

*Welfare
Rights*
Centre Inc.

Annual Report

2006/2007



About Welfare Rights Centre Inc.



The Welfare Rights Centre Inc. is a specialist community legal centre that offers advice and advocacy around social security and disability discrimination matters.

The Social Security program operates Monday to Friday and services clients throughout Queensland. Initial contact is made through a Telephone Advice Service which operates twice a week. This service is supervised by paid staff but operates with the support of a team of volunteers.

The Disability Discrimination Advocacy Service is staffed by a part-time solicitor who provides a flexible service to clients either face-to-face or over the telephone.

Whilst a significant proportion of our work provides a service to individual clients we are also funded to provide a community education service and to lead or participate in law reform projects.

We are able to undertake this work through ongoing funding from the Community Legal Centres funding program which is administered by Legal Aid Queensland. Both the state and commonwealth governments contributed to our funding for the 2005/2006 year as follows:

- Commonwealth \$240,544
- State \$205,608

Additional resources have been made available to us through the year from one off funding grants from LPITAF and through the generous donations of our clients and the Electrical Trade Union. Details of our funding is noted in our audited report which is enclosed in this report.

Our effectiveness is improved through our active participation in national and state networks such as National Association of Community Legal Centres, National Welfare Rights Network, Queensland Association of Independent Legal Services, ACOSS and the Queensland Council of Social Services.

Vision

Welfare Rights Centre Inc. strives to alleviate hardship caused by poverty and discrimination by challenging societal structures to achieve an inclusive society.

Mission

Welfare Rights Centre Inc. is committed to increasing the community's access to justice by; providing a specialist advocacy service in the areas of social security and disability discrimination law, advocating for fair and just decisions and challenging unjust laws, institution and community values.

Values

Welfare Rights Centre Inc. values:

- the rights of all people to natural justice;
- the rights of disadvantaged people to access legal services;
- the right to a reasonable income which will allow participation in the community;
- diversity and tolerance;
- ethical practice principles in the development, delivery and leadership of the organisation and its services;
- the pursuit of skills and knowledge necessary for the continual growth and development of the organisation, its staff and volunteers;
- independence from party political and religious influence.

Management Committee

Members:

Cameron Thomas - President

Nadia Pakhomov - Treasurer

Sue McComber - Treasurer (resigned)

Johanna Backhouse - Secretary (resigned)

Tracy Worrall

Jenny Medland

Greg Marston

Terry Stedman - Secretary

President's Report

The Welfare Rights Centre (WRC), like most community organisations, faces an ongoing challenge of meeting ever growing demands for its services. The capacity of the organisation to continue to provide a quality service to the Queensland community is hampered by our dependency on restrictive recurrent government funding. The nature of the specialised areas of law (social security and disability discrimination law) also makes it difficult for the organisation to attract further funding or sponsorship.

Consequently, our capacity to pay appropriate wages for the skills required is limited and our future viability will be endangered if we have difficulty attracting or retaining appropriately qualified staff.

In February 2007, the Queensland Industrial Relations Commission certified the WRC Enterprise Bargaining Agreement, providing a reviewable framework of employment conditions that are hopefully considered attractive by existing and prospective employees.

Against this background, the Management Committee has moved gradually towards a governance style of management, rather than the pre-existing, more hands on management model. As it is becoming more necessary for the WRC to look closely at how resources are committed, WRC employees will have a greater level of control over the future direction of the organisation.

I would like to thank Johanna Backhouse and Sue McComber for their service to the Management Committee. Both resigned from the committee in the 2006/2007 year but we welcome and thank Nadia Pakhomov and Terry Stedman for stepping in to replace them on the Committee during the year.

I would also like to make particular mention this year not only to the commitment, knowledge and skills of the employees of the WRC, but also to the tireless effort of our unpaid workers, from the volunteer staff through to the many barristers who have contributed their invaluable time.

