

Welfare
Rights
Centre Inc.

Annual Report

2005/2006



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 \$229,648.00
- State \$205,608.00

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. Through its work, the Centre strives to challenge 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; by 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
Sue McComber - Treasurer
Deborah Keenan - Secretary (Resigned)
Johanna Backhouse - Secretary
Tracy Worrall
Jenny Medland
Greg Marston

President's Report

The community landscape has changed significantly in this last financial year, with the Workplace Relations legislation in 2006 and the introduction of the Welfare to Work amendments to the Social Security legislation in July 2006.

I would like to thank the staff of the Welfare Rights Centre for preparing for these and other challenges during the year. The result has seen organisational stability, improved staff retention and the relatively smooth development of an Enterprise Bargaining Agreement.

I would also like to acknowledge the support of the Management Committee. Each of the members has brought their unique expertise and experience to the table. Sue McComber shared her financial expertise and operational knowledge of CLC funding. Dr Greg Marston gave us an invaluable link to research into social policy issues. Tracey Worrall provided her broad sector experience and network of contacts and the legal backgrounds and experience of Johanna Backhouse and Jenny Medland saw a common sense approach to their management roles.

I would also like to thank Deb Keenan for her contribution to the Committee before resigning to take up a conciliator position at the Anti-Discrimination Commission of Queensland.

In personally closing on ten years with this committee, I want to especially acknowledge the dedication, sacrifice and support of Joan Holmwood. Joan started with the Welfare Rights Centre in the early 1990's initially with voluntary advocacy before becoming a long term member of the Management Committee.

Joan left the Management Committee in 2005 but stayed on as the volunteer Librarian with the organisation before resigning in 2006 to care for her husband Fred. The Management Committee and staff of the centre wish Joan and Fred all of the best for the future.

Cameron Thomas
President

Outcomes Report



The more things change the more they stay the same. The Welfare Rights Centre Inc. (WRC) experienced some significant staff changes through the 2005/2006 year, however the issues our clients brought to us hardly changed.

Coping with staff changes and finding replacement staff is extremely time consuming but Teresa Grahame, Susan O'Shea and Nicole O'Keane have joined the team of staff and with the assistance of our new Admin Support Officer, Margaret Kefer, we have pulled together to realign our roles and expertise ensuring we met the targets, goals and objectives set for WRC.

The other most significant challenge for the WRC this year was preparing for the introduction of the Welfare to Work (W2W) changes. W2W is the most significant shift in welfare ideology since the existence of the WRC. It has complicated what is already an extremely complex welfare state. Peoples' entitlement to payments is not just based on their circumstances, but also the date on which they applied for a payment. Parents and people with a disability can now be exposed to harsh non payment periods.

The WRC has always supported the need for welfare reform so that more people are included in the community and get a fair share of the economic boom that is currently being experienced in Australia but we do not support the draconian method of achieving a participative society that the W2W changes are promising.

We at the WRC are not convinced that having vulnerable and unwell people threatened with the exclusion of income support is the way forward for a socially just, first world society. We do believe giving people incentives, skills and support to work and/or participate in community will have a similar outcome over time.

Whilst we continue to provide a free and independent legal service to the clients that reach the WRC, we need to ensure that our concerns over W2W and the impact of these changes are aired in order to bring about progressive changes.

Casework

Casework Statistics

Our casework over the past two years has been very similar despite the staff changes and additional work placed on staff bringing them up to date with legislative changes. The table below compares our contact for the past two years.

Table 1 Client work statistics:

Who Refers to WRC?

For a number of years the WRC has been interested in understanding about how people from all over Queensland and in Northern NSW learn about or access its services. This

Type of Service	2005/2006	2004/2005
Information/Referrals	124	66
Advices	1222	1272
Casework	386	398

information will help us plan outreach work and will direct our marketing and promotional activities. We ask our clients who referred them to us and the following table details their responses.

