



**Hobart Community  
Legal Service Inc.**

providing legal direction

# **ANNUAL REPORT 2021/2022**

## **ANNUAL GENERAL MEETING**

**29 SEPTEMBER 2022**

PRESIDENT'S REPORT

TREASURER'S REPORT

WORKERS' REPORTS

FINANCIAL STATEMENTS

Hobart Community Legal Service Inc Phone: (03) 6223 2500  
166 Macquarie Street  
HOBART TAS 7000

Website: [www.hobartlegal.org.au](http://www.hobartlegal.org.au)

# PRESIDENT'S REPORT

I am pleased to present my report as President to the 2022 AGM of the Hobart Community Legal Service Inc. HCLS continues to work hard to help individuals and communities, particularly those who are marginalised, navigate the legal system in Tasmania.

While the rest of the world had 2020, HCLS had 2021. The storm damage to the Hobart office, and the extensive time taken to complete the repairs, were undoubtedly the defining events of the year. However, the move to remote working allowed staff to continue providing services despite this disruption; remote working appears to have been embraced by staff, who are to be thanked for their diligent efforts under such circumstances.

## The Duty Lawyer Scheme

The partnership between HCLS, the Law Society of Tasmania and the Tasmanian Legal Practice Course to provide a Duty Lawyer Service is an ongoing one which is nonetheless worthy of renewed commendation. This innovative partnership has met a real need in terms of providing real skills based training to lawyers following their grad year. This is a need which has historically not been well met in the profession nationally, let alone in Tasmania, however this scheme has found a way to deliver it to a generation of practitioners.

The scheme has produced tangible results; many young practitioners have now found, and continue to find, their way into roles in both the community and private sectors and it deserves far more recognition than it gets as an innovative solution to the difficult problem of skills based training for lawyers.

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

## 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 throughout the disruption caused by the closure of the Hobart office. 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.

## Looking forward

HCLS is at the end of two disrupted years - one due to COVID-19 and another due to the closure of the Hobart office. However, it is apparent that the organisation has

developed resilience in the face of these challenges, has put together a good team of lawyers and is set to take on the challenge of providing advocacy services in this year and those ahead.

Henry Pill  
President

## TREASURER'S REPORT

It is with pleasure that I present the Treasurer's report for 2022.

Following a couple of years when the services of the HCLS were impacted by the covid pandemic, coupled with the disruption caused by severe storm damage to the premises at Macquarie Street in August 2021, the 2021 / 22 finances have happily not been severely impacted. It was indeed fortuitous that we had completed the installation of the VOIP telephone system in the preceding financial year as this made the necessarily swift transition to working remotely by our staff very efficient.

After several years of year-to-year funding when we didn't know from one year to the next whether we would receive funding at a sufficient level to maintain the services of HCLS, we have finally received confirmation that base level funding will continue until the end of June 2025. This will ensure that we are able to continue to provide services to the public at a realistic level.

In addition to the guarantee of base level funding we have also been successful in securing funding for the following projects until June 2025:

1. Increased Legal Assistance for Vulnerable Women's \$126,171.65pa
2. Frontline Support to Address Workplace Sexual Harassment \$56,702.63pa
3. Supporting People with Mental Health Conditions \$70,582pa

We have also received an additional \$50,000 per annum until June 2025 from the State Government to help with service delivery.

This additional funding for 21 / 22 wasn't paid to us until June 22; at the end of that financial year. Given both this and the fact that we had reduced rental costs due to working remotely from the Hobart Office during 21 / 22 we have finished the year in a very healthy position. At the date of this report, we are yet to receive the audited figures for the exact amount; we will also be reimbursed by insurance for some further costs we incurred due to working remotely.

As at the date of this report we are still awaiting the revised funding deed.

As a result of the above, I am pleased to report that the HCLS is in the healthiest financial position that we have been in for over 8 years.

Finally, I would like to thank Jane and Bernie for their untiring efforts in providing the necessary background and documentation in support of our funding applications; and all staff for their efforts in working under trying conditions away from the Hobart office during repairs following the storm damage.

James Walker  
Treasurer

# DIRECTOR'S REPORT

Hobart Community Legal Service Inc. (HCLS) has completed another busy but disrupted year in 2021 / 22 in which HCLS continued under challenging conditions to provide legal services to the community of Southern Tasmania through our Welfare Rights Service, Generalist Services (including Industrial Relations, Consumer Credit, Civil and minor Criminal matters), Child Support Service for current Carer Parents, General Family Law matters focusing on children, Family Violence, Evening Legal Information Service (temporarily suspended in August 2021), 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.

This has proven to be an extremely challenging year for HCLS. In mid-August 2021 the roof of our Hobart Office was blown off in a storm, causing some offices to be flooded due to torrential rainfall. Unfortunately, this resulted in the Hobart Office being uninhabitable and declared a dangerous structure.

Hobart Staff were given a very limited time to remove from their offices what was deemed necessary to be able to work remotely from their respective homes before access to the building was stopped. Staff scrambled to grab their computers, telephones and files, both client and administrative to enable us to continue to provide our services to the public. Our IT consultants Mac Plus More, came on site and dismantled our telephone and Internet systems and set up a temporary remote firewall system at their premises to enable us to use our VOIP phone system securely from our individual home networks.

Little did we know at the time we evacuated the building that it would be 12 months before we would be able to return. The rebuild and restoration of the building proved to be very challenging with the builders experiencing a number of roadblocks to returning the building to a habitable state.

It was fortunate that we had updated our telephone system just prior to the beginning of the financial year. This meant that Hobart staff were able to work remotely from their home networks with telephone calls being able to be directly transferred to them in most cases. For some staff the extended period of time out of the office proved difficult but all staff managed as best they could and I congratulate them on the way they handled a particularly difficult time.

I need to make a special point of thanking Worker Assist for allowing HCLS staff to use their offices to meet with clients. They even continued to let us use their offices when one of our clients inadvertently caused damage to their office door. This generosity enabled us to continue as best as possible to provide representation services to clients and for this we gratefully thank Mylinda Purcell and her team at Worker Assist.

To begin with we were able to hold regular staff meetings in hired meeting rooms but even this became impossible when COVID-19 Omicron variant became rampant in Tasmania causing very strict protocols around how many people could be in enclosed spaces.

Our outreach services to various locations around Hobart were also severely impacted when the spread of COVID-19 Omicron variant became a major issue in Tasmania with organisations closing their doors to the public. We encouraged services to continue

referring their clients to us even though we couldn't be onsite at their service to see people. The re-establishment of these outreaches will be a priority in the new financial year.