Cameron Thomas
President

Outcomes Report



The constant challenges that the Welfare Rights Centre Inc. (WRC) faced in the past year were enormous. These demands were primarily due to the flood of changes to social security law, and the impact these legislative and policy amendments have on the most vulnerable people in our community. However, working with such adversity has been the catalyst for the Centre to do some good community development work with the community and legal sectors.

Whilst WRC continues to provide a free and independent legal service to the clients that reach us, we know that we can't meet the demand from our tiny office in Stones Corner. We are also very conscious that we have a low profile amongst the most vulnerable people in Queensland and so we have been required to think about what we deliver, who we deliver to and how we should deliver our expertise to ensure that we make the greatest difference to the communities most in need.

On top of the legislative and political challenges the WRC once again needed to look for new staff. Whilst there are many benefits in working in the community sector that have been secured in our Enterprise Agreement, we are still dependent on government funding to pay staff, and the rates we pay our professional and experienced staff is becoming shameful. Attracting additional sponsorship is difficult when many of our client group rarely receive positive publicity through the media.

Recruiting and retaining staff and volunteers who are willing to work in an ever changing political environment will create some serious challenges for staff and the 24th management committee of the WRC, but at the same time, sharing in the successes that leads to a fairer more progressive society makes it all worthwhile. Reflecting and reporting on the achievements for the WRC 2006 - 2007 makes us all realise just how efficient and effective we are.

This outcomes report has been divided into three sections that represent the four objectives of the WRC:

Legal Services

- To provide a focussed quality legal service in relation to the social security and disability discrimination legislation.

Non Casework Activities

- To influence policy makers and promote systemic change affecting the areas of policy and law relating to income security and disability discrimination
- To educate and build the capacity of the community to understand rights and respond to issues in relation to social security and disability discrimination laws.

Governance

- To develop and maintain a stable, independent and innovative organisation that is flexible and conducive to growth

Legal Services

The significant majority of our staffing hours are spent providing a legal service. The number of "Advices" that we provided increased by 180 matters in the last year putting pressure on our staff resources to undertake more casework. Due to the fact that we have experienced staff we have been able to maintain our level of casework making us more productive than in the previous year.

Table 1 Client work statistics:

	2006/2007	2005/2006
Information/Referrals	248	124
Advices	1402	1222
Casework	377	386

Having a greater number of requests for assistance than previous years meant it was necessary to review what matters we had the capacity to provide a comprehensive legal services to. Opening a casework file could include undertaking research, third party contact and possibly representation in the courts and tribunals. Whilst initial advice is given to all callers the opening of a casework

file is limited to the most vulnerable clients with merit or matters of public interest. We have defined *Vulnerable* as follows:

Relationships – the person does not have stable natural relationships in their lives or they are supported by paid staff or they experience violence in their relationships.

Identity – the person see themselves as being part of a community that is derogatorily labelled by the dominant society; i.e. Aboriginal and Torres Strait Islanders or people with Muslim beliefs.

Political – the person see themselves as being part of a community that is politically suppressed.

Power - the person does not have control over their own life or power has been taken away from them; i.e. prisoners.

Financial – the person does not have the capacity to pay for legal assistance.

Client Profile

Using data collected for the funding bodies CLSIS system we have made the following observations about our clients during the 2006/2007 year:

- 56% were women
- Only 3.2 % were indigenous
- 43% did not have dependent children
- Only 6% were aged below 24 years of age
- 34% of our clients had a disability
- 92% of our clients had an income below \$500 per week
- 75% of our clients stated they are dependent on Centrelink for an income, which is 11% more than the previous year.
- Only 30% of our clients come from Brisbane the rest are from all over Queensland and northern NSW.

Do not hesitate to contact the centre if you have any specific data that you would like regarding our clients.

Who Refers to WRC

The number of referrals from Centrelink offices have nearly doubled this year compared to the previous year. However referrals from the SSAT have dropped back to just 48 matters. We did notice that referrals from the organisations that we work closest with; i.e. AAT, SSAT, ADCQ, Centrelink, other Community Legal Centre's, are more likely to have a casework file opened than those matters that are

self referred or referred from services that we are not so well networked with.