Table 2 Source of referral

2005/2006		2004/2005	
Legal Aid	171	Self	148
Self	161	Legal Aid	122
Community Services	84	Community Services	113
SSAT	78	Centrelink	93
CLC's	76	CLC's	51
Centrelink	74	SSAT	40
Website	44	Ombudsman	32
Members of Parliament	30	Members of Parliament	32
AAT	17	HREOC	28
HREOC	16	Private Solicitor	15

We believe that these figures demonstrate the importance of working with Centrelink, Legal Aid Queensland and other community groups to promote the availability of our services. The flipside of having too many referrals is then having to say no to clients due to inadequate resources. WRC is clearly gearing up to having to make these difficult decisions by working on our casework guidelines and preparing self help resources in addition to those available through the National Welfare Rights Network. Whilst the population of Queensland is rapidly increasing, recurrent resources for the WRC and other Community Legal Centres have only incurred minimal indexation.

It is interesting to note that 32% of clients over 66 years of age self refer compared to only 15% of those aged between 26 – 35 years. This links with the hypothesis that young adults are more complacent with what they are being offered, see no point in challenging a decision or at worst are concerned about retribution of challenging decisions. It is worth documenting that the Website has made it to the top 10 source of referral list this year, which justifies the hours of work Julie Thompson and Peter Fletcher from Dirty Boots spent on getting it to this point.

Problem Types

The Problem Types for our clients have not changed over the past couple of years. The most common problems for Social Security matters being Debts and Eligibility problems. We note that there were very few "Breaches" and so would like to claim that the Breaches Campaign still has an impact for a great number of vulnerable welfare recipients.

Ten percent of our advices were about Disability Discrimination matters compared to only 6% in the previous year. We believe the trial of a Disability Discrimination Telephone Advice Service has led to this increase. Unfortunately we did not have the resources to sustain the model that we piloted. However, we have secured a one off grant through the Legal Practitioner Interest on Trust Account Funds (LPITAF) to develop a more specific service for people with a disability being discriminated against in their employment by using volunteers who are trained and supervised.

This service will be sustained to a minimum level through our core funding.

Case Examples

With the new federal Centrelink and its client department arrangements, we have noticed some changes in department appeals. In particular, the Department of Employment and Workplace Relations (DEWR), has increased its interest in appealing both SSAT and AAT decisions. Many settle with representation.

In one matter at the AAT, our client had an intellectual impairment and Centrelink said he incorrectly advised his (meagre) supported employment income. The Department declined to make an offer to settle until the Tribunal, constituted by Member Carstairs, advised that not only was she likely to divide the debt of \$12,000 in half, as happened in most such cases, but also make adverse comment about DEWR's attitude.

In another AAT case, Centrelink raised a \$26,000 debt on the basis of what it said was an incorrect claim for parenting payment by a woman recently arrived from a Sharia law country. She and her partner relied on Centrelink advice in completing the form. Her claim was in relation to a child from her husband's former marriage. The SSAT waived half the debt and we appealed to the AAT on the basis the application of Sharia law would validate the client's original application. Expert witnesses were obtained on Sharia law; they prepared statements and counsel even engaged a legal researcher to assist. However,

DEWR conceded on the morning of the hearing after the client had arranged for care of two young children and arrived at the hearing room. Good for the client but no precedent to show for all the resources invested.

A disability discrimination case of note was where a child with schizophrenia was refused accommodations needed for the child to fit into the Queensland Education system. The client succeeded at the Anti-Discrimination Tribunal and received compensation. Education Queensland was also directed to investigate ways to support children with mental illness with paid support.

Client Types

The WRC reviews its clients by age, disability (self assessed), location and Aboriginal and Torres Strait Islander status.

Location of clients

During the year the WRC provided casework services to people in northern NSW (4%) through to Cairns and far north west Queensland (1%). 76% of our clients came from south west Queensland including the Sunshine Coast. This is a similar pattern to previous years and is consistent with the spread of the Queensland population as noted in the "Queensland Government Population Projections to 2051". Providing a consistent service to the whole of Queensland through a 1800 telephone advice session assists us to reach those who live in regional and remote Queensland who can not obtain service from local CLC's. The Townsville Community Legal Service provides a Welfare Rights Services in their area and the Cairns Community Legal Service provides a Disability Discrimination Legal service to North Queensland.

