

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE

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Our Ref: MC
December 4, 2003

The Secretariat
Senate Legal and Constitutional Committee
S1.61, Parliament House
Canberra ACT 2600

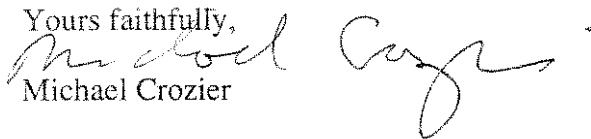


Dear Committee,

RE: Inquiry into Legal Aid and Access to Justice

As requested by the Committee at Senate Inquiry Hearing at Sydney on 13 November 2003, I enclose a copy of our just-completed Annual Report for 2002-3.

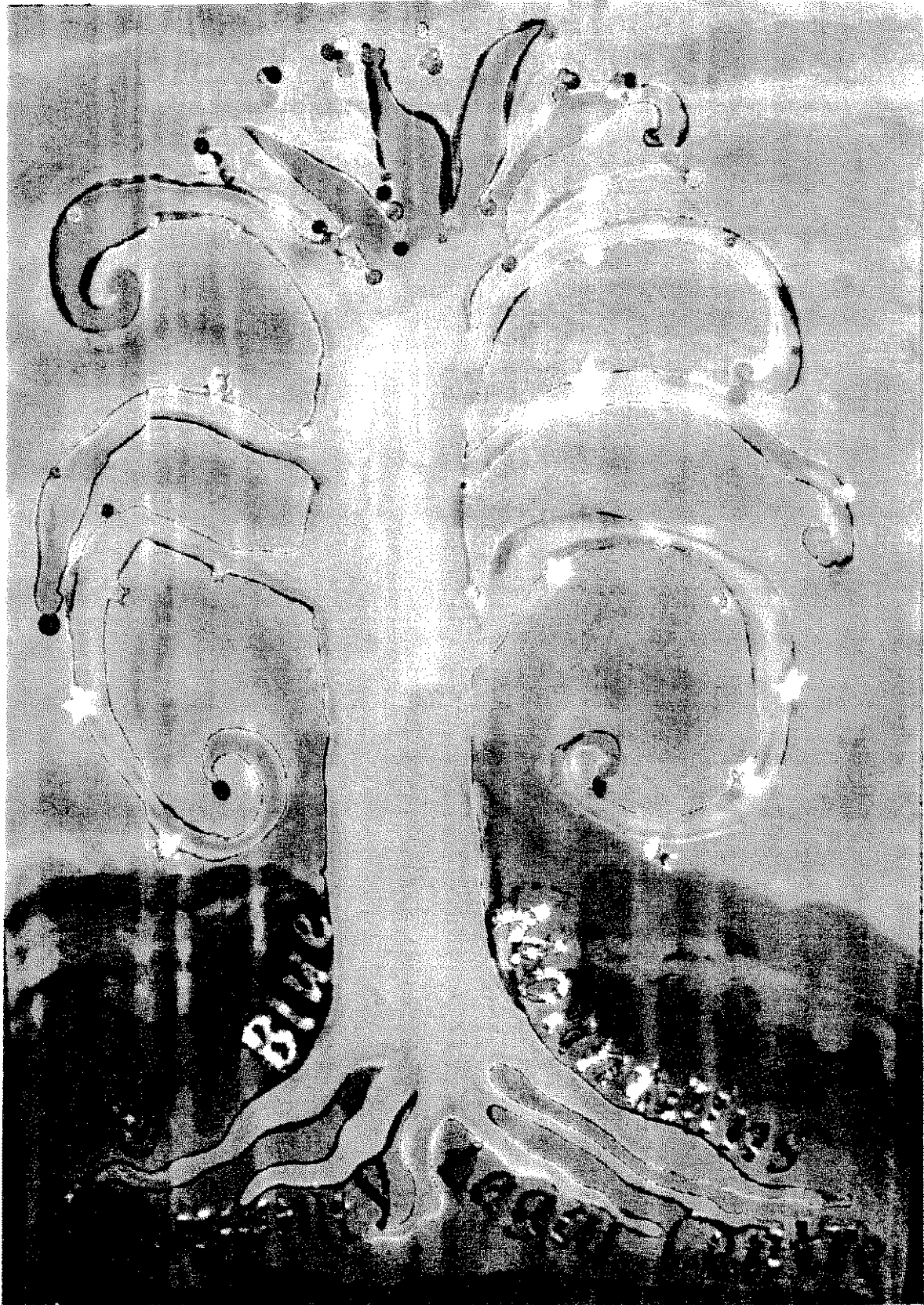
Yours faithfully,


Michael Crozier

Principal Solicitor

Blue Mountains Community Legal Centre Inc.

Blue Mountains Community Legal
Centre Inc.



2003 Annual Report

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Staff & Management

Management Committee

Chairperson:	Andrew White
Secretary:	Robert Stoyef
Treasurer:	David Poulter
Committee Members:	Shelley Greer
	Cathy Dunn
	Julia Butler
	Jo Flanagan

Staff

Principal Solicitor:	Michael Crozier
Co-ordinator:	Helen Fellow
Community Legal Education Workers:	Meredith Osborne & Mark MacDiarmid
DV/Family Law Solicitor Domestic Violence Court	Libby Goss
Assistance Co-ordinators:	Faye Oldfield & Jane Thompson
Administrative Assistant:	Leanne Haberfield

Volunteers

George Winston	Albert Pike
Andrew Wright	Sean MacMahon

Seconded/outreach workers

Western Sydney Tenant's Service:	Jane Margarets
Lithgow Pottery Estate:	Shelley Oliver

The cover of this year's Annual Report features a beautiful silk banner created for the Centre by local Katoomba artist Cath Barcan.

Chairperson's Report



This year has been a case of "business as usual" for the Blue Mountains Community Legal Centre. However, with increased staff numbers and volunteers we are "bursting at the seams". So, combined with new Occupational Health & Safety requirements, our imminent move to new premises in Station Street Katoomba is most opportune. Thank you to our local member Mr Bob Debus, Mayor Jim Angel, Meredith Osborne and to those at Blue Mountains City Council for making the move possible. Leanne Haberfield has been entrusted with making the appropriate arrangements for the move (no easy job) and with liaising with Council. Thank you Leanne.

Michael Crozier, our Principal Solicitor, has continued to provide quality advocacy and advice for the Centre's clientele. Michael has, in addition to his legal and administrative responsibilities at the Centre, been actively involved in the Domestic Violence Court Assistance Scheme, prepared a detailed submission to the Senate Legal & Constitutional References Committee inquiry into Current Legal Aid and Access to Justice Arrangements, made a submission to the NSW Law Reform Commission on Apprehended Violence Orders and sought the appointment of a legal aid family law solicitor for the Blue Mountains-Lithgow region. Joining Michael this year is Libby Goss who works as a part time solicitor principally as an advocate. Libby's experience gained as Principal Solicitor at the Women's Domestic Violence Advocacy Centre is invaluable.

