



community
legal service

Albury Wodonga

ANNUAL REPORT
2006 - 07

TABLE OF CONTENTS

Principal Solicitors Report.....	2
Access & Equity.....	3
Hours of Operation.....	4
Staff.....	5
Volunteers.....	6
What a Volunteer has to say.....	7
Pro Bono Work.....	8
Family Law Legal Aid Assistance.....	8
Advice & Casework.....	9
Duty Lawyer Services.....	10
Interesting Statistics.....	11
Community Legal Education.....	12
Law Reform & Legal Policy.....	14
Research.....	15
Community Development Work.....	16
Training & Professional Development.....	17
CLS in the media.....	18
Additional Income.....	20
Management Committee.....	21
Appendix 1: Law Week 2007—Report for NSW.....	22
Appendix 2: Summary of Survey “Understanding the Legal Needs of the Elderly in Wodonga”.....	24

PRINCIPAL SOLICITORS REPORT

We have had another year of exciting developments at the Community Legal Service!

The Victorian government has assisted us this year in achieving our objective of providing an accessible and equitable service by:

- ♦ providing our CLS with funding for a full time generalist solicitor and .5 administration position. This is part of a package for Victorian Community Legal Centres of \$8.8 million in recognition of the important work of our sector.
- ♦ Becoming the first Australian state to enshrine basic human rights in one Act of Parliament, the Victorian Charter of Human Rights and Responsibilities. This will assist us in promoting the human rights of the disadvantaged and vulnerable, as the Charter enshrines a body of civil and political rights derived from the International Covenant on Civil and Political Rights. These rights include right to equality before the law; right to life; right to protection from torture and cruel, inhuman or degrading treatment or punishment; right to privacy and protection of reputation; freedom of thought, conscience, religion and belief; right to peaceful assembly and freedom of association; right to humane treatment when deprived of liberty and right to a fair hearing.

For me the highlights of the past year have been:

- ♦ Our family lawyer, Sharon Kim, who has been working at CLS for almost a year servicing a growing need in our district for family law work for legally aided clients. For most of this time we have been the only Community Legal Centre with a family lawyer funded by Victorian Legal Aid so it has been a steep learning curve for both the CLS and Sharon. Sharon is enjoying life in Wodonga, having moved here from Melbourne, and has visited many of the beautiful places in our region. Sharon has had a steady stream of clients and has also assisted with Intervention Orders in the Wodonga Magistrates Court on Thursdays and Community Legal Education seminars for a Separated Parents Group run by Upper Hume Community Health. The majority of Sharon's work has been children's matters with most matters going to Family Dispute Resolution, Sharon representing clients at this first stage in the process. Sharon has been ably assisted with her growing work load by her assistant Tracey Walker.
- ♦ Our new community project worker, Sally Pascoe has brought fresh eyes to how we organize our files, ourselves and our procedures! Her enthusiasm and efficiency have made her a valued team member.
- ♦ Rebecca Kellahan, a 3rd year social work student at La Trobe University, completed her placement at the Community Legal Service from September to December 2006. Rebecca was a valued member of our team during her 14 weeks with us, as she participated in all aspects of our service. Her major project was Understanding the Legal Needs of the Elderly in Wodonga which was completed in December 2006. Residents 60 years and older were identified as older people or elderly. Two independent surveys, one of older residents and the other of service providers, were undertaken in order to best identify the legal needs of the elderly residents in Wodonga. This report has been of great use to us in planning our future services and identifying the needs of the elderly in our catchment area.
- ♦ The establishment of the Cooperative Legal Services Delivery Project (CLSD), for the Albury Wagga Wagga region, in which CLS has been an active partner. We have attended meetings in both Wagga and Albury during the past year. We have found this project useful in gaining knowledge of the services in the region allowing us to assist our clients to access available legal and associated services. We were also successful in applying for funding to employ the coordinator of CLSD who now works from our service one day per week.
- ♦ In June this year, we commenced an outreach service once a month to Mungabareena Aboriginal Corporation. In addition we have been networking in Corowa and Walwa about extending our outreach to those areas.

It is exciting to see our service grow and develop and to be able to offer increased services to our clients. The challenge for us now is how to fit into our existing office space!

Karen Bowley
Principal Solicitor

ACCESS & EQUITY

CLS seeks to provide a service which is accessible, equitable, non-discriminatory and non-judgmental.

CLS provides legal advice, information, referral, casework, community legal education and law reform activities in North East Victoria and the Southern Riverina of New South Wales. Any person who is in the region by virtue of their residing in, visiting, or legal issue arising in are eligible to receive service from CLS. No means test applies.

The service does have limited resources however, so within the general framework of eligibility for the service, special attention is paid to meeting the needs of the target groups. Broadly these are people who are considered to be disadvantaged in some way in dealing with the law.

There are two main categories of disadvantage:

- ◆ Those people who are denied access to legal assistance as a result of limited financial resources, whether they are recipients of social security benefits or in low income employment.
- ◆ Those people who are otherwise disadvantaged in their access to justice i.e. indigenous people, people from non-English speaking backgrounds, youth, people who have a physical disability or mental health problems, women living in circumstances of domestic violence or people who live in rural or remote areas.

HOURS OF OPERATION

9am to 5pm Monday to Friday

Telephone Advice & Information

Monday 9am to 12 noon

Wednesday 2pm to 5pm

Friday 9am to 12 noon

By appointment

Face to Face Clinics

Wodonga Office on Tuesday evenings

Wangaratta Office on Tuesday evenings (fortnightly)

By appointment

Family Court Clinics

Wodonga office on Wednesday mornings

By appointment

Family Law Legal Aid

Wodonga office on Tuesdays and Wednesdays

By appointment

Rural outreach

Corryong and Tallangatta

Deniliquin

Mt Beauty and Myrtleford

By appointment

Intervention Order Court Support Program

Wodonga Magistrates Court on Thursdays

Permanent Staff as at 30 June 2007



Karen Bowley – Principal Solicitor

Karen started as a volunteer with the service working at the Tuesday evening advice clinics in 2001 and has gradually moved into the role as Principal Solicitor full-time working on projects and policies as well as client work. Karen has practiced law for 9 years in the private and government sector.