The rapid spread of the COVID-19 Omicron variant throughout Tasmania meant we had to take special precaution in our Bridgewater Office which until the end of 2021 had remained open to the public. For the first few months of 2022 most client contact was via telephone and only in exceptional circumstances were face to face interview conducted. When we finally relaxed this rule we did however ask clients to please wear a mask and maintain safe distancing when visiting the Bridgewater Office.

All staff are to be commended for the way that they adjusted to the changing circumstances in what has been a very challenging year.

HCLS has continued to work closely with Knowmore Legal Services helping them 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. We have also made applications to the redress scheme on behalf of clients. HCLS also provides assistance to organisations around Australia where Knowmore Legal Service has a conflict of interest and are unable to review

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 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 finalised our contribution to an Australia wide research project which was overseen by the University of Queensland examining the effects of homelessness in the criminal justice systems throughout Australia.

Committee of Management meetings had to be conducted via teleconference and we were able to use the boardrooms of law firms where Committee Members are employed. I would like to thank both Hall Payne and Simmons Wolfhagen for the use of their boardrooms and Henry Pill and Silas Hoon for organising their use.

HCLS continued the partnership with the Law Society of Tasmania and the Tasmanian Legal Practice Course to provide a Duty Lawyer Service to unrepresented 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.

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 such Reception services to TUT.

The assistance and cooperation of many individuals from outside the Service is also acknowledged. These include, Kristie Bourne, Kerry Crowder, David Sealy, Greta Binning 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; Mylinda Purcell and the staff of Worker Assist; and Tom O'Connor and Darshini Bangaru for their assistance with the Planning Aid Service. Noor Khan and Katherine Weston 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 contributes 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, particularly in what has been a most challenging year for HCLS.

*HCLS staff during the past year:*

Jane Hutchison	Director
Bernadette R	Office Manager
Pam Barratt	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) resigned March 22
Peter Foster	Generalist Lawyer Resigned Dec 21
Jason Cheow	Generalist Lawyer
Irene Tiang	Generalist Lawyer (part time 19.5 hours per week)
Scott Ashby	Generalist Lawyer (from March 22)
Claire Markham	Bridgewater Office Lawyer
Sandra Higgins	Bridgewater Office Assistant (part time)
Lucy Smejkal	Law Handbook Editor (casual contract)

## **VOLUNTEERS**

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

The Evening Information Service which provides basic legal information to the public, identifying whether there is a legal problem and what avenues for redress are available, was severely impacted by the loss of access to our Hobart Office. We had just managed to re-establish this service after the impact of COVID-19 when the Hobart Office sustained severe damage due to a storm in mid-August 2021. We were once again unable to provide this service due to losing our venue in which to run the sessions. We would however like to thank those private legal practitioners who continued to volunteer their time by providing legal information to people via the phone when HCLS staff were unable to assist.

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 both the effect of COVID-19 and not being able to work out of our Hobart Office 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.

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.

The Director and the Principal Solicitor have endeavoured to 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.

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

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 of Australia
- 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
- 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
- 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
- Gagebrook Neighbourhood House
- Goodwood Community House
- Sexual Assault Support Service
- Worker Assist
- Positive Solutions
- (Un)hitched
- Tasmanian Aboriginal Centre
- Tasmanian Aboriginal 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

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

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

- Attended Community Legal Centres Tasmania meetings
- 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 and conferences

## **COMMUNITY LEGAL EDUCATION**

HCLS provides Community Legal Education sessions (CLE) when requested by the community and during 2021/22 we conducted sessions at organisations such as Huon Service Providers Network, Baptcare Gateway Services, The Link Youth Health Service, Rokeby Neighbourhood House and the Migrant Resource Centre.

The arrival of the COVID-19 Omicron variant into Tasmania saw the opportunity to provide Community Legal Service Education sessions to different community organisations cease. We look forward to beginning to provide CLE sessions in the future.

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

The service continues to be dependent on the National Legal Assistance Partnership Agreement 2020 – 2025 (NLAP) for the bulk of the funding with which to run the service. This year saw the second year of the current NLAP agreement and more stable and agreed funding until June 2025, a big change to the funding uncertainty the service has experienced in previous years. As well as the agreed base funding until 2025 we have also been granted an extra \$253,456pa in extra Commonwealth funding until 2025. This funding is made up of \$126,171.65 to provide legal services for vulnerable women; \$70,582.01 to help support people with mental health conditions access the justice system; and \$56,702.62 for frontline support to address workplace sexual harassment. In addition, the State Government granted HCLS and additional \$50,000pa for 4 years to assist with front line service delivery. This additional funding is gratefully acknowledged and will greatly assist HCLS in delivering quality legal services to people in Southern Tasmania.

The Tasmanian Department of Justice continues to distribute funding and oversees the administration of legal assistance services in Tasmania.

We are as yet to receive the promised amended funding deed from the Department of Justice.

It was fortuitous that we decided in June 2021 to upgrade our telephone system using some of the grant that we received for assistance with the COVID-19 pandemic. Little did we know at the time that all staff in the Hobart Office would have to work remotely from their homes from mid-August 2021 due to storm damage to the building, rendering it uninhabitable. The new VOIP telephone system meant that calls could be directly put through to staff by our receptionist who relocated to our Bridgewater Office. It proved challenging at times to have the majority of staff working remotely and new systems had to be put into place to make sure data was entered in a timely fashion so that our database was up to date and also to make sure that staff felt supported and received adequate supervision.

With our funding guaranteed until June 2025 we were in a position to enter into a long term lease for our Bridgewater Office after being on yearly agreements for the past 6 years. We look to entering into a long term lease for our Hobart Office once we are able to move back into that office.

With the savings on rent and other oncosts for our Hobart Office and receipt of the additional \$303,456 of additional funding from the Commonwealth and State in late June, we have finished the year in a very healthy financial state.

HCLS managed to continue 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, Bernadette R, our Office Manager and Pam Barratt in the Hobart Office and Sandra Higgins in the Bridgewater Office for their exceptional dedication and professionalism, especially when dealing with some of the more difficult problems that present at both locations.

## **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. This service was suspended in mid-August 2021 due to not having a suitable venue.

Bridgewater Office: Tuesday – Friday 9.30am – 2.30pm.

## **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	1567
Total Advice Activities	1177
Legal Tasks	248
Total Files Opened	143
Total Files Closed	133
Duty Lawyer Services	865

## FUNDING

HCLS gratefully acknowledges its major source of funding for 2021/2022 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 no or limited English, those who have mental health problem and those experiencing difficulties with legal proceedings and negotiation.

Peter Foster, Alex Davidson, Irene Tiang, Jason Cheow and Scott Ashby have worked in the Generalist Service in varying capacities during this financial 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 community 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 sentence of imprisonment or have breached suspended sentences.

