

FKCLC

Annual Report 2009-2010

Staff 09-10

Simon Roberts
Coordinator
Joni Gear,
Volunteer Coordinator, Solicitor
Denise Gardner,
Migration Agent
Tamar Hopkins,
Police Accountability Project, Joint Principal
Gregor Watkins,
Solicitor, Joint Principal
Sharon Carr
Solicitor
Thuan Nguyen
Administration/Finance
Abdiqadir Muhammed, CD,CLE Worker
Zrinjka Dolic
Project Worker - Police Racial Profiling

Committee of Management 09-10

Karen Pyke (Chair)
Tim O'Neill (Public Officer)
Amanda Pagan - (Treasurer)
Kathy Richardson
Linda Gale
Gen Nihill
Steven Jell
Joel Townsend (Resigned September 2010)
Diane Couch
Jenny Si
Ashraf Ali

Thanks To

ABL, Blake Dawson, Hall & Wilcox, Holding Redlich, The Legal Services Board, Victorian Law Foundation, VLA, City of Melbourne, Foundation House, Refugee Minors Program, Matt McDonald, Adrian Vednick, Joh Kirby, Jennifer Kanis, Lindsay Tanner and staff, Susan Ball, Geradine Daniels, Mark Courtney, Rachna Muddogouni, Robin Inglis, Hugh de Kretser, Annie Nash, Geoff Adsett, Justine Finigan, Peter Seidel, Emma Rattray, Carly Marcs, Simone Elias, Ruth Hammnet, Claire Harris, Gabi Crafti, Emrys Nevapil, Debbie Mortimer SC, Dyson Hore-Lacy SC, Jane Dixon SC, Brian Walters SC, Charandev Singh, Chantelle Higgs, Andrea Tsalamandris, Liat Blatcher, Sara Hinchey, Prof. Jude McCulloch, Nola Karapanagiotidis, Phoebe Knowles, Shane Reside, AMES, Trish Burrows, Stan Winford

Volunteers 09-10

Christina Wong
Heather Boyle
Tallace Bissett
Jack Kenchington-Evans
Annika Holden
Frederick Brodie
Marisol Sanchez Lopez
Morgan Jaguar
Nadine Di Blasi
Emma Schulz
Tim O'Neill
Christopher Rodrigues-Nascimento
Amy Brennan
Catherine Hooper
Alanna Cook
Annabel Haslam
Marisa Black
Victoria Ng
Neva Skilton
Sophie Coleman
Jacob Uljans

Alicia Dyer
Henry Kwan
Jenny Si
Dakshinee Kodituwakku
Alexander Nielsen
Dan Hagan
Parvathi Suriyakumaran
James Richardson
Amy Lin
Julie Evans
Cherry Khosla
Daniel White
Blaise Alexander
Austin Zhang
Chelsea Hill
Fiona Hintum
Liam Condon
Trac Trinh
Despina Bedovian
Adrian McMillian

Centre shines through difficult year

Karen Pyke
Convenor
Simon Roberts
Coordinator

Flemington Kensington Community Legal Centre has continued to provide for the diverse legal support needs of its community. This has included ongoing work on the police accountability project and advice and assistance from our migration agent for refugee clients attempting to reunite with family members.

Unfortunately funding availability has meant that some services had to be cut back and this has resulted in some staffing and program adjustments. The FKCLC has always operated with very small budgets but it was hoped that the CLC sector would receive more funding with a change in the Federal Government. However the CLC is no better off than it was in 2007. As the one-off funds from 2008 have been used Centres are going backwards and cutting programs and staff. CLC's need to campaign to ensure that governments understand the needs of the sector and for them to respond with reasonable levels of funding. The national pay equity case is also highlighting the need for funding to support what is expected to be a substantial pay rise for our workers.

To its credit the State Government, through VLA, has provided indexation of the state proportion of our funding for a number of years and VLA has been extremely generous to this centre in the past despite its own financial problems.

FKCLC has been advocating a more activist approach by CLCs through the Federation and NACLCL, and for an ongoing national funding campaign to ensure the sector's future. Things are moving at a snail's pace, even though the Federation and Victorian CLCs are all for it. It is hard for the sector to find the excess capacity to dedicate to saving itself! But FKCLC will push even for harder the to get sector organised. After all this is all about providing much needed services to the most disadvantaged people in our society. This effort is rewarding, but resource intensive. It is about time State and

Federal governments did more than pay lip service to social inclusion. Social inclusion costs money and it needs money that goes on from year to year and is properly indexed.

The Centre said goodbye to Gregor Huser in January. Gregor has been a stalwart of the Centre in his two stints of employment here – in the late 80s and early 90s, and then for the past few years. His dedication to working for the clients, his high standards of case work and policy brain will be sorely missed. Gregor was only working a day per week towards the end of his stint here, and he was not replaced.

