

# ANNUAL REPORT 2021



# vision

Delivering justice for our community Promoting and protecting human rights and equality before the law

# values

# mission

Empower & support disadvantaged and vulnerable people in our community to address their legal needs

Engage & build an ever-strengthening and capable legal practice

Foster & maintain a network of support for the vulnerable & disadvantaged with our community

Support families in the provision of services that champion child welfare and safety in the eyes of the law

Deliver a legal service that builds our community toward building one free from family violence

#### empowerment

we work towards strengthening the capacity of all people to understand their rights, pursue their interests and understand their responsibilities

#### independence

we are free from external control or influence and are therefore unfettered in our ability to speak for our clients and our community

#### fairness

we treat all people justly, reasonably and in a non-discriminatory manner

#### quality

we are a leading legal assistance sector organisation committed to providing quality, evidence based solutions to pressing issues facing our community

### integrity

we deliver service based upon our strong moral principles and ethics

#### accessibility

we assist vulnerable and disadvantaged people to obtain justice that they would otherwise be denied

#### respect

we treat others with dignity and in a manner which demonstrates regard to their feelings, wishes, autonomy and rights

These values underpin all that PCLC stands for and does. They strengthen our organisation and its capacity to deliver on its promises

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# **Chairperson & CEO Message**

## We are delighted to present the Annual Report for the Peninsula Community Legal Centre for the 2020-21 year.

We have had another outstanding year at PCLC and have continued to provide high quality legal and support services across the diverse communities we serve. The PCLC team rallied to ensure that we remained socially connected to our community, despite often being physically distanced with COVID lockdowns. The organisation and staff continued to adapt and respond, embracing changes to our service delivery and enhancing the use of technology.

PCLC's core values are what inspired us to continue our work to address issues of inequity and fairness, not to mention the social, health and economic impact of COVID-19 on our community during this past year.

Throughout the year, staff wellbeing was at the forefront. We constantly reviewed our Operational Guidelines & COVID Safe Plan to support our commitment to a safe and supportive workplace. We were constantly impressed by the strength, resilience and commitment of our staff to ensure we delivered access to justice to our community in this constantly changing COVID landscape.

We worked with the leadership team to review the scope of our operations and explore new ways to enhance and improve our services to the community. We set an ambitious agenda to review the Centre's policies and procedures, develop our quality management and implement a new Human Resources software system.

We thank our Management Committee colleagues for their knowledge, guidance and diligence in undertaking and supporting us with the crucial governance of the organisation.

We extend our deepest appreciation to the dedicated staff of PCLC. Their professionalism and drive has been exceptional in these extraordinary times. We acknowledge the leadership and work of our Directors and Management team in guiding the organisation to achieve its goals and mission.

PCLC is incredibly proud of its standing in the community and the work it undertakes to improve the legal outcomes for our vulnerable community members. We recognise that there will be many challenges ahead but remain confident that PCLC will work together to meet the community's needs.



Thierry Pascal Chairperson



Jackie Galloway Chief Executive Officer

# Our year

COVID-19 and its impact was ever present in our service planning, service delivery and organisational thinking this past year. As the year progressed with lockdown, it became increasingly difficult to reflect on community life pre COVID or envision what post COVID normal would look like.

Despite these challenges, the PCLC team had another exceptional year providing a comprehensive suite of legal and support services to our clients and community. PCLC assisted 6,442 individuals with the provision of 12,243 services. This was a 2% increase in services, despite a 6% decrease in the number of clients assisted on the previous year. We were pleased with this result given the substantial periods of lockdowns and suspension of our volunteer and visiting services for the vast majority of the year. As our case studies throughout this report demonstrate, we were able to sustain our level of casework and court services whilst grappling with the added complexity of working remotely and virtual court appearances to achieve positive outcomes for our clients.

The prevalence of family violence in our community was of great concern to PCLC. The Centre's data highlighted that 44% of all clients accessing the Centre reported family violence, a 7% increase on the previous year. We quietly and diligently transitioned our family violence duty lawyer services to the new Specialist Family Violence Court model at Frankston Magistrates Court, and continued our duty lawyer service at the Moorabbin Justice Centre in partnership with St Kilda Legal Service. We worked collaboratively with the courts, police and VLA on pre court engagement and remote models to support timely and effective referrals for clients with Family Violence Intervention Order matters.