Beth Simpson – Solicitor

Beth works with the service two days per week running the Family Court Advice Clinic and the Intervention Order Support Scheme. Beth has been practicing law on and off since 1981 and has worked with the service since 2002.

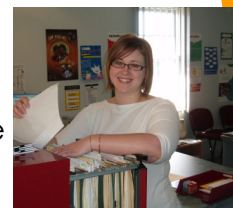


Sharon Kim—Solicitor

Sharon started with the service in November 2006 employed by Victoria Legal Aid to do Family Law litigation work. Sharon is a relatively new solicitor having practised since 2005.

Ashlie Mason – Coordinator

Ashlie commenced working with the service in January 2005 as the full-time Administrator. On 1 July 2006 Ashlie became the Coordinator of the service.



Sally Pascoe—Community Project Worker

Sally is new to the service having started in February 2007. This position and working in a CLS is new to Sally as she worked as a Clinical Coder for 10 years. Sally is completing her Diploma of Community Welfare at Albury Tafe.

Tracey Walker—Administrator

Tracey is also new to the service and started in January 2007. Tracey is new to the legal field and enjoys her role very much. Before taking on her current role Tracey worked as a receptionist for Upper Murray Family Care. She is currently studying an Advanced Diploma of business (Legal Practice)



Other staff employed during 2006-07:

Rebecca Eberle—Paralegal
Susanne Formichi—Administrator (Casual)

In total we have **25 solicitors** volunteering both our Wodonga and fortnightly Wangaratta evening clinics on a roster basis. There is also a **Law Student** and **Articled Clerk** who volunteer in Wangaratta.

WODONGA

Peter Uniake (Adams Leyland)

Dirk de Zwart (Adams Leyland)

Emma Hill (Adams Leyland)

Kym Connell (Dick & Williams)

Eugene Butkowski

Sarah Newton (McHargs)

Dusan Jovetic (Trivett Keating)

Greg Duncan

Derek Norquay

Andrew Johanson (Potter Gillespie)

David Avery (Keating Avery)

Helen McGowan

Paul Gatto (Nevin Lenne & Gross)

Dione Garwell (Pogson Cronin)

Veronica Haccou (Nevin Lenne & Gross)

Tony Blucher (Wodonga Police)

Michele Kampen (Adams Leyland)

David Cook

WANGARATTA

Mike Noble (Stewart & Noble)

Jodie Humphries (Peter Dunn)

Nancy Battiato

Vic Campagna (Campagna Gray & Mallinder)

Alison Vaughan (Peter Dunn)

Helen Collins (Nevin Lenne & Gross)

Geoff Clancy

Belinda Fenn—Law Student (Nevin Lenne & Gross)

Denis O'Callaghan—Articled Clerk (Nevin Lenne & Gross)



During this year, we have had law students working at our service, either as volunteers or on placement for practical experience. We value their contribution and hope that we can continue to have them on a regular basis.

Our students have performed various tasks such as:

- ◆ Assist our principal solicitor with front of house duties at the Tuesday evening advice clinics;
- ◆ Sit in with our volunteer solicitors to gain practical experience;
- ◆ Assist clients to complete legal aid application forms;
- ◆ Research of legal and community issues;
- ◆ Attend with our duty solicitor for Intervention Order day at Wodonga Magistrates Court;
- ◆ Assist our principal solicitor at Community Legal Education sessions.

Our volunteer solicitors have worked hard providing face to face legal advice at our Tuesday evening clinic. Unfortunately this year we were not able to hold our annual Volunteer Dinner as a thank you for their hard work. Instead we gave each volunteer 2 movie tickets and a Certificate of Appreciation.



Clayton Utz has continued to be of great assistance to our service and to clients.

Both the Sydney and Melbourne offices of Clayton Utz have senior practitioners who are our initial contact point for requests for assistance. This system means we can assist clients quickly and easily whether they have a NSW or Victorian matter.

Our requests have been many and varied and can vary from informal advice to our solicitors, to taking on a case for one of our clients. They have provided assistance on conveyancing issues, company law, and equity (undue influence on guarantor for a loan). Together we have also been able to assist community groups on such matters as employment law and legal opinions to clients on a variety of issues.

Family Law Legal Aid Assistance

As of 1 July 2006 Victoria Legal Aid targeted six Victorian Community Legal Centres and gave each a grant of funds to employ Family Law Legal Aid Solicitor with administration support.

In October last year we were finally able to appoint a solicitor, Sharon Kim with her Administrator beginning at the start of 2007.

This program was instantly utilised by the community and service providers and has been a great success.

Sharon is employed full-time and offers telephone advice appointments initially and for those who are eligible for legal aid, face-to-face appointments are then available.

Sharon also attends the Wodonga Magistrates Court on a Thursday to provide advice and representation for Intervention Order matters and provides Community Legal Education to community groups on separation and children's matters.

ADVICE & CASEWORK

All of our advice occurs by appointment only and is made between the allocated hours (noted on page 4) allowing 20 minutes for each telephone advice or half an hour for face-to-face advice.

This year we were given funding for a full-time family law solicitor and part-time administrator (state project 3). The service that provided was fantastic and in high demand. This solicitor provides face-to-face and telephone advice and if the client is granted legal aid (in either NSW or VIC) they also provide court representation.

This service has been operating since February 2007 and in that time our service has increased advice by 96 compared to last year's figures.

