



ELIZABETH EVATT
COMMUNITY LEGAL
CENTRE

ANNUAL REPORT

2019/2020

ACKNOWLEDGEMENT OF COUNTRY

The **Elizabeth Evatt Community Legal Centre** would like to pay our respect and acknowledge the continuing sovereignty of the Darug, Gundungurra and Wiradyuri nations as the owners of the land on which we work. Always, was, always will be, Aboriginal land.

We also would like to acknowledge the ongoing destruction, dispossession and attempted genocide that continues to affect the First Nations people of this land, and will seek to advocate for their rights within our legal systems.



WHO WE ARE



Patron

Elizabeth Evatt AO

Board

President: Suzie van Opdorp

Vice President: Eric Sidoti

Treasurer: Tim Kaye

Secretary: Liz Mulder

Members: Dianne Hamey, Sarah Ellison, Kerry Tongue

Staff

Managing Principal Solicitor: Arlia Fleming

Supervising Solicitor: Rebecca Frost

Solicitors: Kathy Keat, Thea Deakin-Greenwood, Irene Crowther, Natalie Tomlins (Emma Zammit until Oct 2019)

Tenant Advocates: Ben Connor, Emma Glinn, Brent Gosling

Operations Officer: Tina Napier

Volunteer and Admin Coordinator: Natalie Tomlins, Dan Zayit

Volunteer solicitors: Peter Sternberg, Anthony Steele, Lida Szabunia, Marcia Ruf, Scott Paige, Savi Manil

PLT students: Elliot Lowe, Ben Gillies, Ella Stacy

Volunteer students & interns: Billie Connor, Sally Weymouth, Rebekah Oliver, Himma Fatima, Kenji White, Brent Gosling, Emma Cooper, Gurpreet Sandhu, Anam Rafi, Bibek Kharel

Hours of Operation

4 Station St, Katoomba NSW 2780

Monday – Friday: 9.30am – 4.30pm

Legal Advice Line: 4704 0207 or 1300 363 967

Tenancy Advice Line: 4704 0201

Fax: 4782 4384 Email: admin@eeclc.org.au

Web: www.eeclc.org.au

WHAT WE DO

The **Elizabeth Evatt Community Legal Centre (EECLC)** is an independent, not for profit, community legal centre.

We are part of a nation wide network of independent community legal centres that work towards achieving a fair and equitable justice system for all. We strive towards a fair society by making a positive difference in the lives of people who are disadvantaged in the Blue Mountains and Central Tablelands communities.

EECLC aims to increase our community's understanding of and access to the legal system by providing free legal information and advice, assistance and representation; community legal education; advocacy for tenants; and law reform activities.

We share a commitment to social justice; we respect diversity and we value the strengths and abilities of our community.

OUR FUNDERS

- Commonwealth Attorney-General's Department and NSW Government through the Community Legal Centres Program;
- Legal Aid NSW through the Cooperative Legal Services Delivery program; and
- NSW Fair Trading through the Tenants' Advice and Advocacy program.

EECLC would also like to thank the Blue Mountains City Council for continuing to support us through providing us with a rent free office space in Katoomba.



PRESIDENT'S REPORT



This past twelve months have been particularly difficult for our regional organisation. Striving to provide the best service possible to our community over the past year has been extremely challenging to say the least. A very big thank you to our Managing Principal Solicitor, Arla Fleming, our hard working staff and committed volunteers for their work over the past year. In particular, I'd like to acknowledge committee members. The past few years have been dominated by drought which has created significant hardship for the communities we service west of the Great Dividing Range. This unprecedented drought also set the scene for one of the worst bushfire seasons on record. Commencing before winter's end and only coming to a halt at the end of summer, the bushfire season resulted in significant trauma for impacted communities with the loss of homes, jobs, farmland, livestock and wildlife. As a legal service, the resulting increase in demand has been far-reaching and often has required new and innovative responses.

As a result of the COVID-19 pandemic, our staff and committee have had to substantially change the way services have been delivered. This has been very demanding on our responsible and committed team. I thank the staff for their efforts in ensuring services continue to be provided to our community, in spite of these challenges.

Our Managing Principal Solicitor, Arla Fleming, deserves a very big and loud round of applause for her role in supporting staff and managing the service. Arla has not only kept the wheels turning but she has also looked at innovative ways to continue to meet service demand and respond to the current environmental issues confronting our clients, the community and our service. I also acknowledge Tina Napier in her role in ensuring we meet our accreditation requirements and other practice standards.

This year the committee has continued to perform its governance role and has resolved a number of outstanding issues. The Enterprise Agreement Subcommittee worked closely with staff to review and renew the Enterprise Agreement. I thank them for their perseverance and for the completion of this important work. We have been engaged in ongoing policy development. By its nature, community-based management committees function on a voluntary basis.