### **Case Study 1:**

A was referred to us by his counsellor at a local youth-focused community organisation.

A was charged with two counts of Common Assault (Family Violence) as well as one count of destroying property, all stemming from one incident.

A had several priors for dishonesty-related offences and only one other violent offence.

A disagreed with police facts. Prosecution alleged that A had intentionally hit the complainant on two incidents. A however instructed that he had been slamming doors and punching at the walls of their residence at that point in time and because the complainant had gotten within close proximity by attempting to stop him on two occasions, he had hit her by accident.

A agreed that his actions were reckless but he never acted with the intent to hit the complainant.

We advised A on the elements of common assault and that a reckless act as he instructed us was not a defence.

A wished to plead guilty to all charges but was worried about the police facts putting forward an aggravating factor in suggesting that his actions were intentional.

We contacted prosecution and proposed for the facts to be amended to line up more closely with A's account but our proposal was rejected.

We entered pleas of guilty in court and the matter was set for a disputed facts hearing. We continued communicating with prosecution along the way on how facts could be amended so as to resolve the issue but our proposals were once again rejected.

On the day of the hearing, just before court, we once again discussed the facts in dispute with prosecution. We came to an agreement to amend facts by consent in order to show that A's actions were reckless and not intentional.

A received a fine of \$1,200.00 and a compensation order to replace the damaged property. Convictions were recorded on all offences.

### **Case Study 2:**

B was charged with multiple drug related charges, namely: one charge of cultivating a controlled plant, one charge of selling a controlled plant, one charge of possess a controlled plant, two counts of selling controlled drugs, one count of using a controlled plant and two counts of possessing controlled drugs.

B had a prior history of youth offending but no drug-related priors.

B has a history of mental health issues and was diagnosed with depression and ADHD as a teenager. His attempts to cope with these issues amidst negative influences and peer pressure unfortunately led him down the path of using drugs and eventually cultivating and selling them in order to repay a personal loan.

B was remorseful for his actions and was keen to seek help and support.

Throughout this matter we worked closely with B's mother who had only recently come back into B's life after he opened up to her about his charges. She was incredibly supportive of B and facilitated doctor's appointments and treatments for him to address his mental health.

We referred B to the Link Youth Health Services for drug and alcohol counselling and recommended for his mother to ensure his continuing attendance at these sessions as well as his ongoing commitment to a mental health plan.

We were also in contact with B's employer, with B having started up an apprenticeship a fortnight before his court appearance.

We had B's mother appear in court with him and submissions were made as to his strong efforts at rehabilitation and his current situation being a turning point for him starting anew. Further submissions were made on B's lack of like priors, his age and the impact that a conviction of such nature would have on a young person entering the workforce.

B's matter was adjourned three times over the period of six months in order for his progress to be monitored and to make sure that he would be committing to his drug and alcohol counselling as well as his mental health plan.

On each of these appearances we had B's mother attend court with him to give updates on his current situation and also submitted letters from B's employer and counsellors to show his progress.

On B's final appearance he was sentenced to an undertaking of good behaviour for the period of three years conditional on him not voluntarily quitting his counselling and mental health treatments and for him to follow all lawful directions of any treatment provider.

Convictions were not recorded on any of B's charges.

### **Case Study 3:**

C was charged with 11 counts of Trespass.

C was issued a Trespass Order barring him from entering the school that his children were enrolled in.

The Trespass Order restricted C from entry onto the school premises but contained a single exclusion allowing him to enter for the purposes of dropping off and picking up his children from after school care.

The issue was that the childcare centre was situated within the school compound and could only be accessed by entering the school. C instructed us that each of the charges against him were incidents where he entered for that excluded purpose.

We applied for police disclosure and acquired maps and fire safety plans of the school compound.

On reviewing each witness statement, it became clear that none of the witnesses were able to prove that C was not on school grounds for the excluded purpose. Further, upon reviewing the photographs and witness statements of C on the school compound, his movement and sightings at certain locations were also in line with direct routes taken from the school entrance to the childcare centre.

We believed that C had a defence in that the charges brought against him seemed to be initiated by complaints from other parents and staff who did not know about the exclusion within the notice or did not know what purposes C was on school premises for.

We wrote to prosecution with regards to C's defence. We included maps and detailed timelines and routes travelled for each charge, stating that on each incident, C had only acted within the exclusion allowed in the Trespass Notice.

We proposed for all 11 charges to be dismissed. Shortly after, prosecution communicated to us that they would seek to adjourn the matter via Form 40 and informed us that they had made an application to conduct a view of the premises in question.

Two months later, Prosecution communicated to us that after reviewing the matter and considering our proposal their stance was that they would be willing to adjourn all matters sine die and that they would dismiss all matters if they would not be re-listed with other offences within that time.

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

D was charged with driving whilst exceeding the prescribed alcohol limit and driving without a license.

D's BAC level was extremely high at 0.221 and he had a long history of similar priors with five previous drink driving convictions over a 0.100 BAC.

D had been imprisoned four years ago on the last of those drink driving convictions at a 0.209 BAC and feared a period of imprisonment again this time.

D suffered from an alcohol addiction and had severe anxiety and depression. When he first made contact with us he was recovering from a recent suicide attempt and was homeless after having been kicked out of his home by his partner and son due to his alcohol use.

In terms of support services, we first suggested the Salvation Army's Bridge Program to D as a priority to which he was receptive, indicating that he did want to change his situation for the better. However, the Bridge Program had a long waiting list and when D was finally accepted, there was a subsequent waiting period of five months before they the capacity to take him on as a stay-in resident.

With the delay in mind, we referred D to Holyoake for alcohol abuse counselling and general counselling for his depression in the interim with the hopes that it would help with his mental and emotional health.



In court, we made submissions that D's sessions with Holyoake and his interest in the Bridge Program showed that he was taking the initiative to rehabilitate. We also sought for matters to be adjourned for D to attend and complete the Bridge Program such that it would not be disrupted by a potential term of imprisonment and that sentencing could take into consideration his progress upon its conclusion. A pre-sentence report was ordered which supported our suggestions and an adjournment was eventually granted up until the day after D's stay at the bridge program was complete.

We kept in contact with D throughout the program and he appeared to be making good progress. At the end of the program we had a detailed conversation with D who informed us that he was now 12 weeks sober, his mental health had improved and he had repaired the relationship with his family. His family had also seen his progress and started visiting him at the facility on weekends.

D also expressed an interest to stay on with the Bridge Program for additional aftercare sessions for the next 12 months so as not to slip back into his old ways.