Our “Top 5” areas of legal inquiries were:

- [illegible]

	2005-06	
Total Advice activities		1310

2006-07	
Total Advice activities (g□□□□□□□)	1257
Total Advice activities (□□□□□ □□j□□□□)	<u>149</u>
TOTAL	1406

Our casework this year has included:

- Assisting an elderly client living in a remote NSW town to negotiate the reduction and then waiver of a large credit card debt;
- Assisting an elderly client living in a remote Victorian town to recover a debt;
- Acted as case guardian for an elderly client in a family law property matter;
- Written numerous letters of demand for clients involved in motor vehicle accidents;
- A large number of change of name applications filed in the Federal Magistrates Court and dealt with in either Melbourne or Shepparton, all of which have been successful;
- Applications from grandparents seeking orders to spend time with their grandchildren;
- Drafting of Consent Orders and Applications and accompanying Affidavits for clients seeking live with and spend time with orders in the Family Court and Federal Magistrates Court through our Family Court self represented litigants clinic on Wednesday mornings and assisting clients in Intervention Order applications in the Wodonga Magistrates Court on Thursdays.

Continued...

Our "Top 5" areas of casework were:

1. Domestic Violence Orders
2. Child Protection & Family Law
3. Family Law & Family Violence
4. Family Law & Domestic Violence
5. Family Law & Family Violence

2005-06	
Total cases open during period (generalist)	214
- Orders (Domestic Violence & Family Law)	6
- NOD (Domestic Violence & Family Law)	188
- Family Law & Family Violence (Domestic Violence)	20
Total cases closed during period	184

2006-07	
Total cases open during period (generalist)	249
- Orders (Domestic Violence & Family Law)	16
- NOD (Domestic Violence & Family Law)	176
- Family Law & Family Violence (Domestic Violence)	20
Total cases closed during period	220
Total cases open during period (State Project 3)	39
- Orders (Domestic Violence & Family Law)	4
- NOD (Domestic Violence & Family Law)	24
- Family Law & Family Violence (Domestic Violence)	11
Total cases closed during period	15

DUTY LAWYER SERVICES

Intervention Order Support Scheme was provided in Wodonga and Magistrates' Court on a weekly basis. We support men and women, applicants and defendants. This is a duty solicitor scheme so we do not represent clients in contested hearings. We try to resolve the matter to avoid litigation. We give family law advice where applicable at the same time.

Our primary clients were female Applicants in domestic violence situations, but we also assisted males who were either Applicants or Defendants, and also numerous people of both genders involved in stalking allegations.

The majority of matters were finalized on the first mention date, but matters that could not be resolved were listed for defended hearing and we referred those clients to private solicitors.

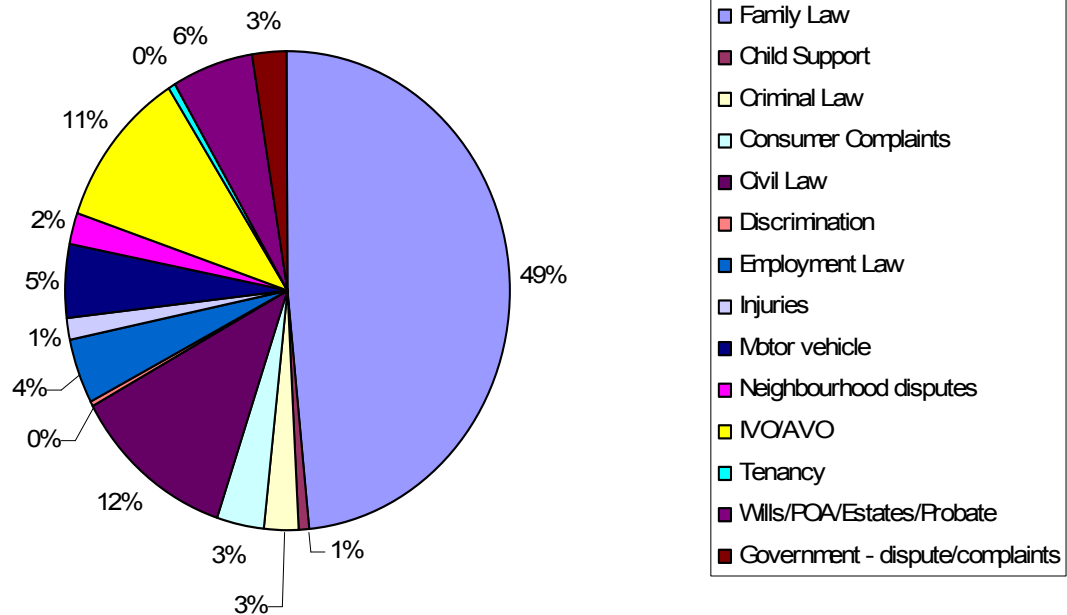
This year we assisted 78 people in Court. Our solicitors were frequently accompanied by volunteers, including law graduate student Kathryn Cole.