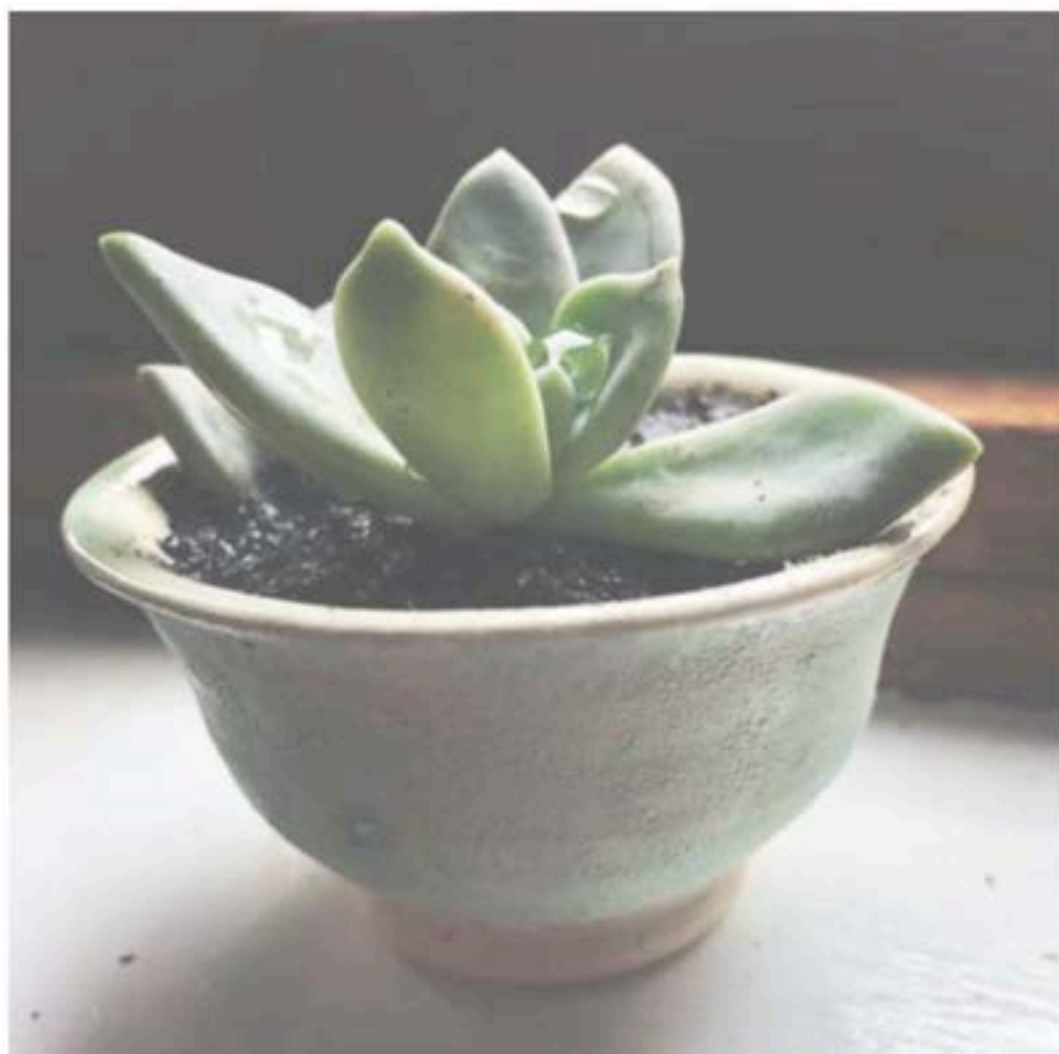
PRESIDENT'S REPORT

Management Committee members are usually busy people giving their time freely to make a difference in their community. The EECLC committee members make significant personal contributions to their governance responsibilities which we take very seriously. It takes a team approach and I think all committee members for their contribution to the effective management and delivery of services provided by the EECLC team.

I would like to acknowledge Committee Member Eric Sidoti who will not be re-standing this year. Eric has brought significant expertise to the Management Committee, his smart and clear way of identifying the problem and strategizing its resolution are appreciated by all members. Eric will be missed at committee meetings and we wish him all the very best.

It gives me great pleasure to present this year's Annual Report.

Suzie van Opdorp



TREASURER'S REPORT



Financial year 2019/20 started with all the normal challenges associated with government grant funding – delays and shortfalls. Of course, as we moved into 2020 the year was anything but normal. The bushfires and then the pandemic brought increased demand for service which called for dedication from our staff at a time when they had to work from home. Flexibility from staff and from the organisation allowed us to navigate that difficult period.

