



HUNTER COMMUNITY
LEGAL CENTRE INC.

Annual Report 2021

116 Hunter Street, Newcastle
Ph 02 40409121
www.hunterclc.com.au

Contents

About us	3
Our Vision	4
Performance Highlights	5
Challenges	6
Our People	7
Pro Bono Assistance & Volunteers	8
Chair's Report	9
Managing Solicitor's Report	10
Our Services	11
Our Clients	12
Generalist Solicitors' Report	14
Domestic Violence Duty Service	17
Family Law Report	18
Stakeholder Engagement	19
Community Legal Education & Engagement Report	22
Coronial Matters	25
Youth Law Report	27
Employment Law Report	30
Volunteer's Reflection	31
Financial Reports	32

Acknowledgement

The Hunter Community Legal Centre (Hunter CLC) acknowledges and pays respect to Elders past and present of the Awabakal, Birpai, Darkinjung, Geawegal, Wanaruah and Worimi people, the traditional custodians of the land which makes up our catchment.

We appreciate the strength, resilience and culture of First Nations People and recognise their connection to country and the right to a constitutional voice.

We acknowledge that progress requires Indigenous leadership, action and control across all areas of policy and services.

Hunter CLC 's staff come from a range of cultural backgrounds, we share a single goal to support and provide a platform to First Nations people, who can inform and guide our community in working towards recognition and justice.



Artist: Millisa Middleton is a proud Wiradjuri and Biripi woman.

“I have experienced a lot in my life and over time I have learned that we are all one, on this beautiful land and no matter how far you travel this will always be your home. We have learned to thrive and survive on this land for thousands of years, as well as to hunt, gather and keep our families safe. When you are ready to leave your nest, just remember to open your wings and follow your dreams.”



About Us

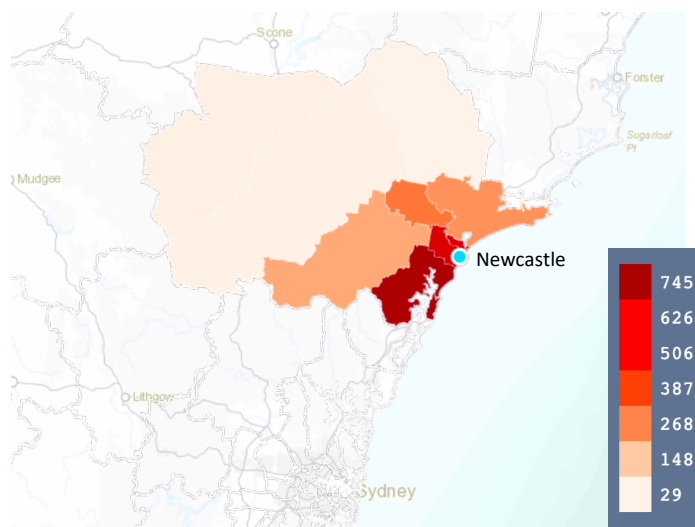
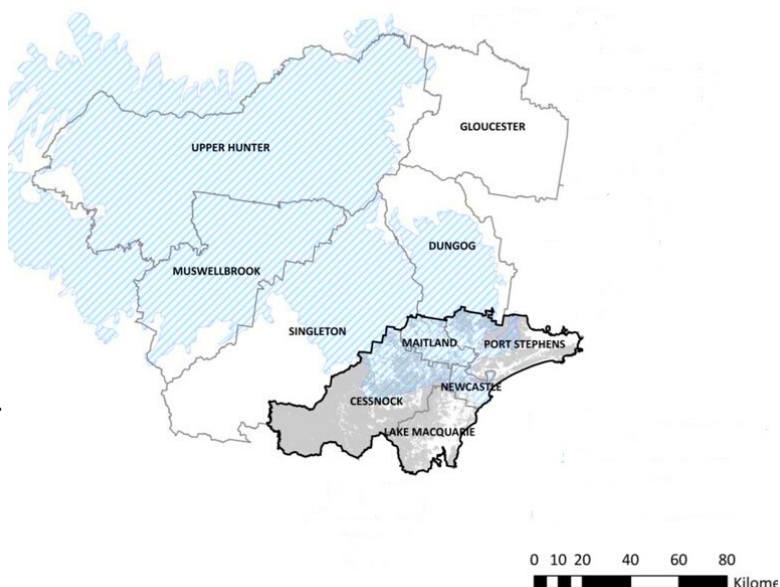
Community Legal Centres (CLC's) recognise the barriers which exist for many people in their interaction with and understanding of the law and our legal system. These barriers are reinforced by the high cost of private legal services, the restrictions on the availability of Legal Aid, the complexity of the law and legal processes, and the fact that many people are powerless to deal with their legal problems because of social, economic or other disadvantages. Hunter CLC aims to address the unmet need for legal services and to eliminate the structural and systemic barriers to justice which exist for many disadvantaged members of its community. Hunter CLC was established in 1991 as a not-for-profit CLC to provide free legal advice, assistance and representation for those with the most need in the Newcastle and Hunter region.

Our Catchment

Hunter CLC's catchment covers 10 local government areas with a geographical area of approximately 22,000 square kilometres and a population of over 700,000.

CLC's generally work within Local Government Areas (LGAs), although Hunter CLC does assist people from all over Australia in Family Law (FL). The Centre also has a reciprocal referral arrangement with the Central Coast and Mid-North Coast CLC's to assist clients when we are unable. Below are the number of clients we assisted from each LGA in our catchment:

Cessnock City Council	206
Dungog Shire Council	29
Lake Macquarie City Council	745
Maitland City Council	294
Mid-Coast Council	87
Muswellbrook Shire Council	39
Newcastle City Council	701
Port Stephens Council	247
Singleton Council	34
Upper Hunter Shire Council	18
Referrals from Central Coast Council	80



Distribution of Clients Heat Map

Our Vision

An empowered community that values equal access to justice and upholds and respects human rights.

Our Mission

To enhance access to justice and promote human rights in the Hunter region by:

- Providing a high quality accessible legal service to disadvantaged and vulnerable people.
- Delivering legal information and education to service providers, clients and the community.
- Identifying and engaging in law reform activities to address inequalities in the legal system.

We Value

- Respect
- Accountability
- Integrity
- Social Justice
- Equality

Our Strategic Plan 2018-2021

The strategic objectives are:

- Responsive to our community in a time of change.
- Enhance our workforce.
- Achieve positive outcomes for our clients.

Our Resources

Staff - We employed 16 people as of 30th June 2021 with a turnover rate of 0.

Revenue - \$1.24 million - \$709,145 revenue from the Commonwealth Government and \$537,822 from the NSW Government.

Performance Highlights

2020-2021 again saw the Hunter CLC affected by the ongoing pandemic and emergence of the devastating COVID-19 Delta strain, despite this, the centre was able to deliver another successful year. Hunter CLC provided 2564 clients with a high level of legal services thanks to funding from the Commonwealth Government and the Community Legal Services Program Agreement with the NSW State Government.



Responsive to our community in a time of change.

Key highlights of 2020-21 include:

- Continual improvements to our ITC to allow more staff to work remotely and continue to provide services in response to COVID-19.
- New partnership with the Wollotuka institute at the University of Newcastle, providing services to first nations communities.
- Hunter CLC Joined the Maitland DV Hub and began attending the Maitland Local AVO Court list to provide a Duty service.
- Hunter CLC provided Community Legal Education (CLE) sessions for Seniors Week funded by the NSW Seniors Festival.
- Broadcast of the Know Your Rights Podcast series in collaboration with Newcastle Library.
- Participation in the "Count Us In" festival with assistance from City Of Newcastle, providing CLE's focussed on people with a disability.



Achieve positive outcomes for our clients

Key highlights of 2020-21 include:

- Hunter CLC's Solicitors negotiated over \$48178.00 in reduced debts and fines for their clients
- More than \$16,500.00 in Victims compensation was secured for Hunter CLC's Clients with assistance from our Solicitors.



Enhance our workforce

Key highlights of 2020-21 include:

- Implementation a new "working from home" policy in preparedness for the return to the office in Jan 2021.
- CPD & Staff training improving the skills and knowledge of our Legal & Admin teams.
- Continuation & Improvements to the staff wellness program.
- Recruitment of a full-time Trainee Coordinator & Admin Assitant.

Challenges

Major challenges we faced during 2020-21 included:

- Continuing to adapt and adjust our policies and procedures in response to the ever-changing conditions presented by the ongoing pandemic.

COVID-19 UPDATE

Due to the recent COVID-19 outbreaks in the Hunter, HCLC services are Telephone Only.

All Face-to-face services, drop-ins, Court Duty & outreach programs are suspended until further notice.