Age of Clients

The distribution of our services to clients by their age tends to be concentrated towards people over the age of 29 years. The following table compares our client ages with the 2001 Census data for Queensland:

Table 3 WRC Clients by Age

Age	Old Population 2001 Census by percentage	WRC Clients 2005/2006	WRC Clients 2004/2005
Less than 15	21%	Less than 1%	1%
15—29	22%	14%	17%
30—44	22%	34%	31%
45—59	18%	32%	31%
60—74	11%	13%	15%
75 and over	5%	3%	3%

Aboriginal and Torres Strait Islanders

After significant attempts to provide better services to Aboriginal and Torres Strait Islander people we have finally managed to increase our numbers from 2.7% up to 3.6% (33 clients). During the year we were successful in getting a further LPITAF grant to undertake some regional outreach work. This project has a significant focus on reaching Aboriginal and Torres Strait Islander communities. We plan on working closely with Centrelink and the ATSIWLAS to assist and advise us on planning these visits.

People with a Disability

In 2005/2006 the WRC provided a service to 236 clients (or 26%) who disclosed that they had a disability. This was a significant increase from the previous year where only 19% stated that they had a disability.

The type of disability remained very similar with the most common being a physical or psychiatric condition. We need to keep in mind that we do not ask a person if they have a disability we only record these statistic if the client offers this information.

From our CLSIS data we can report an increasing number of people with a psychiatric disability. This has made the organisation more conscious of our need to ensure the safety of staff and volunteers, without impinging on the accessibility of our services. There was one incident where a staff member was assaulted and whilst this was a serious concern it appears that our OH&S policies do work.

Client Satisfaction

Every year the WRC undertakes a client satisfaction survey in accordance with the funding agreement. In February 2006 all clients who contacted the service or who had an open casework file were contacted to gauge their satisfaction. Our satisfaction levels have always been high (over 90%) with the exception of "access to the service" as many 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 provided over the phone. This means whether the client lives in Stones Corner or Murgon the service standards should be the same. Outcomes of the 2006 satisfaction survey is noted below:

- Access to Service - 88% satisfied or extremely satisfied
- Responsiveness of Service - 96% satisfied or extremely satisfied
- Treatment of Clients - 96% satisfied or extremely satisfied
- Explanation to Clients - 96% satisfied or extremely satisfied
- Usefulness of Assistance - 94% satisfied or extremely satisfied

Non Casework

Non casework activities of the WRC includes both community legal education work and law reform work.

Community Legal Education

The main projects undertaken this year included the preparation of our "Welfare to Where?" booklets and update of the Disability Discrimination Handbook. Both of these projects were made possible through a grant from LPITAF.

A forth booklet, a self help kit for people applying or appealing a disability support pension decision, has been started but we are waiting for some final changes in Centrelink procedures and DEWR polices to ensure it has a longer shelf life.

QAILS Conference

Significant hours were spent organising the QAILS Conference that was held on Bribie Island. Participating in State and National Networks is vital to the effective and efficient delivery of community services. Staff were able to receive free training which attracted Continuing Professional Development points (for the legal staff) and take opportunities to liaise with colleagues who also work in what would otherwise be an isolating area of legal practice.

Training

As well as being trained, staff at WRC were asked to provide training to many workers in the community services sector and to new staff in Centrelink. This cross training model of operation allows relationships to be built ensuring that our advocacy work can be respected for its professional quality rather than communication between Centrelink and WRC being viewed as hostile or problematic.

Law Reform

WRC's involvement in law reform work is primarily delivered through our participation in the industry groups and peak bodies noted below. The highlights of our achievements or participation has been noted in the dot points.

National Welfare Rights Network

- W2W liaison with policy makers
- Undertaking various roles on sub committees

QCOSS

- Participation in the development and progress of the Poverty Working Group
- Raising the profile of CLC's as a significant part of the NGO's network in Queensland
- Representative on the Office of Women Think Tank on Industrial Relations

ACOSS

- Assessment and monitoring of the impact of W2W on vulnerable people.

