are marginalised, navigate the legal system in Tasmania.

We have continued to work 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, as well as to provide legal education and resources to the community.

## The Impact of COVID

COVID-19 continued to impact on the way services were delivered and the type of matters that presented to HCLS.

Following a period of working from home between March and June 2020, staff returned to working from both our offices. However the doors remained closed to the public until late July 2020 and HCLS continued to provide legal assistance through socially distanced means including via telephone and online.

After the return of office-based services, HCLS continued to explore alternatives to providing face-to-face services, including the evening information sessions.

## Collaborations and partnerships

We continued to maintain our Health Justice Partnership with the Link Health Services for young people, as soon as it was safe to do so one of our lawyers resumed 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.

This year also saw HCLS start a weekly outreach service to homeless people attending the Safe Space Service, with a lawyer attending the Service on a weekly basis. This has been welcomed by those who run the Safe Space Service and we have started to become accepted and trusted by those using the facility; these people are very vulnerable and often experiencing mental health issues.

Once again, HCLS has worked closely with Knowmore Legal Service helping to assist those affected by Institutional Childhood 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 and help them to apply for compensation to the Redress Scheme if required.

## Outreach and training

HCLS has continued to provide outreach legal services to the Sorell and Huon regions and has also begun outreach services to both the Rokeby and Clarendon Vale Neighbourhood Centres.

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. HCLS

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plays a pivotal role in delivering this service, which has proved a significant success in providing training and experience, and ultimately career opportunities, to newly admitted practitioners.

#### A few farewells

With great sadness 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 continued to diligently attend meetings and took an active role in the management of HCLS.

We also farewelled the Honourable John White, who died in June 2020. 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 are both sadly missed.

#### A thank you to our volunteers

I commend the dedication and work of volunteers, including some solicitors 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 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. I thank the members for their ongoing service and dedication to the management and promotion of the objectives of HCLS.

#### Commonwealth and State funding

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. In addition to this funding HCLS received additional one off COVID – 19 funding from the Commonwealth Attorney General's Department to meet the increased demand of more complex legal problems as well as the increased cost of providing these services.

#### Thank you to the staff and leadership

I would like to acknowledge the significant efforts of the Director and Principal Solicitor for their efforts in managing the service throughout a period not without significant challenges.

Finally, I express my gratitude to the staff of HCLS who continued to be flexible and adaptable in finding ways to continue their work during these challenging times.

Due to their efforts, HCLS was able to continue providing vital community legal services and access to justice to those who would otherwise almost certainly find such vital services beyond their reach.

Henry Pill  
President

# TREASURER'S REPORT

This is my first report as Treasurer following the untimely death of the organisation's long standing Treasurer, John Green, in 2020.

The last year continued to provide funding challenges for the Hobart Community Legal Service (HCLS). The COVID-19 pandemic continued to affect the operations of the HCLS with many staff working from home and an ongoing paring back of some services previously provided by the organisation. As a direct result of the impact of the pandemic on many community organisations, HCLS received one-off funding of \$143,150 from the Attorney General's Department to assist with the provision of Frontline Services. This enabled us to increase the hours of operation of the Bridgewater Office; and to fund an additional position in the Hobart Office. HCLS also received a \$28,244 ICT infrastructure grant which assisted us in upgrading our computer system to ensure that it would be sufficient to work with a VPN. It also enabled us to upgrade our old telephone system to enable staff to work remotely which I suspect will be ongoing for some time to come.

HCLS continues to be dependent on funding provided by the Commonwealth and State Governments through the Department of Justice. For many years this has been provided on a year to year basis with an ongoing uncertainty of the level of funding and it was not until the 20th July 2020 that we were advised of our level of funding. This has always led to a level of uncertainty for the ongoing operation of the organisation ; and, in particular, has led to uncertainty of tenure for the employees of HCLS. There has been a minimal increase in the level of funding which does not reflect the increased running costs of the services provided by HCLS to the Tasmanian community. The level of services provided has continued largely due to the COVID-19 ATO tax relief and a one off grant from the Commonwealth Attorney General's Department.

In June of this year all community legal service providers received a draft NLAP funding agreement under which funding will be guaranteed for a period of five years. There are, however, a number of issues which have been raised by the community legal services as to the proposed terms of the funding instrument and I anticipate that it will be some time before all these matters have been resolved and the funding deed can be signed. Until then, the funding uncertainty of the organisation will continue.

Overall the last year has been a very challenging one for HCLS; and I particularly want to thank our Director, Jane Hutchison, for her untiring efforts to keep the ship on course. I also want to thank our former treasurer, John Green, for his considerable service to HCLS as Treasurer. John had been the Treasurer for as long as I can remember and I have been on the Committee for over twenty five years.

James Walker  
Treasurer

# DIRECTOR'S REPORT

Hobart Community Legal Service Inc. (HCLS) has completed another busy year in 2020/21 in which HCLS continued to provide legal services from both our Hobart Office and Bridgewater Office 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, General Family Law matters focusing on children, Family Violence, Evening Legal Information Service, Prisoner Advice Service, and outreach services to various locations in Southern Tasmania. We continue to endeavour not to duplicate services provided by other legal assistance services.

New Outreach Services were established in conjunction with the Rokeby and Clarendon Vale Neighbourhood Houses and it is intended that we will continue to visit both of these services on a regular basis.

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

During this financial year we also began a weekly service to the Hobart City Mission's Safe Space Service for homeless people and those vulnerable to homelessness with a lawyer attending on a weekly basis. We find that by a lawyer attending these services we are able to provide services to people who often wouldn't normally access our services, the clients, many of whom suffer from mental health issues feel more comfortable being in familiar surroundings.

HCLS has continued to work 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. We have also made applications to the redress scheme on behalf of clients.

As well as these services, HCLS has continued to provide a weekend out of hours Duty Lawyer Service at the Hobart Magistrates Court as a project for the Legal Aid Tasmania. The Planning Aid Service, in conjunction with the Planning Institute of Australia, is another service that continues to be provided by HCLS. HCLS also continued to contribute to an Australia wide research being overseen by the University of Queensland looking at the effects of homelessness in the criminal justice systems throughout Australia.

This year saw HCLS enter into a partnership with the Fair Work Commission Workplace Advice Service to provide advice to people contacting the Workplace Advice Service

COVID -19 continued to impact on the way that HCLS provided legal services. After finally returning to office based work from both the Hobart and Bridgewater Offices in late June 2020 after working from home due to 'Lockdown', we finally opened the doors to the public in late July 2020, but on a strict appointment only basis to begin with. Strict cleaning procedures were put in place and also social distancing was strictly adhered to. Our website was updated with changes to work practices to keep the public informed as best we could.

The staff are to be commended for the way that they adjusted to the changing circumstances.

Committee of Management meetings continued to be conducted via teleconference until restrictions became less stringent. However, some members continued to attend meetings via teleconference due to the number of people who could physically be present in person.

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, COVID-19 continued to affect the provision of this service and we were finally able to reinstate the Duty Lawyer Service in late August 2020.