Meredith Osborne and Mark MacDiarmid, the Community Legal Education Workers, have continued to be proactive and have been facilitating access to the legal system by their education programmes. The CLE programme this year has focused on older women and family violence, parenting law, victim's compensation, anti-discrimination, youth and the PAIR program. A number of issues of the Centre's new newsletter *LawBites* have been produced. Both Meredith and Mark also conduct casework principally in the areas of human rights and equal opportunity, victim's compensation and advising community organisations. Meredith's submission to Australian Institute of Administrative Law for a \$5,000.00 grant to publish a plain-English users' guide to discrimination law was successful.

Jane Thomson and Faye Oldfield, the Court Assistance Scheme Co-Ordinators, have had a busy year. After seven years of perseverance the scheme is now running smoothly. There has been continuing policy development and both Jane and Faye were involved in the annual "Reclaim the Night" events in Springwood and Katoomba. There has been better liaison between the scheme, the Court and the Police DVLOs through the Court Users Forum. A stress management scheme has been introduced to assist Jane and Faye in dealing with what is a stressful and sometimes threatening work environment. Faye has been a member of the Family Violence and Pets Working Party which seeks to address

issues relating violence directed by perpetrators towards companion animals of abused women. Credit is due to both Jane and Faye for their efforts.

Helen Pellow, the Co-Ordinator, has been actively involved in a number of issues relating to the centre. Helen has implemented a tight budget resulting in the Centre being able to provide the maximum service out of the limited funding we receive. Particularly, she has been able to organise regrading under the SACS award for staff and pay increases for the workers. Further, the computer systems have been progressively upgraded as funding allows. The Centre has finalised implementing a computerised accounting system (MYOB and payroll) which seems to be working well and making Helen's job easier and more time efficient. As well as administering the Centre with the assistance of Leanne Haberfield, Helen has been moving towards finalisation of the Centre's Policy and Procedure Manual.

Finally, I would like to mention the efforts of those volunteers whose efforts have made a difference at the Centre this year. George Winston (Mr Wednesday for computer back up and general administrative help), Albert Pike (practical legal training volunteer) and Andrew Wright (migration advice and casework). At the committee level we have seen some changes this year with Nicole Courtman (work commitments) and Kasey Pearce (welcome to baby Ruby) both leaving after giving sterling service. We have been joined by Jo Flannagan who, as a former principal solicitor of the Centre, brings a valuable insight to her role on the Committee.

On behalf of my fellow committee members I would like to thank the workers for their continued efforts throughout the year. The local community is indeed fortunate to have the services of such a competent and dedicated team. I wish you all a happy and safe Xmas and a prosperous New Year.

Andrew White
Chairperson
Blue Mountains Community Legal Centre Management Committee
27 November 2003

New Premises



The centre is still looking forward to moving into its new premises at 4 Station St, Katoomba. It has been a long time in the making, but it appears that we can now confirm that we will be there by the end of February 2004. The delays are due to the capital works program that has to be undertaken by Blue Mountains City Council to ensure proper disability access, and adequate parking facilities are available. We have just learnt that this work will begin 1/12/2003.

At left is the entrance to our current premises on Katoomba Street. Sigh.

Below is the entrance to the new Legal Centre on Station Street! Yay.





At left is Leanne Haberfield, our administrative assistant, who is co-ordinating our move to the new premises. Is this a look of happiness or hysteria?

Legal Advice & Casework Report



The Centre provides advice and minor assistance in most areas of law except taxation, commercial transactions and conveyancing of real estate and probate. An important role of the Centre is to provide initial advice and to identify cases with real merit and ensure that where possible those people are referred to the appropriate service provider who can "take on" their case. Ongoing assistance and advocacy is provided primarily in the areas of family law, de facto law, domestic violence, consumer and general debt, victims compensation, discrimination and migration.

Court or tribunal representation is generally limited to domestic violence and family law in the Katoomba and Lithgow local courts, unless there are exceptional circumstances. The solicitor works in conjunction with the Domestic Violence Court Assistance Scheme to provide legal advice and representation for women applying for Apprehended Domestic Violence Orders and to provide assistance in certain family law matters. The Centre has recently employed **Libby Goss** as a 2-day per week part-time solicitor. Libby, who used to be the Principal Solicitor at the Women's Domestic Violence Advocacy Service, is using her wealth of experience, in the Centre's pilot project to provide a dedicated solicitor to work with the DVCAS scheme at Lithgow Court. Libby is providing advice and representation in domestic violence and related family law matters.

The Principal Solicitor position has been changed to part-time, 4 days per week. Some of the casework load, in specifically targeted areas, is shared by the Community Legal Education workers. **Meredith Osborne**, who has had a wealth of experience working for the Human Rights and Equal Opportunity Commission conducts advice sessions and casework in the area of discrimination, under the supervision of the Principal Solicitor. She has taken on some complex discrimination matters. **Mark MacDiarmid** is doing some Victims Compensation matters and civil law advice work and is able to stand in when the Principal Solicitor is away. Mark has also developed expertise in advising community organisations about such areas as structure, management, privacy law and duty of care.

The Centre's solicitor does outreach advice to Lithgow and Springwood and home/hospital visits when required. Our telephone advice outreach stretches to the greater Lithgow and Bathurst areas, where there is a large unmet demand for legal services.

Unlike many other Legal Centres, due to the large geographical area we service and the reluctance of people to go out in the evenings during the cold months, we do not have a volunteer solicitors' roster to do the initial legal advice and referral. Much of the solicitor's time continues to be taken up with the giving of advice and associated casework.

Albert Pike has provided valuable assistance to the Principal Solicitor and the Centre generally during his year's placement as a Practical Legal Training volunteer. Albert's patient demeanour and thorough and methodical way of working have enabled him to do useful casework for clients. Albert, who is doing post-graduate studies in Industrial Law, has been able to provide excellent advice and casework services in employment related matters. He has also provided assistance to clients in areas of civil law such as consumer claims, superannuation, insurance and bankruptcy. **Andrew Wright** has recently commenced as a volunteer legal worker to provide a migration advice and casework service to the community, as well as giving some general assistance. Andrew's skill and dedication is a great asset to the Centre.

Demand for legal services remains high with total client contacts (face to face advice, telephone advice, information and referrals) being 2815. We gave legal advice and assistance to 1315 clients.

