



# Annual Report

## 2007/2008

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# 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 throughout Queensland. To ensure fairness to regional and remote clients the service is set up to do most of its work over the phone. Where necessary, and resources allow, face to face contact is arranged. 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 and social policy 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 2007/2008 year as follows:

- Commonwealth \$238,916
- State \$254,891

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 Welfare Rights Network, Queensland Association of Independent Legal Services, ACOSS and QCOSS.

## **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 political and religious influences.

# Presidents Report



I am very happy to present the Presidents report on behalf of the Management Committee of the Welfare Rights Centre (Inc).

During 2007 - 2008 the Committee continued to look at ways of ensuring the long term viability of the Centre.

Our following objectives were reaffirmed through the development of the Centre's 3 year strategic plan.

- To provide a focused quality legal service in relation to the social security and disability discrimination legislation.
- 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.
- To develop and maintain a stable, independent and innovative organisation.

## *Change of Government*

With a change of government came an expectation that there would be a considerable policy shift in relation to those who were dependant upon a vast array of Centrelink payments. After some months of the new governments installation it became all to clear that if there was to be change it was going to be slow.

## *Sorry*

Personally, I found it interesting that the Prime Minister chose to make a National apology for past harms caused to the Aboriginal and Torres Strait Islander population of Australia or the past harms caused by poor and inadequate government policy which caused significant and irreversible harms. I generally judge a person by not so much what they say they can do but what they can actually do and how through doing they can teach others. As yet I have to be taught something worthwhile by the Prime Minister.

## *Indigenous Focus*

Much has been said and done in relation to the government intervention into the Aboriginal and Torres Strait Islander communities in the Northern Territory and the imposition upon the

rights of the A&TSI communities in North Queensland. I do not intend to regurgitate the recent critique of these government policies, other than to say I fear for the future of this country's first nation peoples particularly if they are to be demonised, disparaged and at the same time have their basic rights reduced below that of 'ordinary Australians'.

#### *Artwork*

If you get the opportunity, I would encourage members to have a look at the recent acquisitions the centre made of Indigenous Art. The artwork, by Brenden Coghill, forms the background to many of the centres publications. I know and admire many of the Coghill family - they are descendants of the traditional custodians to much of the area in and around the Brisbane region.

There are a number of people that I would like to thank and acknowledge as without their support many of the tasks completed this year would not have eventuated. First of all I would like to thank Gail, John and the staff of the Centre. Without their dedication to tirelessly supporting disadvantaged people and their knowledge of Disability Discrimination, Social Security law and Centrelink practices many individuals and their families would be left out of the cold. More generally, I extend the committee's appreciation for the work of the dedicated volunteers and those who offer their valuable pro bono professional services, advice and guidance throughout the year.

I would like to thank my fellow committee members for their generosity in giving their time and support to the Centre, in particular **Greg Marston, Cameron Thomas, Jenny Medland, Tracy Worrall and Mark Ryan**. I also want to acknowledge **Nadia Pakhomov** who has given many years of skilled service to the WRC as both the Finance Officer and later as the Treasurer. **Nadia** decided it was time to find her creative side this year and so resigned from her position, her efforts will be missed. Nadia's resignation created a Management Committee vacancy which was filled by one of our long term volunteers, Kathie Grigg. We welcome Kathy to this role of Treasurer and look forward to her participation with the Management Committee - Thank you!

**Terry Stedman**  
**President**

# Treasurers Report



It gives me a great pleasure to present the Treasurer's report for the financial Year 2007/2008 to our members. During the 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 \$493,807 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 \$14,341.

The operating result to 30 June 2008 for core funding was a surplus of \$31,984. Major outlays continued to be salaries and associated costs, together with premises and administrative expenses.

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 - Financial Administrator, for all the skills and diligence she brings to her work at the Centre. Sue has continually delivered sound advice regarding the financial situation of the Centre.

Further, I would like to thank the Management Committee, Gail Middleton - Executive Director and Nicole O'Keane - Office Administrator 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 2008.