We also spoke with D's case manager who confirmed D's good progress and in addition to providing a letter of support, he also agreed to come to court with D to confirm that progress in-person.

At sentencing, we made submissions as to D's background and his struggles with mental health and alcoholism but the main focus was D's genuine and strong efforts to better himself and to target the issues at the root of his offending. D's case manager also gave sworn evidence in the witness stand as to D's rehabilitation progress.

We suggested that to supplement his efforts, a lengthy Community Corrections Order in conjunction with a suspended sentence would be the best approach for D as firstly, it would not have the risk of undoing his progress from the stresses he would face if he were to be imprisoned and secondly, it would also work as a safety net by providing deterrence as well as support to keep D on the right track.

The Magistrate agreed and D was sentenced to a 9-month period of imprisonment, wholly suspended for three years. This was conditional on him complying with any orders the Bridge Program required of him. D also received a Community Corrections Order.

### **Case Study 5:**

An application for 'special circumstances' under section 17(5) of Road Safety (Alcohol and Drugs) Act after pleading guilty to 1 x drive with prescribed illicit substance in oral fluid (THC).

E was charged with a single count of driving with illicit substances within his oral fluids.

Normally, a single charge like this would be easily resolved. However, the mandatory penalties involved under the Road Safety (Alcohol and Drugs) Act caused a significant amount of complication for E due to his living situation. E was homeless and living out of his car, having been jobless since 2020 and being unable to secure community housing. His daily routine for accommodation was to find suitable places to park in and sleep overnight within Hobart.

We entered pleas of guilty for E and made submissions as to Special Circumstances to be applied to the effect that the mandatory license disqualification could be avoided.

We raised the following issues as grounds for special circumstances, firstly, that the aforementioned act and the imposition of mandatory disqualification periods does not take into account unusual scenarios as such where the licensed road user has no alternative but to live in the vehicle that they are driving and that any disqualification period here would disproportionately punish E. Secondly that, due to the uncertain nature of E's living situation, he is often asked to move his vehicle by public officials, particularly when he parks in public areas. In certain situations, he also finds himself having to move his vehicle for safety reasons.

The Magistrate did not accept that the E would be required to move his car regularly but accepted that he may occasionally be required to move along at the direction of a public officer. Whilst the Magistrate was not willing to make an order under Special Circumstances, he accepted that E did need his license and suggested that the matter could be resolved by a Restricted License Application.

A Restricted License Application was filed. Prosecution did not oppose the application at the hearing and a E was granted a Restricted Drivers' License for six months, covering the entirety of his disqualification period.

## **EMPLOYMENT LAW**

### General Comments

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

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

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

### Case Study 1:

A was employed at a school uniform shop as a store manager.

A was dismissed due to poor performance. This occurred following a meeting where issues regarding customer service, lack of product knowledge, stock control, shop maintenance and unprofessionalism were raised.

This was the first time A was informed of the issues. She had never been warned prior to the meeting about any dissatisfactory performance.

A was not given the option to have a support person present at the meeting during which she was dismissed nor was she given a chance to respond to the issues raised.

We prepared an Unfair Dismissal application for A and represented her on the basis that her dismissal was harsh and unjust.

At the conciliation, A's employer disputed the particulars of our application, stating that A had been given prior warnings and the dissatisfactory aspects of her performance had been consistently raised with her on previous occasions.

On instructions from A, we submitted that none of those issues were ever communicated to her and regardless, when A was dismissed, she was not given the option to have a support person nor the chance to respond to the issues raised.

We sought for A to receive four weeks' worth of pay as that was the time she spent unemployed after the dismissal. The employer agreed to settle on those terms.

## **Case Study 2:**

B was employed as a pharmacist. She was employed on a full-time basis and had been working for three weeks. She was still on a probationary period.

B had gone for an interview for another job and word had gotten back to her employer. She was dismissed without notice on that day via text message and was not paid any notice in-lieu.

B came to us seeking to lodge an Unfair Dismissal application. This however was not an option due to the limited period of time that she spent employed. We advised however that B had not been properly given notice regarding her dismissal or paid in lieu. Due to her contract and her time employed, a minimum period of one week's notice was required for B.

B showed us her employment contract which had a term stating that for the duration of the probation period, her employer reserves the authority to dismiss her without notice and does not have to pay her any notice in-lieu.

We wrote to B's employer seeking for one week's worth of pay to be paid out to B in place of the notice that was not given. We also cited his employment contract and

raised the issue that it was inconsistent with the Fair Work Act and misrepresented B's workplace rights.

B's employer agreed and B received 1 week's worth of pay.

### **Case Study 3:**

C was employed on a casual basis as an aged care worker. C was assaulted during an incident at work by a client and made a formal complaint to the aged care facility.

The employer stood C down from work and stopped providing him shifts. When C asked about the possibility of future shifts, he was repeatedly denied additional work.

A General Protections application was lodged and the employer settled to pay C for the number of weeks that he had been declined shifts as per his usual work schedule. A letter of apology was also provided to C.

## **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:**

A had been sexually assaulted by an acquaintance (X) several years back. A lodged a police report but ultimately charges were not filed.

A had not had any contact with X up until recently where they had one instance of communication over an online dating platform wherein A sent a text message to X demanding answers.

Shortly after this interaction, A began receiving a large number of text messages in from anonymous profiles on multiple social media platforms. The contents of these messages were incredibly explicit and mentioned aspects of the assault from years ago, stating that A deserved it and that it would happen again.

A immediately attributed these texts to X because outside of family and a few close friends, no one else had known about the assault, much less the explicit details that

were mentioned. A had attempted to report these messages to the police but once again nothing was progressed.

We assisted A in drafting a restraint order application and filed it on her behalf. An interim order was granted.

We represented A in court during the directions hearing where we discussed the matter with X's counsel. They communicated to us that X was seeking to oppose the order and that they would be seeking costs in the event that the Magistrate did not finalise the order. We discussed the matter briefly and X's counsel agreed with us that the matter was not suitable to go to a conciliation due to the serious and sensitive nature of the allegations involved.

Because the texts that A received contained so much explicit detail, we applied to police for a copy of the report that A initially made regarding her assault. The details lined up with what was mentioned within the texts and we prepared a statutory declaration annexing the report. The statutory declaration was based on the timing of the texts shortly after their interaction, the consistencies between both the contents of what was reported and in the texts and that because A told so few people about what happened, it could only be X who sent those anonymous messages.

Shortly after filing the statutory declaration and serving it on X, we received notification from X's counsel that they would consent to the order. A's restraint order was then made final.

### **Case Study 2:**

B had moved into a new house about a year ago.

The fence separating her house from her neighbours was in disrepair and a new one needed to be constructed.