2005-06	
Closed involving court representation	90

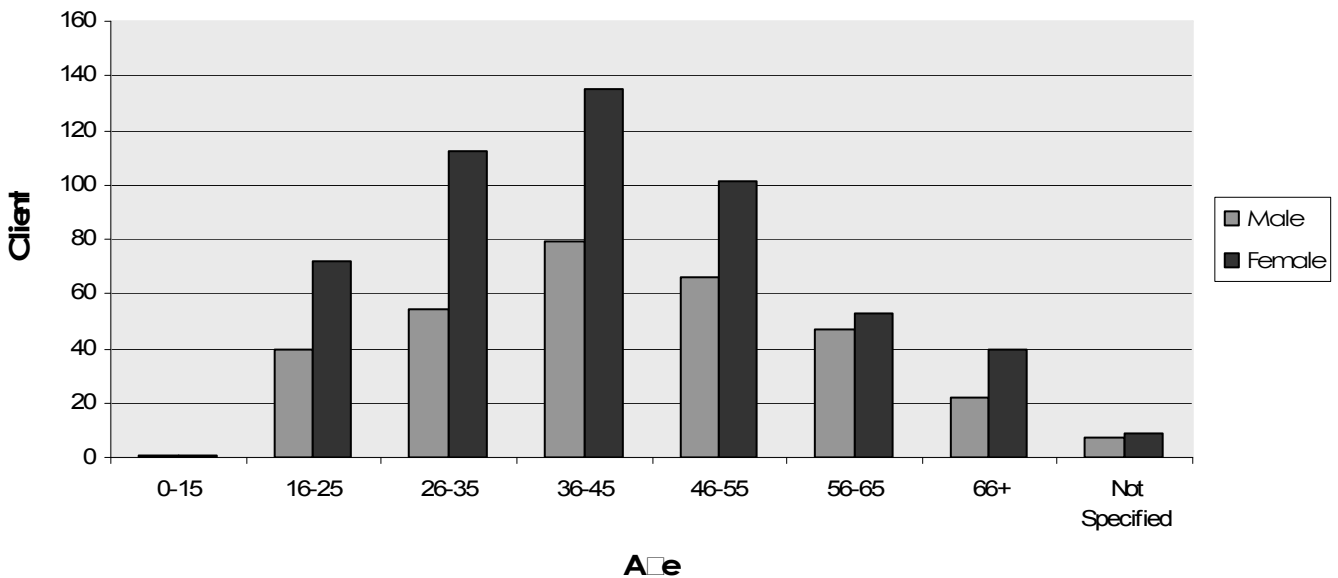
2006-07	
Closed involving court representation (generalist)	76
Closed involving court representation (State Project 3)	2
TOTAL	78

INTERESTING STATISTICS

Clients x Problem type



Clients x Gender x Age



COMMUNITY LEGAL EDUCATION

During the year, 48 community legal education projects were delivered by the service. The most popular of these proved once again to be the Life Planning Seminars which explain Wills, Powers of Attorney and Enduring Guardianship.

This year has seen a significant increase in Youth Projects in the region which will continue to be developed and enhanced over the next year.

Victorian and NSW Law Weeks were major projects this year providing a variety of events, services and resources to the region.

In response to community needs, Divorce Classes were once again held in Wodonga as well as Deniliquin and Wangaratta and planning is underway to deliver additional classes in other outreach areas in 2008.

Law Week 2007

Annexure 1

Law Week is an event that promotes greater understanding of the law, the legal system and the legal profession with the community and improves access to the legal profession, courts, police, legal aid and government service providers.

NEW SOUTH WALES—26-31 March

Free activities included specialist information sessions such as Wills & Power of Attorney, Family Mediation, Neighbours, Householders and the Law and Welfare Rights which was presented by Genevieve Bolton, Supervising Solicitor from the Welfare Rights and Legal Centre, Shopping Centre Displays, Free Legal Advice Clinics and a 2 Day Training Course – Supporting People with Disabilities in the Criminal Justice System (in conjunction with Disability Advocacy Information Service).

Lawyers in the Park BBQ proved once again to be a popular event. A free BBQ was held in QE2 Square from 12 noon to 2 pm. Legal information tables were set up with pamphlets provided by the Community Legal Service and the Albury City Library. The BBQ provided many people, who might not normally have access to the law, an opportunity to speak to a solicitor.

This year, the Community Legal Service was awarded the Law Week Community Service Award for outstanding contribution to the Law Week Program in NSW by the NSW Law Society!!!

VICTORIA—13-19 May

Included in the free activities to promote Victorian Law Week was a seminar on Power of Attorney, Wills & Enduring Guardianship held at the Wodonga Library, a DIY Divorce Class, a shopping centre display at Centro Wodonga, a free Legal Advice Clinic on the Tuesday night and a Wodonga Magistrate's Court Tour.

Continued...

ABC Coulburn Murray Radio Talkback

Karen Bowley, our principal solicitor, has continued to conduct a talkback segment each month on ABC radio. "The ABC of the Law" has Karen discussing a variety of legal topics according to a different letter of the alphabet each month. For example, on 'M' day, Karen spoke about Marriage law, the Means test (for legal aid) and Mediation. 'O' day was about the Ombudsman and Organ donation.

These sessions are on the second Wednesday of every month at 9.15 am.

Life Planning Seminars

Life Planning Seminars explaining Wills, Power of Attorney and Enduring Guardianship have been extremely popular once again this year. Many community groups have requested the seminar which is delivered by Karen Bowley, our principal solicitor, in her friendly and informative style, in both local and outreach areas.



Youth

The Community Legal Service provided Community Legal Education to a broad range of youth groups in the community in 2007. Projects included participation in the Loud & Proud Youth Festival in Culcairn, involvement in the Retro Youth Café's Young People, Alcohol & Drug Abuse & the Law Forum, Party in the Q, supporting the Retro Youth Café to develop a Drug & Alcohol Tool Kit, participation in BIG for Youth Interagency Meetings along with the provision of Community Legal Education sessions at secondary schools and TAFE Colleges in the region.

Changes to the Family Law Act Seminars

Changes to the Family Law Act seminars were delivered to community groups by the Community Legal Service. These were designed to aid the community in understanding the changes in legislation which can be confusing and daunting. These seminars were extremely well attended and extra sessions were scheduled due to the demand.

These seminars were held in Wodonga and Wangaratta.



Response to the Elder Abuse Prevention Strategies Consultation Paper of the Department for Indigenous Communities

Our Community Legal Service contributed to a combined response to this paper prepared by the Federation of Community Legal Centres Older Persons Law Task Group in April 2007.