We welcomed the support from Frankston City Council with additional funding to support our family violence services. This funding increased our intake services and the implementation of a family violence visiting service in Maternal Child & Health Centres in the Frankston municipality.

We were delighted to welcome additional services to PCLC's suite of services with a monthly elder law clinic from our Rosebud office. The clinic is staffed by a PCLC lawyer and volunteers, including our Pro Bono Partner Russell Kennedy. We extend our appreciation to John Corcoran AM and the Russell Kennedy team for their support of the clinic. We enhanced our services to those experiencing family violence. With a generous donation from The Eastlink Community Investment Fund, PCLC was able to engage a family law property lawyer to assist women on low incomes, who have a low asset pool to exercise their legal entitlements.

Access to safe, affordable and sustainable housing was a dominant feature of our work in our tenancy and rooming house programs. PCLC has had long held concerns about the overcrowding, cost and poor standards of hygiene in Rooming Houses across the South East of Melbourne. We were pleased to release our report, 'Open the Door! The Residents view of life in a Rooming House'. This report reflects the voices of rooming house residents and their struggles living on the margins.

We responded to the COVID public health concerns to rooming house residents with increased visits, delivering health packs and public health information. We wrote to Government calling for urgent action including specific public health directives for Rooming Houses and a review of the prescribed minimum standards. Our tenancy services were in constant demand with tenants impacted financially by COVID and often anxious about the cost and sustainability of their housing. Our tenancy team worked hard to support tenants in the changing landscape of tenancy during the year with the transition from the Emergency Measures laws to the introduction of the new Residential Tenancies Amendment Act (2018).

PCLC continued to focus on providing multidisciplinary and integrated legal services in collaboration with a range of community and government service providers to address our clients' inter-related social, health and other needs. Our Work Development Project, funded by the Legal Services Board, is a great example of a collaborative model that undertakes capacity building across the health and community service sectors to improve knowledge of responses available for clients with infringement debt. We are proud of the work undertaken by the Project to increase the number of sponsors in the region. This work has enhanced the opportunities for our Sponsor Matching service to deliver tailored support to clients by enabling them to access health and community services which can assist in addressing some of the underlying drivers which led to the client's involvement in the fines system.

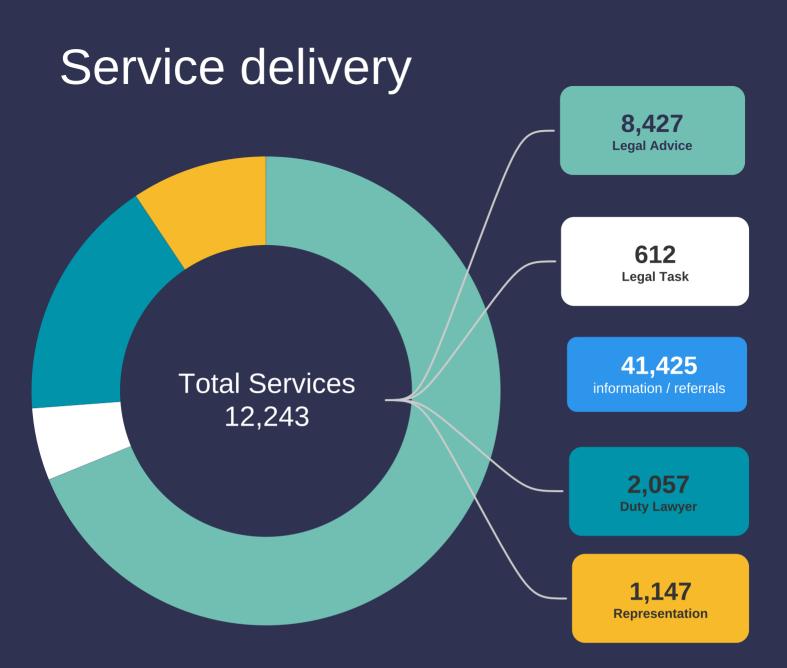
We would not be able to deliver our services without the generous support of our funders, Federal, State and Local Governments, pro bono supporters and donors whose support of the organisation is integral to our continuing development and future sustainability.