As we enter the second part of 2020 we are starting to move back to more normal working patterns and we are seeing new grant funding programs to help cope with some of the societal challenges from this difficult year. A rollercoaster year leaves us currently well-funded to deal with the immediate challenges, though wary of risks to longer-term funding as the crisis passes.

Tim Kaye



MANAGING PRINCIPAL SOLICITOR'S REPORT



The first half of this financial year is a distant memory as the pressures of bushfires and then Covid have eclipsed anything that happened prior to December.

Our staff during this difficult time have been nothing short of incredible. Their dedication to continuing to work as best as possible (at home with kids, pets and in the middle of winter!) has been appreciated. Covid has created much work for us as we see a new cohort of people who are now 'financially disadvantaged' due to the recession.

We have been fortunate to receive additional funds to employ an extra solicitor to cope with continuing additional demand for our service from bushfire affected clients for 2020-2021. Similarly, additional funds for assisting clients affected by Covid have also been welcomed for 2020-2021.

Our work is, at times, incredibly difficult. Our Tenancy team deserve special mention: every day they try to ensure that their clients still have a home to go to. Often their clients are suffering from many issues from serious physical and mental health, addiction issues to living in poverty. Enduring patience and empathy is the bedrock right across our centre and we are very proud to be able to continue to serve the community.

We are very pleased to have welcomed Brent Gosling, previously a tenancy volunteer, to the team on a 12-month contract, thanks to a one-off grant from Fair Trading to assist with covid recovery. Natalie Tomlins has also had a huge year finishing her studies, becoming admitted as a lawyer and joining us as a Solicitor on a fixed term part-time basis. To backfill Natalie's role as Admin/Coordinator of Volunteers we welcomed Dan Zayit, also previously a volunteer, to the world of paid employment.

I am now the Chair of Community Legal Centres NSW. This role has bought opportunities to participate in more meetings with State and Federal government and guiding the sector through a challenging time.

The Cicada Project while still in its infancy has made leaps and bounds. We continue to seek funding to launch the project fully, while consultation and development progress.



MANAGING PRINCIPAL SOLICITOR'S REPORT

We have this year embarked on a big change. As a result of strategic planning we are changing the name of the centre. The Board decided we need to focus our attention west of the Mountains, so the new name will be Central Tablelands and Blue Mountains Community Legal Centre.

As always, we are very grateful to the generous support of Sparks Helmore who this year went above and beyond in their assistance to support us.

The EECLC Board has remained stable for some time now and it is a great support knowing that I can always rely on them for guidance and support in governance and financial matters.

Arline Fleming



CLIENT NEEDS

Floods, fires and covid have had a devastating impact on our community this year. Natural disasters often lead to an increased need for legal assistance, and 2019/2020 was no exception. Job loss, relationship breakdown, insurance disputes, and inability to pay rent or service other debt led people to our door.

The main problem types our clients presented with included:

TENANCY AGREEMENTS
CHILD PROTECTION
PARENTING ARRANGEMENTS
SOCIAL HOUSING ISSUES VICTIMS COMPENSATION
BOND AND COMPENSATION
PRIVACY AND ACCESS CONSUMER RIGHTS
EMPLOYMENT SEPARATIONS AND DIVORCE
DOMESTIC/FAMILY VIOLENCE
DOMESTIC VIOLENCE PROTECTION ORDERS
RENTAL CHARGES CREDIT AND DEBT ISSUES
WILLS AND ESTATES RENTAL REPAIRS
PROPERTY IN FAMILY LAW MATTERS
TERMINATION OF TENANCY

The legal team assisted **554** clients this year with the following services:

