



Kimberley Community Legal Services Incorporated

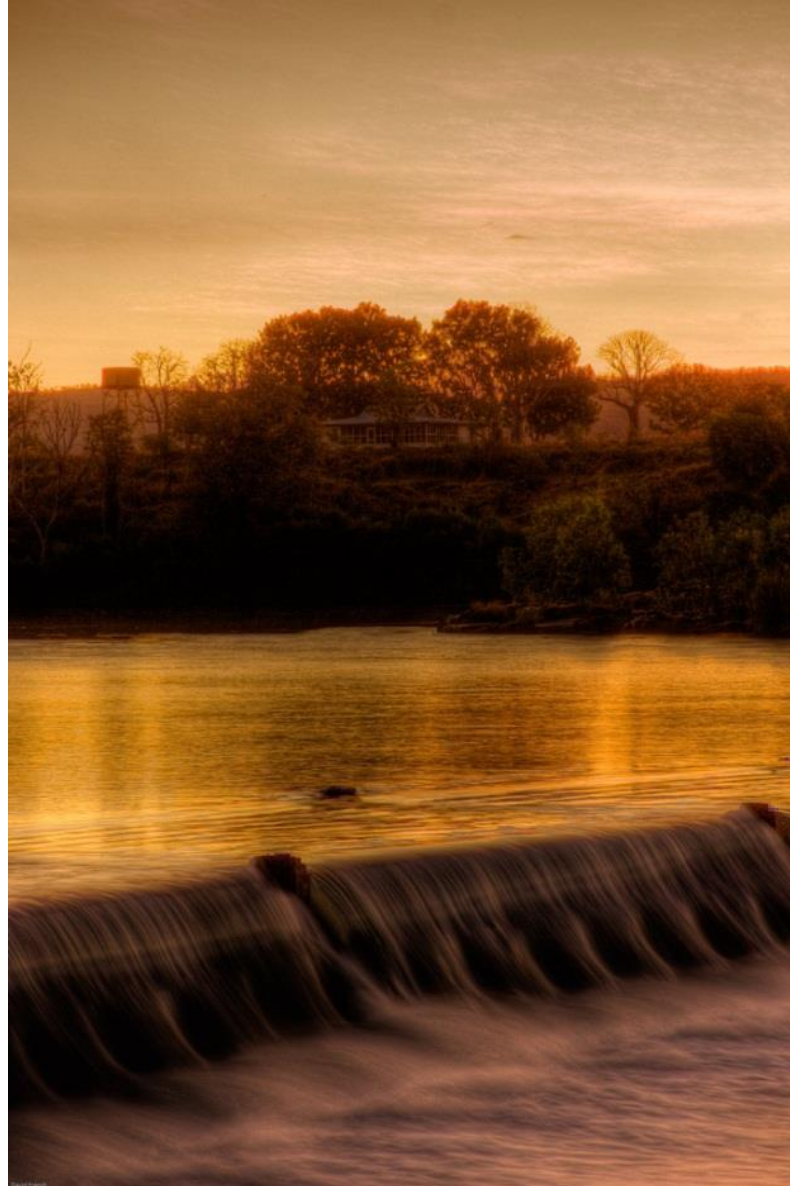


Photo By David French

Annual Report 2009 / 2010

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Kimberley Community Legal Services Inc

Our Vision

Our vision is for the Kimberley region to be a place where social justice exists for all people.

Our Values

Empathy and Respect
Dedication and Commitment
Integrity and Honesty
Teamwork and Collaboration
Improvement and Innovation

Our Mission

Our mission is to be a dynamic organisation with leadership and innovation in culturally effective services and programs that make a positive difference to the people, communities and towns of the Kimberley.