**Kathie Grigg**  
**Treasurer**

## Management Committee



The Management Committee is elected by the members of the Welfare Rights Centre at the AGM which is held on the 3rd Tuesday of November. In November 2007 the following people were elected to the 23rd Committee of Management.

Terry Stedman - President  
Dr Greg Marston - Deputy President  
Cameron Thomas - Secretary  
Nadia Pakhomov - Treasurer  
Tracy Worrall  
Jenny Medland  
Mark Ryan

Nadia Pakhomov resigned in 2008 and was replaced by Kathie Grigg, who has been a long term volunteer and is an active member in the community with a keen interest in a variety of social justice and environment issues. Kathie is currently a director of a web publishing company.

## Membership



Over the recent years membership to the WRC has grown. Whilst membership has remained at just \$5 it has been agreed that in order to get our services known in the community we should start to engage with other community service providers.

As a result we have been delivering an e-bulletin to individual members. At the AGM we hope to expand the category of membership to include service providers.

This means services that are members of the WRC will have access to our volunteer training course, our e-bulletins, advanced notice of our publications and reports and will be consulted over future developments such as outreach services and accredited training in advocacy.

# Executive Directors Report



As the Welfare Rights Centre heads into its 24th year as an Incorporated Association we face the reality that whilst we provide high quality services in two specialist areas of the law, we have a limited public profile and therefore struggle to attract donors which would give us the independence we need to offer innovative services and undertake independent research that will bring some hope and fairness to the most vulnerable that we work with. These include people with a disability and those dependent on welfare.

During this year we saw a new federal government take over the reins and hoped that we would benefit from some progressive thinking. We needed action on the inequities many of our clients were living with and recognition for the social and economic value that Community Legal Centers and community service providers offer our communities.

We stopped to listened to the “sorry” broadcast, and many shed a tear. We see social inclusion and homelessness on the political agenda. We are all extremely busy trying to keep up with and providing meaningful comments to the reviews that impact our client groups, including;

- Tax and Social Security Review
- Mental Health and Disability Employment Review
- Review of the Northern Territory Emergency Response
- Employment Services Review

Unfortunately expansion of non cash/conditional welfare through the Cape York and trails in Cannington (WA) make us realise our work is not yet done in educating decision makers and communities about the economic and social value of a civilised social security system.

## *Social Security*

There is too much emphasis on the deserving and non deserving welfare recipient. The media plays a significant role in stereotyping welfare recipients. Systemic unfairness based on education, race,

age, gender and connectedness with society seems to attract little public interest. As a result the “undeserving” get limited populist support which equates to missing out on politically motivated bonuses and increases. At the WRC strive to do what we can and make a difference.

Much of our work in this area is delivered through our participation in National and State based networks, although with the introduction of a 2 day a week Policy and Research Officer in March 2007 we have managed to research and provide more evidence that supports our social policy positioning.

### *Changes in Service Delivery*

Undertaking the regional tour that brought us the “Falling Out of Welfare” (FOOW) report was a real catalyst for the WRC to look at what it was doing and where it was going. This independent report was possible due to a LPITAF\* grant. The results pointed out how the most vulnerable do not bother with welfare. Many of those we spoke to made comments about how the welfare system has become too complex and focused on compliance and offered little in the way of services to engage people into community and work. It was easier to pick up “dodgy work” in the booming economy that offered no security rather than engage with the welfare system.

An outcome from this work was that the state Department of Employment and Industrial Relations has used its “Participating in Prosperity” program to give us money to operate a pilot program that will look at what needs to be done to keep these vulnerable people engaged. This Job Network Advocate Pilot Project is to be situated in Logan.

Whilst WRC staff hold significant expertise in Social Security and Disability Discrimination law and policy we can no longer offer these services universally. Approximately 1:3 Australians receive a payment from Centrelink, but 1:10 Australians are living in poverty (ACOSS).