Our Free Legal Helpline will continue to operate

**Monday & Friday 10am-12pm
and Wednesdays from 2pm-4pm**

Call 02 4040 9120

or Toll Free 1800 650 073



Hunter CLC Social Media Post informing the community of service changes due to the outbreak of the COVID-19 Delta variant.

Our People

Board of Management

Chair: Colin James
Vice Chair: Richard Lane
Secretary: Lucy Urach
Treasurer: Jeff Shute
Members: Jill Evans
Bill Bowman
Ndi Ruppert
Maree Callaghan
Steven Wendtman

Our Staff

Managing Solicitor
Solicitors

Bronwyn Ambrogetti
Kim Richardson
Briony Manning
Michael Giles
Clair Tait
Zach Biddles
Toobah Choudhari
Julia Adamski
Josephine Adamson
Julie Vitnell
Patrick Bartholomew
Duhita Lewis
Kathrina Balston
Susan Douglass
Eileen McGovern
Matthew Beugeling
Emma Townend
Shanayah Potts

Coordinator/Finance
Trainee Coordinator
CLE Coordinator
Administration



"there's an assumption
technology will fix everything,
but technology can't help those
who don't have access to it or
who don't know how to use
it...we need to think about
improving access for those
people"

Josephine Adamson,
speaking at the
Women Lawyers Association
Access to Justice Panel



Josephine Adamson is a dedicated and passionate member
of our legal team at Hunter Community Legal Centre

Pro Bono Assistance & Volunteers

The Hunter CLC relies on the good work and generosity of those who donate their time to provide legal assistance to the most vulnerable and disadvantaged members of our community. Hunter CLC would like to acknowledge and pay tribute to the solicitors and barristers who have donated many hours of pro bono work. We are indebted to our student and solicitor volunteers, for their help during the year. The recent Delta strain of COVID-19 put a temporary pause on our regular volunteer and student programs, but we look forward to them returning to the Centre in the new year.

Volunteer & Pro Bono Solicitors

Kim Tomasic
Sparke Helmore
Morrissey Law
Hicksons
Richard Hardy

Student Volunteers

Matt Beugeling
Rebecca Henry
Nick Rose
Joanne Burr
Amelia Young
Jock Scudder
Suzanne Ross
Yolondie Cherry
Amber O'Brien
Georgina Le Seuer



Hunter CLC Social Media Post 17 May 2021, highlighting our National Volunteer Week Celebration - Pictured; Bronwyn Ambrogetti presenting Certificates of Appreciation to Student Volunteers Matt Beugeling and Nick Rose.

Chair's Report

Congratulations all our staff, committee members and volunteers who enabled the Hunter CLC to function so well and serve our community during the past unusually challenging year. The productivity and effectiveness of the Centre has been consistent and extraordinary despite the risks from the pandemic, and the uncertainty and disruptions of the various lockdowns and working remotely.

I want to welcome to the team our Trainee Coordinator, Patrick Bartholomew who began in January and Shanayah Slade Potts who began as an Intake Officer in March. Thanks also to our pro bono lawyers during the year: Kim Tomasic, Richard Hardy, Sparke Helmore, Morrissey Law, and Hicksons. Sadly, due to the Covid-19 Delta variant response, we had to suspend the student placement program until further notice.

The Annual Report provides more detail on the impressive reach of our service, including numbers, types and locations of clients throughout Newcastle and the Lower Hunter Valley, through the various programs including employment law, youth law, family law, AVO duty list, the generalist team and the community legal education service.

In addition to our usual funding sources, we appreciate the additional support received from Commonwealth and State COVID-19 funding, part of which was used to fund our employment law program. We also received support from NSW Communities and Justice, Social Sector Transformation Fund, which helped finance our much-needed IT upgrade. In addition, NSW Family and Community Services and TransCare Hunter Ltd supported our Community Legal Education sessions for seniors, which focused on wills, end-of-life planning and cyber safety. We also thank the City of Newcastle for supporting our CLE program.

Notable events over the past year, ignoring the pandemic, included getting an updated IT and phone system enabling improvements to remote working. In August 2020 we were able to podcast our CLE sessions for the first time. In September 2020, a Coroners Court case was finalized after five years of work. In October 2020 the Hunter CLC joined the Maitland DV Hub, and began providing a duty service at the Maitland Local Court AVO list. By December we had revised several policies, including the Working-from-home policy, in time for the partial return to the office in the new year.

In January 2021, the administrative team was boosted with the appointment of Patrick and some staff began a work-from-home roster. In February 2021 the committee received a report on the 2018-21 Strategic Plan. Seniors Week in April 2021 was a time of many CLE presentations around the catchment funded by the NSW Seniors Festival. In May 2021 we entered a new partnership with the Wollatuka Institute, based at the University of Newcastle, and we received a rare visit from the CEO of CLCNSW, Tim Leach. In June we received a draft Reconciliation Action Plan which is close to receiving approval.

Finally, as this is my last report as Chair, I want to thank all staff, administrative and legal, past and present over the years, and the current excellent members of the Management Committee. In particular, I want to thank our Principal Legal Officer Bronwyn Ambrogetti and our Coordinator Julie Vitnell for their support of the committee, and their consistent and dedicated service to the Centre, and through its programs to the community. Thank you all.

Dr Colin James

Managing Solicitor's Report

This year we must farewell the Chair of our Board, Dr Colin James, who has served on the Hunter CLC Board for over 15 years. Colin's deep concern and empathy for our staff and community and the care he brings to every decision has resulted in the centre going from strength to strength under his leadership. He will be greatly missed.

The last year has been a year of ups and downs. For a brief time, we were able to return to face to face work with our clients and in the courts. However with the spread of a new highly contagious variant of the COVID-19 virus, we were forced to close the office to clients, and solicitors returned to working from home while the admin team once again demonstrated their great teamwork by attending the office to maintain our telephone intake service.

It is people already experiencing disadvantage that bear the brunt of such crises and we have witnessed significant increases in hardship among the communities we serve this year, in particular in employment law, mental health and domestic and personal violence.

However in the face of increasing workloads, in evermore difficult conditions, Hunter CLC has risen to the challenge. During COVID-19 our team had to innovate quickly, changing the way we work, while keeping pace with increased demand all while working remotely.

Additional COVID-19 funding allowed us to completely overhaul our IT with new video equipment, new computers for most staff and a new softphone system. Working from home became much more efficient and secure in this second wave of the pandemic thanks to new equipment and the new software. The new phone system allowed us to continue to provide the Family Court Duty service remotely with a dedicated phone line for this service.

The centre remains committed to prioritizing the well-being of staff and clients. I would like to take this opportunity to acknowledge and recognise the great teamwork and resilience shown by the Hunter Community Legal Centre staff in these difficult times. Once again, the dedication of all staff was evident in their continuing to provide the best service possible to our clients in very challenging circumstances.

Despite the return of COVID-19, there were many highlights during the year including the expansion of our DV Duty service to Maitland and Raymond Terrace Local courts. This means we are now providing a Duty service to the DV lists in Newcastle, Belmont, Raymond Terrace and Maitland. At Maitland, we are participating in the pilot of a DV Service Hub organised by DCJ. Ideally, we would like to provide this service at all the local courts in our catchment. We look forward to having sufficient resources to allow us to do this.