It was also noticed there was a significant increase in referrals from education institutes i.e. universities and we assume this is due to the loss of Student Welfare officers which came with the introduction of volunteer student unionism.

Problem Types

The types of problems that are referred to the WRC are very similar to previous years although the following observations have been made:

Social Security

- There has been a significant increase in the number of calls that are complaining about the services they are receiving from Centrelink. Whilst we are aware the welfare to work changes impacted on Centrelink staff we do recognise the professionalism most staff provide. However, our data has now incorporated complaints about Job Network members, Job Capacity Assessors and problems with administrative delays. In the previous years these types of problems have been less than 1% but in 2006/2007 this has escalated to 5% of the matters we have dealt with.

During the year we were assisted by John Logan S.C. in a Federal Court Secretary appeal over a \$1,300 Centrelink debt when the AAT found for our client. Craig Coulsen of counsel, also acting on a pro bono basis, assisted at the AAT. Interestingly, the key issue is the definition of 'income' in the SSA, a question on which, given its centrality to the social security payment structure, there is surprisingly sparse case law or extrinsic material. We await the decision with interest.

The Centre also challenged, without success, the definition of a Centrelink payment in terms of what payments may be included in a bankruptcy. It seems, at least for now, that no part of FTB or CCB payments received during a tax year can be included until the Centrelink reconciliation is done, usually in the subsequent tax year.

On several occasions, we have had clients who, in responding to a Secretary appeal to the AAT or Federal Court, have been treated by Centrelink staff as if the Social Security Appeals Tribunal (SSAT) decision under review, had not occurred. One client who was told by the SSAT they were entitled to payment, and who provided the local Centrelink office with a copy of her mid-December SSAT decision, scrounged food handouts from charities over Christmas. The Social Security Act requires Centrelink to comply forthwith with SSAT decisions. Some clients were still having monies withheld against a non-existent debt, while others were being pursued by Centrelink debt recovery agents. Once brought to their attention, Centrelink were quick to sort individual cases out but, noting this was an ongoing issue over many years, and that Centrelink staff generally

remain of the view that they have an obligation to ignore an SSAT decision while they are considering an appeal. WRC Inc referred the systemic issue of Centrelink ignoring its own act to the Commonwealth Ombudsman's office, where we understand inquiries continue.

Disproportionate numbers of cases around Centrelink's marriage like relationship (MLR) decisions under section 4 of the SSA continue to arrive on our door. We have currently Secretary appeals in the AAT and Federal Court on these matters. Systemically we have pursued the issue with the Ombudsman and watched the Senate questions on notice on Centrelink outcomes. As we go to press, after two-plus years, the Commonwealth Ombudsman has released his Own Motion inquiry report into Centrelink's handling of MLR decisions. Five of the nine recommendations mirror the WR Network submission, and Centrelink's guidelines have been through three iterations as part of the inquiry. Interestingly, over the two years of the review, the Ombudsman notes that the success rate of Secretary MLR appeals at the AAT has dropped from 50% to 21% in 2006-07.

Disability Discrimination

- Due to CLSIS coding it is difficult to gather more detail about the area where the discrimination has occurred. However the Centre undertook some specialist project work in the area of disability discrimination in employment. Clearly employment, education and access to premises are the most common types of cases.

Our DDA solicitor, on winning an Anti-Discrimination Tribunal (ADT) matter, became involved in a complex costs dispute which with the assistance of Dan O’Gorman S.C. resulted in clarifying the role of the ADT and the Supreme Court under the UCPR in awarding costs. We are indebted to the Queensland Public Interest Law Clearing House for a quality referral to Quinn and Scattini who assisted with the costs dispute. The respondents in essence disputed the capacity of the Anti-Discrimination Act to empower the Tribunal to make orders as to costs where the UCPR could be seen to cover the ground. The matter appears to have altered the way the ADT brings down its decisions.