Advices - 717

Tasks - 197

Duty Lawyer - 74

Dispute Resolution - 27

Court/Tribunal - 60

Other representation - 82

We also provided 819 referrals and 271 sessions of legal information to callers

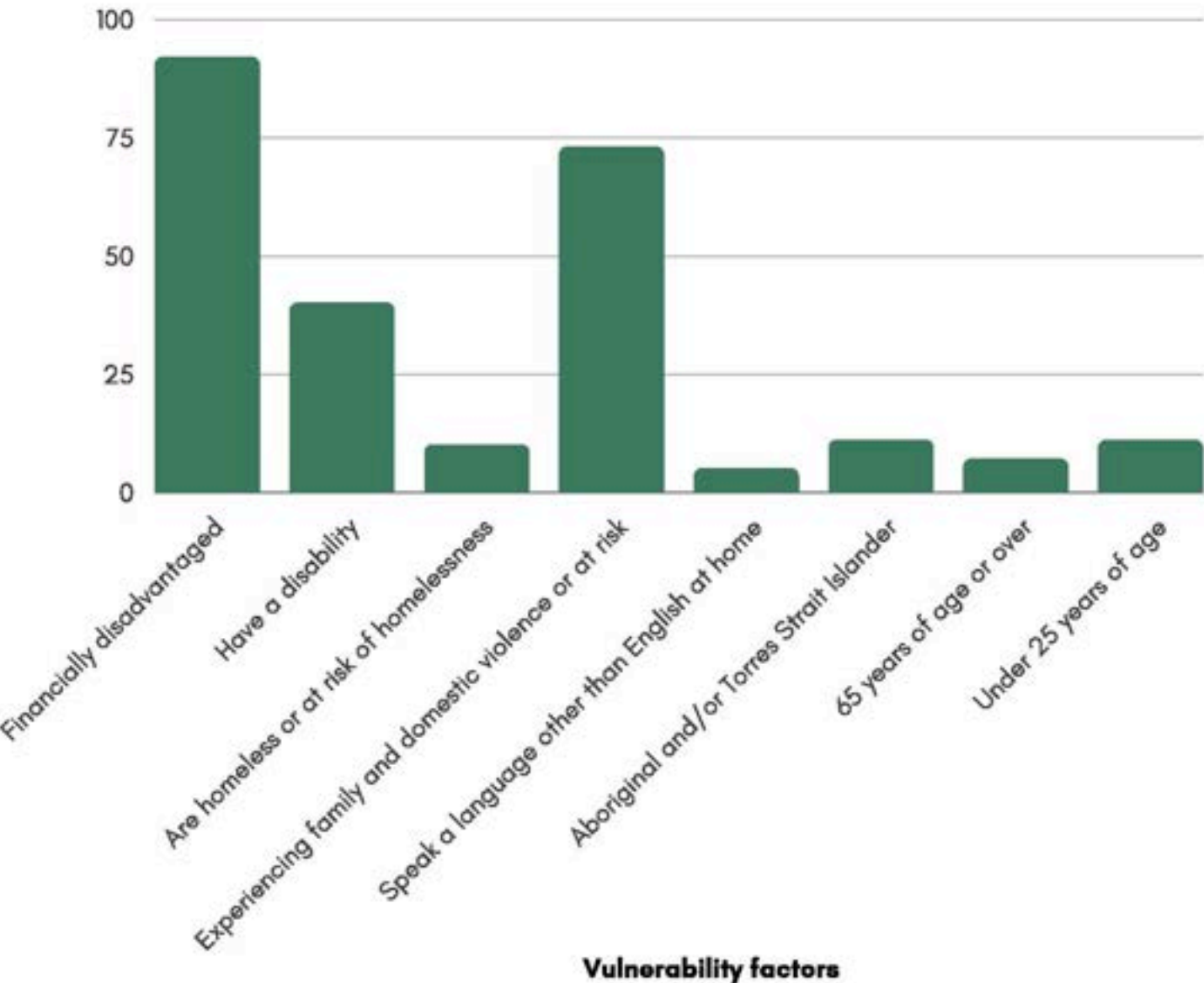
The tenancy team assisted **278** clients this year with 349 matters.

OUR CLIENTS

Our services are prioritised to the most vulnerable people in our community. Research into legal needs indicates that certain groups of people are more likely to experience legal problems, have greater number of problems, and also more complicated and difficult legal problems that are harder to resolve. The following statistics summarise our whole of centre client demographics.

While our tenancy service only serves the Blue Mountains, around half of our legal assistance services are provided to people living west of the mountains in the Central Tablelands region and other regional areas.

Percentage of clients



OUTREACH LOCATIONS

While covid restrictions have changed our face to face engagement with clients to increasingly phone and online consultation, we provided services at the following locations this year:

- Attendance at Katoomba, Lithgow and Bathurst Courts on the AVO list days, to provide assistance to women affected by family and domestic violence in partnership with the Women Domestic Violence Court Advocacy Services
- Attendance at Katoomba NSW Civil and Administrative Tribunal to provide advice and representation to tenants in dispute with their landlords
- Lithgow Community Projects, to provide assistance to people in crisis
- Bathurst and Lithgow Information and Neighbourhood Centres, to provide general legal assistance to community members on a range of issues
- Bathurst Relationships Australia, to provide assistance to people experiencing separation and negotiating parenting disputes

On the road between Mt Victoria and Bell



CLIENT STORIES

CHLOE

Legal problems can often arise from a mixture of social problems such as poor health, housing, limited finances and family circumstance. When left unaddressed, legal issues can compound over time and become more complicated to resolve.