We are a member of both Older Persons Working Groups as part of the Federation of Community Legal Centres (Vic Inc) and the National Association of Community Legal Centres.

Albury Justice Support Network

Our service has also been closely involved with the Disability Advocacy & Information Network (DAIS) and the Criminal Justice Support Network in Newcastle, in the establishment of the Albury Criminal Justice Network. This network is composed of volunteers who will assist people with an intellectual disability when being interviewed by the police, whether they are a perpetrator or victim. Training sessions for prospective volunteers have been completed resulting in a pool of trained volunteers who are registered and on a roster to be on call during office hours. DAIS is the central contact point and Tracy Sami is the coordinator. Initial seed funding was obtained through NSW Legal Aid and the Cooperative Legal Services Delivery Project.

The overall aim of the project is to ultimately extend this Network to include volunteers to provide court support for people with an intellectual disability and to ensure that the processes within both police interviewing and court interactions are fair and just. DAIS, Community Legal Service and the Criminal Justice Support Network, 24-hour legal advice telephone service, will support all Volunteers.

This valuable service is now applying for additional funding to extend the service to assist those with an intellectual disability for court attendance.

The following table lists the projects completed by the Community Legal Service in 2006/07.

- Project Warrumbungle Project Ulladulla Project
- Project Verrill Project Nambour Project
- Project Goulburn Project Murrumbidgee Project

Understanding the Legal Needs of the Elderly in Wodonga

Annexure 2

This research project was completed by Rebecca Kellehan, a 3rd year Social Work student at LaTrobe University while on a 14 week placement at our Community Legal Service.

Residents 60 years and older were identified as older people or elderly. Two independent surveys, one of older residents and the other of service providers, were undertaken in order to best identify the legal needs of the elderly residents in Wodonga.

This research project has successfully identified and documented the unmet legal needs of the elderly residents of Wodonga and looked at ways in which they can be addressed to eliminate gaps in service provision.

A summary of this project was submitted as a response to the Elder Abuse Prevention Strategies Consultation Paper of the Department for Victorian Communities.

TRAINING & PROFESSIONAL DEVELOPMENT

Solicitors attended the following training/professional development:

Occasional Counsellor and Handle with Care
National Conference of Community Legal Centres in Wollongong
Elder Law Conference
Community Legal Education Training
Changes to the Family Law Act
Ethics & Trust Accounts
Criminal Law Day
The New Family Law Parenting System
Representing Clients in the Local Court

Administration staff attended the following training/professional development:

Introduction to the Legal Office
Introduction to Family Law
Certificate 3 in Business (new employee completing final units from former employer)
Occasional Counsellor and Handle with Care
Induction for New People to the CLC Sector

ADDITIONAL INCOME

We received additional funding from several sources throughout the year for various projects.

1. **Victoria Law Foundation**

We received \$815.00 to assist with the costs for the printing of the Registration of Births project.

□ **Law Society of NSW**

We received \$1,000.00 to fund advertising, Wills and Powers of Attorney Seminar, Lawyers in the Park BBQ and the Welfare Rights Seminar held during Law Week in NSW and \$2,000 to assist with the cost of our office relocation.

3. **Albury & District Law Society**

We received \$454.55 which covered the cost of the printing for our Community Legal Service posters.

Management Committee

Upper Murray Family Care Incorporated
Directory of the Executive Committee of Management for 2007

President Sue Blake Dip Ed. B Ed. M Ed.	581 Cookinburra Road Barnawartha 3688	02) 6026 7155 (home) 02) 6055 6558 (fax) 0416 247 736 (mobile) sue@creativelinks.com.au susan.blake@dhs.vic.gov.au
Vice President Jeff Wittig	1756 Warby Range Road Killawarra 3678	03) 5721 6099 (work) 03) 5721 9222 (fax) 03) 5726 9346 (home) 0428 573 075 (mobile) wangniss@netc.net.au
Treasurer Phil Oates Dip Bus. (Acc)	7 Hall Court Wodonga 3690	02) 6024 2698 (home) philmer27@hotmail.com
Member Gillian Mallinder LL.B	21 Billabong Drive Wangaratta VIC 3677	03) 5721 4591 (work) 03) 5721 4693 (home) gillmall@bigpond.net.au
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Member Greg Pearl	Deputy CEO Wodonga Regional Health Service Cnr Wilson & Vermont St Wodonga 3690	02) 60 517469 (work) 0408431253 (mobile) greg.pearl@wrhs.org.au
CEO & Public Officer Luke Rumbold BA. BSW. MSW. PhD. FAIM	C/- UMFC 7/22 Stanley Street Wodonga 3690	02) 6022 8100 (work) 02) 6022 8199 (fax) 0418 970 182 (mobile) lumbold@umfc.com.au
Director Business Services Donna Guille CPA, B.Bus(Acc), M.Comm(Acc), JP	C/- UMFC 7/22 Stanley Street Wodonga 3690	02) 6022 8115 (work) 02) 6022 8199 (fax) 0403 006 149 (mobile) dguille@umfc.com.au

Appendix 1:

LAW WEEK 2007 REPORT FOR NSW

The Community Legal Service Albury Wodonga, Upper Murray Regional Library, Albury City Library and Albury & District Law Society worked together to organise the events held in the Albury Wodonga area during Law Week.

Committee Members

Karen Bowley – Community Legal Service
Sharon Grock – Albury City Library
Sally Pascoe – Community Legal Service
Michelle Head – Albury City Library
Dirk de Zwart – Albury & District Law Society

Events held:

Warm up to Law Week Event - Tuesday 20 March 2007

Wills specialist, Warwick McLachlan gave a Wills and Powers of Attorney Seminar at Age Concern in Townsend Street, Albury. This was a popular talk and was very beneficial for the participants. The seminar was free.