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

HCLS continues to co-locate with the Tenants' Union of Tasmania (TUT) and provides 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, Kerry Crowder, Leesa Bevan, Tim Mills, Danielle McKee and Janelle Lucas from the Department of Justice Tasmania; the office of Andrew Wilkie MHR; the office of Brian Mitchell MHR; the office of Senator Jacquie Lambie; the office of Julie Collins MHR; and Tom O'Connor for his assistance with the Planning Aid Service. Noor Khan, Lachlan Thompson, Shaun Hancl, Sheryl Chng, Shamita S and Katherine Weston all provided assistance by volunteering their time to HCLS. 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 HCLS 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 Lawyer
Meg Mitchell	Senior Family Law Lawyer (part time, 15 hrs pw)
Alicia Moore	Family Law / Family Violence Lawyer (part time 18 hrs pw)
Alexander Davidson	Generalist Lawyer (30 Hrs pw)
Peter Foster	Generalist Lawyer

Jason Cheow	Generalist Lawyer – COVID Funding (part time from Aug 20)
Jonathan Budgeon	Generalist Lawyer – COVID Funding (part time from Aug 20)
Hamish Locke	Bridgewater Office Lawyer (until May 21)
Claire Markham	Bridgewater Office Lawyer (part time from May 21)
Sandra Higgins	Bridgewater Office Assistant (part time)
Lucy Smejkal	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 2020 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 in August 2020 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 are 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 which provides basic legal information to the public, identifying if there is a legal problem and what avenues for redress are available, was also impacted by COVID-19. We had to look at a different way to provide this service and rather than being a service where people just ‘dropped in’, we have had to make appointments for people to see volunteer lawyers after hours. The efforts of the 35 solicitors 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.

Unfortunately, due to the effect of COVID-19 we have not been able to have the usual number of recently admitted graduate solicitors volunteer at our offices. It is a pity as this arrangement assists the young graduates to gain experience, which increases their job opportunities, and helps with the management of the workload at each of the offices.

We are 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 that 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 Development (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.

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 meetings. 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 mainly by contributing to the law reform work conducted by Community Legal Centres Tasmania. HCLS also worked closely with TasCOSS on their submission on the Draft Bail Bill 2021.

The Tasmanian Law Handbook Online continues to be a major project of HCLS. A submission for \$20,000 to the Solicitor's Guarantee Fund was successful and the money is being 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)
- Commonwealth Attorney General's Department
- Guardianship and Administration Board Tasmania
- Consumer Affairs and Fair Trading Tasmania



- Commonwealth Ombudsman
- Tasmanian Ombudsman
- Fair Work Commission
- Fair Work Ombudsman
- ASIC
- ACCC
- Legal Aid Tasmania
- Safe at Home Team (Legal Aid Tasmania)
- FAAS Team (Legal Aid Tasmania)
- Child Support Agency
- Centrelink
- Equal Opportunity Tasmania
- E-services Commissioner
- Office of the Tasmanian Children's Commissioner
- Registry of the Federal Circuit Court and Family Court
- Administrative Appeals Tribunal
- Hobart Magistrates Court
- Tasmania Police Prosecution Services
- Tasmanian Prison Service
- Child Safety Services
- Department of Health and Human Services
- Education Department Legal Services
- Office of Andrew Wilkie MHR
- Office of Brian Mitchell MHR
- Office of Rebecca White MHA
- Office of Ella Haddad MHA
- Office of Rosalie Woodruff MHA
- Office of Senator Carol Brown
- Office of Senator Jacquie Lambie
- Office of Julie Collins MHR
- Huon Community & Health Centre
- Huon Domestic Violence Service
- Centrelink Social Workers
- Centrelink Legal Services
- Skills Tasmania
- NDIS
- National Redress Scheme

## **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
- Law Society of Tasmania Pro Bono Committee
- 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
- Engender Equality
- Sexual Assault Support Service
- Worker Assist
- Positive Solutions
- (Un)hitched
- Tasmanian Aboriginal Centre
- Tasmanian Aboriginal Community Legal Service
- Launceston Community Legal Centre
- North West Community Legal Centre
- Women's Legal Service Tas
- Refugee Legal Service
- Justice Connect
- Disability Tasmania
- The Link Youth Health Service
- Knowmore Legal Service
- Family Planning
- Holyoake
- Hobart City Mission
- Safe Space

- The Link Youth Health Services
- Huon Valley Service Providers Network
- Hobart Family Relationship Centre
- Australian Red Cross
- Myeloma Australia
- Headway Tasmania
- Baptcare
- Anglicare
- Catholic Care
- Colony 47
- JusTas
- Mission Australia
- Salvation Army
- Australian Pro Bono Centre
- Migrant Resource Centre Southern Tasmania (MRC)
- Palliative Care Tasmania
- Australian Communications Consumer Action Network
- University of Tasmania
- University of Queensland
- Tasmanian Centre for Legal Studies

## **Conference Attendance / Event Presentation/Meetings**

- Conducted Legal Education seminars for Migrant Resource Centre on various topics
- Conducted presentation to Huon Valley Service Providers on the role of HCLS
- Attended Community Legal Centres Tasmania meetings
- Conducted Community Education session on Consumer Rights
- Conducted a presentation to the Psychotherapy & Counselling Federation of Australia, Tasmanian Branch.
- Conducted a presentation to Catholic Care Counsellors
- Conducted Legal Education session at a Myeloma Australia function
- Attended meetings of Hobart Family Pathways Steering Committee
- Attended the Tasmanian Family Pathways Conference
- Attended meetings of the Tasmanian Legal Assistance Forum
- Attended Tasmanian Legal Assistance Services Planning meetings
- Attended Community Legal Centres Australia Policy Council meetings
- 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
- Attended 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

## COMMUNITY LEGAL EDUCATION

HCLS provides Community Legal Education sessions (CLE) when requested by the community and during 2020/21 we conducted sessions at organisations such as Huon Service Providers Network, Myeloma Australia Seminar, Headway Tasmania, Baptcare Gateway Services, The Link Youth Health Service, Goodwood Neighbourhood House, Rokeby Neighbourhood House and the Migrant Resource Centre.

We worked with the Migrant Resource Centre to produce our 'Know Your Legal Rights' cards in a number of different languages that are available on the Migrant Resource Centres website. We also provide a link from our website to this resource.

Unfortunately, COVID-19 interfered with our ability to conduct CLE sessions, in particular the regular sessions at Risdon Prison. We have however been working with the IT Learning Support Officer at Tasmanian Prison Service to provide access to the Tasmanian Law Handbook to inmates in some way other than via our website. The Editor of the Law Handbook has started to provide chapters of the Handbook in pdf versions. We were also contacted by Libraries Tasmania who are working on providing improved library resources for inmates and the pdf versions were forwarded to them as well.

The Tasmanian Law Handbook Online continues to be a major project of HCLS and we were successful in obtaining a small grant from the Solicitors' Guarantee Fund to continue to make sure the Handbook is up to date with the information it contains. Lucy Smejkal 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 continues to remain vigilant about being as cost effective as possible without compromising the quality of the services provided.

This year saw the first year of the new National Legal Assistance Partnership Agreement 2020 – 2025 between the Commonwealth Government and the Tasmanian Government. The Tasmanian Department of Justice continues to distribute funding and oversees the administration of legal assistance services in Tasmania. It had been hoped that with the new agreement would come some stability of funding, but saw only funding for this financial year being agreed to. The Commonwealth Government provided extra funding towards legal assistance services in its last budget but as of the 30<sup>th</sup> June 2021 we did not know how this extra money would be distributed. The Tasmanian Government made an election promise of extra funding going towards legal assistance services but how much and how it will be distributed will have to wait until the State budget later in 2021.