#### Our role is to support our community

Any weekday a person can contact PCLC and be given an appointment with a lawyer or advocate within hours. Despite ongoing restrictions and lockdowns, some things have stayed the same. Amazingly, PCLC has managed to maintain a consistency of service to our community when they needed it most:

- A victim of family violence will be supported by a duty lawyer prior to, during and after attending court either remotely or in person.
- A client-facing eviction or requiring urgent repairs will speak to a tenancy advocate as soon as one is available, usually within two to three hours and be represented at VCAT
- People struggling through the family law system can access duty lawyers and, where eligible, intensive family law advice, support and representation.
- A young person whose mental health has been affected by endless remote learning and lack of social interaction and has found themselves faced with thousands of dollars worth of infringements can be assisted to have these fines reviewed and hopefully withdrawn, or 'worked off' as they seek psychological support to help them see a brighter future.



# Total clients 6,442



# **Client comments**



Family law & family violence

"My children and I are relieved to have such positive and helpful outcomes to allow us to recover from the traumas we had experienced and to finally move forward in peace."



Family violence

"Your expert, warm and personal handling helped us in our dilemma. We never doubted that your ability would be able to achieve a positive outcome in this matter."



Family law

"I am so grateful for your passion, dedication and professionalism. I have worked with other lawyers before, but you are truly the best I have ever worked with."



#### **Fines**

"PCLC was able to get a credit collections company to waive an outstanding debt for me, for the sum of \$73,038.22. I feel a tremendous weight has been lifted from my shoulders and finally now I can move forward in my life."



Tenancy

"After speaking to PCLC today, I have now received an apology from the agent."



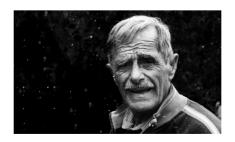
**Criminal law** 

"My son and I are so grateful for what you did today and everything you have done in the past. My son is going to make sure his life is now full of great things and positively move forward and be the best person he can be."



#### **Family violence**

"In my particular case, where I have been entangled with fear, emotion and uncertainty, I appreciated your ability to have kept me on fact and straight on point. You did this with sensitivity, honesty, dedication and genuine care".



#### Tenancy

"Thank you again for your help. Without your knowledge and assistance, we would be homeless and I am immensely grateful."



Family law

"You have made such a difference in my life and more importantly that of my girls. You have helped me give them a voice and for that I will always be grateful."

# Our reach

#### **Branches**

Frankston Head Office Bentleigh Cranbourne Frankston North Rosebud

#### **Community Venues**

Bunjil Place, Narre Warren Casey North Community Information & Support Service Chelsea Community Support Services Living & Learning Centre Inc, Pakenham Salvation Army Crisis Centre, St. Kilda Selandra Community Hub, Clyde North Westall Community Hub, Clayton South Westernport Community Support Service, Hastings

#### **Court/Tribunals**

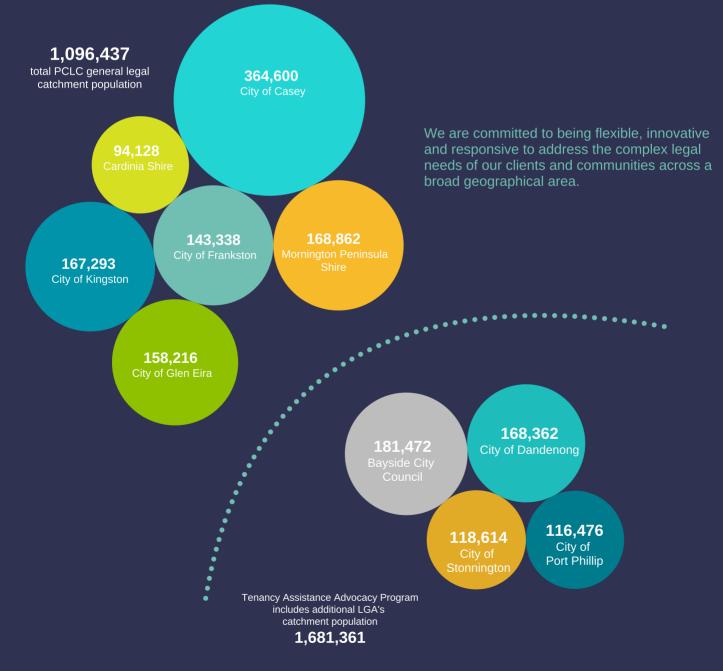
Frankston Magistrates' Court Federal Circuit/Family Court Dandenong Moorabbin Justice Centre Victoria Civil & Administrative Tribunal - Dandenong Victoria Civil & Administrative Tribunal - Frankston Victoria Civil & Administrative Tribunal - Dromana Victoria Civil & Administrative Tribunal - Oakleigh