The contraction of our budget meant that the Committee had to make some hard choices and it was decided that FKCLC would make the Community Development/Community Legal Education position redundant. We said goodbye to Abdiqadir Muhamed in May and will miss his enthusiasm and passion for advancing the interests of the overseas communities in the catchment. We wish him luck in his other work at the Centre for Culture, Ethnicity and Health and in his further study.

Zrinjka Dolic came on board at the end of 2009 to conduct the research for our study of the experience of young people and racial profiling by the police. This study was completed in August 2010. Zrinjka did an excellent job in navigating the arcane world of ethics for social research and then actually getting data out of teenagers. We are all looking forward to the result of her diligence. This work was made possible because of a grant from the Legal Services Board.

We also had the services of Rebecca March as a locum in November and December while staff were on leave.

The volunteer program has continued to be vastly rewarding for the Centre. One observation that can be made is that our program seems to be far too successful, with many of our best volleys leaving us for employment in the past year. The Centre is thinking of refusing to give references from now on!

The Committee said goodbye to Alexander Neilson, who is travelling overland to Europe via Mongolia. Alexander also volunteered his expertise and time to the PAP for a number of months before his departure. Adam Horner finally succumbed to the tyranny of distance and gave up being on the CoM after many years of service. The drive home to Ferntree Gully after meetings finally took its toll.

This year we have recruited Joel Townsend, a lawyer at VLA and Kensington resident who has previously worked in CLCs. Ashraf Ali, an interpreter, volunteer migration agent with Denise and a member of the local Burmese community also joined the CoM. Long-term day and night volunteer Jenny Si also joined the Committee.

The Committee had to deal with some difficult decisions around the budget and staffing. On the up side, the revamping of the Organisational Policies is nearly complete. This included a review of the powers delegated to staff. While keeping the flat structure, industrial and human resources risk has been mitigated by enhancing the day to day responsibility of the Coordinator in these matters. We also had a very successful planning process that produced a comprehensive strategic plan for the next few years. Thank you to Angela McMahon who facilitated the process.

We are slowly exploring our community Law Partnership with Hall and Wilcox, who provide administrative, legal and research support on request. We hope to develop some exciting new programs for the community in the coming year with H&W. The most tangible fruit of the relationship has been the six legal volunteers that we have been able to recruit from the firm for the night service. This allowed us to expand our night service to Thursdays for a trial period. Monday night became a drop-in service, with Thursday being appointment only. The trial was a great success. However, financial restraints resulted in a reduction of staff available and prevented us from continuing the expanded service. We also had great support from H&W in redrafting our constitution, Thank you to Conrad Smith for his rigour work. And thanks to Adrian Verdnik, our pro bono contact at the

firm.

One area we need to work on is our outreach program. Our youth outreach to Holland Court on the Flemington estate was disrupted by a move to another venue. We are still participating in Dousta Galla Community Health's Healthtime outreach on the estate, but we are looking for an ongoing and permanent

home, possibly in Kensington.

Another program that needs attention is police accountability. It is not the work itself, Tamar is doing a remarkable job. It is the level of resourcing that can presently be allocated to this area. We urgently need more money to spend on more workers in this area if we are to do it justice.

Finally a thank you to all who have helped this centre in its vital work in the past year. Our volunteers and supporting organisations and partners are indispensable in brining access to justice to those in need in this unique community.

Another busy year for practice

Sharon Carr Generalist Solicitor

2009/10 was a busy year for the generalist service. Always aiming to provide the best possible client service delivery, in May 2010 FKCLC embarked on an ambitious regime of twice-weekly night services (having had only one night service throughout recent years). Our clients responded with enthusiasm, especially to the choice of appointments or drop-in. We inducted

a new group of dedicated volunteers and did what we could to reduce wait times for an appointment to a minimum. The following is a snapshot of the Thursday night appointment sessions, which ran for twelve weeks. The snapshot is for twelve weeks only, not for the entire year. Nor does it include Monday drop-in sessions for the period.

Six (first-contact) evening appointments were offered each session (seventy-two appointments). There were also twelve daytime (first-contact) appointments offered for clients who, for whatever reason, cannot attend at night. Of the total eighty-four appointments:

Fines	12
MVA	9
Criminal law	9
Consumer law (goods or services)	8
Wills	8
Welfare rights	5
Tenancy	3
PoA	2
Intervention Orders	2
VOCAT	1
Neighbour disputes	1
Not filled	6
Cancellation	18

During that period the legal centre was running concurrent Monday night drop-in. No figures were collated for the drop-in appointments but they would likely be similar in number and nature. Naturally, at the time there were also day-time appointments for clients with current files (twenty-four appointments during the twelve weeks).