B had tried contacting her neighbours initially to inform them about the situation and that they would firstly need a new fence and secondly, that the cost of the fence was to be shared.

The issue that arose however, was that B's neighbour's property was not occupied by the owner and her attempts to communicate with the owner through letters were ignored.

B served a Notice to Fence on the property owner under the Boundary Fences Act and received no objection after 30 days. B then hired a contractor to erect the fence first and she would later try to pass on half of the invoiced amount to the property owner.

After the construction, B continued her attempts to communicate and locate the property owner. This went on for close to a year but B's letters kept getting returned and the matter went nowhere.

We initially advised B that she could apply for a civil claim against the property owners and explained the process to her in that if the other party continued not to respond, she could apply for a default judgement. We further advised B that under the aforementioned act, B was entitled to interest from half of that fencing cost at the rate of 6% per annum.

B was reluctant to file for a civil claim as even if the civil claim was successful, she would not have the funds to enforce it through debt collection and given the complete lack of communication up until this point, having to enforce it seemed like a very real possibility.

We wrote a letter of demand on B's behalf to the property owner explaining their obligation to pay for half of the invoiced amount as they had not objected to the Notice to Fence. We also informed them of B's intention to have interest added on to the initial invoiced amount and also that B could lodge a civil claim against them which in our opinion would be successful.

The neighbouring property owner responded to our letter agreeing to pay the invoiced amount but initially requested that we waive the interest rate.

We advised B on the response, that it was up to her as to whether she was happy to waive interest but under the Act, there was no legal obligation for her to do so. We reiterated our advice that if this matter were to be heard before a Magistrate as a civil claim, the interest would likely be imposed on the other party.

B instructed us that she wished for the property owner to pay interest.

We communicated B's instructions to the other party. They agreed and half the invoiced amount together with the interest until that date was paid to B.

## **CONSUMER CREDIT**

### **General Comments**

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

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

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

A entered into a “rent to buy” contract for purchase of numerous household items with Radio Rentals.

A is a vulnerable person and as a result, was unable to understand that the contract she had entered into meant that she was paying more than double the value of the items she purchased. Further she also did not understand that she was subject to onerous penalty fees and charges if any payments were late or declined, and that interest and additional penalties could accumulate on those fees and charges.

When A lost her job and fell into financial hardship, the exorbitant late payment fees from Radio Rentals meant that she fell further and further into debt.

When A approached our office she owed over \$8000 in late payment fees and penalties, and despite paying more than double the value for what these items were worth, Radio Rentals wanted them returned and for the debt to be repaid in full. Further, Radio Rentals no longer operated within Tasmania, and they wanted A to pay for the shipping costs on top of returning the items. A was incredibly stressed from having received multiple phone calls a day from Radio Rentals demanding return of the items and repayment of the debt.

We agreed to represent A and try to negotiate a settlement. After discussions with Radio Rentals about the unconscionable nature of the contract, the penalty fees and repeated requests for disclosure about the nature of the fees and why they were of that scale, we were able to come to an agreement with Radio Rentals to the satisfaction of the client.

Radio Rentals agreed to drop the claimed debt and A was allowed to assume full ownership over the household items.

## **NATIONAL REDRESS SCHEME**

### **General Comments**

From 2021 onwards, The Generalist Service team has provided assistance on applications made through the National Redress Scheme (NRS). Our service has assisted and supported clients through the entire process from preparing the application through communication with the NRS to their final payout.

We continued to receive a large number of referrals for the review of applications, general advice and assistance with drafting supporting documents, primarily through Knowmore whenever they have conflicts of interests as well as through other support services.

### **Case Study 1:**

A was sexually abused at a Tasmanian institution as a child and wished make a redress application.

We first checked to see if his institution was covered by the NRS. Once we confirmed that it was, we took instructions as to his experiences at the institution.

Given the highly sensitive and traumatic subject matter, we were very careful about taking instructions as to A's experiences. We prepared an application based on what he told us he had suffered and the ways in which it affected him late into his adulthood. Additionally, A was 80 years old and suffered from heart conditions. We cited his age and health issues within his application to request for the NRS to process his application as a matter of urgency.

We filed A's application and supported him throughout the process in communicating with the NRS where needed and discussing his payment options.

A first received a \$10,000 offer through an advance payment within six months due to his age and health issues. After an explanation on the process, A chose to accept the offer and ultimately received a final payment of \$100,000 after nine months.

Irene Tiang, Jason Cheow and Scott Ashby  
Generalist Solicitors

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

Two staff members, Meg Mitchell and Alicia Moore, continued to each work part-time in this area of practice during 2021-2022, working separately from remote locations due to building repairs.

Although the Hobart Community Legal Service 'shop front' was not open for drop-in clients during most of this year, there was a continuous work flow in family law, child support and family violence matters throughout the year. We also dealt with other associated issues and quite separate fields of law including Wills, TFM enquiries, sexual abuse in institutional care and assisting a 90+ year old man to communicate with NSW police to encourage them to investigate the conversion of his possessions.

Family violence was reported in most of our family law matters even when that was not the primary reason for the client seeking our services. This continues a pattern previously reported.

There was an increase in the number of callers seeking advice in family law property matters, arising from both defacto and married relationships, and interestingly a number of calls relating to 'custody' of pets after relationship breakdown.

We received a greater number of calls from men than in the past, both in relation to property and parenting matters. We also received more requests from some quite elderly callers, including requests for advice with respect to separation and division of property at a late stage in their relationships.

We have noted a higher number of overseas born clients seeking advice and representation in relation to divorce in the context of family violence. These clients have been male and female, with some being victims of family violence and some perpetrators. As laws and customs relating to divorce vary widely around the world, these clients have required a lot of time and support from us to gain an understanding of how divorce works in Australia. The same can be said for the family violence aspect. Assisting these clients has been both educative and rewarding for us as practitioners.



The long wait time for the mandated pre-filing mediation services in parenting matters is reported as a common source of frustration for many callers. A number of callers have reported that the tensions arising from the systemic delays in obtaining an initial mediation appointment, and then the wait-time and spacing of subsequent appointments, are leading to frustrations that they fear may ultimately lead to allegations of family violence. Assisting callers with legal and practical strategies to avoid such fears becoming a reality seems to be a timely and hopefully successful preventive intervention.

There appears to be an increase in self-represented litigants seeking advice and help from us with a number of callers having phoned in more than once when faced with an unexpected predicament such as the breakdown of an agreement.

Tasmania Legal Aid's Lawyer Assisted Family Law Property Mediation Trial for couples whose joint assets, excluding superannuation, are under \$500,000 is a scheme several of our clients have been relieved to receive a referral to.