#### Government

Department of Justice & Community Safety Victoria

#### Hospital / Health Settings

Peninsula Health Glenhuntly Maternal Child & Health YParc Youth Prevention & Recovery Karingal Maternal & Child Health Carrum Downs Maternal & Child Health



# **General Law**

## **Services provided**

- Legal advice
- Negotiations with other parties and agencies
- Assistance with applications
- Advocacy
- Ongoing casework

## **Problem types**

- Debt
- Victims of Crime Assistance (VOCAT)
- Will and POA advice
- Guardianship and Administration
- Employment
- Motor Vehicle Accidents
- Neighbourhood and fencing disputes
- Employment

## **Challenges & achievements**

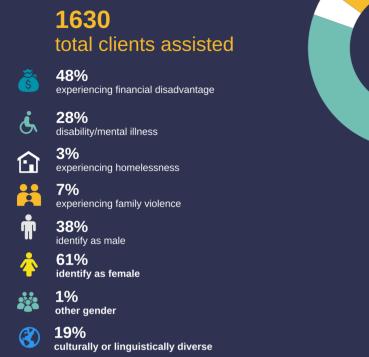
Our generalist lawyers are our catch-all civil law team. They need to have a strong understanding of a broad range of legal issues, along with a knowledge of where to refer clients who are seeking advice about matters outside the Centre's areas of expertise. Although our ability to provide face to face appointments has varied throughout the various lockdowns and restrictions, our clients have continued to receive high-quality legal services. The resolution of a neighbourhood dispute or the provision of urgent safety equipment through a VOCAT application can impact significantly on a person's life.

Our Street Law Coffee Van, which provides mobile legal services to isolated vulnerable community members who struggle to access services, provided a crucial connection to legal and non-legal services when many were unable to provide face to face services. While the van's ability to go on the road was constrained at certain times due to pandemic restrictions, when restrictions eased the Street Law team visited venues providing vital support such as the Splash Program for people experiencing homelessness in Rosebud, Merinda Park Education and Community Learning, Berwick Women's Housing and Mornington Secondbite food program, to name just a few.



#### 2020-2021

# Our impact General Law



#### Things are not always what they seem

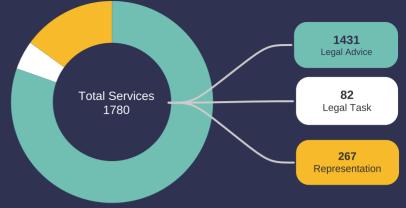
Rebecca's daughter Keeley was in her final year of her Science degree and was looking forward to heading off around Australia in a caravan with one of her friends. Rebecca had promised Keeley that she would buy her a caravan before the end of July, which was guickly approaching.

Rebecca found a caravan on social media, as time was of the essence, she purchased it 'sight unseen' and guickly paid \$8,500.00 into the seller's bank account. When the caravan was delivered the seller was in a hurry to leave, he stated to Rebecca that "everything was in good working order with no leaks....and no preparation would be required for registration" and then was gone. Rebecca didn't have an opportunity to properly inspect the vehicle before the seller left.

Upon attempting to register the caravan, Rebecca became aware that the seller had not been entirely honest. Two independent condition reports were required, which revealed approximately ten deficiencies, many of which rendered the vehicle uninhabitable. The cost to get it to a registerable standard was prohibitive. Rebecca tried to deal with the seller herself but he refused to engage.

Fortunately, Rebecca came to see one of our generalist lawyers who assisted her by drafting a detailed letter of demand outlining the failings of the caravan and noting that it was not fit for purpose.

The seller responded accordingly and Rebecca was very pleased to receive a full refund of the purchase price.



\$11,506 client welfare fund

# \$3,002 client disbursement fund

#### Can't see a way forward

Sanjeev had been on the disability pension for as long as he could remember, he suffers from significant mental health issues with suicidal ideation.

Sometime ago Sanjeev had been involved in a motor vehicle accident. Sanjeev was uninsured and after receiving continuous calls from the other driver's insurer he was terrified to leave the house. This was making it increasingly difficult to care for his sick mother.

Sanjeev contacted PCLC in a desperate state, he couldn't see a way forward. PCLC wrote and advised RACV that Sanjeev, was judgement proof, meaning that he had no money or property against which an order could be enforced. Details of his current situation and mental health issues were also highlighted. Upon receiving our letter along with Sanjeev's financial position RACV agreed to waive the debt.