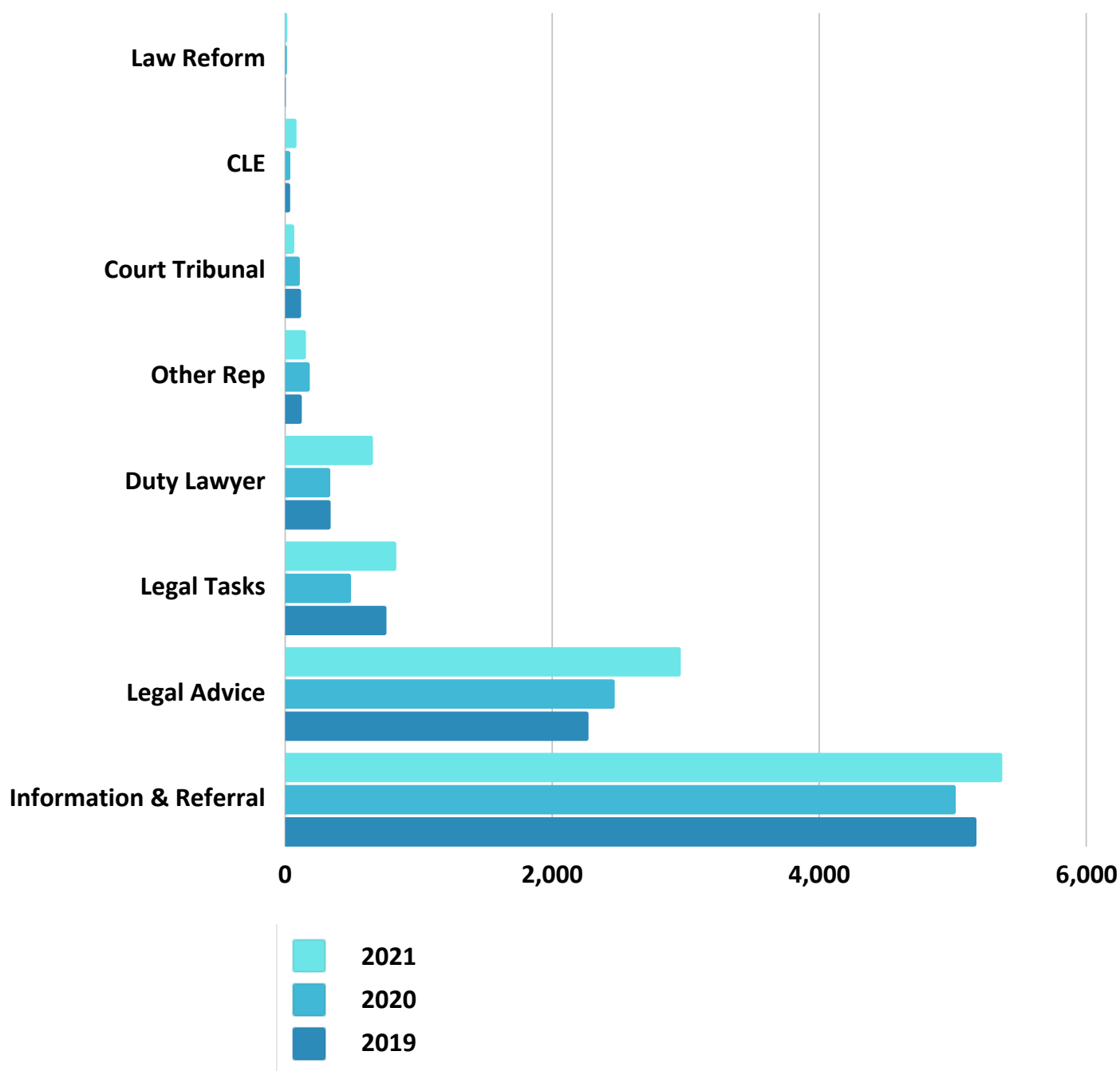
Another highlight this year has been the start of a new partnership with the Wollotuka Institute at the University of Newcastle and we look forward to working together to provide legal services to their members.

Finally, I would like to thank all our volunteers and pro bono supporters, in particular, our Board; Dr Colin James, Richard Lane, Jeff Shute, Lucy Urach, Jill Evans, Bill Bowman, Maree Callaghan, Ndi Ruppert and Steve Wendtman, who give their time to make legal services more accessible to our community. I look forward to working with you all again next year.

Bronwyn Ambrogetti

Our Services

Despite the considerable challenges of the continuing pandemic, the Hunter Community Legal Centre delivered another successful year in 2020-21. Lockdowns and COVID-19 restrictions did present some hurdles however the team assisted 2564 people with their legal problems and the centre saw significant increases in the number of legal advices, Legal Tasks, Duty services and CLE services provided to the people of the Hunter. Improved referral pathways to specialist services combined with increasing demand versus the centres capacity to assist on some matters again saw a rise in the number of referrals to other services. The impact of the Delta variant of COVID-19 in 2021 impacted court work, and whilst some services were maintained remotely court tribunal numbers were down on the previous financial year.



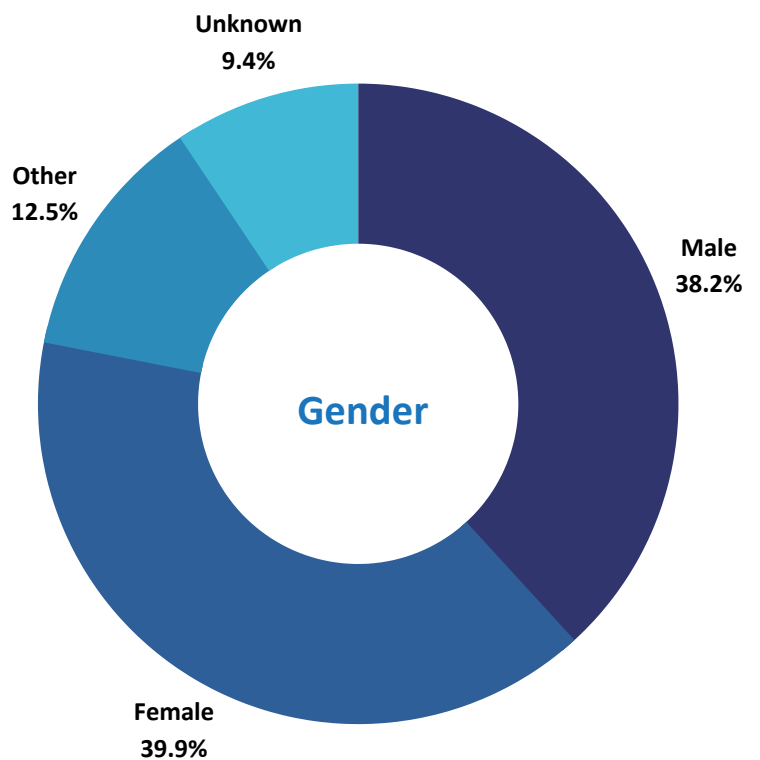
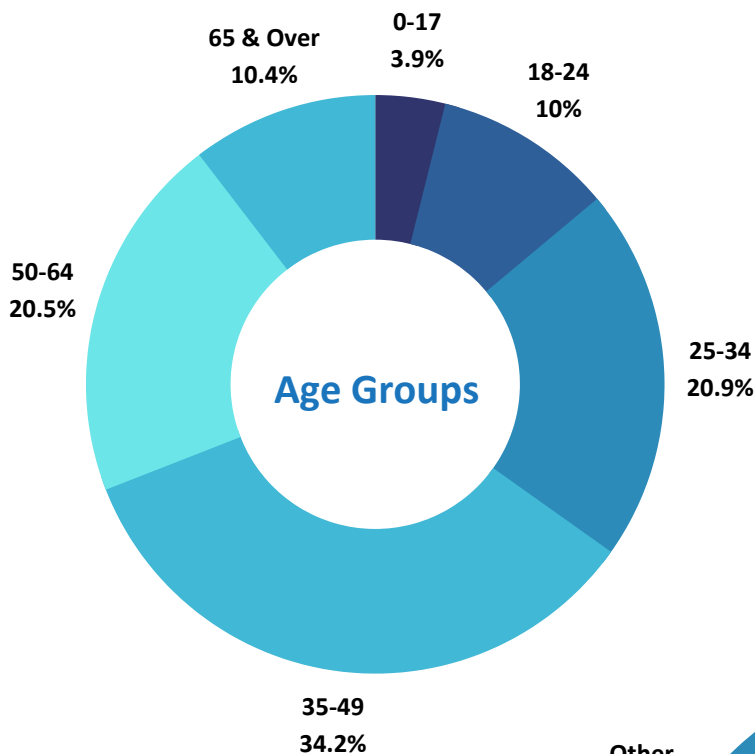
Our Clients

Age & Gender

In the reporting period the gender split of our clients remains close to 50/50.

The largest percentage of clients is aged between 35 to 49 at 34.2% with the next two largest categories, 25-34 at 20.9%, and those 50-64 at 20.5%.

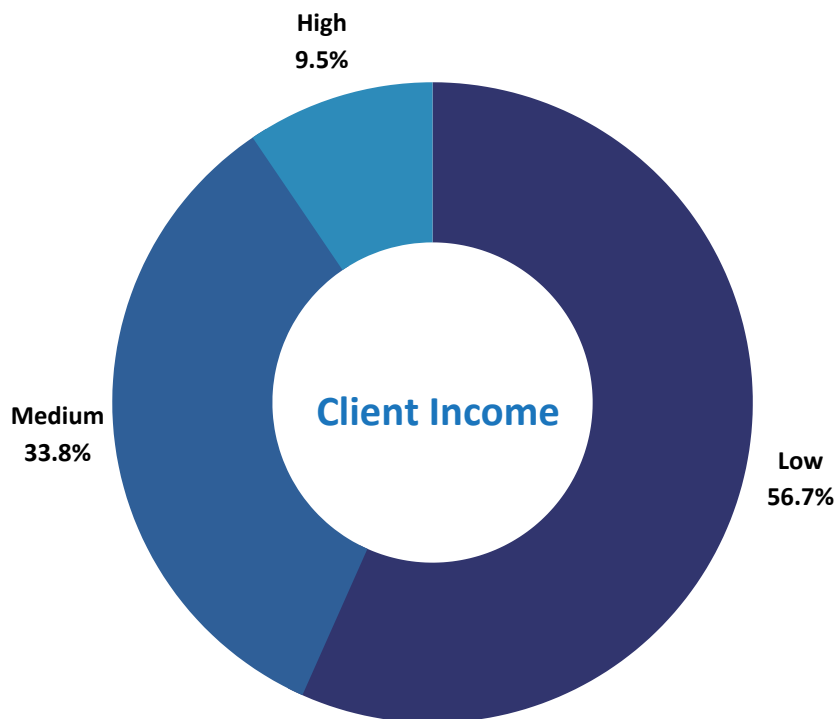
65 and over make up 10.4% of our clients with 18-24 just behind on 9.93% and children 17 and under representing 3.86% of the centres clients.