Domestic violence is the largest area of law in which the Centre provides assistance, accounting for 36% of all assistance given at the Centre. This is followed by family law, which accounts for 30% of the total assistance provided. These figures can be attributed to a number of factors including the remoteness from Legal Aid offices, referrals from family related services, the "flow on" of clients from our Domestic Violence Court Assistance Scheme, our ready availability and holistic approach to people's legal and social needs. We are seen very much as a "first port of call" for people seeking legal advice and information after relationship breakdown.

Apart from family law and domestic violence; debt and credit, neighbour disputes, employment, consumer issues, criminal law are the most numerous areas of inquiry. We get a large number of telephone advice calls for neighbour disputes and fences, trees and boundary enquires as it seems the Council refers all such matters to us.

As a vital adjunct to casework and management of the legal practice, the solicitor has maintained involvement with the Combined Community Legal Centre Group Practice Issues and Professional Indemnity sub-committee.

Funding Report

The Centre receives funding equivalent to 3 full-time positions from the Community Legal Centre Funding Programme that is administered by the NSW Legal Aid Commission.

Both the Commonwealth and NSW Attorney General's Departments contribute to the Community Legal Centre Funding Programme.

Additional funding for the Women's Domestic Violence Court Assistance Scheme is provided by the NSW Attorney General's Department and administered by the Legal Aid Commission.

Our thanks go to Uniting Care NSW.ACT who continue to fund the Lithgow Pottery Estate Project and to the Law and Justice Foundation of NSW who are funding our current project **No Age Limit: A Training Package on Responding to Family Violence Against Older Women**.

As well as this, we thank the Australian Institute of Administrative Law for funds to produce **Running a Discrimination Case: A Guide for Complainants** and Blue Mountains City Council for a small grant for research into the experience of local indigenous community members providing informal court support at the Local Court (in co-operation with Blue Mountains Aboriginal Culture and Resource Centre).

The service is currently in the process of implementing a new computer-based reporting and data collection system as required by the funding body. This has necessitated extensive equipment upgrade and staff training, and I thank everybody for their patience during the changeover.

Community Legal Education Report



At the Blue Mountains Community Legal Centre, the goals of our CLE program are to:

- raise community awareness of the law, legal rights and the legal system;
- improve the community's ability to deal with and use the law and the legal system;
- deliver legal information in an accessible, appropriate and creative way;
- participate in or influence law-making and law reform processes where appropriate.

The CLE position is part-time, operating four days a week on a job share basis between Meredith Osborne (pictured at left) and Mark MacDiarmid.

In addition to legal education and community development activities, the two CLE workers provide legal advice and casework services. Meredith sees clients with discrimination problems and Mark provides general legal advice as well as advice in areas such as victims compensation.

Our community legal education activities for 2003 are discussed in more detail below.

EDUCATION WORK

Older women and family violence training package

Last year we successfully applied for a grant from the Law and Justice Foundation to undertake a project, to be managed by Meredith, on older women and family violence. The project goal is to produce a training package aimed at increasing the capacity of workers and service providers in the domestic violence, aged care, health and welfare sectors to improve advocacy for, and service delivery to, older women experiencing violence within family relationships.

Robyn Sedger from Impact Training and Assessment has been engaged to develop, design and pilot the content of the package and accompanying

resources. Robyn has extensive experience working in areas related to family violence, most recently as the Manager of the Aged Abuse Monitoring Project and Co-ordinator of the "Our Journey to Respect" Project which provides opportunities for Aboriginal young men to reduce their violent behaviour towards elders. Robyn is a highly respected trainer and presenter, and has been a keynote speaker at conferences and forums on violence and older people.

An advisory committee for the project was established in August 2003 with representatives from Blue Mountains Community Legal Centre, the Domestic Violence Court Assistance Scheme, the Blue Mountains Branch of the Older Women's Network, the Blue Mountains Women's Health Centre, the Aboriginal Culture and Resource Centre, the Aged Care Assessment Team and the Regional Violence Prevention Specialist from the NSW Attorney-General's Department. The committee has met monthly since its establishment and we greatly appreciate the time and expertise its members have generously given to this project.

A series of community consultations were conducted during September and October with members of the project advisory committee, the Blue Mountains Older Women's Network, the local Domestic Violence Committee and representatives from Home and Community Care services in Western Sydney. A consultation draft of the modules to be included in the package is nearing completion and we are hoping to pilot the program in both urban and regional locations in early 2004.

Anti-Discrimination Advocacy Project

As reported last year, this project is a joint initiative of the AIDS Council of NSW, the Anti-Discrimination Board and Southern Cross University. It has involved training community workers in the principles of anti-discrimination law and providing them with ongoing information, advice and support. In 2003 we have conducted follow-up focus groups and interviews with local participants in the project (both community workers and individuals who have experienced discrimination) and have contributed to the report that addresses some of the inherent problems in the operation of the discrimination jurisdiction. The project continues to generate an increased demand for our discrimination advice and casework services.

The Co-ordinator of this project, Michael Reid, has identified our Centre as one of the most proactive community organisations in NSW in relation to casework and law reform in the anti-discrimination field. He continues to work with Meredith on the development of a broader community education strategy to make discrimination law and procedure more accessible to self-represented parties.

Police Bail materials

Between December and January Mark prepared and disseminated written materials on Police Bail to the Upper Mountains Youth Service and council's youth liaison officer.

Student Supervision

Mark is supervising two TAFE students working on a project to develop more effective ways of providing young people with information about the legal system and their rights. He is also providing tutorial assistance to a local final year law student and community worker.

Newsletter

This year we updated and revamped the content and presentation of our Centre newsletter and have re-named it *LawBites*. Two issues were released during 2003 featuring the different services we provide, promoting our workshops and introducing a Q & A column called *Michael Says...* that answers common legal queries in plain English.

Australian Institute of Administrative Law Grant

Meredith has obtained a small project grant from the Australian Institute of Administrative Law to develop and publish a plain-English guide to discrimination law that concentrates on the procedural aspects of running a discrimination complaint. This project will commence in the new year, possibly working in partnership with Kingsford Legal Centre.

Workshops and Seminars.

The Centre delivered a varied program of workshops and seminars during the year, as well as responding to requests to provide speakers on a range of topics. We charge a modest fee for some of our seminars as a means of providing additional income for the Centre.

Seminars presented this year included:

- a session for participants in the Parenting Young group organised by the Upper Mountains Family Support Service. Topics covered included child support, separation issues, debt and tenancy.
- A presentation to the Women's Group at Portland (co-ordinated by LINC) about the role of Community Legal Centres, wills, powers of attorney and other general legal information.
- a workshop at the Springwood Neighbourhood Centre on separation issues conducted in collaboration with Hawkesbury CLC and Centrelink.