QAILS

We have contributed to the work of the Queensland Association of Independent Legal Services (QAILS) which is the umbrella group for all Queensland CLC's. QAILS is currently funded by the State Attorney-General's office. Part of the WRC contribution has been to act as QAILS liaison to the Board of Queensland Public Interest Law Clearing House (QPILCH) which arranges pro bono legal services for cases with public interest merit. QAILS and QPILCH together have also worked successfully with the Queensland Law Society to redress practicing certificate issues for lawyers in community legal centres.

Research

Centrelink still gets a lot of Marriage Like Relationship (MLR) decisions wrong and these are a significant portion of inquiry for assistance. Federal Senate Estimates figures suggest this has been on-going for some years. The Commonwealth Ombudsman's Office has undertaken an 'Own Motion' investigation into the quality of Centrelink's MLR decisions and has been promising imminent release of their report since the middle of the year.

In conjunction with WRC, Keiran Tranter and Lyndall Sleep of Griffith Uni, conducted a pilot study into the quality and effect of Centrelink's decisions around MLR's. The pilot results have been accepted by the University and funding announced for the full study. The focus

is on Administrative Appeals Tribunal (AAT) decisions combined with client interviews. It is not going too far to say that the study is throwing light on a paternalistic, values laden decision-making process that is-proportionately affects single mothers. A Tranter, Sleep and Stannard co-authored paper on recent AAT MLR decisions was accepted for the May 2006 edition of the Australian Journal of Administrative Law.

WRC has also been working with UQ on various research projects about the services being offered to the long term unemployed and a longer term project that aims to monitor the costs of W2W on other elements of community and community services.

Staffing

Staff are the most valuable resource at WRC and we encourage you to read their profiles as noted on pages 16 & 17.

It was sad to farewell Carla Wilson and her wealth of experience at a time when her knowledge of Centrelink processes was going to be essential in understanding the impact that the W2W changes were about to have on our most vulnerable clients. However, we accept that people do need to move on in their lives and our recent contacts with Carla would suggest she made the right decision.

Julie Thompson (the "glue" of the organisation) was offered a job in the industry that she was studying through University and whilst she left a massive gap in our computer skills she too is doing well.

They say it comes in threes and towards the end of the year Nadia Pakhomov announced she had been offered a full time job that could give her the remuneration she deserved. However, Nadia has stayed involved with the WRC as she filled a vacancy on the Management Committee.

Attracting and retaining staff is a major concern for Community Legal Centres and at WRC we have undertaken a couple of initiatives to ensure we are constantly working within our limited resources, to meet the needs of our staff. Some of our initiatives include:

- Annual Staff satisfaction survey
- Annual Appraisals
- Staff days
- Staff/management planning day

The staff satisfaction survey looks at the following aspects of work:

- Wages and Conditions
- Team Work
- Management
- Support and Supervision
- Communication
- Values and Policies

The results of the survey is analysed and a report is prepared for planning sessions. Some of the more recent changes that have been developed through this process include:

- acknowledging the need to target clients to ensure our work stays focused on the more vulnerable clients,
- offering more admin support where needed,

- seeking alternative recurrent funding so we can commit to ongoing operating costs, and in particular wages.

We have been working with the Australian Services Union to develop an Enterprise Agreement which will link wage increases to the State Wage decisions and will secure some of the good practices that are currently nested in policy.

Training and/or conference participation

WRC has adopted a training and professional development policy requiring an investment of at least 10 hours training for all staff. Some of the training that staff have undertaken during the year includes:

- CLSIS training
- SAVE Conference Canberra
- National Welfare Rights Network meeting – Canberra
- NACLRC - Canberra
- QAILS Conference – Bribie Island
- Centrelink Assets Training with Commonwealth Ombudsman

Whilst already in the UK, the Coordinator met with the UK Department of Works to explore their W2W strategies. Whilst the targeted population are similar they have utilised incentive strategies to encourage people with a disability and parents back into the workforce. They have also set some clear percentage goals for themselves and appear to acknowledge that government, employers, community services and the individuals have a role in making sure these targets are met, not just the individuals. There clearly is not the harsh compliance regime being imposed. The other interesting part of their strategy is they recognise that people may be disadvantaged by the location they live in, something many rural and remote Australians would understand, and those living in these identified areas have access to further support.