Client Satisfaction

Every year the WRC undertakes a client satisfaction survey in accordance with the funding agreement. In February 2006 we asked Hemali Gunawardana, who was undertaking work experience with the WRC, to contact all clients who contacted the service within a specified two week period or who had an open casework file during this time to gauge their satisfaction. Our satisfaction levels have always been high (over 90%) with the exception of “access to the service”. This is clearly because most of our clients would prefer a face to face service option. Unfortunately our resources do not stretch that far and therefore the majority of initial contact and advice is over the phone. However, this does mean that whether the client lives in Stones Corner or Murgon the service standards should be the same. Outcomes of the 2007 satisfaction survey are noted below:

- ◆ Access to Service - 80% satisfied or extremely satisfied
- ◆ Responsiveness of Service - 87% satisfied or extremely satisfied

- ◆ Treatment of Clients - 92% satisfied or extremely satisfied
- ◆ Explanation to Clients - 89% satisfied or extremely satisfied
- ◆ Usefulness of Assistance - 90% satisfied or extremely satisfied

Whilst these figures are very good there has been a reduction in the overall level of satisfaction with the service, in particular the capacity of people to access and obtain a useful response from the service.

We do field the odd complaint at WRC. A matter of interest was a complaint about release of confidential information. The information was provided to us by the client, and the use complained of was assisting our client in a confidential and compulsory Court room conference. Nevertheless, the client lodged complaints at both the Commonwealth Privacy Commission and the Qld. Legal Service Commission (LSC). The Privacy Commission ruled that community legal centres do not come within the scope of its Act, which was a very useful finding for all centres. The LSC, using the same standards it would apply to the work of any Queensland law firm, determined that there was a breach, but there was no public interest in pursuing the matter. The bottom line is there is no quarter given or expected from either clients or regulators just because we are providing a free legal service.

Non Casework Activities

Throughout the year the WRC undertook 92 non casework projects which are classified as either Community Education or Law Reform Projects. This is an increasing area of our work and in May we employed our first specified Policy and Research Officer, Bronwyn Wex.

Our community education activities primarily included doing presentations at community forums, to community services employees and tertiary students. Examples include:

- Delivering a presentation to staff from Disability Services Queensland on the impacts of Welfare to Work on people with a disability.

- Organising a joint information sharing session with the Centrelink "Areas Participation Solution Team" (the section that makes decisions about participation failures that may lead to non payment periods) and the Working Women's and Young Workers Advisory Services.
- Participation, by staff, at a stall at the Brisbane City Council's Homeless Connect forum in the Town Hall.
- Being a guest speaker at various AGM's and for International Women's Day at the Logan Women's Health Service.
- Distribution of two Welfare to Work handbooks that we wrote to assist community sector workers provide the right advice to their clients on the various changes on the new Social Security legislations and policy.
- Development of a Self Help Kit for people who are trying to get the Disability Support Pension, or have been taken off this pension after a review.
- Wrote an easy to read handbook for people with a disability who are experiencing Disability Discrimination in their employment.

All our publications (when still current) are available on the website at www.wrcqld.org.au

The majority of our policy and law reform work is done through our participation in state and national networks including; Queensland Association of Independent Legal Services, Queensland Public Interest Law Clearing House (QPILCH), Australian Council of Social Services (ACOSS) National Welfare Rights Network (NWRN) and the Queensland Council of Social Services (QCOSS). Work under this definition includes meeting with members of parliament to raise concerns and provide feedback on the impact of recent legislative and policy changes. We also made submissions (written and/or verbal) to various inquiries that are investigating matters that impact on our typical vulnerable client.

We also took on a new role as industry partner to some research being undertaken by students at the University of Queensland School of Social Work and Applied Human Sciences. The purpose of this research is to gain an understanding of the experiences of people who have their welfare payments cut for eight weeks.

The Principal Solicitor has been working tirelessly with NWRN and Griffith University on Marriage Like Relationship issues. The co-project with Griffith Uni into the effect on individuals of Centrelink's marriage like relationship (MLR) decisions has concluded. Griffith Uni researchers interviewed former clients of the Centre to assess what happens and how people respond. The research has resulted in a number of articles. To date one has been published in the Australian Journal of Administrative Law; others are being considered.