Introduction

Kimberley Community Legal Services Inc (KCLS) is based in Kununurra and commenced operation in 1999. KCLS is an independent, non-profit community organisation overseen by a community based Management Board. Specific funding is received from:

- ❖ Commonwealth Attorney-General's Department through the Commonwealth Community Legal Service Program via Legal Aid Commission of Western Australia
- ❖ Department of the Attorney-General's Legal Contribution Trust via Legal Aid Commission of Western Australia
- ❖ Department of Commerce Industry & Consumer Services Directorate
- ❖ Department of Housing, Aboriginal Housing & Infrastructure Directorate
- ❖ Department for Child Protection

KCLS forms part of an Australia wide network of community based legal services and is a member of the National Association of Community Legal Centres and Community Legal Centres Association (WA) Inc. KCLS has a local, regional, state and national focus and participates in various networks such as women's legal services, Indigenous women's rural, regional and remote, community legal education, tenancy and financial counselling services. These networks engage in joint initiatives in their relevant areas of law and policy and provide a forum for staff to meet other professionals, from the state and nationally within the community legal service sector.

Services include:

- ❖ CLC generalist legal service provides advice, referral, information and casework assistance, community legal education, law reform and advocacy regarding legal processes to people and communities within the Kimberley region;
- ❖ Indigenous Women's Program assists Indigenous people, in particular women in accessing legal services, information, advice and community legal education mainly in areas of family law and child protection within the Kimberley region.
- ❖ Generalist legal and Indigenous Women's Program outreach services are provided to the towns of Wyndham, Halls Creek, Fitzroy Crossing, Derby and Broome and the remote Kimberley communities of: Warmun, Kalumbaru, Oombulgurri, Balgo, Mulan, Billiluna and other communities predominately in the East Kimberley;
- ❖ Community Legal Education Outreach Program provides community legal education for community service providers through outreach services and where appropriate KCLS clients and clients of other service providers within the Kimberley region;

- ❖ Tenancy Advice and Education Service provides information and advice to residential tenants (private and public) to support them in making informed decisions about tenancy related matters and education to individuals and community service providers in the towns of the Kimberley region.
- ❖ Indigenous Tenancy Advocates Service provides a culturally responsive tenancy advocacy service to Indigenous people in public housing in the towns of the Kimberley region.
- ❖ Financial Counselling Service provides financial counselling, education and advocacy services for individuals and families on low income experiencing financial difficulties in particular Aboriginal families in Kununurra and surrounding communities.

Kimberley Community Legal Services Inc operates Monday to Thursday, between the hours of 8.30am – 4.30pm and Friday 8.30am–12.30pm is located in the town centre of Kununurra, which provides access to people living in Kununurra. Access to services in the towns and remote communities within the Kimberley region is achieved on outreach services by staff consulting clients at mutually agreed locations, usually at a local community or government organisation, or at the client's home. Equity of services is ensured through the client intake process and a planned and coordinated approach to outreach services within the Kimberley region.

Management Board

<i>Chairperson</i>	Garry Dagg/ Brianna Lonnie
<i>Vice Chairperson</i>	Angela Kruger
<i>Treasurer</i>	Paul Royce
<i>Secretary</i>	Melissah Adams/ Matt Panayi
<i>Board Members</i>	Ruth Abdullah Peter Sibasado Ann Mills

Staff

<i>Manager</i>	Margaret King Liz O'Brien from April 2010
<i>Principal Solicitor</i>	Annette van Gent
<i>Indigenous Women's Program Worker</i>	Ruth Abdullah Helen Thomson
<i>Community Legal Education Worker</i>	Giacomo Boranga Annie Wilson
<i>Indigenous Tenancy Advocate</i>	Annie Wilson/Helen Thomson
<i>Tenancy Advice & Education Worker</i>	Vacant
<i>Financial Counsellor</i>	Vacant
<i>Administration Officer</i>	Patricia Lane

Reports

Chairperson

2010 started as a year of challenges and uncertainty for KCLS, but as the year draws to a close the Service is in a great position, with financial and staff stability and opportunity to strengthen its position as a valuable and professional legal service providing essential information, advice and assistance for residents of the East Kimberley.

I do not need to dwell on the KCLS's position at the beginning of the year, it will suffice to say that prior to the recruitment of Liz O'Brien as the Manager and the return of Annette Van Gent as the Principal Solicitor, the Service was in a precarious position indeed. Liz and Annette bring the experience and stability to KCLS that was required.