- a presentation to youth work students at TAFE on the services offered by BMCLC.
- a seminar on Youth Law for year 10 students at TAFE at the request of the Community Welfare Department
- a human rights seminar for TAFE Community Welfare and Youth Work students based on a hypothetical situation where due to economic reasons people from regional NSW had their rights of entry to Sydney severely restricted. The presentation stimulated a lively discussion of immigration and human rights issues.
- three seminars on Privacy Law for TAFE Community Welfare students and community workers, one of which was delivered in Bathurst.
- anti-discrimination law for community workers in Bathurst.

LAW REFORM WORK

Senate Legal and Constitutional Committee Inquiry into the abolition of specialist Commissioners at HREOC

Meredith prepared comments for inclusion in the Blue Mountains Community Interagency's submission to this inquiry.

Inquiry into Legal Aid and Access to Justice

We provided input into the Centre's submission to this inquiry.

Meet the Candidates Bus Tour

This was an opportunity to informally discuss funding and law reform issues with the candidates standing for the State election. Along with a number of other community organisations, we also gave a formal presentation on the issues affecting our sector at the Katoomba Neighbourhood Centre.

ACTIVISM

Mark has joined a number of other community workers in the re-activated Blue Mountains Boarding House Network. This group was reconvened as a result of concerns raised at an interagency meeting about the tenuous future of a number of boarding houses in the Blackheath area. These houses accommodate particularly vulnerable members of our local community, and are constantly at the mercy of funding and administrative crises that are themselves the product of many years of inadequate public health policies. The Boarding House Network is committed to finding long-term local solutions for boarding house residents, and has so far met with Mr Debus and arranged an imminent meeting with senior Department of Ageing, Disability and Home Care officers.

CASEWORK

Casework continues to absorb substantially more than a quarter of the 4 day p/w CLE position. Due to the complexity of some of the cases we are taking on and the disadvantage that many of our clients experience, we are often going beyond the provision of advice and minor assistance. For example, this year we have drafted discrimination complaints for submission to the Anti-Discrimination Board and Human Rights and Equal Opportunity Commission, we have advocated for clients in conciliation and settlement negotiations, prepared complex responses to government agencies and commenced proceedings in the Administrative Decisions Tribunal.

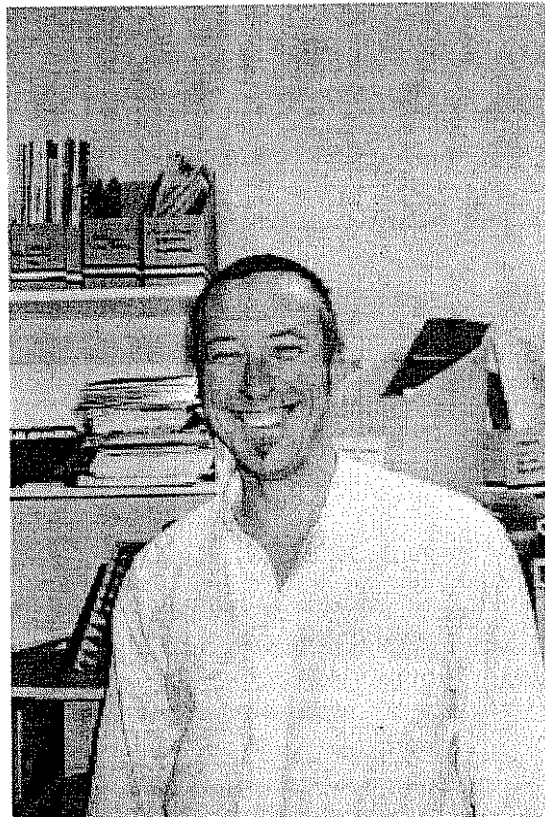
Some of the more interesting cases we have been involved in during the year have been:

- Assisting a young woman who had run a disability discrimination complaint through HREOC against her former employer, a major Federal government agency. The woman had represented herself at conciliation where the matter did not settle. Due to lack of knowledge and experience, she did not realise that this only left her the option of proceedings in the Federal Magistrates Court where costs could be awarded against her if she was unsuccessful. The woman could not afford legal representation and was unwilling to go to court because she had a new baby. After some tough negotiations, we managed to get a reluctant respondent to settle the matter for \$1200.
- Assisting a client to formulate a racial discrimination and vilification claim against the proprietor of a hotel where he was denied service, racially abused and assaulted.
- Assisting in the change of incorporation status of Katoomba Neighbourhood Centre from a Company Limited by Guarantee to an Incorporated Association
- Acting for the secretary of a community organisation in Australian Securities & Investment Commission proceedings for non-lodgement of documents and providing advice with respect to change of incorporation status
- Lodging and pursuing a Privacy Complaint against a government department. In response to our initial complaint the Department has now concluded its own investigation, which has a number of major shortcomings. The client has decided to approach the Administrative Decisions Tribunal and Mark is currently preparing to represent the client in the Tribunal.
- Arranging for the transfer of a terminally ill woman's property interests into her daughter's hands. This has been a particularly moving experience, involving as it has house calls and extensive dealings with the client's family.
- Assisting the mother of a boy with learning disabilities to negotiate a settlement with the child's former school for reimbursement of fees and

other costs. Despite undertakings to the contrary, the school failed to make reasonable adjustments to accommodate the child's disability contrary to the requirements of disability discrimination law. The settlement included undertakings that the school would implement programming improvements and disability awareness training for staff.

- Assisting a client with severe dyslexia to lodge and conduct a complaint to HREOC about a television network's use of subtitles rather than audio translations of foreign language items. We have been advised by HREOC that a group of blind viewers have complained about the same issue and we are awaiting the outcome of these matters before proceeding.
- Assisting Springwood Neighbourhood Centre to alter its constitution.
- Assisting members of an insolvent community organisation to lobby management for greater disclosure and participation.
- Assisting a client to resolve a substantial costs dispute with a solicitor.
- Assisting a client to pass final accounts in a probate matter.