The Service was fortunate to receive extra funding from the Commonwealth Attorney General's Department to help with the increased cost of providing services due to COVID-19 and also the increased demand and complexity of services. HCLS received

\$171,394.00 comprising of \$143,150.00 for the delivery of Frontline Legal Services and \$28, 244.00 for ICT Infrastructure. The extra money for Front Line Legal Services was put to good use by increasing the Bridgewater Office lawyer's weekly hours and the employment in late August 2020 of an extra full time position in the Hobart Office. The extra full time position was job shared between Jason Cheow and Jonathan Budgeon who worked in the Generalist area particularly as we were seeing an increase in industrial matters. Jonathon resigned in June 2021 and Jason Cheow became full time. The additional funding for ICT infrastructure helped with the cost that HCLS incurred when staff had to move to work from home during the lockdown period. This saw all our computer network needing to be upgraded and then linked via a virtual network. It also helped with the extra cost of cleaning materials and protective screening for our reception areas in both our offices. There was sufficient money remaining for us to update our telephone equipment to a cloud based system and also to upgrade our internet firewalls to the standard now required.

In mid-June 2021 the Department of Justice distributed the long awaited Funding Deed that is to last until the end of the new National Legal Assistance Partnership Agreement (NLAP) in June 2025. The same deed was used for all legal assistance services including Legal Aid, the Aboriginal Legal Service and the NLAP funded Community Legal Centres. The deed was a long, complex document that contained many clauses that all parties who were expected to enter into it were unhappy with, to the extent that all refused to sign the document until changes are made. The Department of Justice was amenable to negotiating a more equitable document. Such negotiations continue.

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 agreed to hold off on entering into a lease in the hope that the funding deed negotiations can be settled in a timely fashion allowing us to enter into a longer term 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 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 by appointment only

Bridgewater Office: Free Legal Advice clinics Tuesday – Friday 9.30am – 2.30pm.

During the COVID-19 crisis period both offices remained closed to the public until late July 2020 and then by appointment only. As time went on we became less stringent in the requirement for an appointment and clients began to drop into our offices either to see a lawyer if one was available or to make an appointment to come back and see one. Strict social distancing measure were adhered to at all times.

## **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.

## **Information and Advice activities and number of files opened and closed during 2020/21**

Total Information & Referral Activities	2388
Total Advice Activities	1439
Legal Tasks	194
Total Files Opened	219
Total Files Closed	209
Duty Lawyer Services	1190

## **FUNDING**

HCLS gratefully acknowledges its major source of funding for 2020/2021 from the Commonwealth Attorney General's Department through the National Legal Assistance Partnership Agreement (NLAP) 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 limited or no English, those who have mental health problem and those experiencing difficulties with legal proceedings and negotiation.

Peter Foster, Alex Davidson, Jason Cheow, and Jonathon Budgeon have worked in the Generalist Service in varying capacities during this financial year.

As in previous years, the generalist team has 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

### General Comments

This year the Generalist Service has continued to provide assistance with minor criminal matters 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:

J was charged with breaching a Police Family Violence Order (PFVO) on two separate occasions. The PFVO prohibited J from entering his partner's property and damaging the property.

The first charge related to J attending his partner's house on the night he had been served with the PFVO. J suffers from mental health issues, and was in an extremely

distressed state having been served with the PFVO which resulted in him becoming immediately homeless.

The second charge related to an incident that occurred a few months after the PFVO was made. He had been staying at his partner's property with her consent. J and his partner got into an argument over issues relating to their child. During the argument J accidentally caused very minor damage to the property.

In response to the second charge J sought treatment for his mental health. The treatment was very beneficial and he regularly engaged in counselling and took medication as prescribed. He also obtained his own accommodation which his partner and child attended frequently (to the extent they were there every day). As such, he fully complied with the PFVO.

We represented J at court on a plea of guilty to the charges. We submitted, in addition to the above, this was J's first PFVO and involvement with Police, he had no prior convictions for breaching orders or violence, and he had demonstrated that he now understands the importance of complying with the PFVO and that he had taken significant steps to address the issues relating to the offending.

As a result, the Magistrate did not record a conviction on J's undertaking to be of good behaviour.

### **Case Study 2:**

M was charged with multiple counts of Drink Driving, Drug Driving, Driving Without a Licence and Breaching the COVID-19 restrictions.

M suffers from serious issues with memory loss and has severe anxiety and PTSD. This made taking instructions from him very difficult even though he was assisted by his carer/partner.

We applied for and went over disclosure with M and his carer/partner. M agreed with the facts and wanted to plead guilty. Upon review of his priors however, it was found that M's charges would breach a 4-month sentence of imprisonment from 2017 for like offending that was wholly suspended for 4 years. Both M and his carer/partner were unaware of the suspended sentence due to his memory loss.

M was advised about the penalties and the likelihood of imprisonment for the breach and he maintained he wanted to enter pleas of guilty.

Pleas of guilty were entered on the first appearance and a pre-sentence report was ordered for M, together with an assessment for a home detention order due to his high risk of imprisonment. However, M was not suitable for any form of community service or home detention due to his health issues and his place of residence.

We also acquired a copy of the audio recording for M's last court appearance in 2017 from the court registry. This was done in an attempt to understand the reasoning behind the lengthy suspension period and potentially to make submissions as to why activating it would be unjust.

Upon review of the recording however, it was found that the priors had contained an error and that M's period of imprisonment was only suspended for 2 years instead of the 4 as recorded and due to this difference placing M's offending outside of that suspended period, his current offending would not constitute a breach.



Prosecution Services was contacted with regards to the issue and upon our joint review of the audio recording from 2017, they agreed that an error had been made and withdrew the application for breach.

We represented M in court and he was sentenced to a 6-month term of imprisonment, wholly suspended for 18 months in addition to fines and a period of licence disqualification.

### **Case Study 3:**

X had already pleaded guilty and was sentenced for Drug Driving. He sought to apply for a Restricted Licence and his licence disqualification was set and dated forward to commence a day after the date of his Restricted Licence Application (RLA) hearing.

X required a restricted licence for the purposes of travelling to purchase supplies. His residence is situated 13km away from the nearest bus stop and is not connected to the electricity grid. As such, he needs supplies more frequently due to not having a powered refrigerator.

X relies on these trips much more than most as well, particularly with relation to the fuel he has to purchase as and when he needs to power his home generator for heating.

X had also picked up a new job as a truck driver two weeks before his application, which was his first in two years. The job required him to drive during work hours.

X suffers from a learning disability making it difficult for him to find employment. It also made it difficult for him to understand the application process and as such, X required a great amount of assistance on the matter.

We prepared and filed a restricted licence application for X and represented him in court.

On the day of the Restricted Licence Application hearing however, X was denied entry into court as part of their COVID-19 safety measures due to him having caught the flu three days before.

I was informed that Prosecution Services would be opposing the application due to X's long history of breaching court orders and speeding. Their opinion was that X needed to have some form of punitive aspect to his Restricted Licence.