Shopping Centre Displays Monday 2 March Friday 30 March 2007

The Community Legal Service and the Albury City Council set up a static display at West End Plaza, Albury to promote Law Week and the local legal profession and services. The display received very good feedback from the community and was advertised in the Law Week Timetable in the Border Mail on Saturday 24 May 2007.

Free Legal Advice Clinic Tuesday 27 March 2007

The Community Legal Service holds a free advice clinic every Tuesday evening. Promotion of the free legal advice clinic during Law Week gives the Community Legal Service a higher profile in the community and leads to more people accessing the regular Tuesday evening clinics. The clinic was a successful event and was booked out.

Wills & Powers of Attorney Seminar Tuesday 27 March 2007

The Community Legal Service, Albury City Library and speaker Paul Gibney, Gibney & Gunson Solicitors collaborated on this seminar which was delivered at the Lavington Library to the community from 11 am to 12 noon. The seminar well received by the audience. The seminar was a free event.

2 Day Training Course – Supporting the disabled in the Criminal Justice System - Tuesday 27 Wednesday 28 March 2007

A two day training course for those who want to develop their knowledge and skills to better support people with a disability within the criminal justice system. The training was held in the DADHC training room in Dean Street, Albury over the two days between 9.30am to 4pm. DAIS and the Community Legal Service coordinated the event.

Law Week 2007—Report for NSW Con't

Family Mediation Information Session - Wednesday 28 March 2007

A family mediation information session was conducted by Rhonda Emonson from the Family Mediation Service addressing the new changes to family law, the importance of mediation and the role of mediation in Family Law cases. This was a free information session held in the Robert Brown Room at the Albury City Council.

Neighbours, Householders and the Law - Thursday 29 March 2007

A seminar on Neighbours, Householders and the Law was given by Andrew Farrow from Kell Moore Solicitors. This was a free event and was held at the Albury Public Library between 11am and 12 noon.

Welfare Rights Seminar - Thursday 29 March 2007

Genevieve Bolton, Supervising Solicitor from the Welfare Rights and Legal Centre gave a talk about debts, aligning your pay, change in circumstances and also answered many general questions in relation to Welfare Rights.

This free session was held in the Robert Brown Room and the Albury City Council between 1pm – 3pm.

Lawyers in the Park BBQ - Friday 30 March 2007

A public BBQ was held in QE2 Square from 12 noon to 2 pm in the centre of Albury at lunchtime. Legal Information tables were set up with pamphlets provided by the Community Legal Service and the Albury City Library. The LIAC Tool Kit was also available. Members of the Albury & District Law Society and the Community Legal Service were on hand to answer general questions about the law and legal institutions.

The BBQ was offered as a free event for the community and was funded by the NSW Law Society who paid for the BBQ service (300 sausages in bread) and the signage. The BBQ provided many people who might not normally have access to the law to come along to speak to one of the solicitors. Solicitors attended the BBQ over the two hour period.

The informal and social approach helped members of the community feel comfortable seeking information from the legal profession as well as providing an opportunity to get to know the resources, programs and systems available to them in the Albury Wodonga community.

Media Coverage

The media release was sent out to all local newspapers, radio stations and television stations.

Appendix 2:

Summary of Survey “Understanding the Legal Needs of the Elderly in Wodonga” by Rebecca Kellehan Submitted to the Department of Victorian Communities in response to their Discussion Paper By Community Legal Service, Albury Wodonga

We have made comments on the Discussion Paper which have been incorporated into the Federation of Community Legal Centres response.

In addition, we wish to submit the information below which is part of a research project, Understanding the Legal Needs of the Elderly in Wodonga, undertaken at our Community Legal Service in December 2006 by Rebecca Kellehan, 3rd year Social Work student at LaTrobe University.

Residents 60 years and older were identified as older people or elderly. Two independent surveys, one of older residents and the other of service providers, were undertaken in order to best identify the legal needs of the elderly residents in Wodonga.

Community Legal Centres and Elderly people

In the state of New South Wales there is one Aged Care Rights Service which provides legal advocacy for people aged 55 and over that reside in nursing homes, retirement villages, hostels, community care, nursing homes. It also provides assistance to some older people affected by guardianship and in the financial management legal process. This Aged Care Rights Service is currently the only one of its kind in Australia. On an annual basis the Aged Care Rights Service sees between 3500 to 4000 clients for specific advice and advocacy. This client base projects to 12,000-15,000 elderly people that receive some form of community education.

At present there are no Community Legal Centres in Victoria that specifically target the needs of older people as a distinct demographic, therefore creating a gap in service provision across the state. Although this gap has been identified there has been noted interest within Victorian Community Legal Centres such as South Port CLC, Loddon Campaspe CLC and also the Public Law Clearing House. This interest has to do with establishing new initiatives to better address the legal needs of the elderly across Victoria.

Looking at the comparison from state to state and service provision for elderly, it is clear Victoria is a step behind in addressing the unmet legal needs of the elderly.

Our Community Legal Service

The Community Legal Service (CLS) based in Wodonga is a generalist community centre that provides a legal service to both New South Wales and Victorian residents. It encompasses rural, regional and remote communities that extend through the Southern Riverina of New South Wales and North East region of Victoria.

The CLS make available legal advice through five key outputs:

Face to Face Advice Evening Clinic:

This is an after hours clinic that operates once per week in Wodonga and also once each fortnight in Wangaratta. This service is open to all individuals by appointment. At this clinic clients are able to obtain assistance from local practitioners and paralegal volunteers.

Family Law of Australia Clinic:

This is run every Wednesday morning on an appointment basis.

Rural and Remote Outreach: This is conducted in 5 rural communities. Each township is visited bi-monthly regardless of appointments.