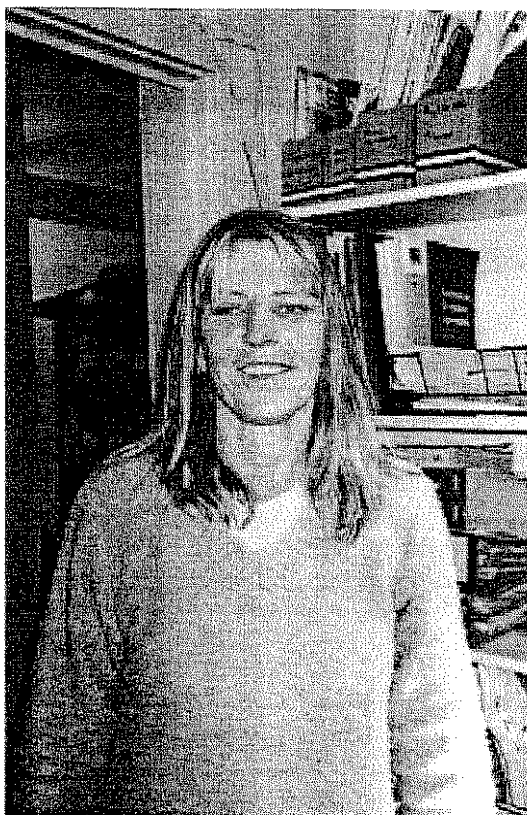
CLE Worker Mark pictured below.



Blue Mountains/ Lithgow Women's Domestic Violence Court Assistance Scheme

The WDVCS has now been operating under the auspices of the BMCLC for seven and a half years. This has proven a very successful partnership due to the support and assistance received from a great team of workers at the Legal Centre.

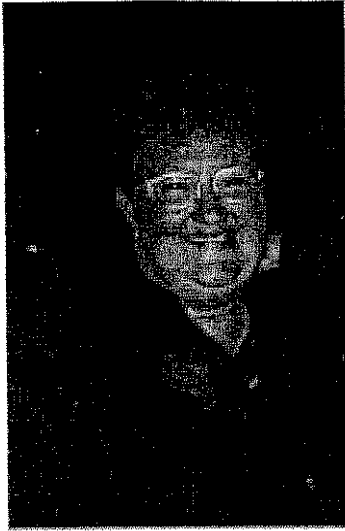
The aim of the WDVCS is to empower women experiencing domestic violence to use the legal system, by providing support, legal information, referrals to other services and by organising legal representation. The scheme operates under a feminist philosophy taking an holistic approach to service delivery. Workers take into account women's social and economic needs as well as their legal needs and address child protection issues.



The WDVCS has two part-time Co-ordinators Faye Oldfield (pictured above) and Jane Thomson working three days each with Faye covering the Blue Mountains area and Jane covering the Lithgow area. Co-ordinator's each have three seconded workers assisting them at Katoomba and Lithgow courts. We would like to acknowledge and thank the workers listed below for their dedication and support to the scheme.

Tracey Sandford	Wimlah Refuge Katoomba	Six years
Glenda Phipps	Lithgow Women's & Children's Crisis Centre	Six years
Rita Farrell	Blue Mountains Family Support Service	Five years
Anne Kocek	Centrelink Lithgow	Fourteen months
Rose Howard	Blue Mountains Family Support Service	Twelve months
Jennifer McElligott	Lithgow Community Health Centre	Nine months

Legal Representation at Lithgow Local Court



The WDV CAS is now in a better position to assist women and children in the Lithgow area experiencing domestic violence after the appointment of solicitor Libby Goss (pictured at left). Libby provides legal advice and representation to WDV CAS clients with private Apprehended Domestic Violence Order applications and domestic violence related family law matters each List day at Lithgow Court.

TAFE Student

This year the scheme has accepted a student from Wentworth Falls College of TAFE. Her name is Louisa Brutto and she is learning the role of a Court Support Worker by observing and assisting Faye each List day at Katoomba Court as well as doing administration in the office with Jane on Fridays. Louisa is in her final year of a Community Services (Welfare) Diploma and her placement will consist of 120 hours.

New Magistrate

Lithgow and Katoomba Local Courts have a newly appointed Magistrate after the retirement of Alan Clarke who had been the residing Magistrate for the life of the scheme. George Zdenkowski has a sound knowledge of domestic violence and is very supportive and empathic towards women and children accessing the legal system.

Court Users Forum

With the appointment of the new Magistrate, quarterly Court Users meetings have commenced. These meetings have not occurred in the seven year *herstory* of the scheme so this initiative is seen as a positive step towards working collaboratively with other court users. The forum provides an opportunity for WDV CAS Co-ordinators and solicitors from the Legal Centre to liaise with legal professionals attending Katoomba and Lithgow local Courts and to raise issues affecting WDV CAS workers and their clients.

Reclaim the Night (RTN)

Reclaim the Night is held annually in the last week of October to raise awareness about issues such as sexual assault, domestic violence, physical assault and other forms of inappropriate behaviour which make women and children feel unsafe as part of the general community.

This year's events involved "Reclaim the Train" and "Reclaim the Club". Faye, Jane & Louisa were involved in the RTN Sub Committee which held sausage sizzles at Katoomba and Springwood Railway Station on Wednesday and Thursday mornings where train travellers were handed out flyers promoting RTN and safety on the trains.

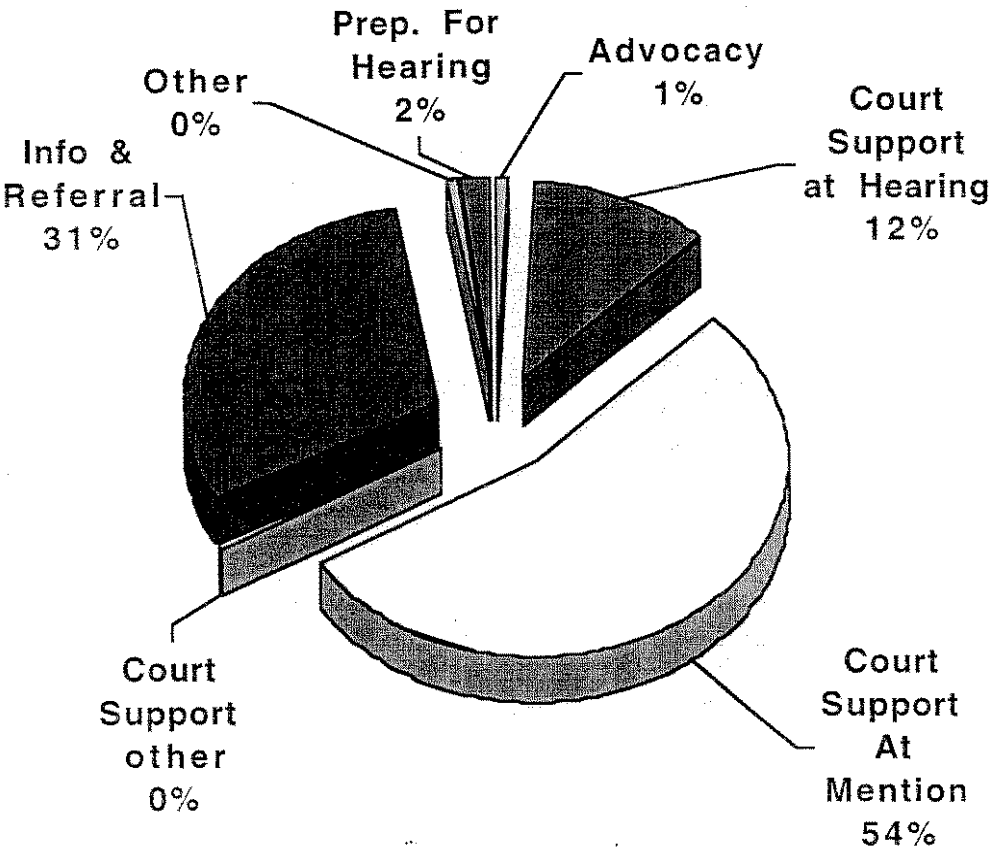
RTN participants then travelled in a designated carriage to the Penrith Bowling Club on the Friday for a night of entertainment and community awareness organised by the Penrith Women's Health Centre. The night was a success with a large number of women and supportive men attending.