Due to Prosecution Services opposing the application, X would have to give evidence in the witness box in order to get the terms he applied for and that was not possible due to being denied entry.

We had the option to adjourn proceedings, but due to the COVID-19 safety protocol at the Magistrates Court, X would only be allowed back into court two weeks after his recovery, which would be 13 days past his disqualification date. X did not agree to this option due to requiring his licence immediately for his job.

Given the situation, before court began, we negotiated with Prosecution Services over the opposed conditions and we came to a new set of conditions that fulfilled the purposes that X needed and if agreed upon by X, would go unopposed by Prosecution

Services. This would allow X to appear via phone call since he would not have to give evidence.

X agreed to the modified conditions. After getting written confirmation as to his instructions on the new conditions, he appeared via phone call from outside court, during which he was granted a restricted licence.

#### **Case Study 4:**

Ms S is a Huntington's Disease patient (Huntington's disease is a form of dementia which is genetic and is incurable).

Ms S was charged with a Family Violence Assault in which she threw various items including a knife at her husband. Ms S had no criminal history and obviously showing symptoms of mental decline which can lead to outbursts of aberrant behaviour. However, this matter was complicated by Ms S also having consumed a large amount of alcohol prior to the alleged assault.

Given the prevalence of Huntington's Disease in Tasmania (the highest per capita in the world) Ms S was well linked into support services.

HCLS was able to work with Ms S's support services to gather evidence regarding her medical condition, we were also able to work with the court to ensure that Ms S was under as little stress as possible.

We wrote to the Police Prosecution Services alerting them to a possible Section 8 defence and asked them to tender no evidence to the charge rather than put Ms S through a defended hearing on the matter. This was agreed to on condition that there be no further like offending within a year.

## **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 these 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:**

T was a delivery driver. He had been complaining constantly to his employer regarding safety issues with the van he was required to drive to make deliveries. The employer had the van examined and had some work done on it. They told T that the van was fine.

T commenced driving the van for a delivery which would have required him driving over 100 kilometres. It was also raining very heavily. Approximately 5 minutes into driving the van, T discovered that the safety issue was still present and determined that it was too dangerous to drive in the conditions. As such, he informed his employer of this, and decided to not drive the van until it was properly repaired, or he was allocated a different van.

The employer dismissed him via phone call, citing his persistent complaining and refusal to drive the van as the reason.

We represented T on a General Protections application alleging that he had been dismissed for exercising a workplace right, namely complaining about workplace conditions.

At conciliation the employer agreed to settle the matter for three weeks lost wages. This is what we requested because T had obtained better paying employment exactly three weeks after he had been dismissed.

### **Case Study 2:**

Mr F was employed as a Machine Operator at a recycling processing centre and was the only employee with the relevant licence to operate the crane and other relevant machinery to load and unload the recycling material.

One day Mr F was dismissed without notice as a restructure of the business was planned in which drivers would load and unload the recycling themselves (despite not having the relevant machine licence).

When Mr F came to us, it was immediately obvious that this was not a redundancy but a dismissal. Moreover, it was an unfair dismissal as no consultation had occurred and no redundancy payment nor the required period of notice was made considering Mr F had been employed full time since 2017.

It was also obvious that as Mr F had a heavy vehicle licence any consultation would have meant Mr F would have been able to continue work for the employer.

We drafted and filed an unfair dismissal application. During the conciliation it was apparent to all parties that were this to go to hearing Mr F would be successful. The employer after the reality of their position being brought home to them agreed to pay the required redundancy payment and notice in full amounting to over \$7,000 being paid out to Mr F.

## **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:**

C and L were friends. C loaned L \$1,000 to provide her with financial assistance immediately after she had lost her job. It was agreed that L would repay the entire amount with interest within six months. They put this in writing and both signed it.

L did not repay any of the money despite C's repeated requests and extensions. Eventually L stopped answering C's calls and did not respond to her letter of demand.

We advised C that she had grounds for a minor civil claim. We further advised her of the procedure involved in taking such action. We assisted her by drafting a claim form and provided her with written instructions regarding filing and serving it.

### **Case Study 2:**

S was being harassed by G, another resident in her apartment block, who would follow her around the complex and wait for her at the bus stops.

We initially recommended that S apply for a restraint order and we would help S through the process. S however was reluctant to do so as she did not want to have to go through the court system.

We then suggested that in the alternative, we could write a letter of demand to G instructing him to stop all such actions otherwise further legal action may be taken. S was more receptive of this idea and agreed that if G's actions continued after the letter, she would apply for a restraint order.

We sent a letter to G detailing S' instructions and her intention to make a formal request to G to cease before having to apply for a restraint order.

A few weeks after the letter was sent, we contacted S again to check on her situation and discuss whether she wanted to proceed with the restraint order application. S confirmed that G had stopped and that the application was no longer necessary.

## CONSUMER CREDIT

### General Comments

The Generalist Service team continues to be busy 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 matters 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:

B originally signed up online for a mobile phone plan for which he received a sim card. He discovered the sim card was not working so he took it into the service provider's (SP) store and spoke to staff. The staff member provided him with a new sim card and opened a new account, and closed the account relating to the old sim card. As such, he received an e-mail from SP informing him the new account had been opened.

A few weeks later B received an e-mail from SP informing him another account had been opened (the disputed account). B contacted SP and informed them that he did not open the disputed account. The SP staff member stated that there appeared to be confusion and that he did not have to pay any money regarding the disputed account.

On multiple occasions over the year, B would receive notices from different debt collection agencies regarding money owing regarding the disputed account. B would explain the situation to the debt collectors. He would then contact SP who would tell him the matter had been resolved.

We wrote to the most recent debt collection agency providing a detailed explanation of the above and explaining that B was not liable for any money owing on the disputed account. The debt collection agency contact SP who investigated the matter. As a result of their investigation, they determined that B was not liable, closed the disputed account, and ceased all recovery action against him.

### **Case Study 2:**

E is a refugee from Eritrea who came to Australia with his family in 2018 on a refugee visa. He has a limited grasp on the English language and has difficulty reading or writing.

E and his family have very limited financial resources due to a lack of savings and employment.

In 2020, E was involved in a motor vehicle accident whilst illicit substances were in his system.

The motor vehicle accident was very severe. E had lost control of his vehicle and drove into oncoming traffic where he collided with a large truck and was crushed inside of his vehicle. E had to be cut out of the vehicle and was flown to Victoria for immediate surgery to reconstruct his pelvis and parts of his upper thighs.

As a result of the accident, E was wheelchair bound for several months and has only recently regained the ability to walk with the assistance of a walking cane.

E's motor vehicle was unrecoverable and the truck involved in the accident suffered a significant amount of damage as well.

E was charged with one count of Drug Driving and we represented him in court on this matter. E was sentenced to the minimum mandatory penalty for the offence.

Two months after his appearance in court, E returned to us for assistance as he had received a recovery action from the truck driver's insurer (W), seeking for him to pay about \$75,000 because he was liable for causing the accident.

We wrote to W to inform them that we would be applying for the claim to be discontinued due to financial hardship. We then prepared a financial hardship application on behalf of E on the basis of his background, his current injuries due to the accident and how his situation prevents him from having gainful income for the foreseeable future.