Community Legal Education Seminars:

These are run upon demand and current social issues.

Telephone Advice:

A total of 9 hours each week is allocated to telephone advice appointments. This operates every Monday morning, along with every Wednesday afternoon. This advice is for those clients who have made a prior appointment with the service.

Through these means the CLS provides assistance to individuals, communities and groups with legal problems. Currently, one topic that has been of interest at the CLS is the legal needs of the elderly.

To further explore the legal needs of the elderly a research project was conducted. To refine the research, a town lying within the service catchment area was selected as the geographical location of the project. The town selected was Wodonga.

This project offered the CLS an opportunity to document and analyse the experience of elderly Wodonga residents in accessing legal services.

The CLS is conscious of the potential expansion of their service role in providing further specialist services to the elderly population living within Wodonga.

This expansion would ideally reach this demographic through the development of innovative and targeted community based programmes specific to their identified needs. The vision of the CLS is that these programs would be shaped and piloted in Wodonga and in time expand throughout their catchment area as an outreach program.

Problem Identification

The city of Wodonga is one of the fastest growing regional centres in Victoria. The CLS is also aware of the increasing percentage of elderly people in many communities across Australia including Wodonga. The CLS has a keen interest in this demographic particularly due to their awareness of current studies that identify gaps in services for the elderly, the increasing government and community awareness on elder abuse, and primarily, as mentioned, the growing percentage of our elderly population.

The CLS annual report also identified that over the 2005-2006 financial year approximately one sixth of male clients are over the age of 60 (n.47) and only one eighth of female clients are over the age of 60 (n.63).

It is acknowledged that these client numbers are particularly low in comparison to our total client numbers. This statistical information taken from the annual report further inspired the research into the legal needs of the elderly particularly to determine if this demographic is being serviced appropriately in Wodonga.

This research project provided a summary of the unmet legal needs of the elderly citizens of Wodonga.

Objectives

The overall aim of the project was to provide the groundwork and direction for better service provision for the elderly at the CLS. It aimed to increase access to justice for people over the age of 60 by specialising in legal issues that affect older people and to understand the barriers that older people face in accessing the law.

This project aimed to;

- To identify current and potential legal needs of the elderly residents of Wodonga.
- Identify gaps in current provision of legal services.
- Identify barriers for the elderly in accessing legal services.
- Determine the best mode of service delivery for this age group.
- To work with service providers to the elderly to determine their perspective of the problem.
- Determine the awareness of the CLS in the aged community of Wodonga and look at ways of increasing the elderly client base.

- To ultimately improve access to justice for elderly residents in Wodonga.
- Develop an action plan that includes practical strategies to meet the current and future needs of the residents of Wodonga as a basis for implementing possible change throughout the entire CLS catchment area.

Type of Legal Service

Generally participants used legal services for matters including assistance with wills (n.38), Powers of Attorney (n.19) and also estate matters (n.8).

Of interest, no respondents acknowledged that they had used legal services in regards to elder abuse. However, in response to open ended questions, some interesting comments were found. For instance one participant stated that,

“Many older people are bullied by family members. They (family members) confuse older people soon after one partner dies. I have seen this happen to friends, as they are vulnerable and believe what one child tells them, to the detriment of other family members”

Accompanied with these types of comments 4 respondents listed elder abuse as a topic they would be interested in gaining more information about through educational seminars. This limited understanding of elder abuse may be attributed to the lack of social awareness and education of the problem itself.

Barriers to Legal Assistance

More than one third (42%) of participants identified that the high cost of legal services as the leading barrier in accessing legal services. A number of participants also stated that there were ‘other’ barriers for the elderly in accessing legal services.

Respondents that selected the tick box ‘other’ referred to it as meaning that they found no barriers for elderly citizens accessing legal services.

Willingness to attend educational seminars

The majority (65.5%) of respondents stated that they would not attend educational seminars on matters that interested them.

Of those participants that answered yes to attending educational seminars they were then asked to identify what topics they would be interested in. The top five results show that these individuals were most interested in wills 29.6% (n.24), powers of attorney 23.5% (n.19) estate matters 12.3% (n.10), guardianship 6.5% (n.5) and elder abuse 4.9% (n.4).

Service Delivery

Respondents were asked which method of service delivery they would prefer, either, a face to face appointment with a solicitor or telephone advice appointment with a solicitor. For residents of Wodonga the results were convincingly in favour of face-to-face advice (n.75) as opposed to a telephone appointment (n.5).

Specialised Elderly Legal Service

Respondents were asked if they thought a free legal service dedicated to the legal needs of the older people in Wodonga was needed. Results showed that 75 out of a possible 86 respondents believed that this specialised service was needed.

Qualitative comments made by respondents as to why such a legal service is needed illustrated the level need for this demographic of Wodonga residents. One respondent captures the essence of this research with their comment,

“I am on a pension and I think this, coupled with the insecurity that comes with ill health and age requires an empathetic, specialised response that is local. Not only does this overcome mobility problems, but it would ensure local intelligence for local problems.”

Other comments include:

"As there is an ever growing aged persons in the area, such an organisation would ease the concern of older people who have needs such as health, wealth, and day to day bring on an ever rising cost of living."

"Because older people can be vulnerable and need independent advice."

"The people in this age bracket (60+) are less likely to have relevant information or knowledge in these matters, they are also not in a financial situation to afford advice."

Common Issues Experienced by Older Clients

When service providers were asked to identify what sort of legal problems or issues were experienced by their older clients three issues were prominent when analysing the data. These issues or experiences that were highlighted were issues concerning;

- financial problems,
- Powers of Attorney and
- Centrelink and welfare rights.

In helping to resolve these issues service providers would most commonly use the assistance of the CLS (n.17) followed by other community organisations (n.12) and private solicitors (n.9).