When we met Chloe, she disclosed to us over time a complex personal situation of domestic violence, sexual assault, child abuse, addiction, huge levels of debt and unstable mental health stretching over several years. We spent many hours pulling apart the varied legal issues, assembling documents and analysing evidence to support her matters.

We made warm referrals for her debt matters to the Financial Abuse Legal Service, as Chloe had over 10 consumer debts and outstanding loans that were consuming her pay every week. We also referred Chloe to the Work and Development Order Legal Service within Legal Aid to try and get her many traffic offence fines paid off by attending counselling.

We also represented Chloe in an immediate needs support package application through Victims Services for victims of crime. We obtained \$5,000 for Chloe to pay for a period of rent, buy whitegoods and security cameras for safety. We also applied for a recognition payment for the years of physical violence and sexual assault that her ex-partner subjected her to. We sourced free food, gifts for her children, linen packs and kitchen equipment from community service partners to support the family.

We continue to support Chloe on family law, care and protection issues, and property settlement concerns, while encouraging her to maintain connection with health services.



ANA

Ana is an older woman living separated under one roof with her ex-husband, Bill. Ana was experiencing continual verbal and emotional abuse from Bill. Both Ana and Bill suffer from physical and psychological disabilities. Due to their circumstances neither are able to leave the house but have separate living spaces except for sharing a kitchen. Ana could not afford to leave the house and live elsewhere.

Ana had reported the domestic violence to her various support workers, but the local police had not applied for an Apprehended Domestic Violence Order (ADVO) for Ana's protection. We spoke (with Ana's consent) to her support workers to get further information on the domestic violence and then advocated to the Police to apply for an ADVO for Ana. Unfortunately the final police response was that Ana's situation was "too complex" for the police to apply for an ADVO for her protection.

We then made a private application for an ADVO and represented Ana in her application.

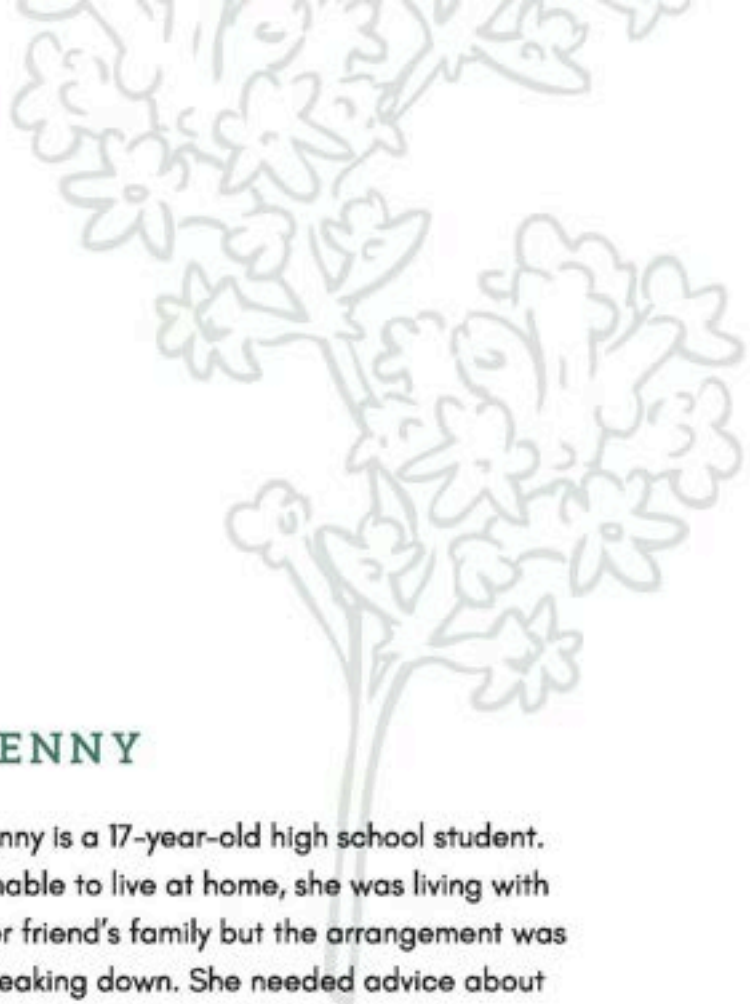
Ana's ex-husband Bill ended up consenting to the ADVO at Court. Ana hasn't been harassed by Bill since this occurred and has started to feel safe in her own home.

JENNY

Jenny is a 17-year-old high school student. Unable to live at home, she was living with her friend's family but the arrangement was breaking down. She needed advice about assistance from public housing and homelessness services, as well as her option of moving in with her father and his new family.

We advocated on her behalf to youth housing specialists and helped her frame her conversation with her current carer and her father. In the course of our conversations she disclosed that her grandfather had acted in a way that she thought was wrong. She wanted to know if these actions were in fact illegal and confirm her options of what to do next.