After some communication with W on the matter and having reviewed our financial hardship application, they agreed to discontinue the recovery action against E.

### **Case Study 3:**

R's car was involved in an accident where she failed to park it properly and it rolled down a hill, damaging a neighbour's railing and mailbox.

R received a recovery action from her neighbour's insurer (K) for the sum of about \$5,000

Upon discussing the matter with us, R agreed that she was liable for the claim due to her negligence but believed the claimed amount to be excessive.

We advised R to have several different contractors assess the damage at the property immediately and to have them provide detailed invoices for their repair costs and any other fees that would come as a result from the damage.

We stressed the urgency of the situation and that these assessments had to be completed before any work was done by K's contractors so as to acquire an accurate estimate of costs.

R acquired three separate invoices detailing repairs that were identical to what was proposed by K's contractor. The three invoices estimated the cost of repairs to be between \$1,000 to \$1,800.

We wrote to the K stating our belief that the claim was excessive and provided copies of the aforementioned invoices. R had also instructed us that she would be seeking to contest the claim in court as well and her intention was conveyed in our communication.

We offered on behalf of R to pay K the amount of \$2,000 to settle the claim.

K accepted our offer of \$2,000 instead of their initial claimed amount of \$5,000 and the amount was immediately paid by R.

Alex Davidson, Peter Foster and Jason Cheow  
Generalist Lawyers

## **CHILD SUPPORT /FAMILY LAW /FAMILY VIOLENCE REPORT**

We have been busy, with no shortage of demand from members of the public seeking our advice and assistance in all areas of family law dispute including prior to separation, post separation and all stages in between. This often involves callers seeking our help once matters are already before the court. Our work invariably deals with relationship breakdowns which generate a multitude of simultaneous, complex and interrelated family law issues under different pieces of legislation. Our advices therefore can be lengthy and involved and advice in one area of family law practice can require that to fulfil our professional obligations, we advise of possible implications / consequences in other areas. We make many referrals to other services and agencies in the course of providing advice to members of the public; the details of which have been incorporated in a general list of HCLS referrals.

As noted during the year, family violence is a feature in the majority of matters with which we deal.

Anecdotally there appears to be an increasing demand for our service to assist with cases involving the alteration of property interests arising out of both defacto, registered and married relationships of all genders. Whilst we do not represent clients in these matters, we are able to assist to a significant degree by directing them to the relevant sections of the legislation and alert them to factors taken into account in property division. We are also able to provide copies of or links to the relevant court forms and advise generally as to what records to create and what documents to collect and organise.

As noted during the year, we seem to be receiving a greater number of calls from individuals on temporary Visas seeking help with Divorce, revoking of a registered relationship, property division (where the assets may be in Australia and /or overseas) and family violence matters. Due to potential repercussions on the Visa status of some

clients arising out of issues such as divorce and family violence orders, we alert clients to this potential and also recommend that they seek migration agent advice.

We continue to represent clients required by Centrelink to take reasonable action for maintenance usually requiring DNA testing to be conducted in accordance with the Regulations and pursuant to interim court orders. In such matters we also apply for declarations of paternity under the Family Law Act and declarations of liability to pay child support pursuant to the Child Support (Assessment) Act.

Changes to the particulars on a child's birth certificate are also often sought by way of the addition of a father where none has been noted and sometimes by way of substitution where a non-biological father has been inaccurately included on a child's birth certificate.

It is noted that the need for DNA testing has conversely been required to disprove paternity even in a matter where our client was not noted on the birth certificates of several children but where he had orally accepted liability to provide financial support for them during a telephone conversation initiated by Child Support staff. This complex situation is dealt with in a case study that forms part of this report\*.

During the process of supporting our clients to comply with Centrelink's requirements regarding maintenance action we are invariably called on to verify in writing to Centrelink (usually on several occasions) that we hold on-going instructions and also to report on file progress. In instances where the welfare receipts of our clients have already been reduced by Centrelink, we advocate for re-instatement of those benefits.

During this year have also helped clients with time-consuming disputes involving care percentages. Fortunately, requests for assistance with private enforcement of child support debts where a 'carer' parent has not registered for collection seem to be less frequent which may indicate a greater uptake of the Child Support collect option.

Our child support Change of Assessment Applications this year seem to most frequently arise under the provisions in the Act which provide that the formula assessment would result in an unjust and inequitable determination of the level of financial support to be provided by the liable parent for the child because of the parent's income, property and financial resources or earning capacity. These matters are usually complex and time-consuming to explore especially with clients who are 'in the dark' about the other party's financial affairs or where the liable parent operates a private business and has tax deductions that reduce their taxable income. It is also often difficult to locate and obtain sufficient evidence to present to Child Support to persuade the agency that there is a *prima facie* case and that the Decision Maker ought to use the powers under s 161 of the Act to require third parties and the ATO to disclose otherwise confidential information.

As in past years we have continued to support volunteer lawyers and legal practice students including Shaun Hancl, Catherine Weston, Noor Khan, and Shamita S as well as students on placement from Centre for Legal Studies. We spend time supervising and mentoring them and providing general legal workplace experience. The extent of their participation has ranged from several weeks to many months, some being ad hoc and others regular attendees. We are pleased to have had the opportunity to support them, thank them for their interest and help and wish them all well in their respective endeavours.



We have enjoyed sharing a workspace at HCLS this year and although our hours overlap on only one day each week, we believe this has enhanced our ability to collaborate efficiently and to support each other in servicing the clients of HCLS.

### **Case Study 1– divorce, property division, child support, family violence**

Our client, who is a mother of more than a dozen children, requested we act for her in divorce proceedings. We were instructed that whilst she and her husband had long separated she continued to be a victim of family violence. She was in receipt of social welfare payments and entitled to child support. Prior to taking divorce proceedings, we were supporting her to obtain her child support entitlements and exploring how to minimise the safety concerns to her if she pursued registration of the liability for collection by the Child Support agency. We were also investigating and reporting on her matrimonial property matters.

Some months after accepting instructions, the other party was killed in a motor vehicle accident. Following this the local newspaper attributed much of its reporting on the accident to statements claimed to have been made by our client, and gave the distinct impression that the parties were living together and happily married. This has since caused complications with Centrelink, yet our client says she was not interviewed by any reporters.

### **Case Study 2– paternity, child support, Centrelink benefits/fraud**

Twelve years ago, our client had a brief relationship with the Respondent, 'Marleen'. This resulted in the birth of a child 'Mary' for whom they had shared care. After separation Marleen went on to have three other children fathered by other men. For her own reasons, Marleen did not have the true fathers of the three younger children added to their birth certificates. This became a problem because in order to receive her full Family Tax Benefit Part A payment for those children, she had to take 'reasonable maintenance action', for which she needed to identify the children's father/s. She therefore asked our client if he would sign paperwork to accept paternity of the children, which he did on the understanding that it was just so she could get her Family Tax benefit Part A payment, and she wouldn't actually seek child support from him.

The plan worked well for about 10 years, until our client got a job and an automatic child support liability was created for the three younger children. This was automatically deducted from his pay, on top of the child support he was already paying for Mary. Marleen did not agree to stop the new liability, and so orders for DNA parentage testing were obtained to disprove paternity. (As a side note, even if the parties had agreed to end the liability, the only way to have our client legally removed as their father is by court order. This also raised the issue of criminal responsibility for falsely accepting paternity of the children).