Our twice-weekly night service experiment had its advantages and disadvantages. Client wait times were drastically cut, so much so that towards the end of the program we had a few appointments that went unfilled. We know our clients appreciated this new-improved service. However the program was unsuccessful in addressing the problem of last-minute cancellations and no-shows. This group is still the largest of any subcategory (eighteen out of eighty-four first-contact appointments, or just over 21%).

During the year the generalist service lost Gregor Husper, long-serving solicitor and mine of seemingly unlimited legal information. KKCLC's loss is PILCH's gain.

Case study

Ms X's number plates were stolen from her vehicle while it was parked on the street. She did all the right things (reported to police and to vicroads). Next, she received a penalty notice from City of Y (parking fine). \$19.80 penalty costs had been added to the original \$55 fine. She had not paid the fine because she'd never seen it – was not hers – had been issued against the car that was carrying her stolen plates. Clearly (to us) the parking officer didn't check the plates against the rego sticker. Ms X does not read English well and asked her son-in-law to write to City of Y. He did so in a hot-headed, abusive manner, and instead

of getting to the bottom of things, Y referred the matter straight to open court. Ms X didn't receive the notice of hearing (we are aware that mailboxes on the Flemington Estate are regularly vandalised and mail is stolen), and a judgement was entered against her for an amount three times the initial fine (as well as her getting a court record). That's when she came to FKCLC (18 months after making the original police report).

We unpicked all the issues, applied for and were granted a re-hearing, secured a PILCH barrister (we knew Ms X would be intimidated by council prosecutors if they insisted on prosecuting the matter) and made three separate requests for information from police. On the third occasion we were successful, so we took this information to the council and wrote a compelling submission as to why they should withdraw. Y did withdraw on the day in court, and so the matter was struck out and Ms X's name cleared.

Ms X had been unlucky enough to have police fail to pass on information to vicroads, or vicroads fail to pass on its own information, then Y's parking inspector fail to do his/her job properly in cross-checking the details. Y's review staff failed to look further into the matter when asked by X's son-in-law, then the court failed (or the postal service) to send her a notice of hearing. She had done nothing wrong and in fact had done everything right. Who else would sort out the matter if not for her local CLC?

Continued on page 3

PAP is kicking goals

Tamar Hopkint

Principal Solicitor

Following on from the Victorian Law Foundation CLC Fellowship, FKCLC's Police Accountability Project ("PAP") has been busy working to implement the strategies for increasing police accountability arising from this research. Its work over the year has included:

- Campaigning for the independent investigation of complaints against the police;
- Building our capacity to undertake civil litigation in police misconduct cases;
- Working (with ABL) on systemic race discrimination litigation;
- Undertaking research on racial discrimination and the Victoria Police;
- Building capacity within the sector to undertake strategic judicial review of decisions concerning police misconduct and its investigation;
- Making complaints to the United Nations on issues concerning police misconduct and its investigation.
- Undertaking community legal education through participation in forums, workshops and class room as well as the development of a theatre project with VLA, through Michele Lee, and Western Edge Youth Arts.
- Commencing exploratory work towards the development of a National Police Accountability Network.
- Defending clients charged arising from incidents involving police misconduct.
- Campaigning for the Independent Investigation of Complaints Against the Police

On behalf of Tyler Cassidy's family, the PAP wrote to the Attorney General Rob Hulls seeking a commitment to introduce the independent investigation of deaths in custody and police complaints. We also met with the shadow Attorney General and gained in-principle support as well as with the Greens member for

Footscray Colleen Hartland. We assisted the Greens member Sue Pennicuit in preparing for a motion in the Parliament for the independent investigation of deaths in custody which was delivered on 28 July 2010.

Earlier in 2010, we made two submissions to the Proust Review into Victoria's anti-corruption systems and a submission on behalf of the legal centre, Shani Cassidy and FKCLC's long term clients Fay Spear and Rhonda Agland to the OPI's enquiry into the investigation of deaths relating to police. We also persuaded Gareth Jones, a former Special Investigations Unit, Ontario, Canada investigator and now manager of the Ontario Ombudsman SORT unit to submit to the OPI inquiry, to outline the benefits of civilian investigation of police related deaths.

In September 2009 we gave a talk the Perth National Association of CLCs about independent investigation of police and examples from around the world.

In December 2010 with the Darebin CLC and the family of Tyler Cassidy, we commenced a petition and a postcard campaign for the independent investigation of police related deaths in custody. We are also members of the Australian Inquest Alliance.

Building our capacity to undertake civil litigation in police misconduct cases

During 2009-2010 we have been working with Dyson Hore-Lacy SC, Klaus Mueller, Emrys Nekvapil and Kathleen Foley on civil litigation cases. The aim of our practice is to investigate the capacity of civil litigation to hold police accountable where other mechanisms have failed as well as where possible to publicly expose police misconduct and deficiencies in police investigation systems. We are also extremely grateful to the ongoing assistance of Holding Redlich in acting for some of our clients and providing ongoing advice.