Volunteers

WRC volunteers perform a wonderful role by being so enthusiastic towards our work and also bringing with them their own life skills.

Joan Holmwood resigned in December after more than 15 years with the WRC. Not all of our volunteers have the same opportunities to stay with us that long but Lynda, Lynne and Jenny have been at WRC longer than most staff.

Volunteers for 2005/2006 included:

Joan Holmwood	Lynda Wong
Jenny Medland	Lynne Brown
Dean Saunders	Catherine Butcher
Kerry Lee Crouch	Alice Luxton
Josephine Chyi	Michael Wheeler
Ana Tu	Kathie Grigg
Melody Valentine	Aimee McVeigh
Jorn Herrmann	

Volunteers are kept up to date with legislative and administrative changes through regular bulletins and training sessions.

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 Stephen Keim S.C who presented a paper to barristers interested in assisting with our disability discrimination work. Others who have offered counsel include Cate Heyworth-Smith, 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.

The centre has also hosted placement students from Griffith University's Law Faculty subject, Semester-in-Practice as well as graduate diploma placements from Griffith, QUT and UQ (2005). We congratulate former intern Liesa Pendle on her AAT appointment as Associate to Deputy President Hack, S.C.

Gail Middleton
Co-ordinator

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, the management committee and the funding providers. She also undertakes the bulk of the CLE and law reform work through her participation on State and National peak bodies.



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.



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.



Margaret Kefer - Admin Support - Part time

Margaret has been flexible and tolerant enough to undertake the tasks allocated to this every changing position. As a Social Work student and experienced admin worker, Margaret can offer support to both staff and clients as the work levels at WRC increase.



Staff

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.



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 came to WRC from Centrelink which meant she was a valued asset and adds great balance and common sense to our multi disciplinary team of advocates.



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.



Nadia Pakhomov - Financial Administrator

Nadia was born in Kazakhstan and migrated to Australia with qualifications and significant experience in accountancy. Nadia's personality and values are well suited to this professional role in a community service organisation. Unfortunately Nadia has resigned but intends to stay linked with WRC through the Management Committee.



Carla Wilson - Caseworker - resigned

Carla worked with WRC for over 5 years but left in 2005 to take up work near her new home in Northern NSW.



Julie Thompson - Office Administrator - resigned

Julie had worked with WRC since 2001 but left to take up work in the profession that she was studying - Advertising. Julie left a hole but we have managed to fill it with Nicole.



Treasurer's Report



In 2005/2006 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 \$435,244 provided by Commonwealth and State Departments of Attorney General and administered by Legal Aid Queensland. As outlined in the Auditor's Financial Statements, the Centre also received additional funds through grants, donations, interest, membership fees and sundry income.

The operating result to 30 June 2006 was a surplus of \$29,756. Major outlays continued to be salaries and associated costs, together with premises and administrative expenses. One-off funding from "The Legal Practitioner Interest on Trust Accounts Fund" (\$27,299) and the Electrical Trades Union (\$9,250) enabled the organisation to produce and publish resource material relating to the "Welfare to Work" legislation implemented during the year.

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 Nadia Pakhomov, the Centre's Finance Officer who resigned at the end of May after 4.5 years with Welfare Rights. Nadia's extensive expertise and wholehearted commitment to the Centre's goals characterised her very valuable contribution to the organisation.

Further, I would like to thank the Management Committee, Gail Middleton - Coordinator and Principal Solicitor - John Stannard for their 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 2006.

Sue McComber
Treasurer



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1800 358 511

Large print copies available upon request

Layout by Nicole O'Keane - 2006