All four children were tested, and all four tests came back negative. This came as a shock to both parties as neither of them had ever doubted that our client was Mary's father. The matter has now been settled by consent, after significant disagreements about payment of the DNA testing fees and how much child support Marleen should have to pay back to our client, and for which children, if any.

Meg Mitchell and Alicia Moore  
Family Lawyers

## **WELFARE RIGHTS ADVOCACY SERVICE**

The Hobart Welfare Rights Advocacy Service (WRAS) employed one full-time lawyer over the last 12 months. Hobart Community Legal Service (HCLS) is fortunate to employ a number of generalist lawyers 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 Centrelink or the Social Security legislation continues to be constant. The main areas of contention in the 2020/21 period did not differ from previous years, being Disability Support Pension (DSP) eligibility, overpayments (including robo-debts) and again, 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.

### **Case Study 1:**

Our client was receiving Jobseeker Payment whilst couch-surfing between two family members' homes in the Northern Suburbs. He suffered from a number of mental health problems, which made it difficult for him to maintain employment and in turn, secure rental accommodation (in an already difficult market). He felt unsafe living in share accommodation and could not afford to rent on his own.

Centrelink had rejected four previous applications for the Disability Support Pension (DSP) on the grounds they had determined his mental health conditions were not fully diagnosed, treated and stabilised. Our client was first diagnosed as suffering from severe anxiety and depression more than 30 years ago, and had more recently been diagnosed with PTSD arising from childhood trauma. A psychiatrist had confirmed the diagnosis of each of these conditions in the past, although our client had lost most of his medical records, given his transient living arrangements.

When our client presented to HCLS he was under the supervision of his GP and had a mental health care plan in place, which included therapy with a clinical psychologist, provided through a local community organisation. As with most DSP cases that present to our office, we wrote to the clinical psychologist and requested they provide a report addressing the Social Security legislation, in particular, the criteria under Impairment Table 5 – Mental Health Function. We also wrote to the client's GP and requested they provide copies of any previous reports from psychologists and psychiatrists which they may hold.

Fortunately, both the GP and clinical psychologist co-operated and we were able to establish that our client's mental health conditions had been fully diagnosed, treated and stabilised by both a clinical psychologist and psychiatrist, as the legislation requires. The clinical psychologist provided a report which expressed a clear opinion as to the severity of our client's mental health condition, acquiring the necessary 20 points under Impairment Table 5 and found our client did have an incapacity to work.

We represented the client at the first tier of the Administrative Appeals Tribunal, where we were ultimately successful in having our client's most recent rejection for DSP overturned with a small amount of arrears being awarded to the client. Clearly this decision had a positive flow on effect for our client, who later phoned our office to notify us that he had secured affordable housing, as a direct result of the increased payment he was now receiving from Social Services.

## **Automated Debt Recovery:**

During the 2016/2017 financial year Centrelink used an online system to obtain information from people whose Australian Taxation Office (ATO) records did not match the employment income they reported to Centrelink. 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. As a result, this often gave a client a debt when they should not have one. These debts became known as 'robo-debts'.

HCLS participated in a considerable amount of lobbying to have this 'robo-debt' system abandoned. It was very apparent to us that this scheme was fundamentally flawed, as we assisted clients to review these decisions with success time and time again. Nevertheless, somewhat frustratingly, we were forced to continue to expend time and resources assisting these clients review these debts until late 2019, when the Federal Court of Australia found this practice to be unlawful.

We were pleased by the Commonwealth Government's announcement in early 2020 that they would refund \$721 million worth of overpayments recovered through their controversial robo-debt scheme. Centrelink said in a statement at the end of May 2020 that 470,000 debts would be waived, with refunds to be made to more than 370,000 people affected by this scheme.

We are happy to report that from July 2020 Centrelink began to refund clients affected by this scheme and by May of 2021 the majority of these refunds had been made. Unpaid debts were simply zeroed by Centrelink, while people who had already paid their debts were refunded.

During the period that refunds were made, HCLS saw an increased number of clients contacting our office with regard to determining whether they were eligible for a refund, in essence, whether their debt was calculated as a result of Centrelink using ATO income averaging. We continue to assist clients that are still due refunds, it is usually as simple as ensuring their bank account details are updated with Centrelink.

In addition to these refunds, a class action was taken by Gordan Legal, on behalf of all those affected by the robo-debt scheme. They argued 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.

On 16 November 2020, the Representative Applicants reached a settlement agreement, with the Commonwealth to pay a further \$112 million, minus legal fees, in compensation. In June 2021, the Federal Court approved the settlement, which means that a settlement distribution scheme will come into effect to finalise the claims by all Group Members, hopefully by May 2022. The central aspect of the settlement is that most Group Members will receive a settlement payment in addition to the refund they have already received or will receive in the future.

## **Response to Coronavirus:**

As we all know, the Coronavirus has presented a fast evolving and significant challenge to global health systems and economies. Since the onset of the pandemic, public debate has been at its most intense around the role that the social security

system should play in supporting people during hard times. Many people have found themselves interacting with the social security system for the first time, and social security payment levels and Centrelink administration have gained unprecedented prominence in the public's consciousness.

The Commonwealth Government acted decisively in the national interest to support households and businesses and address the significant economic consequences of the Coronavirus. The pandemic has shown that rapid change and massive investment can be injected into the system to improve immeasurably the lives of people who rely on income support.

The assistance included income support payments, payments to support households and temporary early release of superannuation. A Coronavirus Supplement was automatically paid to both existing and new eligible recipients of JobSeeker Payment, Youth Allowance, Austudy, Abstudy, Parenting Payment, Farm Household Allowance and Special Benefit. Additionally, Australians were supported via financial assistance to businesses. The JobKeeper payment helped businesses impacted by the Coronavirus to cover the costs of their employees' wages.

Moreover, one of the Government's economic responses to the coronavirus pandemic was to introduce temporary changes to certain payments. Under COVID-19 arrangements, eligibility for the JobSeeker Payment 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, mutual obligations were gradually reintroduced, with JobSeeker Payment recipients required to re-engage 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 obligations were reintroduced and less financial assistance was available, we saw an increase in the number of clients presenting to our office with issues of suspension or queries about obligations to engage with service providers.

In response to the pandemic, it was incredibly heartening to see how massive changes and expenditure on social security could happen so quickly in the form of the Coronavirus Supplement and other special coronavirus measures that temporarily suspended mutual obligations and waiting periods. However, with the end of the special coronavirus support measures we hope that economic recovery will be swift and the needs of those most vulnerable in our community are not sacrificed by measures to claw back the huge public expenditure.

Chris Rice  
Principal Solicitor / Welfare Rights Lawyer

## **BRIDGEWATER OFFICE**

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-ins, appointments, prison visits, outreach and representation.

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. We also have had a series of volunteers over the year drawn from the profession and the legal practical training post graduates.

The Bridgewater Office provides legal advice in civil, family law, family violence, consumer complaints; and provides case work assistance in summary crime, civil disputes, family violence, child safety and commonwealth entitlements.