Clients from socio-economically disadvantaged groups

In the reporting period the vast majority of our clients, 93.54%, are experiencing financial disadvantage, with 7.55% reporting nil income at the time of the service, an increase from 6.5% in 2019 but slightly down on the 8.25% reported in FY 19-20.

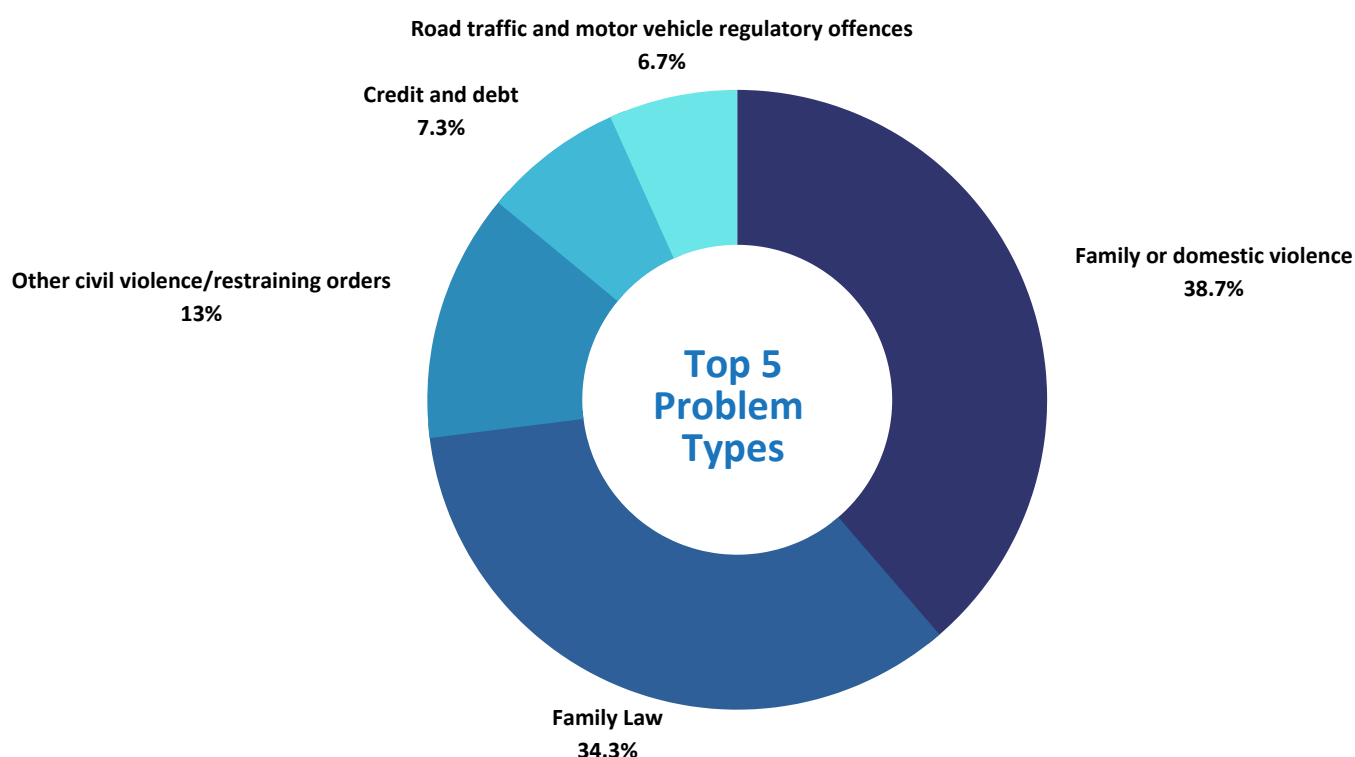
A third of our clients, 33.3%, disclosed they had a disability and 11.6% identified as being Aboriginal or Torres Strait Islander, both these figures are up from the last FY's 31% & 9.5% respectively.



Generalist Solicitors' Report

Generalist solicitors at Hunter CLC represent clients in court in certain circumstances. These will be Local Court matters where a client has no means to retain a private solicitor but will not qualify for another free legal service such as Legal Aid or the Aboriginal Legal Service. The most common types of court matters for which Hunter CLC represents clients include Apprehended Violence Order (AVO) matters, driving/licensing matters, and criminal charges. Solicitors will also represent clients in appeals to the District Court in certain matters.

In the reporting period, Hunter CLC solicitors represented 717 clients in courts. The most common matters the Generalist team assisted with were family and domestic violence, other civil violence and restraining orders, credit and debt as well as road, traffic and regulatory offences.



During the reporting period, Hunter CLC saw an increase in clients who were persons in need of protection (PINOP's) in an AVO and who made an application to the Local Court to vary the conditions of the AVO to allow the defendant, usually their partner, greater contact with them. This increase coincided with restrictive measures put in place as a result of COVID-19. These AVO's would have originally been made by Police and in many cases, the Police will oppose any changes to the conditions of the AVO, despite the PINOP wanting the changes. Women who make these variation applications then find themselves going up against the Police. Legal Aid does not provide representation for AVO only matters.

Case study - Varying an AVO

Hunter CLC successfully assisted Jennifer* who made an application to the Local Court to vary the AVO protecting her to allow her and her partner to have contact and live together as they required assistance with their children. Jennifer's partner had served time in prison for domestic violence offences against her and as a result of this Police refused to agree to any changes to the AVO. The Hunter CLC solicitor represented Jennifer in court to advocate on her behalf that the conditions of the AVO be changed. The solicitor was able to obtain information about how Jennifer's partner had attended counselling sessions and domestic violence programs while in prison. There was also evidence that Jennifer's partner was able to get themselves off illegal drugs, which had contributed significantly to the past violence. The solicitor also obtained information from the partner's Community Corrections (parole) officer about programs and plans they would be participating in when released into the community. The Hunter CLC solicitor used this information to successfully advocate for changes to the AVO to allow the client and their partner to reunite but with assurances in place that Jennifer was still protected from potential, future domestic violence.

* Name changed for privacy.

Hunter CLC solicitors often represent clients who have mental illness or cognitive disabilities who have been charged with criminal offences. If the nature of the offences are such that the client is unlikely to be sent to prison, Legal Aid will not assist these clients. However the Mental Health and Cognitive Impairment Forensic Provisions Act (the Act) allow ways in which these people can be diverted from the criminal justice system.

Case study - The Act

During the reporting period, Hunter CLC assisted Harold*, an older person who had been charged by Police for an assault against a family member. Harold was diagnosed with dementia which clearly played a role in the offence. Harold's family member, who was the victim of this assault, approached Hunter CLC for assistance at court with the matter as the Police refused to consider the effects of Harold's dementia and sought to proceed with the charges. The Hunter CLC solicitor worked with the family to obtain medical records in relation to the client's situation and plans for future monitoring. The Hunter CLC solicitor made an application to the Local Court for the matter to be dealt with under the Act. The solicitor mentioned the application in the Local Court and the Magistrate indicated they were inclined to grant the application at the next court date. Fortunately, the Police reviewed the material provided by the Hunter CLC and withdrew the charges at the next court date and the matter did not have to proceed. Harold's family were appreciative of the assistance provided by the Hunter CLC and indicated they would have had no idea on how to navigate the criminal justice system and to successfully have the matter dealt with if not for Hunter CLC's help.