Over the year, Liz and Annette have worked with the staff of KCLS to bring it back to the strong position it now occupies. There is a full complement of staff, comprising of the Manager, three lawyers, a tenancy advocate, an indigenous women's program officer, Community development legal liaison officer and administrative staff. The organisation has sought and successfully secured further funding in various areas, resulting in the strong financial position that it is currently in.

There have been some staff changes over the year, and we thank those staff who have left for their dedicated service to KCLS, particularly during the difficult periods. I also extend a warm welcome to our newest staff members, lawyers Hannah Levy and Amanda Whitehead administrative assistant Sam French, Tenancy Advocate, Helen Thomson, Indigenous Women's Program officer, Bev Russ.

I would also like to thank Gary Dagg, who retired as Chair of the board in March this year, for all his fantastic efforts in chairing the board, playing a key role in keeping KCLS afloat and able to provide some services during the very difficult period KCLS experienced late last year and earlier this year.

I would also like to thank Clayton Utz for its continued association with, and support of, KCLS during difficult times and throughout the rebuilding phase this year. I am pleased to say that Clayton Utz is currently committed to continuing to provide a lawyer on secondment for six months of each year.

We hope to cement and build on our position as an invaluable resource for the East Kimberley community in relation to a vast array of legal matters, providing advice and assistance in many areas including, tenancy, family law, compensation, care and protection matters and various other civil matters.

On behalf of the board I would like to thank our members for their support in 2010 and we look forward to great things for KCLS in 2011.

Brianna Lonnie -24 November 2010

Manager

The appointment of Annette van Gent as Principal Solicitor in March 2010 was a welcome return. KCLS was then able to start to build a fully functional legal service.

Annette is a WA Country Lawyers Program (WACLP) is a joint initiative between Legal Aid WA, Community legal Centres, Aboriginal Legal Services, Law Society of WA and the Legal Practice Board of WA. It is supported by the State and Commonwealth governments to improve the recruitment and retention of lawyers in regional and remote Western Australia.

Clayton Utz's pro bono scheme was not in operation until we had a Principal to supervise the practice. I look forward to reconnecting with Clayton Utz next year.

Many positions were vacant when I started in April 2009. An Indigenous Women's project Worker has been employed and filling the other vacancies is a priority task in the new financial year.

The CLE position is a very active role at KCLS and we have been grateful to have had two enthusiastic staff filling this position. With the assistance of the solicitors and IWP, the CLE worker has increased awareness and knowledge of people's rights and the law throughout the East and West Kimberley. They are also information gatherers as they report back community issues and concerns.

The tenancy advice and education worker service, funded by Dept of Commerce, has been vacant. The position has been identified as suitable as a solicitor position. It offers a much needed service to the East and West Kimberley, advocating for tenants in private and public rental disputes. They also deliver CLE to community members and service providers on tenant's rights. Recruiting for this position is a priority in the next financial year.

The Financial Counselling Service was vacant at the end of 2009-10.

The Manager attended many local Interagency Meetings and was the Convenor of the National Association of Community Legal Centres and the chair of the NACLC RRR recruitment and retention project.

I would like to thank all staff for their hard efforts and commitment throughout the year. In particular KCLS acknowledges the contribution of staff who have left during the year: Vina Gouldin, Ruth Abdullah, Helen Turner, Helen Thomson, Natasha Brisdon, Giacomo Boranga and Patricia Lane and the secondees from Clayton Utz

Appreciation is also given to the Management Board for allocating their personal time to support KCLS in delivering a valuable community service.

The Manager for this period has since resigned and these were the main events which occurred throughout the year.

Liz O'Brien

Legal Practice report

I resumed my role as principal solicitor of KCLS in March 2010, on placement through the Legal Aid WA Country Lawyers Program.