Barriers Faced By Service Providers

The largest barrier that was identified by service providers in trying to find legal assistance for older clients was client mobility problems (n.16). Lack of Government supported practitioners was also represented highly (n.10) by respondents as a barrier for their service.

Barriers Service Providers Believe Older People Face

Health difficulties (n.24), insufficient finances (n.22), lack of awareness (n.22) and transport difficulties (n.19) were the four most recognised barriers that service providers believed older people face when attempting to access legal services.

Service Improvement

Service providers were asked in an open-ended question how they believe legal services could be improved to help resolve legal issues for older client. Comments included;

"Be available to come to the client, be free, make information brochures user friendly ie. Large print and no legal jargon"

"Home visits or having funds to cover the cost of taxi/transport to and from the legal service. Staff to arrange powers of attorney instead of having to access private legal service. Dissemination of information on legal issues for older people to appropriate aged care services for workers to give to clients if and when requested."

Free Legal Educational Seminars

25 service provider respondents believe that the provision of legal education on particular topics of interest to older clients would be valuable. This represents 92.6 % of respondents as illustrated in the graph below. Only one believed that these educational seminars would not be valuable to older clients.

Free Legal Service

92.6% (n. 25) of service providers stated that they would refer clients to a specialist older persons legal service operated by the CLS. For those 92.6 % of respondents that answered yes to this question, they were then asked to give their reasons as to why they thought such a service was needed in Wodonga.

Comments included:

"As the population ages, the need for such a service will only increase. Even at present there is not enough funding to service the need, let alone in the future."

"It is difficult for practitioners in a private practice to spend the time necessary to deal with a problem that may not be of any economic value"

"The numbers are ever increasing and the need is becoming much more obvious, with the number of disadvantaged older people accessing our service."

"For equity of access. Increase in ageing population and an increase in financially disadvantaged. Also culturally appropriate access"

Estimated Referrals per Annum

When a total of 27 service providers were asked to estimate how many clients they would refer to a specialised older persons legal service per annum, the response was astounding. The estimated number of referrals was from 469 to 510 annually. This number may also have been greater as number of service providers failed to give estimation. One respondent estimated only for one month, the statistics from that particular service provider stated that in the month of October there could have been an estimated 60 referrals to a specialised service.

The response to this question highlights the demand for a specialised legal service for the elderly residents of Wodonga.

Service delivery

Service providers were asked to identify which mode of service delivery they believed would be best suited to older clients in the event that a service was established. Every respondent said that face to face advice was a better form of service delivery than a telephone access.

Summary of Findings

In collaborating the data of both the Elderly and Service Providers questionnaires there were common themes. These include:

- Face to face advice is the best form of service delivery, this was shown in the information gathered by both the service providers questionnaire and the elderly questionnaire.
- High costs a distinct barrier to access of legal services as people in this age bracket are less likely to be able to afford a private solicitor. This is consistent with studies produced by Schetzer, Mullins & Buonamano (2003) which show that the average income falls markedly with age.
- There is acknowledgement by both service providers and the elderly that people in this age bracket are less likely to have information or knowledge on legal matters.
- Powers of Attorney and wills are highlighted as the most common reasons for needing legal advice.

Although there were many common responses expressed by the results of both questionnaires, in contrast there were also variances in results. For example:

- Educational seminars were seen by service providers to be a valuable option in informing the older demographic of Wodonga, however, the results from the elderly questionnaire showed that the majority of its respondents were not interested in attending legal educational seminars on topics that interested them.
- There is a limited awareness of the CLS in the aged community of Wodonga especially in comparison with the service provider's awareness of the service.
- It is evident that there is an over reliance on the private sector in terms of legal advice and assistance.

Recommendations and Conclusion

It is evident by the results of this research that the capacity of the CLS to provide comprehensive legal advice to older residents of Wodonga is currently restricted due to the limited awareness of the service by this specific demographic of Wodonga, and also, due to the lack of expertise in the specialist matters required.

Their capacity to deal with this growing issue is also limited due to the generalist nature of the service and lack of current funding.

The main purpose of this research is to develop an informed action plan that includes practical strategies to overcome these service limitations whilst still providing a level of service that adequately addresses the older population of Wodonga.

These research findings assist the CLS in tailoring programs that specifically target the current and future needs of the older residents of Wodonga. This action plan has the potential to act as a basis for implementing possible change throughout the entire CLS catchment area.

The following recommendations were developed in response to these research findings.

With respondents indicating that legal advice in relation to welfare rights/ centrelink, wills, and Powers of Attorney are the primary reasons for seeking legal assistance, it is recommended that;

There is a need for the CLS to broaden public awareness of legal kits such as 'Take Control' (Powers of Attorney and Guardianship kits) and provide assistance ,if needed, for older people to complete these.

The research findings also revealed that cost was the greatest barrier for elderly residents of Wodonga in accessing legal advice and services. Therefore it is recommended that,

Future CLS promotion specifically focus on the FREE services that are available and also the HOURS that the CLS operates.

An outreach service from the CLS be established to assist older clients with mobility problems or health issues. If this is unavailable make available travel vouchers/ taxi vouchers that will enable older people to access the CLS without any hassles in regards to transport costs.

Most importantly, an application for funding for a specialised older persons solicitor should be a top priority for the CLS. Having this specialised solicitor would enable one solicitor the opportunity to specifically focus on these unmet legal needs of the elderly . This solicitor would ideally be able to fill all these roles listed as recommendations for change, this includes service promotion to elderly residents, outreach and time to address elderly clients specific needs.

In conclusion, this research project has successfully identified and documented the unmet legal needs of the elderly residents of Wodonga and looked at ways in which they can be addressed to eliminate gaps in service provision.