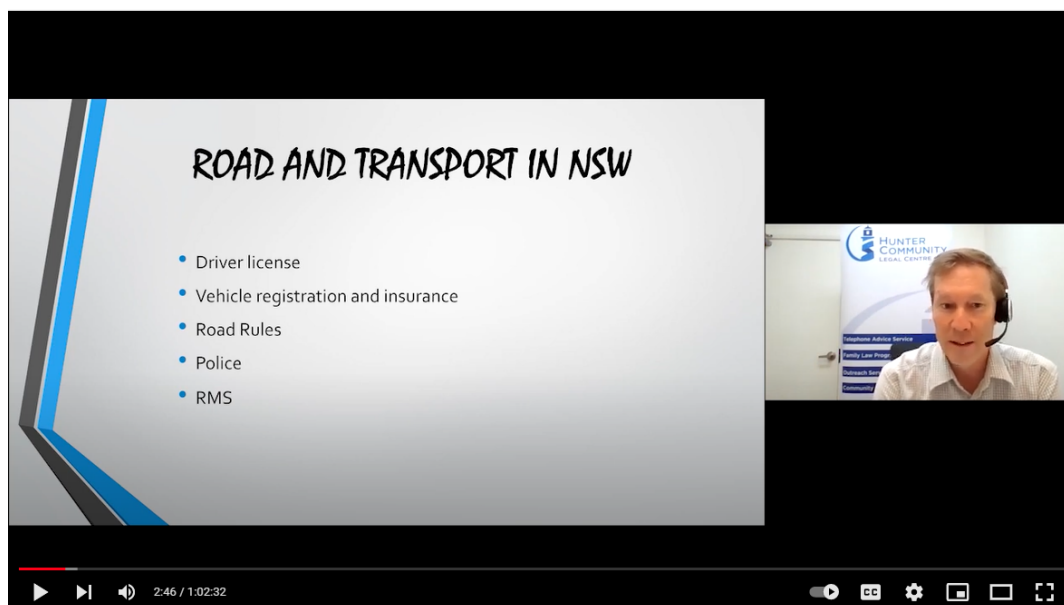
*Name changed for privacy.

Another common type of matter where Hunter CLC represents clients in court is for driving offences and/or licence suspensions. The high level of disadvantage of Hunter CLC's clients and the fact they often live in rural areas or areas poorly served by public transport mean the clients depend on having a drivers licence. Young provisional licence holders (P platers) are most affected. Many of these young people may have casual jobs and if they do not have a licence and cannot get to their jobs, they lose them.

Case study - Driving offences

Hunter CLC assisted Behrooz*, a young provisional licence holder. Behrooz was living in the Hunter area on a protection visa after fleeing conflict in their country. Behrooz obtained a driver licence with which he was able to obtain casual work. As a result of a minor traffic infringement, Behrooz was informed by Transport NSW they were to have a three-month licence suspension. The suspension would result in Behrooz losing their job and the income supporting their family. Behrooz had limited English and was incapable of navigating the system. A refugee service in Newcastle referred Behrooz to Hunter CLC. The Hunter CLC solicitor assisted Behrooz in making an application to the court appealing his licence suspension. The solicitor also had the refugee service assist Behrooz in participating in a Traffic Offender Program that was conducted in Behrooz's language. The solicitor advocated for Behrooz in court and was successful in getting his suspension reduced from three months down to two weeks. This allowed Behrooz to keep his job and resume working at the end of the two-week suspension.

* Name changed for privacy.



Michael Giles, Senior Solicitor on Hunter CLC's Generalist team presenting an online CLE session to students from The University of Newcastle. These Online CLE's were presented thanks to assistance from City of Newcastle and continue to be available as a community resource, accessible on Hunter CLC's Youtube Channel.

Domestic Violence Duty Service

Overview

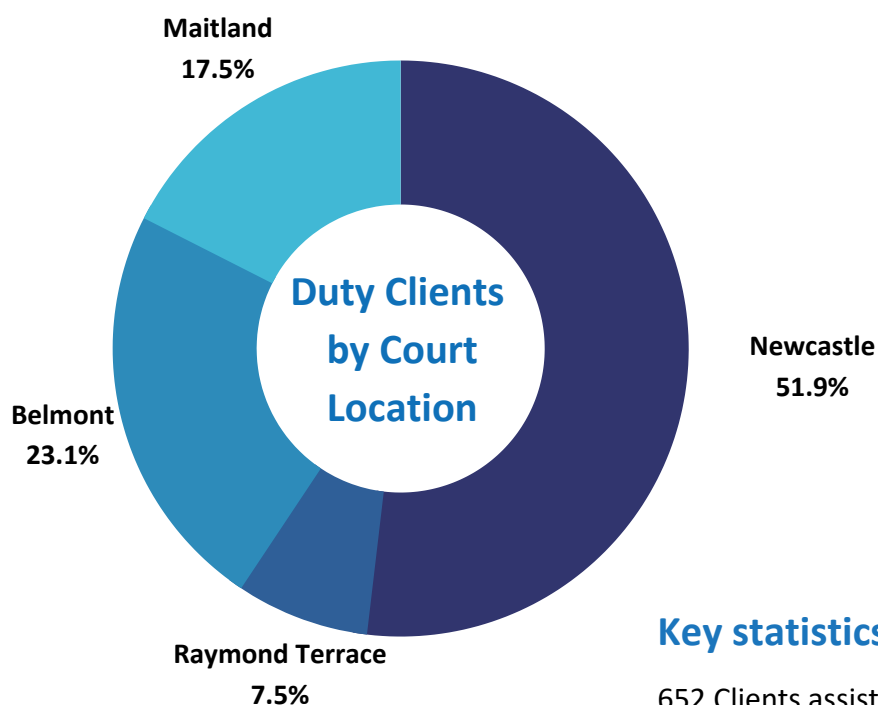
Hunter CLC's DV Duty Service had an extremely busy and productive year expanding our services to two new local courts. Throughout the year the DV Duty Service assisted more than 652 clients across Newcastle, Port Stephens, Lake Macquarie and Hunter Valley regions.

Our Duty Service provides holistic legal support, advice and representation to both defendants and PINOP's at the following courts:

- Newcastle Local Court
- Maitland Local Court
- Raymond Terrace Local Court
- Belmont Local Court

Pathways & Referrals

As part of our holistic legal support strategy, we ensure that clients are appropriately referred to support services in our region, these include; The Engage Program, Justice Advocacy Service, NSW Government MERIT program, The Salvation Army, Women's Domestic Violence Court Assistance Service (WDCAS), Carrie's Place, Youth Off the Streets, homelessness services, Alcohol and Drug Services, Counselling Services, Parenting Services and other support services.



Key statistics

652 Clients assisted by Hunter CLC at Duty Services.
3277 Services Provided.

COVID-19 presented new and unique challenges to the AVO duty service. We found that more PINOP's were seeking assistance to have AVO conditions varied. Some needed the conditions varied for practical reasons, whilst others felt that the AVO conditions were either too restrictive or not restrictive enough.

Case Study - AVO Duty

Jordan* approached Hunter CLC at the AVO Duty Service. An Apprehended Domestic Violence Order (AVO) had been made against Jordan's 17-year-old son for the protection of Jordan's other child.

The orders meant that Jordan's son could no longer come to the family home. Jordan sought our help to vary the AVO so that their son could attend an important family gathering.

On the first court date, we assisted Jordan by attempting to negotiate with the police. The police were unwilling to agree to the variation. As a result, we took compliance dates and decided to go on the record for Jordan.

We drafted a statement for both Jordan and their daughter and appeared at court for them on the next occasion. We attempted to negotiate with the police for a second time. On this occasion, I showed the police the statement we had drafted which included all the positive steps that Jordan's son had taken to address his issues: including, completing 2 domestic violence programs, attending drug and alcohol meetings and attending regular psychologist appointments. The magistrate adjourned the matter to allow the police to file their evidence. We appeared for the third time and commenced negotiations with the police, after reading the material they agreed to vary the application so that Jordan's son could come to the house for family dinners.

This was a frustrating process for Jordan who believed it was in their rights to decide if their son should be allowed to visit the house. Jordan felt disempowered, as their ability to determine their own safety was taken away.

Jordan spent many months attempting to have the AVO varied, this meant spending time away from work, family and friends.

Where safe to do so, victims should be empowered to negotiate the conditions of AVO's without having to spend money and time navigating the complex legal system.

* Name changed for privacy.