Family Violence and Pets Working Party

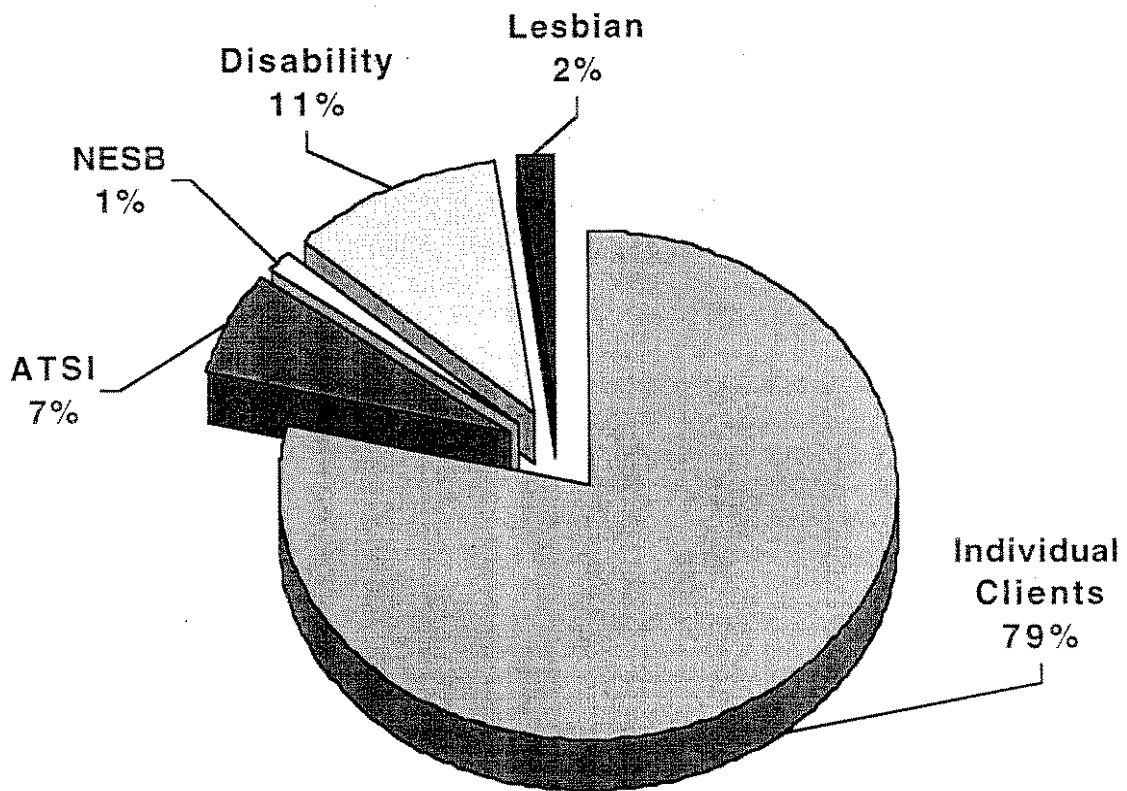
At last years' Regional Domestic Violence Forum the issue of family violence and pets was put on the agenda. Recent studies suggest, " more than half of abused women have companion animals. Many of these animals are abused by perpetrators as a means of hurting and controlling women and children and that concerns for safety of animals keep many women from leaving or staying separated from their abuser." Also that "mistreatment of animals is a powerful indicator that other forms of violence may be happening in the home." (The Relationship between Animal Abuse and Family Violence, Gullone E et al 2002)

It became a priority to establish a working party to raise awareness of this issue and to educate police, veterinarians, boarding kennel and animal shelter organisations in the Blue Mountains, Penrith and Hawkesbury areas. Faye became a member of this group along with other WDVCS Co-ordinators government and non-government community workers, police and the VAW Specialist Worker. The working party is well established and members are involved in consultation with the community to research the extent of this problem as well as to provide information to women in this situation.

WDVCAS SERVICE PROVISION



WDVCAS CLIENT CONTACTS



Lithgow Pottery Estate

Shelley Oliver writes...

During the past 12 months the residents have continued their fight with Ceedive and have continued to seek mediation/compensation with the developer.

Meetings have been held at Lithgow Uniting Church each month with the regular attendance of the residents, Robert Mowbray (WESTS), Robert Stoyef and myself.

These meetings have been aimed at keeping the residents informed of the current status of their case and to collect further information, evidence, rental receipts etc.

Over the past 3 months, much of my time has been spent arranging the signing of documents, liaising with the residents and assisting them with the collation of documents to support their case. This has included the collation of supporting evidence with regards to expenses incurred whilst residing at the estate, expenses incurred due to the action of Ceedive and likely expenses should the residents be forced to move from their homes. This information will be used for the resident's compensation claims. I have also been downloading each week, from the internet, the current rental properties in the Lithgow area to assist the residents in accurately assessing what expenses will be incurred should they be forced into rental accommodation.

The meeting of Thursday, 14 August 2003 included an inspection of the Estate with Robert Stoyef, Robert Mowbray, Pat Lane (Barrister), the residents and myself. Pat seems to think the residents have a good case, particularly if it is transferred to the Equity Division of the Supreme Court.

The final signing of cross defences should be done within the next few weeks.

The case has now been set down for hearing in the Supreme Court for three days in February.