We have been providing assistance with restraint order matters 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
- 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 have been delivered to HMP Risdon and community and neighbourhood centres ranging from Huonville, Sorell and the local Northern Suburbs.

Visits to various community centres and charitable organisations and attendance at Brighton Alive meetings to re-introduce the service, and positive word of mouth recommendations has seen numbers steadily increasing this year with the practice being vibrant, busy and referring overflow back to the Hobart Office.

### **Matter types**

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

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

We have provided representation in small civil disputes with these matters often resolving wither at the first appearance or at conciliation.

Despite the limits on attending the prisons and providing legal education, we have a steady influx of calls and enquiries from the prison and have a wide variety of matters of either legal representation or advice in relation to family law matters, child safety issues, property and civil disputes and family violence matters that many inmates face on release.

Advices continue to be varied including an increase in guardianship and public trustee matters.

### **Community Legal Education**

With the arrival of COVID 19 and incoming social distancing, all community legal education sessions planed for HMP Risdon have not yet been reinstated.

In the time period Hamish Locke worked at the office he provided community education on a weekly or monthly basis from Huonville to Sorell and throughout Bridgewater.

### **Case Study 1: Family law**

Our client Ms T had a child with her partner Ms E via a DIY artificial home insemination process with an anonymous Facebook donor. Ms E and Ms T separated during the late stages of pregnancy and Child Safety Service removed the care of the child from Ms E and gave the child into the care of Ms T's mother.

Ms T sought to be added as a party to the Child Safety matters pursuant to the *Children Young Persons and their Families Act 1997* and as such, we filed the application and provided representation.

Under the *Status of Children 1974 Act* Ms T is recognised as the other parent to the child by virtue of her involvement in the insemination process and her intentions at the time to be the other parent. Ms E re-partnered and opposed the application and changed the child's name to the last name of her new partner.

The new partner, Ms D, claimed that she had been the one present at the insemination process and together with Ms E fabricated evidence to that effect. Rather than determine such a complicated evidentiary dispute, the Magistrate sought to involve all claimants to "mother" status and refer them to a family group conference. Ms E and Ms D broke up, and now no longer oppose Ms T's role as another parent. The application is being reconsidered and an application to change the birth certificate is also planned.

### **Case Studies 2: Civil**

**2.1** A client, Ms J, was subjected to a scam from an online lending company. She lost the sum of \$500 in the process. In assisting her our office has made a complaint to the Australian Competition and Consumer Commission (ACCC) and the Australian Federal Police (AFP).

It is our hope that the AFP will be able to provide us with the information we require on receipt of information about the identity of the scammers from AFP we will commence civil demands and if required litigation to regain the misappropriated \$500.

**2.2** A client, Ms R, received inadequate service from a roadside insurance provider which resulted in her car having an accident and her four disabled children being traumatised. She was further distraught when they failed to respond to her call out for assistance. She lost money having to arrange alternative transport and repairs of her vehicle, and the insurance company refused to conduct a safety check on the repaired vehicle or replace the rims.

I represented Ms R in this dispute, and prepared a letter requesting that the company right these wrongs and make a payment of \$10k for pain and suffering. The company agreed to all the requests in the letter on the basis of an agreement that she refrain from publishing on social media any of the company's errors or failures.

### **Case Study 3: Employment Law**

Mr S, a stevedore, was sent home from work on the basis of ill health and was not reinstated. After a period of 6 months waiting for advice from work, he was dismissed from his employment. For the stevedore personally, this was deeply insulting. He had provided twenty years of loyal service and incurred many injuries from such dangerous work.

Mr S believed this was a wrongful dismissal on the basis that they had not set out the steps or provided any guidance on how to get the health clearance required to return to work. I assisted him to complete an unfair dismissal application and provided representation. The matter failed to resolve at the first conciliation.

At the second conciliation with the Commissioner, the company was willing to make a settlement to the sum of \$6000 and provide a record of service which explained that his dismissal was not in any way related to his quality of work, and that he was a valued employee and welcome to reapply for his position if his health improved.

Claire Markham  
Bridgewater Lawyer

## **Duty Lawyer Service**

The Hobart Community Legal Service (HCLS) continues its collaboration with the Law Society of Tasmania (LST) and the Tasmanian Centre for Legal Studies (CLS); to provide a Duty Lawyer Service (DLS) to the Hobart Magistrates Court. Recent graduates of the CLS are given the opportunity to apply for a casual position as a Duty Lawyer through HCLS, after completing a two-week intensive training course. Part of the collaboration also provides the ability for a private law firm to employ a graduate and receive incentives from the LST to also join the DLS under the supervision of HCLS.

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, by providing representation to those that would otherwise appear unrepresented. Moreover, it would also provide an employment pathway for recent graduates of the CLS's Tasmanian Legal Practice Course (TLPC). With the experience gained from working as a Duty Lawyer providing the experience needed to gain full time employment in the legal profession.

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 development 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 are closely supervised by our staff at the Hobart Magistrates Court. They are also required to attend meetings when required. The level of supervision reduces, as the Duty Lawyers gain the requisite experience to perform their role.

HCLS, TLS and CLS 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.

Once again the majority of the 2020 Duty Lawyers were successful in obtaining permanent full-time employment by January 2021. We like to think their inclusion in the DLS contributed to their employment in the legal profession.

Unfortunately, the DLS was another of our services disrupted by the effects of COVID-19 and did not operate for the first month of the last financial year. Once the Hobart Magistrates Court resumed normal court sittings, albeit with heavy restrictions, our Duty Lawyer Service resumed in 2020 after a 4-month absence.

The DLS continues to be funded through a grant from the Solicitors' Guarantee Fund. Funding for the service in 2020 was not received until September 2020. Fortunately, with the service not operating for over 18 weeks during 2020 and with an operating surplus from previous years, we were able to continue to provide the service whilst awaiting the 2020 funding.

The predicament with the funding made it difficult to know whether to proceed with the DLS in 2021. However, given the late arrival of the 2020 funding and the service not operating for such a long period due to COVID-19 in 2020, the service finished the year with a surplus. In November 2020 after a meeting with the LST and the CLS it was decided to ask the Attorney General to carry over the surplus and use this money to run the DLS for the first 6 months of 2021. The Attorney General agreed to our request and calls of interest to participate in the DLS were put out in early December 2020.

During December 2020 a new cohort of 13 graduates, including two employed under the scheme through an arrangement with private practice and the Law Society, participated in training provided by Peter Dixon, retired Magistrate, and HCLS Principal Solicitor, Chris Rice.

In April 2021 the LST received a letter from the Department of Justice advising that a grant from the Public Accounts Fund to continue the DLS had been successful; meaning the DLS could continue until the end of 2021.

We acknowledge the work of the LST (Luke Rheinberger), the CLS (Naomi Bryant) and Peter Dixon for the continued success of the DLS. There is no doubt the DLS has achieved its main objective, 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.

Jane Hutchison & Chris Rice

**HOBART COMMUNITY LEGAL SERVICE INC**

## **FINANCIAL STATEMENTS**

**30TH JUNE 2021**

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Consolidated Profit & Loss Statement  
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**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 2021.