Family Law Report

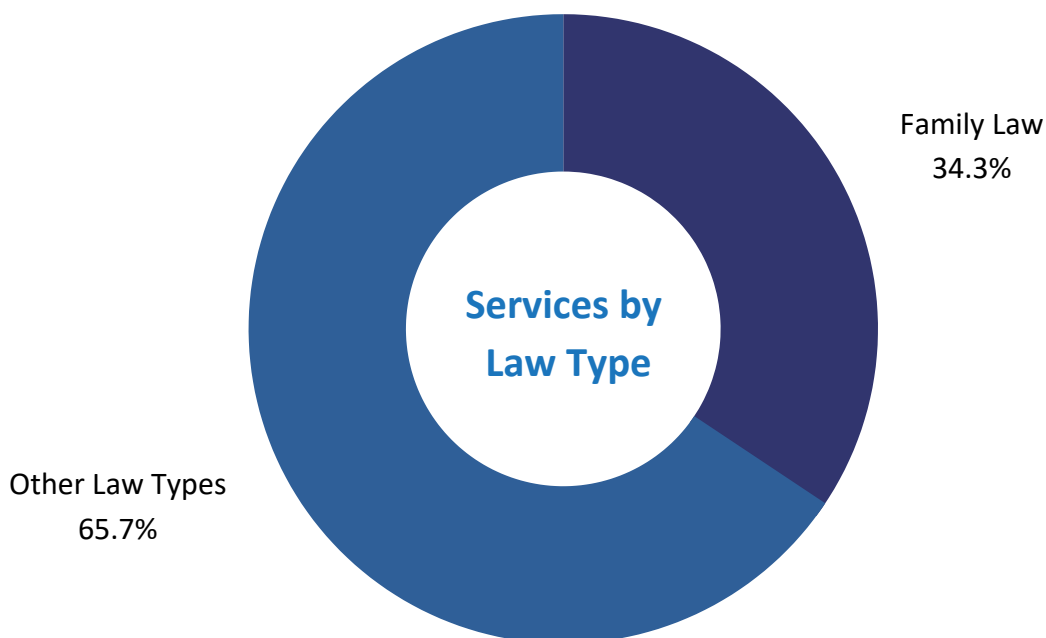
Hunter CLC's Family Law (FL) team was able to continue to assist our clients despite the ongoing COVID-19 pandemic. The FL team adapted to the current situation thanks to the ongoing support from all the fantastic staff at the Centre. The FL solicitors wish to express their gratitude to all the Hunter CLC team for their hard work and dedication.

FL solicitors have continued to provide telephone advice and assistance to our clients on both a one-off and ongoing basis where necessary. Earlier this year we were able to return to face to face appointments but, unfortunately, the Delta strain of the COVID-19 virus made this impossible.

These circumstances have not prevented us from assisting our clients in parenting, property and divorce matters by drafting their court documents, attending with them at Legally Assisted Mediations (by phone, Zoom or Teams) and negotiating settlements outside of the Court process.

Whilst the Family Courts at Newcastle were aware of our ongoing ability to maintain our duty service by telephone during the pandemic, early this year we were also able to establish a dedicated Duty service telephone line to make the process even easier for self-represented parties needing legal advice and assistance whilst before the Court. Ongoing clients have made arrangements with us in advance to assist them in court on a duty basis, including directions hearings, recovery applications and conciliation conferences.

Whilst we very much look forward to the day when things are somewhat “back to normal” and we can all be in the office and meet our clients face to face, we know that regardless we can continue to assist our vulnerable and disadvantaged clients.



Case Study - Property Settlement

In mid-2020 Lisa* contacted our Centre via our Telephone Information Service requesting advice about concluding their property matter as they had moved out of the former family home approximately 18 months prior.

Lisa was running out of time to file at the family law courts to resolve the family dispute, due to the time limitation for de facto property settlement. Our Centre sent correspondence to the other party requesting they provide their financial disclosure. The other party contacted our Centre and promised to send their disclosure documents, however this did not materialise. The dispute involved the family home which both parties legally owned and Lisa had contributed a significant amount of funds towards its purchase.

Due to Lisa's poor health, exacerbated from family violence experienced during the relationship, she was no longer able to work and could not afford private legal representation.

We assisted Lisa by drafting their family law documents and further set up a Commonwealth Courts Portal to file their material. The other party failed to engage in the family law proceedings and the matter was eventually set down for an undefended final hearing in mid-2021.

We assisted Lisa with preparing for the undefended final hearing, this included filing an Amended Initiating Application, Affidavit in support and Case Outline. We represented Lisa on a duty basis in person for the undefended hearing. The undefended hearing took place and submissions were made in favour of the orders sought by our client. The Judicial Officer requested further information from our client which was adduced by way of our client being sworn in and asked further questions, both by the solicitor from our Centre and the Judicial Officer.

Shortly after the undefended final hearing, judgment was delivered. Lisa was successful in achieving all orders sought in their Amended Initiating Application. The resulting settlement of the family home put Lisa in a much improved financial situation.

* Name changed for privacy.

Case Study - Parenting Arrangements

Drew* approached the Centre wanting to change their child's High School. The child had started year 7, had special needs and was not getting the ongoing support and assistance needed at their current school. As a result, the child was struggling socially and emotionally. The other parent would not consent to the change of school despite the obvious need and Drew agreeing to pay all the school fees associated with the new school. The parties had equal shared parental responsibility for the child which meant our Drew had to obtain the other parent's consent or risk being in breach of court orders.

Drew approached a mediation service and a request was made for a legally assisted mediation and we agreed to assist.

Despite an agreement being reached at mediation, Drew was left with no choice but to file proceedings with the court. We assisted Drew with the court documents and the matter was able to be resolved by consent on the first return date.

Whilst it, unfortunately, took a little time to go through the required process it was ultimately a good outcome for the child who was able to change schools

*Name changed for privacy.

Case Study - Property Settlement

Sam* approached the Centre needing property advice. Sam had been in a long term relationship with their ex-partner and they had children together, with only one child being under the age of 18.

The only significant asset was the ex-partner's superannuation, a substantial amount, but there was also some debt. These assets and debts were in the ex-partner's name but asserted to be joint. Sam, whilst previously employed, was unable to work due to the covid 19 pandemic and could not afford a private lawyer.

We agreed to assist Sam to try and negotiate a settlement. We wrote to the ex-partner who promptly obtained a solicitor. After the parties exchanged their financial documentation and had some negotiations, an agreement was reached regarding the division of the property pool. We assisted our client by drafting all the required documentation to finalise the matter.

*Name changed for privacy.

Community Legal Education & Engagement Report

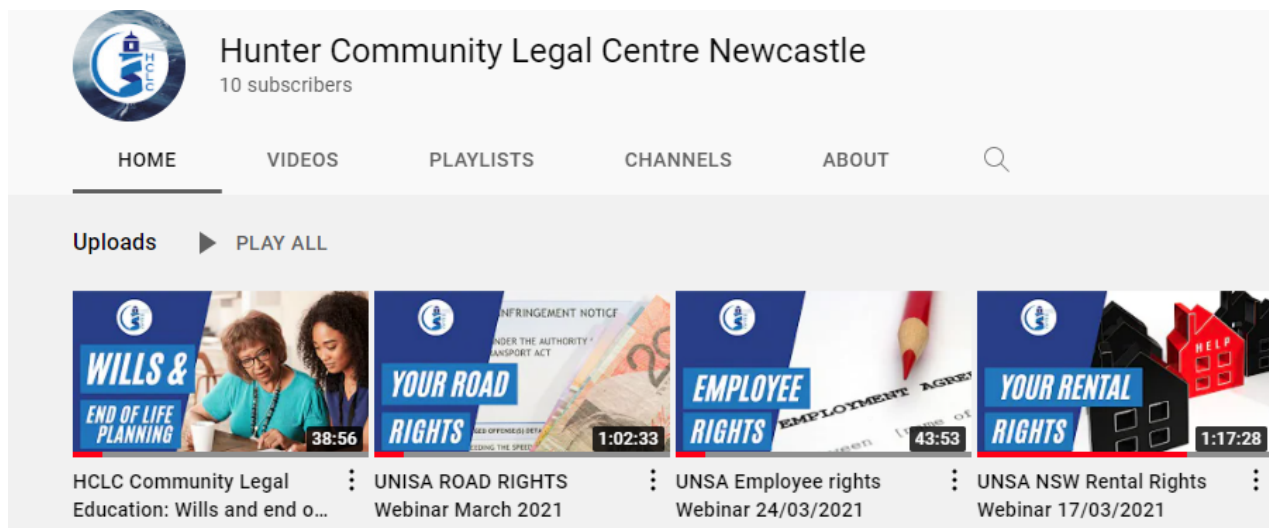
FY 20-21 has been quite a rollercoaster ride in the community legal education and engagement field with restrictions and public health orders constantly changing. Organisations were struggling to go online and so was the centre.

We were fortunate that the Newcastle City Council had made grants available for not-for-profit organisations such as ours, and thus with the Boost Our City grant we were able to obtain equipment that was appropriate to run community legal education online and make it more accessible to the community at large during the pandemic. We were also able to connect with community groups networks and inter-agencies with the help of this technology.

Using this new technology we took community legal education and information to the public through podcasts, videos and live online workshops, make them interactive through quizzes and surveys thus enhancing the quality of our online presentations.

We were able to do some face-to-face legal education workshops and use this enhanced technology to create resources for distribution at our workshops for our participants to use and refer to on their own time.