Staff at the WRC have spent the year reshaping how we deliver our services to ensure that they are targeted to the most vulnerable. This

Legal Practitioners Interest on Trust Account Funds.



included redefining our casework guidelines and clarifying which matters and clients will be limited to “advice only”. The goal is to provide services early in the decision making process, and to those unable to advocate or speak up for themselves. When looking at what matters we take through the courts and tribunals we need to focus on matters that will bring about the greatest benefit for the greatest number of people, and ensure will link our casework to our law reform and other non casework projects.

This targeting also applied to our Disability Discrimination Service. Our Commonwealth Funding allows us to employ a part time solicitor and the Queensland Government offers no support to this specific service arm of our centre. As a result the service has been pared back so that initial advice can be offered, but casework and representation has been limited to those that are being discriminated against in the workforce.

Statistically many of our clients were self referring; that is they had the capacity to find the “little hole in the wall” and seek out our free legal services. But we knew many, often the most vulnerable, do not find us, nor did they find contacting us easy. The telephone advice lines were only open for 6 hours a week over two days. Whilst we always returned calls many people don't like talking to answer machines.

Thanks to the quality and tolerance of our staff we have made change after change to our service delivery to ensure the most vulnerable are accessing our services. We are still massaging procedures into place. Most notable is the fact that our sole admin worker is answering all new calls and undertaking an initial assessment to whether the call is a priority i.e. the caller is without money, homeless or at risk.

The next phase is to implement our Casework/Volunteer Coordinator who trains and manages all our volunteers and supervises our early intervention work. It is hoped that this service will be able to offer outreach services in targeted areas of Logan, Ipswich and Caboolture.

The Welfare Rights Centre received an additional one off increase from the Commonwealth of \$97,000 which has been put to great use introducing the early intervention element to our work.

The State government also undertook a review of funding to the Community Legal Centre's to ensure viability of the services. The WRC received a much needed injection of recurrent funding that has been allocated to paying additional rent and allowed for a wage increase for staff. This has meant staff are now being paid above Award conditions but still lag behind their government counterparts. Our current office location will be affected by the Brisbane Eastern Bus Link but finding affordable, accessible accommodation to offer community services in Brisbane is an additional challenge.

**Gail Middleton**  
**Executive Director**

# Work Overview 2007 - 2008



## Our Client Case Work

Number of Clients	1361
Information Activities	278
Total Advices	1601
Cases Closed	
Minor	141
Medium	100
Major	38

- We have had a slight reduction in debt matters, but more prosecution issues have been raised as a concern.
- Our "Participation Failure" matters have increased threefold which is not surprising given the introduction of the compliance regime attached to the Welfare to Work legislation.
- We have also had a significant increase in matters relating to eligibility. The top 5 issues causing eligibility problems include: meeting the criteria for the Disability Support Pension, Marriage Like Relationships, Activity Issues, Residence and then Care Issues (in that order). There has been a slight reduction in DSP matters although they still dominate, followed very closely by MLR.
- We had a significant increase in matters relating to the following payment types; DSP, NSA, Parenting Payment (Single), Rent Assistance and Special Benefit. This is consistent with what we expected as a fall out from Welfare to Work legislation.



## Case Study 1

*Ms Richards, a newly-single mother of two began work in a hotel TAB. As a part of her work conditions, she entered an oral agreement to make good til shortfalls. Due to fraud, an error of \$1,300 was found which she repaid by instalments; the employer holding a receipt in her name in the safe until it was recovered from her wages. She asked Centrelink if she had to declare the money as income. The local Centrelink office said that, as this was not money she had earned, derived or received, or was for her own use or benefit, she did not need to declare it. However, the difference appeared in her tax return and a Centrelink debt was raised. She successfully appealed to the Social Security Appeals Tribunal.*