Working with Arnold Bloch Leibler on Race Discrimination litigation

During 2009-2010 we continued to work with Peter Seidel and Emma Rattray from ABL as well as barristers Debbie Mortimer SC, Claire Harris, Ruth Hammet and Gabi Crafti on

systemic race discrimination casework. We are also working with our barristers to raise the existence of racial discrimination more overtly in our criminal casework.

Research into race discrimination and the police

The legal centre has employed Zrinjka Dolinc to undertake research into the experience of young people and the police in Flemington and the surrounding areas. Her research should be available in the next year. The PAP sent a submission to the Hate Crime Submission about racial discrimination and Victoria Police and is meeting regularly with the Victorian Human Rights Commission. The PAP is also part of the steering committee into research by Swinburne University into racial discrimination and the police.

Judicial Review

The experience in the UK is that independent investigation of police was not finally introduced until families and individuals impacted by deaths in custody and cruel and inhumane treatment in custody judicial reviewed decisions of the complaint body not to investigate matters itself. PAP is working with clients and other lawyers/advocates in Victoria towards finding an appropriate case to start exploring the Charter of Human Rights and Responsibilities section 9 and 10 with respect to independent investigations.

Complaints to the United Nations

We have now submitted a response to Australia's reply to Corinna Horvath's communication to the UN. Corinna's communication is now awaiting determination by the United Nations Human Rights Committee. Corinna was brutally assaulted by police and then charged her self in 1997. Despite County Court Judge Williams finding overwhelmingly in her favour, Corinna has not received a cent of compensation from the State of Victoria, (and only a tiny sum from the individual police), nor have the individual police involved been found guilty of disciplinary offences. Thanks to Dyson Hore-Lacy SC, Michael Stanton and Phoebe Knowles for their assistance with this Communication.

The PAP is assisting Gail Hickey with a complaint to the UN Nations on behalf of her son TJ Hickey, a 17 year old Aboriginal youth who died during a police operation in Redfern. His death was investigated by NSW police rather than an independent body. Thanks to the Melbourne and Sydney Indigenous Social Justice Association, Emrys Nekvapil, Olaf Ciolek, Sharyn Broomhead and Charandev Singh for assistance.

The PAP is assisting Ashling Gandy with a complaint to the UN concerning the inaction of Victoria Police following an unlawful armed and terrifying home invasion and eviction of her family and herself by her landlord in the middle of the night. Thanks to Anna Forsyth and Alex Nielsen for assistance.

The PAP was invited to the NSW CLC conference to speak about these UN Communications.

Criminal Defences

The PAP has now successfully defended four

people charged with police related charges (hinder/resist/assault police) in circumstances where the person had complained that the police assaulted them. In each case, the Magistrate found the police conduct to be unlawful and dismissed the charges. Thanks to barristers Dyson Hore-Lacy SC, Jane Dixon SC and Emrys Nekvapil for their hard work and dedication to these cases. The experience of having a Magistrate determine that police conduct was unlawful has had a profound effect on charged person's belief in the justice system and the independent judiciary.

The PAP also sent a submission to the SARC Committee on the impacts of the new amendments to the Control of Weapons Act and the Summary Offences Act. Our submission was part of a broader coalition of organizations co-ordinated by the Homeless Persons Legal Clinic and Youthlaw. Our submission focused on the discriminatory impact on racial and religious minorities when police are given arbitrary police powers.

The PAP continues to be underfunded to do its critical work.

The PAP is deeply indebted to the skill and expertise and support of a large number of barristers, organizations and individuals for its work in each of these areas. In particular we would like to thank: Emrys Nekvapil, Charandev Singh, Jane Dixon SC, Michael Stanton, Phoebe Knowles, Alex Nielson, Sharyn Broomhead, Olaf Ciolek, Dyson Hore-Lacy SC, Klaus Mueller, Ruth Shann, Kathleen Foley, Debbie Mortimer SC, Ruth Hamnet, Claire Harris, Gabi Craft, Peter Siedel, Emma Rattray, Indigenous Social Justice Association Sydney and Melbourne, 3CR Radio Doin' Time, Donna Williams, Emily Howie, Meghan Fitzgerald, Belinda Lo, Arnold Bloch Leibler, Holding Redlich, Anna Forsyth, Cameron Shilton, Anthony Kelly, Fitzroy Legal Centre, Youthlaw, Homeless Persons Legal Centre, Federation of Community Legal Centres, Michele Lee, Gareth Jones and the Ontario Ombudsman, VLA, Chantelle Higgs, Cymbeline Buhler, Human Rights Law Resource Centre and most importantly its justice seeking clients!