This year we also launched our YouTube channel to air recorded community legal education workshops thus making them accessible at a later stage for people who could not attend them live. We have recorded some of our face-to-face workshops and used them in our awareness campaigns and on social media to give our community an idea of how we run our educational workshops.



Online CLE highlights from HCLC's YouTube channel.

Our presence in the community has increased manifold and a lot more community groups and organisations are now approaching us to run Legal education for their clients and staff and /or to run outreaches in community spaces.



Social Media Post promoting HCLC's e-safety workshops in partnership with Transcare.



Duhita Lewis, HCLC's CLE Officer pictured (Seated front left) with attendees at a HCLC's e-safety workshop at Northern Settlement Services.

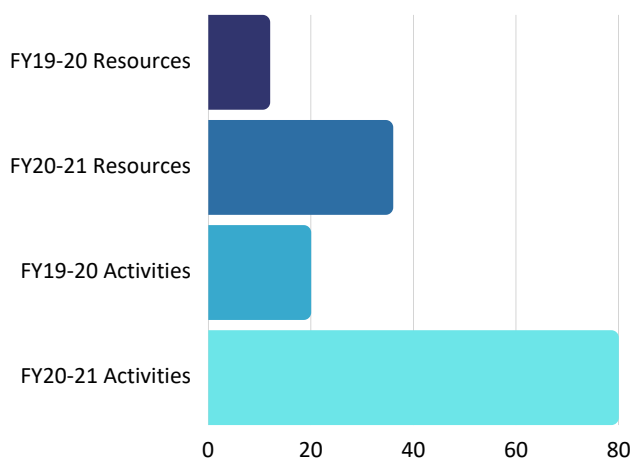
Case Study - CLE

During the Seniors festival in April 2021, the Hunter CLC ran an interactive workshop on E-safety to Culturally and Linguistically Diverse (CALD) seniors in Newcastle. The workshop involved an interactive game of knocking down a stack of cups to reveal a different kind of fraud inside every cup. The aim of the game was to lighten up the mood and allow the participants to share stories and ask questions on the go. We were engaging these CALD seniors in a conversation about their experiences with electronic frauds, when Dawn*, aged over 80 years, raised a supposed fraud that she had come across with a telecom provider she had used in the past.

The Hunter CLC educator asked Dawn more questions about the plan and costing involved, Dawn gave those details and explained the company was overcharging her. The Hunter CLC educator realised this was not a fraud but a consumer dispute.

The educator took her details to a solicitor at Hunter CLC who was able to assist her over the phone by seeking documents and other details. It was only because she revealed this information on time, that the solicitor could help her in asserting her consumer rights with the telecom company.

*Name changed for privacy.



CLE Resources Created & Activities Held Fy19-20/20-21 Comparison



CLE Officer Duhita Lewis & HCLC Youth Solicitor Toobah Choudhari pictured a visit to Muswellbrook as part of the Transcare Roadshow.

Coronial Matters

Hunter CLC assists people involved in coronial matters where there are issues of public interest being investigated by the Coroner.

Case study

Hunter CLC recently finished working on the Coronial Inquiry into the death in custody of Ivan Mikic. This case started in 2015 when Martin* contacted us looking for help to find out what had happened to his brother, Ivan, who had died suddenly in Wellington Correctional Centre. The family were grieving and wanted to know how Ivan had died.

Assistance Provided

Initially, we provided Martin advice about the Coronial system, explaining that all deaths in custody are investigated by the State Coroner in Sydney.

We helped Martin become the senior next of kin which allowed all communication with the Coroner's office to go through him.

As the matter progressed it became clear there were extraordinary delays in receiving material the Martin and the rest of the family were entitled to. For example, it took 12 months to receive a copy of the Postmortem Report which had been completed a few days after Ivan died. When the report arrived, it revealed that Ivan had died of a methadone overdose even though he was not on the methadone programme at the jail.

Members of Martin's family had serious health problems and were concerned they were not getting the answers they needed.

We instructed Counsel, initially on a pro bono basis, then we obtained a grant of Legal Aid to pay our Barrister. When she became the Public Defender, she was able to represent our client as part of her public defender role.

Over the years the brief continued to grow. The file now consists of 5 lever arch files, including 4 CDs of CCTV and crime scene photos.

The Inquest was finally set down for hearing in the Coroner's Court in Sydney in June 2019, 4 years after Ivan had died. The final hearing day was held on 21 August 2020 with the Coroner's findings handed down on 4 September 2020.

Martin and the family's main concern was that this was a preventable death. They wanted the Coroner to make recommendations that would mean no other families had to go through the anguish and trauma they had experienced.

We represented Martin and the family at all the hearing days.

We asked for witnesses to be called (we weren't able to get all the witnesses we wanted), we negotiated with the Coroner's office over the issues to be examined by the inquiry, our Counsel cross examined all witnesses, we helped Martin write a statement about his brother which he read in court, we helped draft submissions including recommendations which would prevent a similar death in the future.

Outcomes

The Coroner found that Ivan died from an unintentional drug overdose of diverted (Justice Health) methadone.

The Coroner accepted our recommendation that correctional officers at Wellington CC, receive training on the signs of methadone overdose and the circumstances in which action needs to be taken to ensure an inmate is alive and well.

The Coroner did not accept our submission to recommend that Justice Health conduct an audit of the implementation and operation of its Opioid Substitute Treatment program at Wellington Correctional Centre.

The family were very grateful for the assistance from the Legal Centre as they could not afford to pay for private representation.

They were happy the Coroner made the recommendation about better training for Correctional Officers however they remain disappointed that Justice Health has not been asked to review the operation of its methadone program.

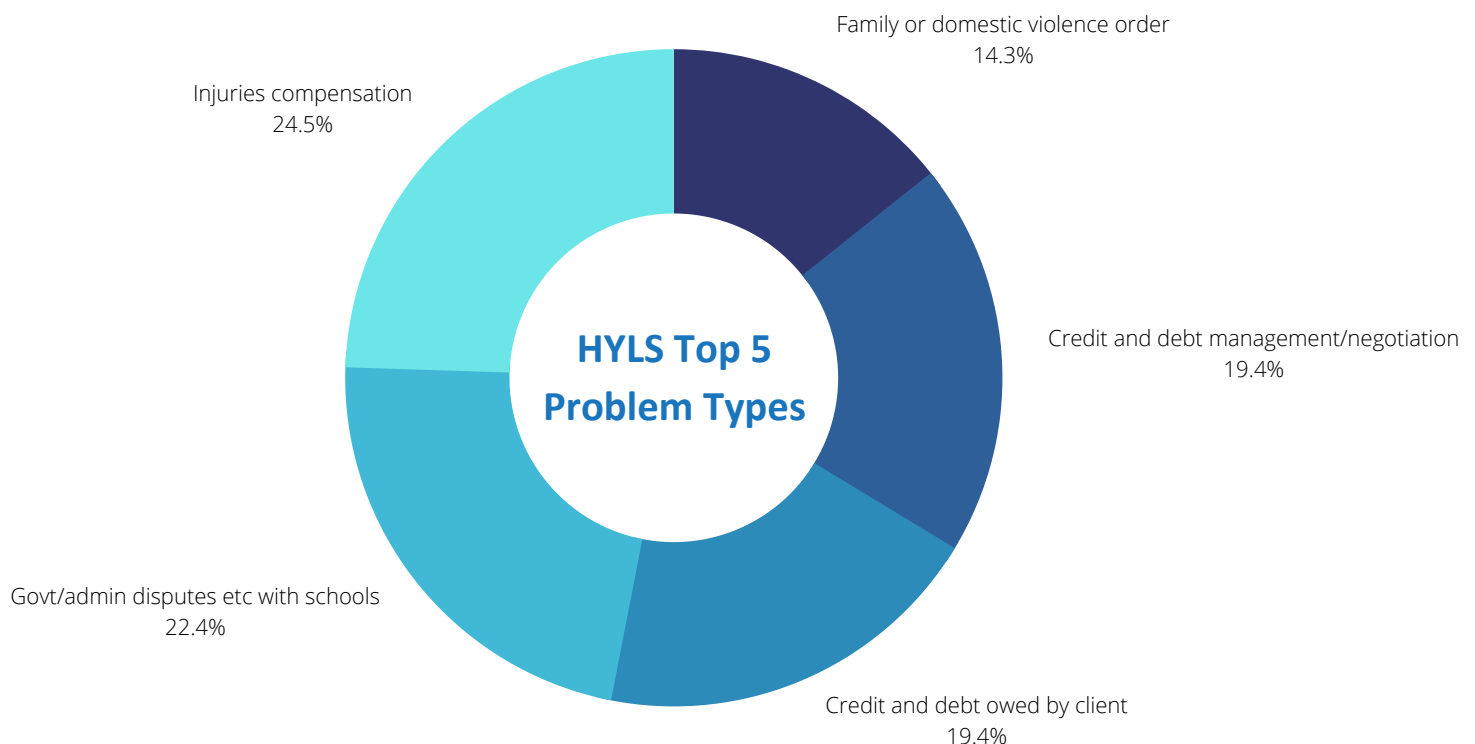
*The client gave permission to use his real name. The Inquest findings are a public record on the Coroner's website and will be tabled in Parliament in due course.