The case mix we have been dealing with this year is extensive. It includes property disputes; practice and procedure in the FCFCOA; parenting matters; family violence; adult child maintenance arising through disability; child safety issues; mental health issues and the protection of children and their carer; overseas travel with children; interstate relocation; injunctions and caveats to protect property; spousal maintenance advice; grandparents seeking time with grandchildren; complaints against lawyers and doctors; guardianship; divorce; adoption; damage to property; establishing paternity; child support applications for DNA testing; amendment of Birth certificates by the addition or deletion of a 'father'; seeking arrears of child support; percentage of care disputes; Changes of Assessment; objections to decisions made by Child Support; preparing submissions for extensions of time to make court applications and / or administrative challenges; child support interim care periods (when a parent has obtained / retained care of a child contrary to a Court Order or a Parenting Plan and seeks to benefit from their own action through the child support system); Non Agency Payments; advising on existing (and invariably advising against entering into) Binding Child Support Agreements; allegations of sexual assault; Victims of Crime compensation; social security fraud; Centrelink requirements concerning reasonable action for maintenance, property division in separation involving family violence, and so forth.

Since the introduction of the amalgamated FCFCOA in September 2021 and the reconfiguration and revision of its website, we have found that clients are better able to inform themselves as to relevant practices and procedures and the substantive law with regard to the area of law affecting them. However, the on-line material does not obviate the need for discussion and direction with regard to their own specific issues and many of our clients express their gratitude for our advice in helping them apply their own research to their own circumstances.

We have regularly given advice about preparing for family law mediation or preparing to see a private family lawyer. Giving clients a framework for organising their thoughts and priorities as well as lists of documents / information to source has been helpful for clients heading into family law matters for the first time. Our objective has been to assist clients to get the most out of their mediation or legal representation, as well as manage their expectations.

Due to the inability of staff to work from 166 Macquarie Street for most of the year, unfortunately we were not able to support volunteer lawyer and legal practice students like in past years. We look forward to again be able to supervise and mentor them in the coming year and to provide general legal workplace experience. We are pleased that a past volunteer with our part of the service, Mieke Matimba, has joined HCLS as an employed solicitor. We will also miss Irene Tiang when she leaves HCLS. She has always been keen to learn and has also, over the years, been assigned to assist in this area of work and obligingly done so on more than one occasion; she has been a charming and helpful colleague. We wish her well in her future endeavours.

#### CASE STUDY 1:

Our service frequently undertakes work in establishing paternity and has reported in the past on some interesting scenarios that we have encountered in assisting clients. Another relatively unusual situation from our service's perspective is the following:

Our client is a mother whose son's birth was never formally reported to Births Deaths and Marriages and he therefore has no Birth Certificate. Unusually, until recently, she has not been particularly concerned about the child having no record of birth even though this is likely to pose significant future impediments to him in a number of circumstances. The presenting issue is that his father, who had been in a relationship with our client but not married to her and from whom she had separated some years ago, has died. The mother has been notified that if the child is shown to be his son, she may be entitled to some of the deceased Father's superannuation. She has also been told that if paternity is established, the boy will be entitled to a portion of his father's superannuation. The father's superannuation fund has informed her that to access any entitlement, the child must obtain a birth certificate showing the deceased was his father.

The father's death clearly means he cannot consent to his paternity in seeking registration of the child's birth. Furthermore, any DNA testing is now not possible. An added complication is that the child has turned 18 and therefore outside of the jurisdiction of the FCFCOA. It is also too late to try and establish paternity through the child support legislation.

The regional Victorian hospital records including nursing and social welfare notes from the time of the child's birth may be helpful in providing a contemporaneous record of the father's presence and any acknowledgment of paternity he may have made at the time. Whether this, in combination with any other available evidence, will satisfy the authorities is yet to be fully explored. Before approaching HCLS the mother instructs that she has tried many avenues to deal with the issue at hand and been hindered in every instance by 'red tape'.

This case will be interesting to fully investigate and to ascertain what options are available. It may be that an application to the Supreme Court for a declaration that the mother's son is also a child of the deceased would be the appropriate method of establishing that the child is a person entitled to make a claim under the Testators Family Maintenance Act against his father's estate, which is apparently not insignificant. The value of our service in this matter, as in many other cases, is that we can investigate and report on options to our client in a manner which is cost-effective for her. As a welfare recipient she is unable to afford private legal fees. In undertaking our investigations, we may find an administrative remedy. If not, we will be able to provide the equivalent of a 'brief' and may be able to persuade a private practitioner to take on the matter.

## CASE STUDY 2:

Our client is an international university student studying at a very high level. She has a student visa and was able to bring her husband with her to Australia based on that visa. After being in Australia for 3 months, the husband went on an interstate trip and never returned to our client. She waited 18 months to see if he would return, and then came to us asking for help to file for divorce. She was very concerned about applying for a divorce as she knew that would mean her husband could no longer stay in Australia. She had however realised that this may have been his plan from the start and that she had likely been used by him for immigration purposes.

We worked with the Migrant Resource Centre and TIS to file her divorce and supporting material via the Commonwealth Courts Portal, over a number of sessions. It was very important to the client that the divorce go through before her university graduation, so that she could change her name on her certificates back to her maiden name (all other methods of changing her name on university records required PR or citizenship). The divorce was granted, and our client recently graduated with her maiden name on her certificates.

Meg Mitchell and Alicia Moore  
Family Lawyers

## WELFARE RIGHTS ADVOCACY SERVICE

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

As expected, the WRAS workload was constant over the period in question; the number of clients having difficulties with Services Australia or the Social Security legislation continues to be constant. The main areas of contention in the 2021/22 period did not differ from previous years, being Disability Support Pension (“DSP”) eligibility and overpayments (including robo-debts).

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 Services Australia, 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.

### **DSP Case Study:**

Our client had been rejected for DSP on the basis they did not meet the requirements to receive 20 points for their medical conditions, namely osteoarthritis in the knees and spine, as well as anxiety and depression. Centrelink did not consider their conditions to be fully diagnosed, treated and stabilised and therefore they could not be awarded a point rating under the Impairment Tables. The client presented to our office after an unsuccessful internal review to the Authorised Review Officer ("ARO"), but had lodged an appeal with the AAT.

We perused the medical evidence provided to the AAT and found it to be insufficient to meet the requirements of the legislation, although we believed the diagnosis and treatment itself to be sufficient to qualify for the DSP. WRAS wrote to the client's GP and Psychologist to obtain further medical reports to address the legislation in more detail and were fortunate to receive this prior to the AAT hearing.