~ "you are my only angel and have literally saved my life"

# **Criminal Law**

## **Services provided**

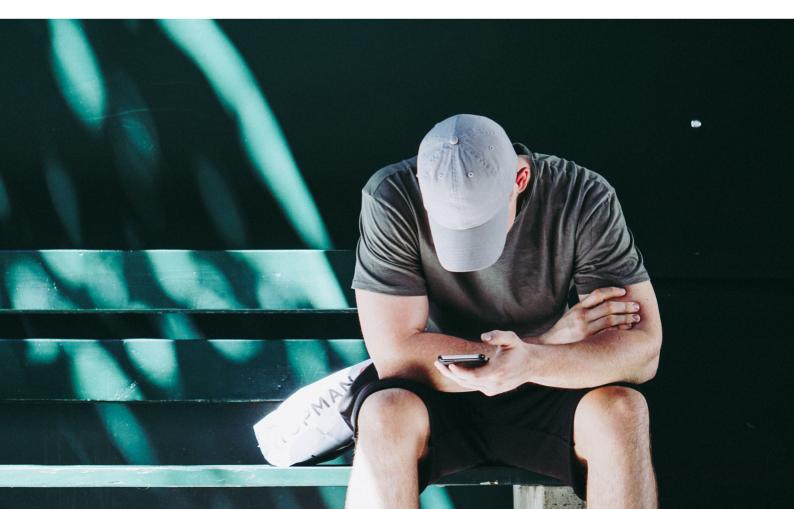
- Legal Advice and assistance
- Case conferencing with police
- Representation for clients on WebEx, in person and on the papers
- Briefing Counsel where appropriate

## **Problem types**

- Traffic Offences
- Minor drug offences
- Violence related offences
- Breaches of Intervention Order
- Public Order offences

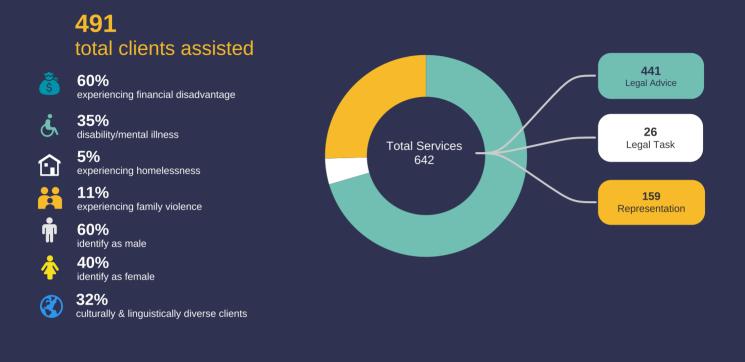
### **Challenges & achievements**

Our general and Fines/Traffic teams have increased their representation services for summary crime matters. This has seen exponential skill growth in this area. These services are of particular benefit to clients who do not meet the eligibility requirements for a grant of Legal Aid. Frequently these clients are some of the most vulnerable and disadvantaged in our community, overwhelmed by their contact with the criminal justice system, albeit for minor offences. These services were provided in an environment that was difficult to navigate because of court closures, access to technology and the balancing act of hearing logistics. The team quickly adapted to WebEx hearings along with pleas and applications for diversion being heard completely by written submission.



# Our impact

**Criminal Law** 



#### An addled mind

Arthur and his children sought advice from PCLC after the 84 year old was charged with sexual assault. It was apparent to the lawyer that Arthur was unable to provide instructions. His children, who had been appointed as his representatives pursuant to an Enduring Power of Attorney, reported that he had the early stages of dementia. The alleged offences occurred at an Aged Care Facility, where both victims were suffering from advanced dementia.

At first instance, PCLC sought an adjournment so that a psychologist could write a report advising whether Arthur was suffering from a diagnosed mental impairment when the offending behaviour took place. A 'mental impairment' is said to exist when a person does not have the capacity to know the nature and quality of the alleged offences being committed and does not understand they are wrong. The report confirmed Arthur was suffering from mental impairment when the offences occurred. In addition, Arthur had been diagnosed with stage 4 stomach cancer. When the matter returned to court Prosecutions advised that they were going to continue with the matter and it was being uplifted to the committal stream. It was adjourned until March 2021. This was a problem for Arthur, for mental impairment to be considered it must be heard in the County Court. Whatever happened the County Court process was going to be lengthy and there was a significant possibility that Arthur would not survive to see it resolved. This created an argument with regard to costs, public interest and oppressive prosecution. Following long and legally complex negotiations with Prosecutions we finally succeeded in getting the charges against Arthur struck out.