We advised her of the different offences, options and consequences of reporting, and her right to apply for victim's support for counselling and recognition payments.



SURIA

Tenancy bond and compensation claims can be drawn out and involve much back-and-forth negotiation. This places people with less capacity to self advocate at a disadvantage.

We assisted an Aboriginal woman with young children who was facing a \$25,000 bond and compensation claim. The landlord was not prepared to negotiate or compromise with the tenant, and the matter ultimately went before the NSW Civil and Administrative Tribunal.

After extensive work collecting and analysing evidence over a long period, we were successful in getting all the disputed claims dismissed. This reduced the landlord's claim to \$3,500 – a significant difference. This amount was deducted from the bond, and we negotiated a repayment rate for the remainder of \$50/week. This made the claim manageable rather than financially ruinous for the tenant and family.

JAMILA

Jamila was living in accommodation that appeared to be making her family unwell. It was thought that the premises had previously been used to manufacture illicit drugs. While her housing provider had arranged an assessment of the premises to check for chemical contaminants, the initial report came up negative. Janaya's application for a priority transfer was therefore denied.

Some investigative work and discussions with subject matter experts revealed that the company who prepared the report were not considered to be using the most accurate testing methods. An appeal submission was prepared and the housing provider reversed their decision to approve the transfer.



COMMUNITY LEGAL EDUCATION

EECLC provides legal education sessions for community workers and community members to increase their knowledge of the law and legal systems. We conducted information sessions on the following topics this year:

Planning Ahead: Wills, Power of Attorney and Guardianship

- Central West Women's Health Centre in Bathurst as part of Women's Health Week
- via Zoom with the Blue Mountains Groundswell Project, which aims to initiate conversations about death and dying.

Family and Domestic violence, assault and victims compensation

- Sessions held with Blue Mountains WDVCS staff and Gateway Family Support on FDV and legal issues.
- Session held with Wimlah West Connect staff on making victims services applications
- Session conducted in partnership with Legal Aid Children's Legal Service on consent in relationships at Blaxland High School

Planned sessions for **Youth Week** with Lithgow and Katoomba High Schools with the generous support of **Lithgow City Council, Blue Mountains City Council**, and the **Portland Social Justice Group** have had to be delayed until 2020/2021.



Free Legal Services

for communities of the Blue Mountains
and the Tablelands



elizabeth evatt
community legal centre



COMMUNITY ENGAGEMENT

- Oberon community service expo
- Oberon Estuary via zoom
- Bathurst community media

EECLC aims to get out and about in the community to spread word about what we do, and how we can assist people. Despite restrictions, we managed to talk to people in a range of settings and locations, including:

- **Seniors week** in the Blue Mountains
- Blue Mountains Unlone and Community event **War on the Poor**
- **NADOC** events in the Blue Mountains, launch of **Elders space** at Charles Sturt University and **Cease Festival Survival Day** at Emu Plains
- **International Women's Day** event at Katoomba High School, and the **Tibetan Uprising** commemoration
- **Orange Western Homeless Connect** event
- Blue Mountains mental health expo

One of our key focus areas is engagement with the local communities working to reduce **Family and Domestic Violence** in our region: the Blue Mountains Coalition Against Violence And Abuse (CAVA), Lithgow Cares, and Bathurst Family Violence Community Awareness Network. Activities conducted this year include **Reclaim the Night** events in Katoomba and Bathurst.

Another important focus this year was working alongside other crisis and welfare services at **community bushfire recovery days** in the fire affected communities of **Mt Tomah** and **Lithgow**.

COMMUNITY PARTNERSHIPS

- The Legal Aid funded **Collaborative Services Planning Pilot**, which brought together legal service providers in our region to align outreaches and community legal education with unmet needs
- A \$50,000 grant from **Wentworth Healthcare** through their Wellbeing Grants to support Farming Communities to pilot a legal outreach focussing on engagement with health and medical services within the Lithgow region. The start of this project has been delayed so will take place during 2020-2021.

We were fortunate to receive funding for a range of initiatives in 2019-2020. Some of the highlights include:

- Continued facilitation of the **Central Tablelands Cooperative Legal Services Delivery (CLSD)** Program, which brings together community agencies and legal services to work on local access to justice issues. A highlight this year was the **Orange Wills Day** held with Orange Local Aboriginal Land Council and supported by our partner Sparke Helmore, Orange Legal Aid and Revenue NSW.
- A \$10,000 grant from **Bank Australia** through their Customer Grants program to support our work with women experiencing family & domestic violence. The grant enabled us to provide additional staff hours, increasing our capacity to provide in depth assistance to a greater number of clients experiencing a range of interconnected legal issues.
- We were also successful in obtaining a grant from Legal Aid NSW to base a solicitor at **Lithgow High School's** wellbeing centre for a year. This project saw us connect with young people to assist in identifying and resolving their legal issues, and liaise with teachers and other centre staff to share information and legal resources.