Thankfully the AAT accepted the new medical evidence and our submissions. Our client was awarded 35 points under three of the Impairment Tables, but importantly, 20 of those points were obtained for the anxiety and depression under Table 5. This was crucial, as our client was not required to complete the Program of Support, which they had not.

Our client was found to have a continued inability to work and was granted the DSP with two years of arrears being awarded to the client. The first significant delay in this case was in processing the original application for DSP, the second was the time taken

for the internal review by the ARO to be completed. Unfortunately, this is not uncommon for clients who apply for DSP, something Economic Justice Australia are currently lobbying to have reviewed.

### **Parenting Payment Debt:**

Our client was overpaid approximately \$29,000.00 over a three-year period, with Centrelink subsequently raising a Parenting Payment (“PP”) debt. Centrelink raised the debt, as they believed our client failed to report her husband’s employment income, which would have reduced her payment during the period in question.

When our client first applied for PP she declared her husband’s income and Centrelink failed to place her on fortnightly reporting. Moreover, our client reported her husband’s annual income estimate every year during the debt period, as required for Family Tax Benefit (“FTB”) purposes.

Although an incorrect assumption, our client believed that Centrelink knew about her husband’s income for PP purposes, because she had declared his income initially and updated the family income every year for FTB.

On this basis she appealed the decision to raise the debt and was successful in having the decision set aside at the AAT Tier 1 on the grounds of administrative error. Centrelink appealed this matter on the ground that it had not been sole administrative error, rather, a combination of administrative error and the debtor's inaction in correcting the fault, based on correspondence received by our client with the incorrect income details listed.

WRAS represented the client at the AAT Tier 2 and negotiated a settlement with Centrelink Legal Services to waive 70% of the debt, rather than proceeding to hearing. We believe this was a significant result for the client, despite having the overpayment waived at the AAT Tier 1 level. It was our belief that a Tribunal Member would vary or set aside this decision at the AAT Tier 2 based on Centrelink’s argument that the debt did not arise solely from their administrative error.

### **Family Violence Debt:**

Our client lived with her partner who was violent and extremely controlling. He controlled her finances and deliberately under-reported his own income to Centrelink to maximize the payment she would receive, of which he had then take control.

Centrelink received a tip-off that our client was receiving a higher rate of payment, due to her relationship status. Upon investigation, Centrelink raised a debt against her, as a result of her partner’s underreporting of his income.

With help from HCLS and Centrelink Social Workers we were able to have our client's debt waived at the AAT Tier 1, due to Special Circumstances. The decision to set aside the overpayment was not appealed by Centrelink.

HCLS are very grateful for the considerable assistance provided by the Centrelink Social Workers in having this matter resolved satisfactorily. Once again, we raised our client's situation with Services Australia as an example of how its processes can lead to vulnerable women being placed in even more difficult situations.

### **JobSeeker and Disability Support Payment Debt:**

Our client contacted WRAS in relation to a debt raised by Services Australia for overpayment of JobSeeker Payment ("JSP") and Disability Support Pension ("DSP"), as they considered she had income that had not been disclosed.

The original debts were approximately \$70,000, representing her entire payments over several years, because there were unidentified deposits in her bank account. She sought an internal review of the decisions, and eventually the debts were reduced to approximately \$47,000.

WRAS took on the matter and represented her at the Administrative Appeals Tribunal ("AAT"). We submitted that Services Australia had identified data, formed presumptions about that data, asked our client to rebut their presumptions and then refused to accept the rebuttal.

We perused pages of bank records, credit card records and statements to match the information with the client's story. After the initial AAT hearing, the matter was adjourned to ask for Services Australia to explain their calculations and to justify the presumptions being made.

Ultimately, Services Australia had included home equity conversions and transfers between our client's own personal bank accounts as income for the purposes of their calculations. The AAT found the debt had been badly calculated and the assumptions made were unfounded and the decision to raise the debt was set aside.

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, whether 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.

### **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 week-long 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 education programs. An emphasis was placed on the Duty Lawyers to maintain collaborative relationships with HCLS staff, Hobart Magistrates Court Staff and other justice organisations, to ensure cooperative and proactive approaches to improving access to justice.

During the first three months of employment with HCLS the newly appointed Duty Lawyers are heavily 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 2021 Duty Lawyers were successful in obtaining permanent full-time employment. By the end of August 2021 our numbers had dropped from the initial 13 employed down to 5. We like to think their inclusion in the DLS contributed to their employment in the legal profession.

During early December 2021 a new cohort of 9 graduates, including three employed under the scheme through an arrangement with private practice and the Law Society, participated in training provided by retired Magistrate, Peter Dixon and HCLS Principal Solicitor, Chris Rice. All 9 graduates were employed and began completing shifts as early as the following week in December. Moreover, to assist with the lower number of graduates, two of the 2021 duty lawyers had their contract extended for 2022.

By the end of the 2021 / 2022 financial year our numbers had once again significantly reduced, to the point where we had only 5 employed duty lawyers available for our roster. Discussions are currently underway to commence training earlier than previously, so the 2023 duty lawyers could be employed closer to their date of admission in 2022. Of course, this is only achievable with secured funding through the grant from the Public Accounts Fund. We were very pleased when the State Government announced guaranteed funding for this service until June 2025 after many years of having to apply for funding yearly.

We acknowledge the work of the LST (Luke Rheinberger), the CLS (Naomi Bryant and Susie Winter) and Peter Dixon for the continued success of the DLS. The DLS continued to receive significant support from the current sitting Magistrates, registry staff and court security. There is no doubt the DLS has achieved its main objective, by significantly contributing to the efficiency and effectiveness of the Hobart Magistrates Court, in providing access to justice to those who would otherwise have been unrepresented.

Jane Hutchison and Chris Rice.