*Welfare Rights got involved when Centrelink, concerned about a potential broadening of the definition of income, appealed, without success, to the AAT, to a single judge of the Federal Court and finally to the Full Court of the Federal Court, where the presiding judge, Justice French (now High Court of Australia's Chief Justice) took just three weeks to bring down the Full Court's decision. The Court said it could see 'no issue of importance to the administration of the Act'. At the time, DEEWR was appealing significantly more decisions than ever.*

*The imprudence of a Department bringing to bear its full litigation weight over \$1300, and that in a case with no legal principle involved, was not lost on the government. Both Ministers were contacted by WRC regarding the case. The Welfare Rights network and the media referred to it. The Federal government initiated a review of DEEWR's entire litigation policy with the result that, at time of writing, the current number of Secretary appeals is a fraction of the appeal numbers a year ago.*

*Secretary Department of Employment and Workplace Relations v Richards [2008] FCAFC 97 (3 June 2008)*

## Our Clients

- 70% of our clients report having a disability. In the last 12 months clients with a psychiatric condition have more than doubled and are now on a par with people with a physical disability.
- The significant majority of our clients come from Australia, New Zealand and the UK.
- Most people find us on their own, but Legal Aid Qld make the majority of referrals to us. Referrals from Centrelink have dropped but referrals from Community Organisations has significantly increased.

### Case Study 2

*Sam has lived in the Bay Islands area for the past four years and was in receipt of Newstart Allowance. He was employed by a Queensland government agency on the mainland from 8.00am until around 2:00pm three days per week (approximately 15 to 18 hours per week).*

*Sam's employment service referred him to a vacancy at Underwood as a cleaner. The position was for 25 to 30 hours per week at about the same rate of pay. Sam won the position, but declined it, saying that commuting between his home and the new work would be difficult.*

*If he had accepted the second job, Sam's day would look like this; rise at 5.45am to catch a ferry to the existing job. He then had to travel 45 minutes to the second job. If after the anticipated six hour shift, he ceased work at 9.30pm, it would take another 45 minutes to drive back to the ferry. At night, the ferry leaves at either 10.10pm or 11:10pm. As he would probably miss that ferry, he would not arrive home until 11.30pm. Clearly, this was not workable, as six hours later he had to be up again.*

*The job network agency discussed his decision with Sam. They took the view that his explanation was 'unreasonable'. When this was reported to Centrelink, Sam lost eight weeks income support.*

## Our Projects and Community Education

Number of Projects Opened	110
Number of Projects Closed	94
CLE Project	46
Law Reform Projects	43



Including:

- Organising the NWRN conference in Brisbane including the open session where HREOC Tom Calma presented an opinion on the Northern Territory Emergency Response.
- Completing the Disability Support Pension Self Help Kit.
- Producing the Fair Employment for People with a Disability Handbook
- Making a submission to the Carer Review
- Submissions in writing and orally to the Committee for the development of the new Queensland Civil and Administrative Tribunal (QCAT).
- National Employment Strategy Mental Health

### Case Study 3

*After 4.5 years of negotiations, a matter in relation to access for people with a disability in a public place has settled with a conciliated agreement.*

*The final result will be a huge improvement to a major Queensland performance venue for people who use wheelchairs and others with a mobility impairment.*

*These include removal of a central staircase, replacing stairs with lifts and ramps, renovating one level to allow a venue wide cross-over aisle, space for a considerable number of persons who use wheel chairs so that they can sit with their friends and several new disability toilets as well as other, additional, wheelchair spaces.*

*The new development will exceed current and proposed disability access standards.*

*We have to thank architect John Deshon AM for two extensive pro bono reports that assisted greatly.*

#### **Case Study 4**

*Mark came to Welfare Rights after Centrelink imposed an eight week non-payment period before paying him the Newstart allowance. In Centrelink's view, he became unemployed without good reason. He left his paid position as a rigger due to the distance he had to travel to work each day, about two hours each way.*