The KCLS legal practice was in a challenging position during the first half of 2010, having been without a full-time principal solicitor since December 2009. I would like to take this opportunity to acknowledge and extend a heartfelt thanks to Kate Davis and Lesley Kirkwood of the Women's Law Centre in Perth, both of whom generously gave their time to come to the Kimberley and work for KCLS as locum solicitors during the early months of 2010. They provided an invaluable service to our clients during that difficult time, as well as much appreciated support for KCLS as an organisation and constructive suggestions for its progression.

My immediate priority on arrival back at KCLS in March 2010 was to address a number of outstanding difficulties within the legal practice, including one matter which required notification to our insurers. That matter was ultimately resolved without a claim being brought against KCLS, and KCLS has had no further notifications or complaints made this year.

Having addressed these issues, the KCLS legal practice has been in a position to develop and grow. The legal practice resumed providing outreach services to Wyndham, Kalumbaru, Halls Creek and Warmun, in addition to providing a service to Kununurra. At the end of June 2010, the KCLS legal practice had approximately sixty files open, across the areas of family law (children, property and divorce), child protection, criminal injuries compensation, wills and general civil claims. The KCLS legal practice also resumed the provision of community legal education, initially through the development of a legal educational radio program the PRK Radio Station in Halls Creek.

The legal practice benefited enormously during this period of growth from the pro bono program generously provided to us by Clayton Utz. I wish to acknowledge and express my gratitude to Elizabeth Pennell, our Clayton Utz pro-bono solicitor during the first half of 2010. "Elpi", as she became affectionately known, assisted greatly in the development of the legal practice and in particular worked exhaustively on co-ordinating and providing services for clients in Balgo and Halls Creek requiring assistance in the completion of claims for Redress WA. As in previous years, the work of the Clayton Utz secondee solicitors has been an exceptional asset to KCLS and we look forward to continuing to foster this relationship in the future.

I am also greatly looking forward to the ongoing development and growth of the legal practice of KCLS during the remainder of 2010 and 2011, as it continues to strive towards providing quality legal education and access to legal services in the family and civil law areas to people across the Kimberley.

Annette van Gent, principal solicitor

Indigenous Women's Program

The Indigenous is funded by the Commonwealth Attorney-General's Department through Legal Aid WA. Ruth Abdullah left the position in 2009, The position was vacant from January to April 2010. Helen Thomson was appointed the position in April 2010.

Legal Service Assistance

Have assisted Lawyer on field trips and assisted with 9 clients for court. Family Violence, Child Protection issues, Restraining Orders escalated in the 4 major towns in the past 3 months of the 09-10 year.

Assisted lawyer where appropriate in delivery of advice which is culturally appropriate and to make contact with clients who have not been able to contact recently

Outreach Services

This is still in the early stages of introductions, offering of services and contact with relevant chairpersons and council members. All remote communities need to have contact made communities include Wirrimanu and Mulan

Remote visits include Wyndham, Halls Creek, and Warmun. Regular field trips to the West Kimberley need to be re-established. This has been slow due to other activities happening in individual communities.

Community Legal Education will be revamped and regularly provided especially in remote areas eg: Wirrimanu and Mulan. Priority must be given to remote communities as they have been left out quite often. Keep on visiting and discussing issues and make KCLS known on each community.

Still in the process of sending out flyers and visiting community to assess what information communities want to have delivered.

Continued to liaise and work with the Council members on communities, other agencies on communities and in town. Undertaking a lot of PR work in the main four town regions of Wyndham, Kununurra, Halls Creek and Warmun to discuss issues that the relevant areas want as CLE on their community and utilize the local people who live in these areas to participate.

Networking / Meeting Attendance: Hall's Creek: Better life Project
DCP Hostel, TAFE College, CDEP, Wunan Job services and HCDHS.

Wyndham- Work Camp

Ngnowar Aewah- Wyndham

Warmun Community office

Discuss issues that the relevant areas want as CLE on their community and utilize the local people who live in these areas to participate.