**HOBART COMMUNITY LEGAL SERVICE INC**

**FINANCIAL STATEMENTS**

**30TH JUNE 2022**

**CONTENTS**

Auditor's Report  
Consolidated Profit & Loss Statement  
Balance Sheet  
Cash Flow Statement  
Equity Statement  
Office Bearers

**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 2022.

**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 2022 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  
24 September 2022

---

Office Level 13, 39 Murray Street, Hobart 7000  
Telephone 03 6234 9267 Mobile 0419 588 575

Postal address P.O. Box 680, Sandy Bay, Tasmania 7006  
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 2022**

	2022	2021
<b>Income</b>	<b>\$</b>	<b>\$</b>
Commonwealth Funding	819,118	557,073
State Funding	308,050	294,938
State Grant	50,000	0
Car Parking, Rent	12,093	28,804
Costs Awarded	81,818	0
Insurance Reimbursement	13,332	0
Interest Received	2,227	3,501
COVID – 19 AGD Grant	18,976	152,418
SGF	7,332	10,849
Other Income	824	51,056
Wage Reimbursements	227,453	194,053
<b>Total Income</b>	<b>\$1,541,123</b>	<b>\$1,294,616</b>
<b>Expenses</b>		
Advertising	3,244	3,153
Amenities: Client, staff, volunteers	820	2,874
Audit Fees/ Accountant	1,900	1,885
Cleaning	711	2,001
Computer Expenses	1,774	4,306
Conferences and Training	1,977	2,095
Consultancy Services	95,050	13,222
Depreciation	5,689	10,093
Electricity	3,321	4,727
Equipment Purchases (minor)	2,163	8,960
Employee Leave Entitlements	68,329	68,461
Insurance & workers Comp	10,335	7,559
Library Expenses	990	1,160
Memberships	6,825	7,263
Office Rental	18,457	86,524
Practising Certificates	2,014	258
Printing, Postage, Stationary	6,625	7,778
Repairs and Maintenance	15,743	523
Rates, Land Tax	1,378	15,992
Salaries & Related Expenses	826,502	833,063
Security	784	1,770
Subscriptions	1,846	3,579
Sundry Expense	1,061	739
Superannuation	84,642	83,126
Telephone	10,515	12,918
<b>Total Expenses</b>	<b>\$1,173,708</b>	<b>\$1,183,957</b>
<b>Operating Profit</b>	<b>\$367,415</b>	<b>\$110,659</b>

**Hobart Community Legal Service Inc.**  
**Balance Sheet**  
as at 30 June 2022

	2022	2021
<b>Assets</b>		
<i>Current Assets</i>		
Cash at Bank, on Hand	416,067	47,324
Deposits at Call, Term	552,287	509,959
Trade Debtors	14,319	41,589
<b>Total Current Assets</b>	<b>982,673</b>	<b>598,872</b>
<i>Non-Current Assets</i>		
Equipment – at cost	178,054	168,367
Deduct Provision Depreciation	-172,839	-160,938
<b>Total Non-Current Assets</b>	<b>5,211</b>	<b>7,878</b>
<b>Total Assets</b>	<b>\$987,885</b>	<b>\$606,750</b>
<b>Liabilities</b>		
Creditors	15,731	20,838
GST Liabilities	-129	3,514
Payroll Liabilities	24,702	31,620
Employee Leave Entitlements:		
:Annual Leave	107,252	65,247
:Long Service Leave	122,136	109,677
Unspent Funds Carried Forward	-	26,308
<b>Total Liabilities</b>	<b>\$269,692</b>	<b>\$255,138</b>
<b>Net Assets</b>	<b>\$718,192</b>	<b>\$351,611</b>
<b>Equity</b>		
Retained Earnings	353,444	233,537
Current Earnings	367,415	8,206
<b>Total Equity</b>	<b>\$718,192</b>	<b>\$351,611</b>

**Hobart Community Legal Service Inc.**  
**Statement of Cash Flows**  
**for year ended 30 June 2022**

	\$ 2022	\$ 2021
<b>Cash flows from operating activities</b>		
Cash receipts in the course of operations	1,543,918	1,286,057
Payments for Project & Operating	<u>-1,127,157</u>	<u>-1,144,726</u>
<b>Net cash provided (- used) in operating activities</b>	<b><u>416,761</u></b>	<b><u>141,331</u></b>
<b>Cash flows from investing activities</b>		
Purchase of new assets, inventory	<u>-5,689</u>	<u>-3,999</u>
<b>Net cash provided by investing activities</b>	<u>-5,689</u>	<u>-3,999</u>
Net increase (-decrease) in cash held for year	411,072	137,333
Cash at the Beginning of Financial Year	<u>557,283</u>	<u>419,950</u>
<b>Cash at the End of Financial Year</b>	<b><u>\$968,355</u></b>	<b><u>\$557,283</u></b>
<b>Cash at year end represented by:</b>		
Cash at bank, cash floats	416,067	47,324
Term deposits	<u>552,288</u>	<u>509,959</u>
<b>Total Cash at end of Financial Year</b>	<b><u>\$968,355</u></b>	<b><u>\$557,283</u></b>
<b><u>Reconciliation of cash from operating activities with result for year</u></b>		
Operating surplus	367,415	109,832
<b>Change in non-cash items</b>		
Depreciation	5,689	10,093
Payroll liabilities	-6,917	4,695
Employee entitlements	54,463	19,099
Unspent Funds	-26,308	26,308
Sundry debtors	19,064	-34,868
Sundry creditors	<u>3,355</u>	<u>6,171</u>
<b>NET CASH PROVIDED BY/(USED IN) OPERATING ACTIVITIES</b>	<b><u>\$416,761</u></b>	<b><u>\$141,331</u></b>



**Hobart Community Legal Service Inc.**  
**Statement of Change of Equity**  
**For year ended 30<sup>th</sup> June 2022**

	\$
<b>Balance 1 July 2020 brought forward</b>	242,784
Surplus for the year	<u>110,659</u>
<b>Balance as at 30 June 2021 carried forward</b>	<u>353,444</u>
<b>Balance as at 30 June 2021 brought forward</b>	353,444
Surplus for the year	<u>367,415</u>
	-2,666
Prior periods depreciation adjustment	
<b>Balance as at 30 June 2022 carried forward</b>	<u><b>\$718,192</b></u>

## **1. Basis of Preparation**

### **1.1 Statement of accounting policies**

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

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

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

## **2. Significant accounting policies**

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

*AASB 101 Presentation of Financial Statements*

*AASB 107 Statement of Cash Flows*

*AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors*

*AASB 1031 Materiality*

*AASB 1048 Interpretation of Standards*

*AASB 1054 Australian Additional Disclosures.*

### **2.1 Income Tax**

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

### **2.2 Goods and Service Tax (GST)**

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

### **2.3 Cash and Cash Equivalents**

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

## **Hobart Community Legal Service Inc.**

### **Notes to the financial statements for year ended 30 June 2022**

---

#### **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 \$1,900 in 2022 and \$1,885 in 2021. 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-2022 information.

## OFFICE BEARERS

### YEAR ENDED 30th JUNE 2022

President	Mr Henry Pill
Vice-President	Mrs Marion Clarke
Vice-President	Ms Odette Lenane
Secretary	Mrs Anne Horner
Treasurer / Public Officer	Mr James Walker
Ordinary Members	Mr Silas Hoon Dr Kiki Mussared Ms Esme Wong (resigned December 2021) Ms Alkinida Milelti Mr Chris Webster AM
Staff Rep	Mr Peter Foster (resigned December 2021)

**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.**