Welcome to

Lithgow High School

Promoting Excellence In A Caring Educational Environment

Ph 6352 1422

P&C meets 1st Monday each month



PRO BONO WORK

Sparkle Helmers continued to be our pro bono partner this year and also the partner for our CLSD region. Their support for the **Orange Wills Day** meant that we were able to provide free wills and other planning ahead documentation to 23 people, as well as legal advice on a range of other issues. We would like to thank in particular Georgia Murphy-Haste, Morgan Long, Andrew White, Vanessa Rinkayson, Myfanwy Henry-Jones, Elisa Lee and Monique Essey.

We would also like to thank Hannah Rose, Isabelle Hazell and Trent Morris from **Sparkle Helmers** for their assistance with supporting us through the legislative processes involved in changing our name. We would also like to thank Jilly Field and Eugene Bang from **Ashurst** for their work on the Cicada Project.

We also value the support provided by our colleagues in the private sector who take on assistance for individual clients who are not eligible for Legal Aid. We would like to thank the following:

Sparkle Helmers – Nick Christiansen, James Stallan and Luke Joseph,
Carroll & O'Dea – Hanaan Indairi

ENGAGING FOR CHANGE

EECLC continues to focus on strategic changes to legislation and government policy that will improve access to justice for the vulnerable in our community. The issues we focussed on this year include:

- Working with state politicians to gain support for the passage of the **Reproductive Health Care Reform Bill 2019**, which focussed on the right of pregnant women to make decisions about their health, body and future. The bill was co-sponsored by the member for the Blue Mountains, Trish Doyle MP, and passed both houses in October 2019.
- Calling on the NSW Commissioner for Victims Rights **to halt proposed changes to the operations of Victims Services** which placed the responsibility on victims of crime to collate and present their own evidence when applying for compensation. While requests to initiate a victim-survivor led review of departmental processes have not yet been successful, some concessions were made. We will continue our lobbying work in this area to ensure victims are supported.
- **Participating in the Corrective Services Women's Advisory Council** to raise issues of concern around women in custody, and seek pathways to provide support for those with family and civil law problems in contact with the criminal justice system.
- We also consulted with the member organisations of the Youth Justice Coalition in relation to restorative justice and provided expertise to support their submission to a law reform process concerning the Young Offenders Act. Specifically, we are committed to **advocating for reform to the treatment options available for young people with harmful sexual behaviours** and made recommendations that formed part of the YJC submission in relation to this.

UNITE TO
RECLAIM
THE NIGHT



THE CICADA PROJECT

Restorative justice is an alternative mechanism for meeting justice needs. We know our current criminal justice system does not afford justice to victim-survivors nor does it hold perpetrators to account. Restorative justice brings together the person harmed, the person responsible and/or any other individuals or community members affected by a crime in a facilitated, structured dialogue about what happened, the impact, and the way forward. The aim of restorative justice is to allow the parties to address the aftermath of the offence and its implications for the future. The restorative justice process empowers people harmed, by providing an avenue through which their voices can be heard, and an opportunity for the person responsible to be accountable for their actions.

The Cicada Project is a collaboration between EECIC and Dr Jane Balitha, a senior lecturer in criminology and restorative justice from UNSW. The name for this project was chosen as the development cycle of cicadas can be linked to associations with the past and present, reawakening, restoration, balance and change. Many people use cicadas to symbolise their personal transformation and recognise the emergence of the self.