Also on MLR, in 2006 Centrelink released a new fraud investigations manual, just for marriage like relationships. It has raised the prospect of a blurring of civil compliance and criminal sanction investigations which has somewhat caught our attention. Perhaps by this time next year, we will have good news on this front. In the meanwhile after some four years as convenor of the NWRN sub-committee on MLR issues, our Principal Solicitor has shamelessly handed the baton to an equally unsuspecting interstate Welfare Rights worker.

Governance

The operations of the Welfare Rights Centre, under the guidance of the management committee is going well. As we enter our 24th year of incorporation we are a strong viable service. But like most community organisations, where demands outstrips supply and whose funding levels are limited and our client group does not attract corporate sponsorship, we are deeply concerned about our capacity to continue operating in the way we currently do. Retaining staff and delivering quality services in two specialist areas of law throughout Queensland and northern NSW is difficult on the money that we receive. Whilst this year we have had the luxury of one off funding through the LPITAF to undertake specialist projects, we are seriously having to review what we can commit to do with our limited recurrent funds.

Our use of volunteers, work experience people, cadetships and students means we produce over 8000 hours of professional legal work. Our investment in our volunteers and students also means

we are often able to recruit for locum positions from this pool of committed and trained individuals should the opportunity arise. In particular we recognise Lynda, Lynne and Jenny who have been volunteering at WRC for more than 5 years.

Volunteers for 2006/2007 included:

Alice Luxton	Bryony Walters
Catherine Butcher	Colin Bailey
Hemali Gunawardana	Jennifer Fong
Jenny Medland	Joern Herrmann
John Tryon	Josephine Chyi
Kathy Ball	Katherine Matyja
Leisa Zirbel	Lynda Wong
Lynne Brown	Michael Wheeler
Roseanne Huskie	Thandiwe Ngoma
Teresa Grahame	Victoria Watson
Yi Fen Tan	

The centres legal students for this year included Cecilia Andrews and Janting Anatolai from Griffith University's Law Faculty subject, Semester-in-Practice as well as graduate diploma placements from Griffith and QUT. Both are now employed, hopefully they will recall their real grass roots experience here when the opportunity arises.

We also owe our thanks to the many barristers who have so generously contributed their time to the work over the year. Particularly, we wish to thank John Logan S.C. who was recently appointed a Federal Court Judge, joining other former volunteers including Queensland Supreme Court judges John Jerrard and Ros Atkinson. On the bench Others at the Queensland Bar who continue to offer their time and generous counsel include Stephen Keim S.C., Cate Heyworth-Smith, Michael Ballans, Melanie Hindman, Craig Coulsen, Madelyn Brennan, Lindsey Alford, Nitra

Kidson, Bruce Mumford, John Dwyer, Derryl Rangiah, David Marks, John Bremhorst, Vince Brennan, Bob Reed and Dan O’Gorman S.C..

Next year our challenges will include retaining staff as the wages boom for professionals in the government and private sectors soar above those staying in the non government community sector and the need to move as our workplace is disturbed through the development of transport infrastructure that is a significant sign of the success of so many Queenslanders, and yet we have never been so busy trying to make a difference to those people being left behind.

Gail Middleton
Coordinator

John Stannard
Principal Solicitor

Staff



Gail Middleton - Coordinator

Gail first became involved in the community services industry when she left school in 1975. She has a Social Work degree and undertaken further study in adult learning and Industrial Relations. Gail is responsible for the day to day management of the WRC and is the key link between staff, volunteers, management committee and the funding providers.



John Stannard - Principal Solicitor

John has had significant involvement in the history of the WRC including being a former student, management member and staff solicitor. He returned in 2003 to take on the role of Principal where he is responsible for overseeing the legal practice which includes supporting and supervising casework staff, volunteers and law students.