Arthur now has the opportunity to see his final days out in peace.

# Family Law

## **Services provided**

- Legal Advice
- Casework and representation both at Victoria Legal Aid's Family Dispute Resolution Service and at Court
- PCLC also provides daily family law duty lawyer services at Family Circuit & Family Court -Dandenong Registry

### **Problem types**

- Urgent interim and final parenting matters
- Recovery order and airport watch list applications
- General parenting applications where family violence has been experienced
- Small property pool matters
- Child support, adult child maintenance and spousal maintenance proceedings

## **Challenges & achievements**

Pandemic restrictions placed unique pressures on family relationships and our family law practice experienced unrelenting demand over the year. While the pandemic required major changes to how we delivered services we continued to assist family law clients through all levels, of COVID restrictions. Even when meeting the client in person was not possible we still saw clients accessing our services repeatedly. Our duty lawyers negotiated with opposing lawyers by phone and email, appeared in court by phone and video, and managed to create relationships with clients and provide assistance and representation whilst working remotely.

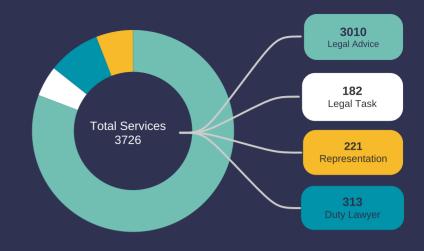
Our Family Violence to Family Law Program faced particularly high demand which never eased throughout the year. Along with our generalist family lawyers, the program conducted litigation for clients who not only had complex family law issues but frequently struggled with very complex psycho-social vulnerabilities such as family violence and mental health. A key aim of the project is to maintain consistency and continuity in the services provided to these vulnerable clients, which was particularly beneficial during the pressures created by the lockdowns.



#### 2020-2021

# Our impact Family Law





#### Across jurisdictions

Lila had experienced significant family violence perpetrated by her husband and his family. The police had made an application for an Intervention Order against her husband Tony. Tony and Lila had a daughter, Rosie. Lila and Rosie were quite isolated as all Lila's family were overseas and her main social supports were Tony's family.

Whilst being assisted by one of our duty lawyers at the Magistrates' Court for her FVIO hearing, Lila was served with an initiating family law application for parenting orders. Tony was seeking weekly unsupervised time with Rosie and an airport watch list order to prevent Lila from travelling overseas with Rosie.

Initially Lila was eligible for legal aid and was referred to our Family Violence to Family Law Continuity Program. As a result interim orders were obtained which provided for Rosie to spend two hours a week with Tony supervised by a professional supervisor. The supervisor was to provide a report after 8 weeks.

Unfortunately, when the matter returned to court Lila was no longer eligible for legal aid as her financial situation had changed. Despite being ineligible for legal aid Lila couldn't afford a private lawyer. Lila's matter was taken on by one of PCLC's general family lawyers who was able to assist clients, without a grant of legal aid. The matter progressed well and with avoiding the necessity for the parties to attend court, final consent orders were negotiated for gradual unsupervised time with Tony and the removal of the airport watch list order and orders providing for overseas travel with conditions.

PCLC was able to assist and support Lila from her first contact with the Family Violence duty lawyer right through to having final family court orders in place. This was done without her have to re-tell her story numerous times and all practitioners had access to the extensive background material.

#### Negotiations through the bars

Ebony and her 4 children had recently relocated from South Australia to Victoria following her marriage breakdown. Ebony's ex-husband, Vince, had been accused of child sex offences relating to one of his students. These offences led to charges and a prison sentence for Vince in South Australia.

Ebony advised that through mediation the matrimonial home and household items been divided amicably and a parenting plan had been agreed to. The parenting plan provided that the children would live with Ebony and spend time with Vince, by agreement. However, there was still the outstanding issue of Vince's substantial superannuation entitlement, she sought advice and assistance from PCLC.