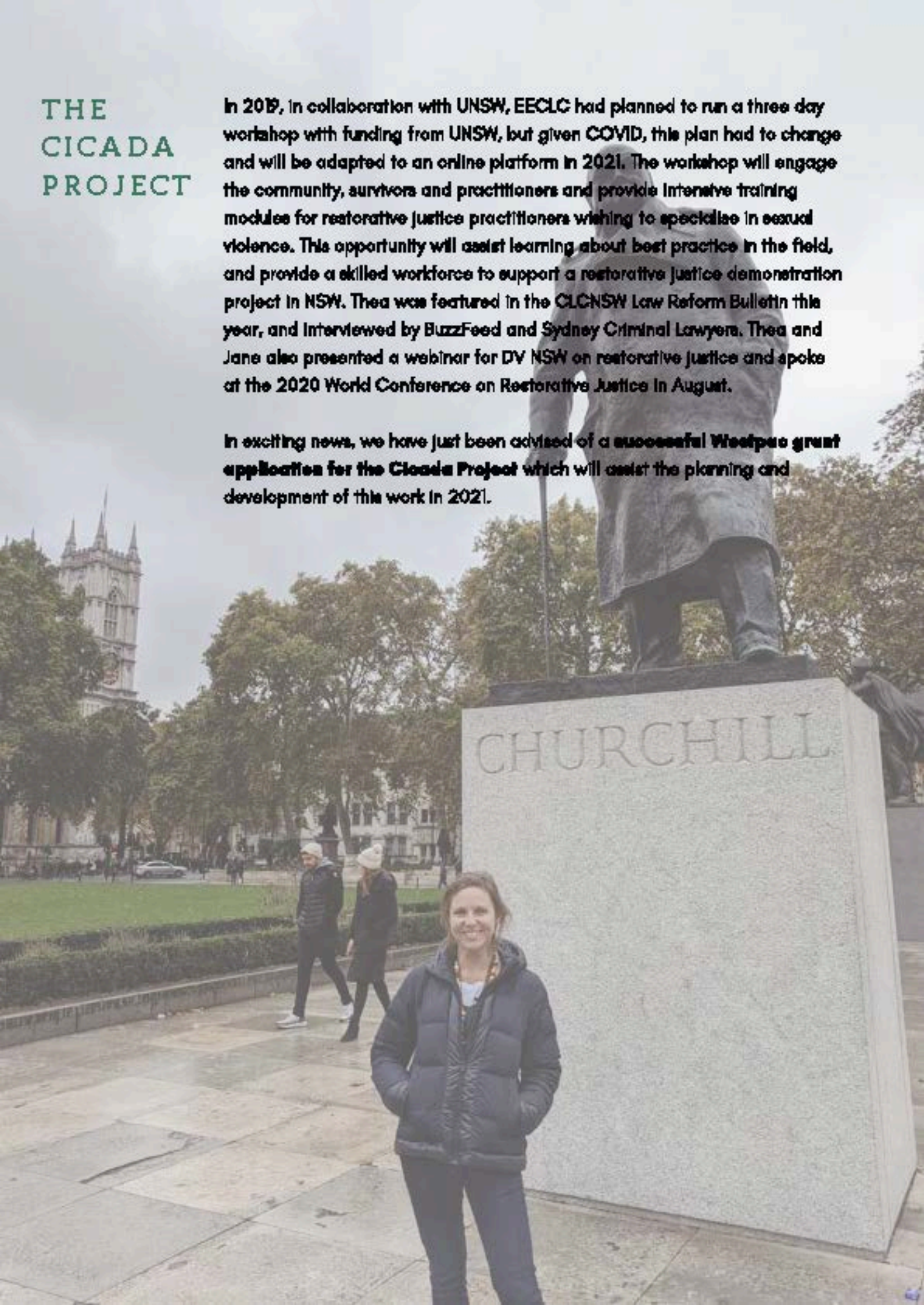
In 2019, solicitor Thea Deakin-Greenwood travelled overseas on a Churchill Fellowship to explore restorative justice initiatives for sexual violence in New Zealand, USA, Canada, UK and Netherlands. This opportunity enabled Thea to build a network of practitioners who can provide advice, mentoring and expertise as we advance restorative practices in NSW in the years to come. Several of the programs visited operated from victim-led standpoints and provided both community and criminal justice referrals which has been invaluable in informing our work on The Cicada Project.

Throughout 2019 – 2020 Thea and Jane have conducted extensive consultations with the community and the sector to assess the interest in restorative justice and to explain the ways in which such processes have been beneficial to survivors in other comparable jurisdictions.

THE CICADA PROJECT

In 2019, in collaboration with UNSW, EECLC had planned to run a three day workshop with funding from UNSW, but given COVID, this plan had to change and will be adapted to an online platform in 2021. The workshop will engage the community, survivors and practitioners and provide intensive training modules for restorative justice practitioners wishing to specialise in sexual violence. This opportunity will assist learning about best practice in the field, and provide a skilled workforce to support a restorative justice demonstration project in NSW. Thea was featured in the CLCNSW Law Reform Bulletin this year, and interviewed by BuzzFeed and Sydney Criminal Lawyers. Thea and Jane also presented a webinar for DV NSW on restorative justice and spoke at the 2020 World Conference on Restorative Justice in August.

In exciting news, we have just been advised of a successful Westpac grant application for the Cicada Project which will assist the planning and development of this work in 2021.





Empowering our Clients

WE NEED YOUR SUPPORT TO
CONTINUE OUR WORK WITH
THE CICADA PROJECT

Please consider making a tax deductible donation at <https://www.givenow.com.au/eeclc>