Staying in touch with the community

As has been discussed earlier the Centre had to unfortunately make the CD/CLE positions redundant and so Abdiqadir left FKCLC in May this year. However he had achieved a lot in raising the profile of the Centre and the overwhelming reaction from other local agencies was one of shock. Many other organisations will miss his input.

Meanwhile the CD/CLE work had been reorganised until we can find other funds, and is being shared across the other staff, with the solicitors doing the CLE and the coordinator maintaining community links and building alliances and joint approaches. We have many new ideas in the pipeline including a mentoring program and a theatre project, so stay tuned.

Some of the highlights from our work in this area included:

- Abdiqadir prepared a training session on Somali cultural awareness and present it at CLEWS, Urban Communities and to FKCLC staff
- He also prepared a flyer on anti-terror laws that was distributed to various Muslim community venues
- Do not knock campaign, and the

development of a flyer in Somali, including two days distributing flyers in the main shopping areas of Flemington and Kensington, and helped Footscray hand out flyers at Footscray Centrelink

- Provided training to staff at Newmarket Centrelink on identifying legal need
- Participated in Kensington Community Day with Abdiqadir and volunteers staffing a table in the Kensington Community Centre
- Organised with VLA for them to design and produce a flyer for our CD/CLE work
- A great deal of local networking with organisations including New Hope Foundation, Moonee Valley City Council, The Venny, Urban Communities, Doutra Galla Community Health, Somali Community of Victoria
- CLE sessions in the community on driving and infringements,
- Legal rights information to Debney Park year 12 students, and introduction to the law at Kensington Community School
- Regular CLE session with the African Women at North Melbourne Community Centre, Kensington Neighbourhood House

- The library of material has been reviewed, reorganised and given a new home in the front area.
- How to sue the police workshop organised with Holding Redlich for lawyers in CLCs in March 2010,
- Police powers and my rights session at NMIT in Collingwood in June.
- Organisation of International Justice for TJ Hickey Day on 14 February 2010.
- Participation in research on Police and African community in Flemington with Swinburne university.
- Submissions to the Hate Crimes Review, the OPI investigation of deaths in custody inquiry, the SARC on the amendments to the control of weapons Act and the Summary Offences Act, the Proust Review,
- Participation in the Australian Inquest Alliance,
- Contribution to the Fitzroy Law Handbook on police complaints,
- Attended meetings at the Human Rights Commission on police and racism.
- Gave a session on Communications to the UN to achieve police accountability goals to the NSW CLC conference.

Admin keeps us afloat

Thuan Nguyen
Admin/Finance Worker

Oh no! It is that time of year again when accountants are contacted to audit the books. It's also the time of year to look at how the centre has operated over the last 12 months and prepare future budgets.

In early May 2010 I attended free Subweb training at Victoria Legal Aid. This training was organized by the CLEWS Network and it was quite exciting. I can now edit any changed information in our website (eg night service times).

In early January 2010 it was very sad to hear our best ever male solicitor Gregor resigned. Then more sad news. By the time you read this annual report our fabulous IT expert, Solicitor/Volunteer Co-ordinator will have left ... guess who? Yes, that was Joni. Do you believe that the computers also had a feeling that the fixer had left..... we had a major IT problem on the

very first day without Joni...the computers must have known.

Flemington and Kensington Community Legal Centre received a grant of \$41,500.00 from the Legal Services Board for our Racial Profiling Research Project. The Legal Centre also received a small grant from the Victoria Law Foundation to pay the last few weeks salary for the Racial profiling Research Project Worker.

We also need to thank Ms S. Byard for her generous annual donation and Mr B. Barker for his donation to the Legal Centre.

This year we have had a College of Law Student ~ Morgan ~ who is volunteering on Mondays and Tuesdays. In addition to her legal volunteer tasks she has also helped us to "clean up" our library in the foyer, making sure everything is up to date and easily available to members of the public. With further help from our reliable Admin Volunteers – Heather and Marisol, our foyer now looks great.

Jack is no longer our Admin Volunteer on Fridays he is now a para- legal volunteer and will become a Solicitor in few years time. However his Friday spot has been filled by Marisol. Thanks to Admin and Non-Admin Volunteers for their important work and good cheer. Importantly I also need to thank the Committee of Management who have spent valuable time and skill to volunteer and help our Centre. Welcome to the new members!

Last but not least! I would also like to thanks to our excellent Treasurer - Amanda who helps me when I need, even though she was very busy with her two jobs. Of course I also want to say thanks to all my mates who co-operate and try to purchase "on sale" or even Op shop items to keep our spending in check.

What more can I write..... I think that's enough. See you next year.

Migration can be a frustrating business...