Youth Law Report

Service Delivery During Covid

Hunter CLC's Hunter Youth Law Service (HYLS) has operated at the Broadmeadow Children's Court (BCC) as part of a pilot project (BCCPP) since early 2020. However, due to the Covid-19, the operation of the BCCPP was amended according to the Chief Magistrate's directions. Nevertheless, the Hunter CLC's youth lawyer continued to provide support to the young people in our catchment using a variety of methods. When it was safe to do so, the youth lawyer attended the BCC in person and provided face to face advice and assistance to young people. Alternatively, referrals were made to the youth lawyer directly from other stakeholders (including the Department of Justice, Legal Aid solicitors, Department of Education, Youth Justice, Youth Development Officers etc) when face to face services were unable to be provided. Additionally, the HYLS had a dedicated mobile number for young people to text and call on directly if they required advice and assistance.

Through these various mediums, the HYLS was able to provide legal assistance to 160 young people during FY 20-21, regardless of the various obstacles imposed by the pandemic.



Legal Issues Faced by Young People

One of the significant issues that HYLS grappled with over the past year was young people not registered at birth. Although seemingly benign, it has resulted in those young people being unable to access basic needs. Without being registered issued a birth certificate, young people were unable to access welfare benefits, health care and as a result, were left homeless during the pandemic. During the past 12 months, the Hunter CLC youth lawyer worked closely with various young people to rectify this issue.

Referral Pathways

The HYLS referred clients to emergency homelessness services, Samaritans, Department of Education, Fair Trading, Legal Aid, Headspace, Department of Communities and Justice, Aboriginal Legal Service, Police, Out of home care providers, TAFE NSW, Youth Justice, Law Enforcement Conduct Commission, domestic violence support services, Centrelink, Neighbourhood Centres and Youth Development officers.

Case Study - "I'm an Alien"

We met Jessica* at a local Children's Court. Jessica was at Court because she had stolen a phone. After speaking to Jessica she informed the youth lawyer that she had stolen the phone so she could call her brother and make sure he was safe. The youth lawyer offered to provide Jessica with legal and non-legal assistance. The youth lawyer said she could obtain a mobile phone and credit for Jessica from the Department of Communities and Justice so that she didn't have to steal. Jessica laughed and said 'You can't help me, I'm an Alien'.

Jessica then went on to explain she didn't have a birth certificate and therefore she didn't have any legal identification. She said that every time she went to register for a Medicare card or Centrelink, she couldn't because she didn't exist in the legal system. Jessica explained she was recently offered a job, but because she was unable to obtain a tax file number, she couldn't take it. Jessica related how she had been living on the streets for as long as she could remember, simply because she had no choice. Jessica discussed how many other people had tried to help her with this, but they were never able to get her a birth certificate.

The youth lawyer took on Jessica's matter. Acting on her behalf, the youth lawyer discovered that Jessica was never registered at birth. Jessica's mother had passed away years ago and her dad did not want anything to do with her. Without Jessica's parents testifying to her birth and registering her birth themselves, Births, Deaths and Marriages refused to issue a birth certificate.

After months of liaising with Births, Deaths and Marriages, the youth lawyer acted as an informant on Jessica's behalf, completed a registration statement and put forward an application to have Jessica registered. After an additional few months of advocating for Jessica, Jessica's birth was finally registered and a birth certificate was issued.

Jessica was also concerned about some serious health issues, she was overjoyed about owning a birth certificate as previously she didn't want to go to the doctor because she couldn't afford it. Jessica said she finally felt like she stood a chance at life and said the Hunter CLC had done the 'impossible'. Jessica was extremely grateful.

Since providing this assistance, Jessica was able to seek medical assistance, resolve her health issues, apply for Centrelink benefits and re-enrol into school to complete her education.

*Name changed for privacy.

Case Study - Supporting Victims of Violence

Alex* was referred to us from a local Youth Development Officer (YDO). They said that Alex had been sexually assaulted, a victim of domestic violence and was currently homeless. The YDO requested that we assist Alex with victims compensation. The youth lawyer spoke with Alex and soon found out that Alex would be eligible for free counselling, an immediate needs support package and a recognition payment for the harm suffered.

Within 48 hours of making an application, Alex was approved 22 hours' worth of free counselling with a counsellor that specialised in sexual assault matters. Additionally, within 10 business days of submitting an application, the youth lawyer successfully obtained money for an immediate needs support package. This financial assistance provided Alex with the ability to obtain emergency housing, cameras and other safety equipment, white goods, furniture and clothes to start over. Alex was extremely grateful to be provided with mental health and financial support from the HYLS.

*Name changed for privacy.



HCLC's Youth Solicitor Toobah Choudhari (far right) and Junior Solicitor Julia Adamski (second left) meeting members of the community at the Multicultural Neighbourhood Centre Expo.

Employment Law Report

In September 2020, the Centre received additional funding to assist clients with Covid-19 related issues. This enabled the Centre to expand its employment law service to reach a broader demographic. Prior to September 2020, we could offer two employment law advice slots a week with the assistance of our pro bono partners at Sparke Helmore and Cantle Carmichael Legal. With the additional funding, we were able to expand this service to include a weekly telephone advice clinic, servicing more than double the number of clients as last year.



Examples of the types of advices the Hunter CLC provided to clients;

- Unfair dismissal and general protections claims
- Unpaid entitlements
- Clauses in contracts
- Workplace investigations and disciplinary procedures
- Bullying and discrimination

Case Study - Redundancy

*Simon approached our service after being made redundant by his employer. His employer had cited a lack of work as the reason for the redundancy but claimed that Simon was not entitled to redundancy pay because he had been issued formal warnings during the course of his employment. Our client denied receiving such warnings. Simon was also paid incorrectly for his long service leave and annual leave entitlements in his final pay. Our Centre, with the assistance of one of our pro bono employment lawyers, assisted Simon in drafting his application and affidavit for the Small Claims Division of the Federal Circuit Court. Upon Simon's application to the Federal Circuit Court, his employer agreed to pay him his correct redundancy and leave entitlements. Simon was paid approximately \$15,000.

*Details changed to protect privacy.

Volunteer's Reflection

Volunteering with Hunter CLC for my placement gave me the real-world experience I needed in my final year of a law degree as a mature age student. Assisting clients with their legal matters under the supervision of practicing lawyers gave me insight into the legal needs of our community and I gained experience at researching solutions to their issues.

My main task at the Centre was dealing with the legal concerns of members of the community, starting with reading the file notes created by the front desk staff. My role from there was to determine which questions needed to be asked, conducting a phone interview with the client, conducting legal research into their issue and then assisting to resolve their issue after conferring with a supervising lawyer. Thus giving the client the information they needed to resolve the issue. In referring clients to various services, I gained a greater understanding of how various services in our community worked and how those services integrated with one another to assist clients to navigate the legal space.

During my time at the Hunter CLC, I had the opportunity to attend court weekly. To be a part of the court process was an invaluable learning opportunity, one that affirmed what I had learnt in the classroom about procedure and justice. Due to being in the time of lockdowns, I learnt how important it is to our community to keep the court system running efficiently. The impact of unavoidable stoppages and lockdowns meant a backlog of cases, the delays adding significantly to the stress of our clients. The main lesson I took away from this court experience was how necessary it is to know the law well; I watched the supervising lawyers act on cases having been given no prior information and no time to research. I observed them impartially deal with a wide array of issues and personalities. That attitude of remaining calm in a storm is one I hope to emulate in my own career.

Being given the opportunity to work alongside a supervising lawyer for a court matter from the client's first phone call to the Centre through to completion of the case was an experience I will always value. I was included in every step of the process and I believe the dignity and respect shown to that young man will go far in helping him with his goal of setting out on a more positive path in life.

The entire team at the Hunter Community Legal Centre work together with respect and patience. I was given so much of everyone's time which made the placement a valuable experience that I will be forever grateful for and would highly recommend Hunter CLC to other law students.

Joanne Burr



HCLC Financial Statements

See Attached Financial statements.

Hunter Community Legal Centre Inc.
Level 2/116 Hunter St Newcastle 2300
PO Box 84 Newcastle 2300
Phone: 40409121
Email: admin@hunterclc.com.au
Web: www.hunterclc.com.au