Volunteer Reports

George Winston

I have enjoyed my second year at the BMCLC. Although most of my tasks are routine, I like to know that the computer system is free of viruses and the data is safely backed up every week. Even more satisfying is the feeling that I can help clients by sending them information, referring them to other services, making appointments and generally making them feel that they are cared for. I am pleased to have developed good rapport with staff and other volunteers and I enjoy giving staff computer and clerical support. I look forward to Wednesdays at the centre.

Andrew Wright

I commenced volunteering at the BMCLC in March 2003. On my first day I was lucky enough to meet all the colourful personalities that make up the staff and volunteers of the Centre, and since then I've very much enjoyed working with such an enthusiastic, bright team. In August 2003, following an impromptu career counselling session with Mark MacDiarmid (one of the Centre's CLE worker), and with the approval of the co-ordinator, Helen Pellow, I became a registered migration agent (no. 0321677), and since that time I have advised a number of young families on issues relating to their migration to Australia. I look forward to handling more cases throughout the forthcoming year. I find it very rewarding to work in an area which involves many diverse people from different backgrounds, all of whom are seeking to participate in our community in their own way.

Albert Pike (pictured next page)

Volunteer/Law Student (UTS Practical Legal Training Program-Practical Experience)

The Blue Mountains Community Legal Centre provides an invaluable service to the community as a first stop legal centre.

Michael Crozier, the Principal Solicitor, was my supervisor for practical experience. As a general legal practitioner with expertise in family law, I found his supervision and tutelage invaluable. With his encouragement, I have been able to develop a greater understanding of the issues confronting clients that access this service. In doing this my client contact skills have rapidly increased. I am better able to truly hear what a client is seeking from the Centre, enabling me to undertake a more comprehensive assessment process.

The BMCLC is a small centre, which doesn't always have the resources available to attend to all of the concerns of the clients who seek our advice. This makes the referral of clients to more appropriate contact points is an important component of the BMCLC duties. Thus, acquiring information about the availability of other community resources and legal organizations is an important issue facing volunteers. During my time here I have found the staff at BMCLC very professional and helpful about assisting me to gain this knowledge.



Michael encouraged me to participate at client appointments. Where I was able to observe the skills and techniques he used to obtain the essential information from clients that would best allow him to assist them. Once this framework was established I assisted Michael by following through with some case management. This included writing client letters, telephoning organizations on clients' behalf and assisting clients to fill in relevant legal documents.

I gained most of my experience in the following areas of law –

- Neighbourhood disputes, eg. boundary fences, problem trees, issues with domestic pets.
- Bankruptcy – liaising with ITSA to clarify information and assisting clients with understanding ITSA forms
- Consumer Trade and Tenancy

Tribunal – explaining procedures in relation to disputes over service contracts and sale of goods and assisting clients to complete CTTT applications.

My general experience whilst at BMCLC has been broad and varied. Some of the more interesting cases in which I was able to contribute with more intensive case management have been –

- An unfair dismissal case that included attendance at the preliminary conciliation hearing and providing help in completing an application for *pro bono* legal representation for the case.
- I seem to have become a bit of a magnet for questions relating to fines. The topics have included ways of disputing fines, instalment methods of payment and problems with the election to have the matter heard by a court. This has involved dealing with the State Debt Recovery Section, the Motor Traffic Authority and the NSW Police Force.
- Insurance matters have included an FAI Government "Rescue Scheme" and contacting insurance companies on behalf of clients to

notify them of claims by the other party (usually associated with threats of legal action).

- My area of interest in the law is Employment Law. Michael has directed many employment enquiries to me for research and information gathering for the client. These matters have included unfair dismissal (including allegations of constructive dismissal and gross misconduct), incorrect payment of entitlements at termination of employment, non-payment of entitlements by the Administrator, non-payment of holiday entitlements, etc.

Financial Report

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
Statement of Financial Position
Balance Sheet
At 30 June 2003

	Note	This Year \$	Last Year \$
CURRENT ASSETS			
Cash on Hand		50	50
Commonwealth Bank 0090 5248		23 808	8 897
Commonwealth Bank 500 2509		60 029	38 838
Commonwealth Bank 5003 0435		4 602	4 58
Commonwealth Bank 500 4247		109	109
Debtors and Receivables	2	244	0
Deposits Paid		500	0
TOTAL CURRENT ASSETS		89 342	52 474
NON-CURRENT ASSETS			
Property, Plant & Equipment	3	5 368	8 634
TOTAL NON-CURRENT ASSETS		5 368	8 634
TOTAL ASSETS		94 710	61 108
CURRENT LIABILITIES			
Creditors		9 956	9 452
Funding Not Yet Expended	4	8 436	2 219
Provision for Annual Leave	1(c)	14 665	7 000
Provision for Sick Leave	1(c)	7 100	2 250
Provision for Long Service Leave	1(c)	3 800	
TOTAL CURRENT LIABILITIES		43 957	20 921
NON-CURRENT LIABILITIES			
Provision for Long Service Leave	1(c)	5 800	5 550
TOTAL NON-CURRENT LIABILITIES		5 800	5 550
TOTAL LIABILITIES		49 757	26 471
NET ASSETS		44 953	34 637
ACCUMULATED FUNDS			
Retained Profits/Accumulated Losses		44 953	34 637
TOTAL ACCUMULATED FUNDS		44 953	34 637

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
 Statement of Financial Performance
 Distributions Statement
For the year ended 30 June 2003

	This Year \$	Last Year \$
Net Operating Profit (Loss)	16 534	11 260
Retained Profits (Losses) B/F	34 637	25 595
	51 170	36 856
DISTRIBUTED TO :-		
Unexpended Funding Retained (4)	6 217	2 219
	6 217	2 219
ACCUMULATED PROFITS (LOSSES) CARRIED FORWARD	44 953	34 637

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
Statement of Financial Performance
Operating Statement
For the year ended 30 June 2003

	This Year \$	Last Year \$
INCOME		
C L E Program Income	1 090	2 345
D V Court Support Funding	79 158	75 772
Reimbursements & Sundry Income	4 312	5 264
Interest Received	555	172
Commonwealth and State Funding	229 397	204 145
Donations Received	167	1 051
Membership Fees	34	22
Special Funding (4)	4 136	6 61
Profit on Sale of Fixed Assets	0	4 018
	318 850	299 420
LESS EXPENDITURE		
Advertising, Publicity	453	250
Auditors Remuneration -Audit	1 190	1 125
Auditors Remuneration - Other	1 560	1 475
Bank Charges	100	31
Cleaning & Wages	881	1 004
C L E Expenses	913	3 584
Electricity & Gas	1 346	1 011
Practicing Certificate	1 434	3 236
Insurance	5 653	4 337
Library Services	3 126	5 597
Postage	714	740
Office & Computer Supplies	3 347	2 712
Computing Support & Software	2 682	2 50
Rent	9 328	9 039
Repairs and Maintenance	2 219	3 337
Sundry & Client Expenses	1 039	60
Staff & Meeting Amenities	1 212	1 355
Subscriptions & Levies	2 003	1 568
Training & Conferences	4 591	4 803
Superannuation	18 269	16 175
Telephone	6 321	5 648
Travel Reimbursements/Fares	5 716	3 254
Salary Sacrifice Expenditure	63 095	46 150
Wages	143 521	162 593
Annual/Sick Leave Provided	12 515	(2 570)
Long Service Leave Provided	4 050	3 401
Depreciation Provided	5 038	5 744
	302 316	288 160
NET PROFIT (LOSS)	16 534	11 260

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
KATOOMBA N.S.W.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2003

STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES.