Denise Gardner
Migration Agent

Another year and significant changes with the lamented loss of Gregor and Joni- two of the most committed lawyers that I have ever worked with – and I've worked with a few over the past 21 years of employment with Flem/Ken. Not surprising that both have moved to challenging and hopefully pleasing new jobs. I have also enjoyed our continuing relationship with the workers at Foundation House, the Unaccompanied Minor Program, the New Hope Foundation and with Lindsay Tanners office.

But to business. I'm told that I must include a case study with this report – I find this difficult. There is something very private about a man crying for his murdered brother, a son relating how his mother was repeatedly raped, or finding myself knowing how to inflict pain.

On the day that I wrote this I have 103 open

files almost all Special Humanitarian visa applications with the greater percentage of them "Immediate Family" applications. The clients I see have refugee, special humanitarian or protection visas, now living safely in Melbourne. They have left close family members behind (A spouse or a child. There are also children who have been separated from their own parents) The separation may have occurred during fighting, because of imprisonment or the sending of a lone child to safety when the family themselves cannot flee.

In this year we have been asked to part of a consortium preparing applications for young Afghani refugees. These clients have been granted Permanent Protection visas having been assessed by the Immigration Department on Christmas Island as being genuine refugees. They want to bring their parents and siblings here. While they are entitled to lodge sponsorships they must do so before they turn 18 and are then legally adults. There

are a very limited number of agents with the necessary experience who are prepared to do this work. Hence I have seen a number of young people from the Dandenong area. This is sad and extremely frustrating. It also makes the government agency labeled "Settlement Services" seem totally pointless – how do you settle into a new country when you are unable to access your right to family reunification and why must you travel across Melbourne to see an agent?

The other piece of sadness is that it is now obvious that the Department is no longer processing many applications as existing places are being taken by these so called "Queue Jumpers". In the end I fear that this will set ne recently arrived group against another as they compete for visas.

p.s. don't we just revere those volunteers – legal, paras and the committee!

Volunteers are our life blood

Our volunteer program has continued to provide an invaluable support to the legal centre throughout the last year. We continue to supervise around 25 volunteers at any given time. Our volunteers are a mix of law students, solicitors and administrative volunteers. These volunteers assist with our client intake services, casework support and reception.

We are fortunate to have two administrative volunteers, Heather Boyle and Marisol Sanchez Lopez, who work at our front desk reception across three days of the week. Heather is a long term volunteer with the legal centre and Marisol joined us earlier this year. They both provide important support to the centre and are often the first people new client's meet or speak to when coming to the legal centre. Cherry Khosla and Jack Kenchington-Evans also volunteered as administrative volunteers in the past year. Jack commenced his law degree this year and is now providing volunteer casework support at the legal centre.

Our day time volunteer roster continues to provide essential casework support to the legal service. In the past twelve months, we have supported three College of Law students, Daniel White, Tallace Bissett and Morgan Jaguar, to complete their pre-admission legal training. Daniel was admitted to practice earlier this year, whilst Tallace and Morgan will complete their training later in 2010. We have a group of dedicated law students who come in throughout the week who assist with the generalist legal casework, police accountability research and casework, and migration interviews.

Between May-July 2010, the legal centre operated a second client intake night service. We operated a Monday night drop in service and a Thursday night appointment service. During this time we had two volunteer night rosters. Several solicitors from the firm Hall & Wilcox commenced volunteering at our Thursday night service. Due to staff shortages and funding issues, we have recently reverted back to one night service only (Monday nights and by appointment). We have combined the volunteer night rosters and now have a dedicated volunteer base for our client intake.

Volunteering at Flemington & Kensington Community Legal Centre

I started my work as a volunteer at Flemington & Kensington Community Legal Centre in October 2008 as a law student eager to gain practical experience. The staff and volunteers patiently showed me the ropes and the solicitors introduced me to a variety of work right from the start. Indeed, the range of practice areas in which a volunteer at Flemington & Kensington Community Legal Centre can gain experience is impressive and I have been able to assist the solicitors in matters involving criminal proceedings, infringements, motor vehicle accidents, wills, debt and consumer contracts and migration issues. My duties include sitting in on client interviews, preparing file notes, drafting letters and legal documents, performing legal research and telephoning clients, courts and police. An invaluable aspect of my volunteer experience has been the willingness of the solicitors who supervise my work to provide constructive feedback without hesitation. This mentoring has increased my confidence over time and has provided a strong foundation as I prepare for the commencement of my legal career.

The camaraderie among the staff and volunteers at Flemington & Kensington Community Legal Centre is second to none and I feel truly privileged to be part of such a welcoming and supportive team. I highly recommend volunteering at Flemington & Kensington Community Legal Centre as it is an excellent way to broaden one's experience of legal work while contributing at the same time to the cause of social justice.