**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 2021 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  
23 September 2021

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Fax 03 6231 4967 Email [rwridge@maxpeckassoc.com](mailto:rwridge@maxpeckassoc.com)

**Hobart Community Legal Service Inc.  
Consolidated Profit & Loss Statement  
for year ended 30 June 2021**

	2021	2020
<b>Income</b>	\$	\$
Commonwealth Funding	557,073	471,396
State Funding	294,938	379,702
Car Parking, Rent	28,804	28,269
Interest Received	3,501	6,347
COVID – 19 AGD Grant	152,418	0
Solicitors' Guarantee Fund	10,849	0
Lease & Condition Agreement	1,925	2,215
Other Income	51,056	51,205
Wage Reimbursements	194,053	225,888
<b>Total Income</b>	<b>\$1,294,616</b>	<b>\$1,165,023</b>
<b>Expenses</b>		
Advertising	3,153	3,134
Amenities: Client, staff, volunteers	2,874	3,003
Audit Fees/ Accountant	1,885	1,850
Cleaning	2,001	2,243
Computer Expenses	4,306	6,179
Conferences and Training	2,095	1,390
Consultancy Services	13,222	9,441
Depreciation	10,093	6,986
Electricity	4,727	1,773
Equipment Purchases (minor)	8,960	3,943
Employee Leave Entitlements	68,461	61,333
Insurance & workers Comp	7,559	740
Library Expenses	1,160	2,082
Memberships	7,263	7,168
Office Rental	86,524	86,091
Practising Certificates	258	885
Printing, Postage, Stationary	7,778	3,783
Rates, Land Tax	16,445	13,174
Salaries & Related Expenses	833,063	775,655
Security	1,770	659
Subscriptions	3,579	359
Sundry Expense	1,566	1,358
Superannuation	83,126	77,101
Telephone	12,918	11,117
Travel	0	1,386
<b>Total Expenses</b>	<b>\$1,184,784</b>	<b>\$1,082,822</b>
<b>Operating Profit</b>	<b>\$109,832</b>	<b>\$82,202</b>

**Hobart Community Legal Service Inc.**  
**Balance Sheet**  
as at 30 June 2021

	<b>2021</b>	<b>2020</b>
<b>Assets</b>		
<i>Current Assets</i>		
Cash at Bank, on Hand	47,324	17,560
Deposits at Call, Term	509,959	402,390
Trade Debtors	41,589	6,721
<b>Total Current Assets</b>	<b>598,872</b>	<b>426,671</b>
<i>Non-Current Assets</i>		
Equipment – at cost	168,367	147,408
Add Additions	3,998	20,958
Deduct Provision Depreciation	-164,487	-154,394
<b>Total Non-Current Assets</b>	<b>7,878</b>	<b>13,972</b>
<b>Total Assets</b>	<b>\$606,750</b>	<b>\$440,643</b>
<b>Liabilities</b>		
Creditors	20,838	12,601
GST Liabilities	3,514	3,514
Payroll Liabilities	31,620	26,925
Employee Leave Entitlements:		
:Annual Leave	65,247	57,323
:Long Service Leave	109,677	98,502
Unspent Funds Carried Forward	26,308	0
<b>Total Liabilities</b>	<b>\$255,138</b>	<b>\$198,865</b>
<b>Net Assets</b>	<b>\$351,611</b>	<b>\$241,778</b>
<b>Equity</b>		
Retained Earnings	233,573	151,371
Current Earnings	8,206	8,206
Pay Contingency	109,832	82,202
<b>Total Equity</b>	<b>\$351,611</b>	<b>\$241,778</b>

**Hobart Community Legal Service Inc.**  
**Statement of Cash Flows**  
**for year ended 30 June 2021**

	\$ 2021	\$ 2020
<b>Cash flows from operating activities</b>		
Cash receipts in the course of operations	1,286,057	1,166,007
Payments for Project & Operating	<u>-1,144,726</u>	<u>-1,064,832</u>
<b>Net cash provided (- used) in operating activities</b>	<b><u>141,331</u></b>	<b><u>101,175</u></b>
<b>Cash flows from investing activities</b>		
Purchase of new assets, inventory	<u>-3,999</u>	<u>-20,958</u>
<b>Net cash provided by investing activities</b>	<u>-3,999</u>	<u>-20,958</u>
Net increase (-decrease) in cash held for year	137,333	80,217
Cash at the Beginning of Financial Year	<u>419,950</u>	<u>339,734</u>
<b>Cash at the End of Financial Year</b>	<b><u>\$557,283</u></b>	<b><u>\$419,950</u></b>
<b>Cash at year end represented by:</b>		
Cash at bank, cash floats	47,324	17,560
Term deposits	<u>509,959</u>	<u>402,390</u>
<b>Total Cash at end of Financial Year</b>	<b><u>\$557,283</u></b>	<b><u>\$419,950</u></b>
<b><u>Reconciliation of cash from operating activities with result for year</u></b>		
Operating surplus	109,832	82,202
<b>Change in non-cash items</b>		
Depreciation	10,093	6,986
Payroll liabilities	4,695	-1,582
Employee entitlements	19,099	21,649
Unspent Funds	26,308	0
Sundry debtors	-34,868	984
Sundry creditors	<u>6,171</u>	<u>-9,064</u>
<b>NET CASH PROVIDED BY/(USED IN) OPERATING ACTIVITIES</b>	<b><u>\$141,331</u></b>	<b><u>\$101,175</u></b>

**Hobart Community Legal Service Inc.**  
**Statement of Change of Equity**  
**For year ended 30<sup>th</sup> June 2021**

	\$	Note
<b>Balance 1 July 2019 brought forward</b>	159,577	
Deficit for the year	<u>82,202</u>	
<b>Balance as at 30 June 2020 carried forward</b>	<u>241,778</u>	
<b>Balance as at 30 June 2020 brought forward</b>	241,778	
Surplus for the year	<u>109,833</u>	
<b>Balance as at 30 June 2021 carried forward</b>	<u><b>\$351,611</b></u>	



# **Hobart Community Legal Service Inc.**

## **Notes to the financial statements for year ended 30 June 2021**

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### **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. Policy is to accrue 0% of long service leave for employees with less than 2 years of service, 33% for long service leave for those employees with 2 to 5 years of service, 67% for these employees with between 5 and 7 years of service and 100% for those employees who have provided over 7 years of service.

## **2.6 Economic Dependence**

Although there is no reason to believe that funding will vary significantly, 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 \$1,885 in 2021 and \$1,850 in 2020. No other payments were made in either year.

## **2.8 Comparative Data**

To comply with AASB 108, comparative data has been amended where appropriate to correct pre-2021 information.

## OFFICE BEARERS

### YEAR ENDED 30th JUNE 2021

President	Mr Henry Pill
Vice-President	Dr Kiki Mussared
Vice-President	Ms Esme Wong
Secretary	Ms Natalie Marzella
Treasurer / Public Officer	Mr James Walker
Ordinary Members	Mrs Marion Clarke
	Mr Silas Hoon
	Mrs Anne Horner
	Ms Odette Lenane
	Ms Alkinida Mielti
	Mr Chris Webster AM
Staff Rep	Mr Peter Foster

**Hobart Community Legal Service gratefully acknowledges the financial assistance received through the National Legal Assistance Partnership between the Federal Government and the Tasmanian Government administered by the Tasmanian Department of Justice.**