PCLC's lawyer agreed to assist Ebony and began by writing to Vince in prison. After numerous requests and many months, Vince finally complied with the requirement of disclosure. Our lawyer also advised Ebony regarding parenting matters. She agreed that it would be prudent to obtain parenting orders, rather than to continue to rely upon the current parenting plan, to provide certainty and formality to the existing arrangements. Furthermore, due to the nature of Vince's offending, distance and a lack of communication, a workable co-parenting relationship did not exist. On this basis, our lawyer suggested that Ebony also seek sole parental responsibility.

Following 6 months of negotiation, Vince, who was selfrepresented, agreed to the parenting orders that included sole responsibility for Ebony and a property orders dividing the parties' superannuation in Ebony's favour. With these orders in place, Ebony could start her new life in Victoria knowing she had a healthy superannuation balance and could care and make decisions for her children without having to negotiate with Vince. For Ebony who lives with a diagnosis of Bi-Polar Disorder, having these orders in place which enabled her to provide structure and consistency for her family are invaluable.

# **Family Violence**

### **Services provided**

- Legal Advice and assistance
- On-going casework and duty lawyer services at both the Moorabbin Justice Centre and Frankston Magistrates' Court

### **Problem types**

- Intervention orders
- Family violence related criminal charges
- DHHS involvement
- Separation and child contact

# **Challenges & achievements**

In line with the UN declaration that the global increase in domestic violence for women and children during 2020 represented a "shadow pandemic", our family violence practice experienced massive demand. The opening of the Specialist Family Violence Courts at Moorabbin Justice Centre and Frankston Magistrates Court also had a significant impact on demand for our duty lawyer services.

PCLC provides duty services five days a week at Frankston and two days a week at Moorabbin. We have partnered with St Kilda Legal Service to provide a five day service at MJC. Our duty lawyers provided services remotely and in person when restrictions allowed. Where possible clients were assisted prior to their hearing dates, reducing the demand on the Court and stress for the clients. It is important to remember the that even briefest contact between a family violence lawyer and a vulnerable client can impact significantly on their experience of the intervention order system. When our lawyers are there to draft documents and assist with representation, their work can be life changing.

As family violence is a major issue in our community, we are always looking at ways that we can provide information and assistance to those people who do not come to us through the Courts. Our work with Orange Door continues and they are a frequent referrer. Unfortunately, we have been unable to recommence a visiting service in their offices due to the pandemic.

PCLC was excited to increase our family violence healthjustice visiting services by building a relationship with another council-based Maternal Child Health Centre in our catchment during the reporting period. Our existing health partnership-based maternity services have demonstrated that this is an extremely effective model that provides early intervention legal assistance to women during pregnancy, a time where it is recognised they are at an increased risk of experiencing family violence. The program also seeks to strengthen the capacity of nursing staff to identify and respond to family violence.



# Our impact **Family Violence**





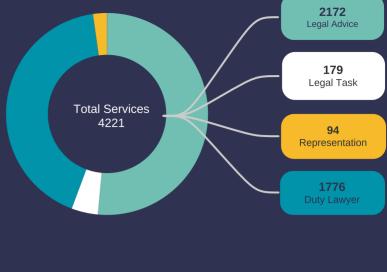
7%

experiencing homelessness 100% experiencing family violence

21% identify as male

79% identify as female

27% culturally & linguistically diverse clients



#### A balancing act

Following discharge from detox treatment Jennifer returned to live with her mother Dawn, and brother Adrian. Jennifer's struggle with her addiction continued as she became increasingly desperate. When Dawn questioned Jennifer's request to borrow money the floodgates of Jennifer's anger and frustration opened, Jennifer started screaming and yelling at her mother. When Adrian and Dawn offered to buy her a phone, Jennifer proceeded to run to the front door and smash the windowpane. Dawn and Adrian attempted to restrain and calm her, but were unsuccessful. Jennifer lashed out and attempted to punch and hit them both. After breaking free, she ran to the back door, broke that window and left in a state of rage.

The police arrived to find Dawn visibly shaken, she was fearful of her daughter. Police made an application for an Intervention Order prohibiting all contact, as they had concerns for Dawn's safety and welfare.

Dawn was referred to PCLC's Family Violence Duty Lawyer. The service was provided by phone due to COVID-19 restrictions. Following advice, Dawn instructed that she recognised that Jennifer's mental health had been impacted by her drug use. It was important for Dawn to be able to assist and support her daughter with on-going treatment. No contact would only exacerbate Jennifer's mental health issues and increase the likelihood of her relapsing. Dawn could not support an order that prohibited all contact.