Training / Conference Attendance

Kimberley making connections two modules of two days each

25th June 2010 Employment Law Training 9am - 5pm

On 18th August 2010, I will attend the National Indigenous Summit Engagement with indigenous communities, Financial and consumer rights Council

Helen Thomson

Community Legal Education Outreach Program

Giacomo Boranga resigned at the end of March 2010

In April Annie Wilson was promoted to the new position of Community Development Education Officer and Community legal education was shared between this position and all legal staff.

While working with individual clients, with communities and with other agencies throughout this year, I have been alert to identifying areas in which people living in our service area experience particular difficulties in general community legal education, and in working to address those difficulties. I have identified significant barriers for people accessing legal information on any related issues.

Community legal education has become extremely sought after as an outreach service to towns and communities in the Kimberley region. There will be regular outreach visits to the towns of Wyndham, Halls Creek, Derby and Broome and to the communities of Oombulgurri and Kalumbaru in the 10-11 year

These will be incorporated into our sessions throughout the Kimberley area ,we will be doing a number of Waringarri Radio sessions on graffiti, Housing issues protection orders, violence restraining orders and traffic law and many more .

Plans for 2010-11 include:

Halls Creek, Ngayuru Waaringarrem (The Halls Creek Festival) over the week end in September 2010;

Child Protection day in White Gum Park- Kununurra;

Young Women's Leadership camp in El Questro

Working with Werlemen girls group in Kununurra for 13-16yrs introduction to the services and Community legal education.

I look forward to the Community Development Education Program going from strength to strength in the next year.

Thank you for the opportunity to work with KCLS and to continue the services through the Kimberley region.

Annie Wilson

Indigenous Tenancy Advocate Service

In 2009 KCLS was short staffed for over 6 months

In that time there was high need for advice and assistance about evictions and huge bills with tenancy client's e g: water and tenant liabilities, lots of maintenance and refurbishing of houses in the east and west Kimberley.

Number of public housing advices - 101

Number of other housing advices - 55

Major issues: Debts, vacated debts, maintenance, priority assistance, bond recovery

Annie Wilson was promoted to another position in the service from 1 May 2010.
Helen Thomson assisted ITAS clients from 1 May 2010.

Annie Wilson -Helen Thomson

Tenancy Advice and Education Worker

This position is vacant. Tenancy advice has been provided by KCLS generalist solicitors and Indigenous Tenancy Advocate

Financial Counselling Services

This position has been vacant

Treasurer Report

LBW Chartered Accountants was appointed at the 2008/09 Annual General Meeting on 23 November 2009 to undertake an independent audit of the Kimberley Community Legal Service Inc. (KCLS) for the 2009/10 financial year. LBW Chartered Accountants has since tendered their Independent Audit Report with the following findings.

The end of year balance sheet recognizes that the organisation has \$1,183,711 in total assets (\$515,677 current assets and \$668,034 non-current assets) and \$293,670 in total current liabilities, which provides a total of net assets of \$890,041. However, included in this figure are assets previously associated with family violence service provision, such as 4 Coral Close Kununurra (\$630,031).

According to the KCLS cash flow statement, the organisation received \$746,632 from state and commonwealth government funding bodies and other sources. During this same period, \$1,115,905 was paid to suppliers and employees while family violence and unspent grants were returned to relevant funding bodies. This resulted in a cash deficit of \$369,273, although when added to the \$809,311 carried forward from the previous reporting period, there is a total of \$419,735 in cash at the end of the 2009/10 financial year.

In viewing the statement of comprehensive income, KCLS had an operating surplus of \$27,948 and as a result, it can be determined that KCLS is in a sound financial position as at 30 June 2010. A full copy of the financial assessment offered by LBW Chartered Accountants is included within this annual report.

Many thanks must go to Jodie Silvestre and her team at Kununurra Accounting Services for assisting LBW Chartered Accountants in the preparation of the KCLS audit and efficiently and effectively managing the organisation's finances in what were extremely difficult times. Thanks also to Liz O'Brien and KCLS staff for their great skill and assistance in the administration of the organisation's finances over the previous 12 months.

Paul Royce -Treasurer

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