1. (c) (cont)

The movement in the provision accounts is summarised as:

	<u>Annual</u> <u>Leave</u> \$	<u>Sick/Parenting</u> <u>Leave</u> \$	<u>Long Service</u> <u>Leave</u> \$
Start of Year	7,000	2,250	5,550
Taken in Year	N/A	0	0
Provided in Year	7,665	4,850	4,050
(Overprovision)	0	0	0
	-----	-----	-----
<u>LIABILITY AT</u>			
<u>END OF YEAR</u>	14,665	7,100	9,600
	=====	=====	=====

(d) Budgeting provisions for the 2004 year allow for expenditure of some of the accumulated surplus on back pay (one employee approved and one employee subject to negotiation) and removal/set up costs re change of office location.

	This Year \$	Last Year \$
2. <u>RECEIVABLES</u>		
Debtors and Receivables	244	0
Refundable Deposits, etc. paid	500	0
	-----	-----
<u>TOTAL CURRENT RECEIVABLES</u>	744	0
	=====	=====

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
KATOOMBA N.S.W.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE, 2003

	This Year \$	Last Year \$
<u>3. PROPERTY, PLANT & EQUIPMENT</u>		
Furniture & Fittings - Cost	12,153	11,762
<u>Less</u> Accumulated Depreciation	(10,279)	(9,114)
	-----	-----
	1,874	2,648
	-----	-----
Plant & Equipment	35,672	34,292
<u>Less</u> Accumulated Depreciation	(32,178)	(28,306)
	-----	-----
	3,494	5,986
	-----	-----
<u>TOTAL PROPERTY, PLANT & EQUIPMENT</u>	<u>5,368</u>	<u>8,634</u>
	=====	=====

4. SPECIAL FUNDING, ETC. RECEIVED/(UNEXPENDED)

	This Year \$	Last Year \$
Domestic Violence Court Assistance	79,158 (6,114)	75,772 0
	-----	-----
Capital Funding	0 0	2,000 0
B.M.C.C. Court Support	409 0	0 0
Lithgow Pottery	3,727 (2,322)	4,627 (2,219)
	-----	-----
	4,136 (8,436)	6,627 (2,219)
	=====	=====

NB: All income received has been included as "Income" and the unexpended funds for specific projects at year end have been shown in the Distribution Statement as an appropriation of profits

Auditors Report

MICHAEL A. BATTY
Chartered Accountant

ABN 62 035 453 878

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF
BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
KATOOMBA N.S.W.**

SCOPE:

I have audited the financial report, being a special purpose financial report of Blue Mountains Community Legal Centre Incorporated for the Year Ended 30 June, 2003 attached, comprising Statement by Management Committee, Statement of Financial Position, Distributions Statement, Statement of Financial Performance, Statement of Cash Flows and Notes to and Forming part of the Accounts. The Management Committee of the Association is responsible for the financial report and has determined that the accounting policies used and described in Note 1 to the financial statements which form part of the financial report are appropriate to meet the requirements of the Associations Incorporation Act, 1984 (NSW), the needs of the members and NSW Legal Aid. I have conducted an independent audit of this financial report in order to express an opinion on it to the members of the Association and NSW Legal Aid. No opinion is expressed as to whether the accounting policies used, and described in Note 1 are appropriate to the needs of members.

The financial report has been prepared for the purpose of fulfilling the requirements under the Associations Incorporation Act, 1984 (NSW) and NSW Legal Aid. I disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members and NSW Legal Aid or for any purpose other than that for which it was prepared.

My audit has been conducted in accordance with Australian Auditing Standards. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with accounting policies described in Note 1 so as to present a view which is consistent with my understanding of the Association's financial position and performance as represented by the results of its operations. These policies do not require the application of all Australian Accounting Standards and other mandatory professional reporting requirements in Australia.

The audit opinion expressed in this report has been formed on the above basis.


INDEPENDENT AUDIT REPORT TO THE MEMBERS OF
BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
KATOOMBA N.S.W.

(cont) Page 2.

AUDIT OPINION:

In my opinion the financial report presents a true and fair view in accordance with the accounting policies described in Note 1 to the financial statements, the financial position of Blue Mountains Community Legal Centre Incorporated as at 30 June, 2003 and the results of its operations for the year then ended.

MICHAEL A. BATTY,
CHARTERED ACCOUNTANT,
KATOOMBA. N.S.W.


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DATED 12 November 2003.

BLUE MOUNTAINS COMMUNITY LEGAL CENTRE INCORPORATED
KATOOMBA N.S.W.

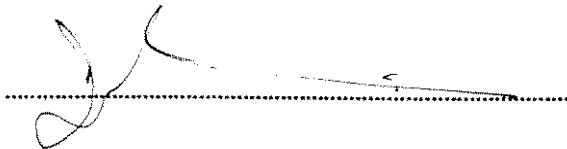
STATEMENT BY MANAGEMENT COMMITTEE

The Management Committee has determined that the Association is not a reporting entity. It has determined that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

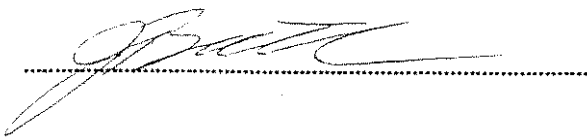
In the opinion of the Management Committee the financial report comprising the attached 7 pages:

1. Presents a true and fair view of the Association's financial position as at 30 June, 2003 and its performance for the year ended on that date.
2. At the date of this statement there are reasonable grounds to believe that the Association will be able to pay its debts as and when they become due and payable.

This statement is made in accordance with the resolution of the Management Committee and is signed for and on behalf of the Management Committee by:



DAVID POULTER
FULL NAME OF COMMITTEE
MEMBER



JULIA A BUTLER
FULL NAME OF COMMITTEE
MEMBER

DATED this thirty-first day of October 2003.