Larry Laikind - Solicitor

Law is Larry's second profession and one he went into when his visual impairment prevented him from practicing Dentistry. Larry's special interest is with Disability Discrimination. His ability to recall facts are second to none. Larry first joined the staff of WRC in 1994 and adds significant value to the team.



Patrick Cranitch - Solicitor

Patrick has more than 25 years experience and during these years has worked both overseas and in regional Queensland before he joined WRC in 2002. Patrick has a keen interest in human rights law.



Nicole O'Keane - Office Administrator

Nicole has a history of working as an administrator in the community services sector. Her competence in this position shines through as she accepts and completes every challenge that we set her.



Staff

Susan O'Shea - Solicitor - Part time

As a volunteer at WRC Susan demonstrated her commitment to working with vulnerable people, so when a locum position became available she was a logical choice despite being a recent law graduate. Susan not only works in Social Security law but accepted the challenge to work across the two areas of law delivered by the WRC.



Teresa Grahame - Caseworker - Part time

Teresa is a graduate in Commerce and Economics but later followed a passion to work in the area of Social Justice. Teresa left the WRC in January 2007 for greener pastures with the University of Queensland.



Bronwyn Wex - Policy and Research Officer - Part time

Bronwyn joined Welfare Rights in May 2007 and has welcomed the challenge of learning the ins and outs of social security in Australia. Bronwyn's work involves things like the WRC's e-news, writing submissions to government reviews, and finalising the DSP self-help kit. When not at Welfare Rights, Bronwyn is teaching politics at UQ and finishing her doctoral thesis in feminist theory.



Sue McComber - Financial Administrator

Sue joined the WRC in August 2006 to take on the part time Financial Administrator's role. Sue has a Bachelor of Commerce, majoring in accountancy and has undertaken similar work in a variety of non profit community sector organisations.



Treasurer's Report



It gives me a great pleasure to present the Treasurer's report for the financial Year 2006/2007 to our members.

During the 2006/2007 year the Welfare Rights Centre continued to deliver a quality service providing advice on social security and disability discrimination matters.

Financial Result

The Centre's activities were financed primarily by recurrent funding of \$446,152 provided by Commonwealth and State Departments of Attorney General and administered by Legal Aid Queensland. Other sources of income, as outlined in the Auditor's Financial Statements were received from; additional one off grants, donations, sponsorship, interest, membership fees and sundry income. This additional funding equalled \$80,983.

The operating result to 30 June 2007 was a surplus of \$21,386. Major outlays continued to be salaries and associated costs, together with premises and administrative expenses.

We are especially grateful for the one-off funding from the Electrical Trades Union and the \$42,800 from the Legal Practitioners Interest on Trust Account Fund. Both of these sources of money enabled the organisation to undertake a variety of progressive activities that lead to making a difference for the most vulnerable Queenslanders.

The Centre finished the year in a sound financial position with sufficient reserves to cover envisaged future liabilities.

Acknowledgements

I would particularly like to acknowledge Sue McComber for all the skills and diligence she brings to her work at the Centre. Sue's has settled into the role very well and continually offers sound advice regarding the financial situation of the Centre.

Further, I would like to thank the Management Committee, Gail Middleton - Coordinator, Principal Solicitor - John Stannard and Nicole O'Keane - Administration Officer for their incredible support throughout the year.

The efforts of WRC staff, locums, students and volunteers to maximise the benefit of our funding for our client groups throughout the year is also acknowledged and greatly appreciated.

Conclusion

I draw your attention to the following Financial Statements prepared by the Auditor, George Crokidas. The Financial Statements have been prepared in accordance with applicable accounting standards and reflect the financial position of the Centre for the year ended 30 June 2007.

Nadia Pakhomov
Treasurer



Welfare Rights Centre Inc.
PO Box 97, Stones Corner QLD 4120

Phone: (07) 3421 2510
Fax: (07) 3421 2500
Email: wrcqld@wrcqld.org.au
Website: www.wrcqld.org.au

For people living outside of Brisbane you can use Freecall
1800 358 511

Large print copies and a PDF version of this report are available
upon request.

Layout by Nicole O'Keane - 2007