Christopher Rodrigues-Nascimento

After approximately 5-6 years of volunteering, Dakshinee Kodituwakku left the legal centre in early 2010 to commence her supervised legal training at Russell Kennedy Solicitors. Dakshinee contributed immensely to the legal centre whilst she was a volunteer here and we hope that she can have continued involvement with the centre in the future.

We continue to have occasional volunteer social events and training nights. We look forward to another year of working with our volunteers. Anyone who would like to volunteer with the centre should email volunteer@fkclc.org.au.

Outreach

Throughout this financial year, we have continued our involvement in the Healthtime outreach program coordinated by the Dousta Galla Community Health Service. This outreach targets single people living in blocks of public housing flats on Holland Court. We share the legal advice roster with Victoria Legal Aid. This outreach has been very beneficial to strengthening our relationship with Dousta Galla Community Health Service, and promoting the organisation across the Flemington estate. We hope to continue our involvement with Healthtime throughout the next year.

CENTRE ACTIVITY SUMMARY REPORT		
from 1.7.2009 - 30.6.2010		
CLIENTS		
Total number of clients		551
New clients	221	
Repeat clients	104	
Exisiting clients	226	
ACTIVITIES		
Information (referral)		486
Advice (face to face)		397
CASES (open and closed)		
Total cases open during period (open & new)		627
Open at period start	294	
New (opened in period)	333	
Still open at period end (ongoing)	289	
Total cases closed during period		338
Minor cases closed	190	
Medium cases closed	114	
Major cases closed	34	
Closed involving court representation	48	
Closed involving primary dispute resolution	0	
Closed test cases	1	
Closed with public interest indicator	2	
NON-CASEWORK PROJECTS		
Total projects open during period (open & new)		26
Open at period start	3	
New (opened in period)	23	
Still open at period end	0	
Total projects completed during period		26
CLE projects completed	11	
LRLP projects completed	6	

Top 10 Problem Types		
Parking fines	7	2.54%
Transport fines	22	7.97%
Complaints against police	32	11.59%
Immigration - Family	14	5.07%
Immigration - Refugee	58	21.01%
Motor vehicle accidents	8	2.90%
Road traffic offences	22	7.97%
Theft & related offences	8	2.90%
Credit/Debt owed by client	5	1.81%
Wills/probate other	15	5.43%
All other problem types	85	30.80%
Total	276	1
Top 10 COB by client		
Australia	58	
Burma	6	
China	7	
Eritrea	9	
Ethiopia	27	
Afghanistan	11	
Croatia	3	
Somalia	24	
Sudan	26	
Viet Nam	6	
All others	45	
Total	222	
Income Source by client		
Earned	42	
Government Benefit	176	
Other income source	2	
Not stated	2	
Total	222	

Access and Equity

In community legal centres our belief is that every client should have the opportunity to access justice. In doing so we try to provide high quality and understandable law to all of our clients. This commitment takes various forms – addressing the very different needs of our diverse client base.

Outreach – over the years staff and volunteers have operated outreach services to both Kensington & Flemington high rise estates, to Health & Community Centres, Tenants Associations, the Vietnamese Welfare office We also service home, aged care and hospital visits. Outreach has offered clients a safe and familiar alternate to coming to our office. This year we have participated in the Dousta Galla Health Service Health Time sessions on the Flemington Estate, as well as our regular Thursday outreach to Flemington Community Centre.

Interpreting – a glance at our interpreting bookings quickly shows the diversity of our client base. Tigrenya, Kirundi, Chin, Auslan, Persian, Vietnamese and Dinka. We have also call on AUSLAN interpreters when needed.

FLEMINGTON AND KENSINGTON COMMUNITY LEGAL CENTRE INC.

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF
FLEMINGTON AND KENSINGTON COMMUNITY LEGAL CENTRE INC.**

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, being a special purpose financial report, of Flemington & Kensington Community Legal Centre Inc., which comprises the balance sheet as at 30 June 2009, and the income statement, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of the association is responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 1 to the financial statement, which form part of the financial report, are consistent with the financial reporting requirements of the Associations Incorporation Act (Vic 1981) and are appropriate to meet the needs of the members. The committee's responsibilities also include establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conduct our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for distribution to members for the purpose of fulfilling the committee's financial reporting under the Associations Incorporation Act (Vic 1981). We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion:

The financial report of Flemington & Kensington Community Legal Centre Inc. is in accordance with the Associations Incorporation Act (Victoria 1981) including:

- i. giving a true and fair view of the Association's financial position as at 30 June 2009 and of their performance for the year ended on that date; and
- ii. complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporation Act (Victoria 1981).



Sean Denham

Sean Denham & Associates

Dated: 28 July 2009

CPA's

Suite 12, 13-25 Church Street Hawthorn VIC 3122

FLEMINGTON AND KENSINGTON COMMUNITY LEGAL CENTRE INC.