*Living in rural South-East Queensland, Mark was unemployed and, in desperation, took a job in Brisbane. As it was over two hours commuting by car from his home, he arranged to live in Brisbane with family during the week, returning to his home on weekends. After a few months family stresses caused this arrangement to fail; he replaced some weekday lodging with week-day commuting and sleeping in his car, but the four hours daily travel still created tiredness and stress, so he resigned before becoming unsafe.*

*The Centrelink review officer said that, although 'arduous', as Mark had known about these difficulties before taking the job, even though it was outside the Centrelink limit of ninety minutes, he could not now rely on distance as a reason for quitting without first having another job.*

*Mark appealed to the Social Security Appeals Tribunal. Welfare Rights submitted that, The fact someone is prepared to attempt work ...beyond what Centrelink could have compelled... should not adversely affect a person if they later find the situation untenable. The Tribunal agreed. Unable to find support in either law or policy for Centrelink's contention that having made his bed, Mark should now travel in it, the Tribunal changed it in his favour.*

## Staff of 07/08



### **Gail Middleton** - Executive Director

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 of 07/08



### **Susan O'Shea** - Solicitor - Part time

Susan started with the Welfare Rights Centre as a volunteer but demonstrated her commitment to working with vulnerable people, so when a paid position became available she was a logical choice. Susan is a solicitor and works part time for LAQ and part time with us. Susan's focus is in Social Security but she is always willing to take a challenge and expand her learning.



### **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 is currently undertaking a PhD into the impact of Welfare to Work on Women and their children but has undertaken casual work throughout the year.



### **Bronwyn Wex** - Policy and Research Officer - Part time

Bronwyn joined Welfare Rights in May 2007 and created an invaluable role for herself at the centre. Bronwyn's work involves drafting reports, submissions and the e-bulletin to members and reviewing media and researching current issues the centre is progressing.



### **Sue McComber** - Financial Administrator - Part time

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.



# Volunteers and Supporters



The Centre is developing its commitment to training quality volunteers and whilst we see that volunteering at WRC is a clear pathway into paid work with LAQ being a preferred employer by most of our law students.

Most of our volunteers work in the area of offering telephone advice. Lynda Wong (2002) and Jenny Medland (2001) both deserve a special mention as they have both given significant years of service.

- Andrew Davison
- Andrew Tan
- Amy Thompson
- Bryony Walters
- Jenny Medland
- Kathie Grigg
- Leisa Zirbel
- Lynda Wong
- Lynne Brown
- Roseanne Huskie
- Yii Fen Tan

Other people are volunteering in other capacities including working in our Library, drafting publications and working on our HR practices. These include:

- Ben Kolaitis
- Joern Herrmann
- Thandiwe Ngoma

We also had the pleasure of attracting a particularly skilled student from Griffith University to undertake her final placement in the Human Services degree. Debbie Perry excelled in her placement and did significant work on our Falling Out of Welfare Report.

The centre has placed legal students for this year. These are Elizabeth Cross and Cecilia Andrews from Griffith University's Law Faculty subject, Semester-in-Practice, and Mariam Yousufzai and Erica Chen, all graduate diploma placements from Griffith University and QUT. Our graduate students are all employed, Erica overseas, while Mariam has joined the Queensland DPP. We trust they recall their Welfare Rights Centre grass roots experience whenever the opportunity arises.

We also owe our thanks to many barristers who have so generously contributed their time to the work over the year. Particularly, we wish to thank John Logan S.C. (recently appointed to the Federal Court, joining other of our 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., Craig Coulsen, Cate Heyworth-Smith, Nitra Kidson, Kate Greenwood, Michael Ballans, Melanie Hindman, Madelyn Brennan, Lindsey Alford, Bruce Mumford, John Dwyer, Derryl Rangiah, David Marks, John Bremhorst, Vince Brennan, Bob Reed and Dan O'Gorman S.C. who has been especially giving around our disability discrimination cases.

# Notes





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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 - 2008

WRC is a charity and classified as a "Deductible Gift Recipient as a Public Benevolent Institution". Gifts of \$2 and over to the Centre are 'tax-deductible'.

ABN 67 563 668 353