**INCOME STATEMENT
FOR THE YEAR ENDED
30 JUNE 2009**

	Note	2009	2008
		\$	\$
INCOME			
CLC Recurrent – Commonwealth		86,784	85,081
CLC Recurrent – State		176,744	157,810
Commonwealth - one off		65,178	-
VLF Fellowship		49,583	-
The Myer Foundation		2,500	-
Reichstein Foundation		8,960	6,400
Fundraising/Donations		1,768	2,780
Interest received		6,029	4,766
Sundry – Salary Recoupment (W/Cover)		30,600	29,752
Other income		4,838	4,475
		<u>432,984</u>	<u>291,064</u>
EXPENDITURE			
Amenities		855	248
Annual Leave Loading		2,458	671
ASC Lodgement Fees		36	35
Audit		1,900	1,750
Bank Charges		1,246	1,092
Cleaning		1,800	1,426
CMYI/YacVic/VLF		-	-
Depreciation		-	-
Dignity expenses		3,665	3,037
Electricity, Gas & Fuel		1,094	1,505
Insurance		3,142	3,464
Library & Subscriptions		2,419	1,424
Membership		733	618
Migration Agents Certificate		5	50
Myer Foundation		2,631	-
Other		2,312	4,491
Postage		-	1,553
Practising Certificates		1,137	850
Provision for Annual Leave		4,535	11,026
Provision for Long Service Leave		2,645	3,198
Publicity		-	50
Rent		3,640	3,596
Reichstein Migration Project		8,960	6,400
Salaries – Permanent Staff		224,175	192,007

FLEMINGTON AND KENSINGTON COMMUNITY LEGAL CENTRE INC.

INCOME STATEMENT
FOR THE YEAR ENDED
30 JUNE 2009

	Note	2009 \$	2008 \$
Stationery & Photocopying		5,850	4,208
Superannuation – Permanent		19,589	17,914
Telephone		5,356	4,629
Training		3,082	609
Travel		121	128
VLF Fellowship		45,703	-
Work Cover Insurance		954	1,049
Work Cover Salary		<u>30,600</u>	<u>29,752</u>
		<u>380,643</u>	<u>296,780</u>
Profit before income tax		52,341	(5,716)
Income tax expense	2	<u>-</u>	<u>-</u>
Profit after income tax		52,341	(5,716)
Retained Profits at the beginning of the financial year		<u>50,191</u>	<u>55,907</u>
Retained Profits at the end of the financial year		<u><u>102,532</u></u>	<u><u>50,191</u></u>

FLEMINGTON AND KENSINGTON COMMUNITY LEGAL CENTRE INC.

**BALANCE SHEET
30 JUNE 2009**

	Note	2009 \$	2008 \$
CURRENT ASSETS			
Cash	3	206,390	111,480
Trade and other receivables	4	-	2,565
TOTAL CURRENT ASSETS		<u>206,390</u>	<u>114,045</u>
NON-CURRENT ASSETS			
Property, plant and equipment	5	-	-
TOTAL NON-CURRENT ASSETS		<u>-</u>	<u>-</u>
TOTAL ASSETS		<u>206,390</u>	<u>114,045</u>
CURRENT LIABILITIES			
Trade and other creditors	6	12,743	11,858
Amounts received in advance	7	42,712	10,774
Provisions	8	22,731	18,196
TOTAL CURRENT LIABILITIES		<u>78,186</u>	<u>40,828</u>
NON-CURRENT LIABILITIES			
Provisions	8	22,502	19,856
TOTAL NON-CURRENT LIABILITIES		<u>22,502</u>	<u>19,856</u>
TOTAL LIABILITIES		<u>100,688</u>	<u>60,684</u>
NET ASSETS		<u>105,702</u>	<u>53,361</u>
MEMBERS' FUNDS			
Retained profits		102,532	50,191
Reserves	9	3,170	3,170
TOTAL MEMBERS' FUNDS		<u>105,702</u>	<u>53,361</u>

FLEMINGTON AND KENSINGTON COMMUNITY LEGAL CENTRE INC.

**STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED
30 JUNE 2009**

	Note	2009	2008
		\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from government grants (recurrent)		410,227	254,628
Receipts from customers		52,130	43,407
Payments to suppliers and employees		(373,476)	(306,763)
Interest received		6,029	4,766
Net Cash provided by operating activities	10	<u>94,910</u>	<u>(3,962)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for purchase of property and equipment		<u>-</u>	<u>-</u>
Net Cash provided by (used in) investing activities		<u>-</u>	<u>-</u>
Net increase (decrease) in cash held		94,910	(3,962)
Cash at the beginning of the year		111,480	115,442
Cash at the end of the year		<u><u>206,390</u></u>	<u><u>111,480</u></u>