Our duty lawyer made submissions seeking an order that provided for Jennifer to be able to have full contact with Dawn when not affected by drugs or alcohol, the Court made an order in accordingly. Dawn was relieved, she would be able to support her daughter during her rehabilitation with the necessary protections in place should further trouble arise.

The effect of the legislation is that if Dawn did not consent to an order that prohibits all contact with Jennifer the court could only make an order with limited conditions. This clause is particularly useful in elder abuse situations where the court needs to find a balance between the wishes of a parent and the protection of an elderly person.

#### When it rains it pours

Eliza had two of her own children and two of her sister's children in her care. Her ex-partner had always been abusive and threatening towards her. He informed DHHS that she was an unfit mother, the matter was investigated and Eliza was found to be the safe parent. DHHS strongly urged Eliza to get a Family Violence Intervention Order (FVIO) against him. Which she did.

Eliza was then physically assaulted by her current partner, who was the father of her infant child. Police attended and applied for a FVIO against him. She now has orders against her ex and current partner.

During this chaotic time Eliza was diagnosed with cancer, and required follow up surgery. As the court dates for both matters were quickly approaching Eliza was referred to PCLC by her maternal health nurse. Our lawyer discovers that both matters are contested. Physical appearances were not permitted so submissions were written requesting a six month adjournment to enable Eliza to complete her cancer treatment and request that all four children are included on the orders. The court makes interim orders in the terms requested.

Six months later Eliza was still under-going treatment, and our duty lawyers assisted Eliza to request a further six month adjournment. The interim FVIOs continue.

At the next hearing Eliza was in remission from cancer and moved out of the area. Neither of her ex-partners knew her new address. PCLC represents Eliza and the Magistrate granted full final orders for five years in both matters. Eliza was given advice in regard to enforcing orders and ensuring that copies of the orders are provided to the relevant schools and childcare facilities. Eliza is now beginning the next phase of her life.

# Fines & Traffic Law

## **Services provided**

- Legal advice
- Assistance with applications to Fines Victoria such as special circumstances and family violence scheme applications, negotiations with relevant agencies
- Work Development Permit Scheme Project client matching service
- Court representation.

## **Problem types**

- Infringements
- Traffic fines
- Traffic offences
- Vehicle impoundments
- · Work Development Permit Scheme.

### **Challenges & achievements**

The team have continued to support the large number of clients impacted by the Infringement system and related traffic offences. Notwithstanding the difficulties posed by on-going COVID restrictions, the team managed to save our clients a total of \$1,868,356.31 in fines debt this year. Fines can escalate very quickly meaning that our clients are often facing debts as high as \$100,000, with the average debt being around \$12,000. Frequently for clients, the stress and anxiety of having significant debts hanging over their heads can either cause or exacerbate existing physical and mental health problems. Having infringement debts quashed can change lives.

Our Work Development Permit Scheme (WDP) project has increased the number of accredited WDP sponsors in our catchment. The number of sponsors has grown from 10 at the commencement of the program to currently around 84 with more than \$2.6million worth of fines loaded to date on the WDP system in Southern Metropolitan.



35 facilitated active sponsors



# Our impact

Fines & Traffic Law



**Outside the box** 

Neil first came to PCLC for assistance with his \$20,000 fine debt. Neil had been experiencing depression, anxiety and substance abuse at the time the infringements were incurred. An application for enforcement review – special circumstances was lodged on Neil's behalf.

The supporting evidence from Neil's doctor, attached to the special circumstances application, only referred to the two year period in which he was treated for substance abuse. Unfortunately, Fines Victoria refused to revoke the fines that fell outside that that period as there was no evidence to show that special circumstances existed.

When our lawyer contacted Neil's doctor to obtain further information, the doctor advised that Neil had been diagnosed with aggressive early on-set dementia, he had lost capacity and that his condition was deteriorating so rapidly, he would be unlikely to survive for long.

The doctor willingly wrote a detailed letter outlining Neil's current condition. Fines Victoria were not persuaded stating that Neil's current dementia diagnosis did not contribute to him incurring the fines and consequently refused revocation. Our team were concerned that Neil and his family were going to be dealing with his outstanding fines matter right up until he passed away. It was time to think outside the box.

The Fines Reform Act 2014 allows for the discontinuation of enforcement where the Director deems enforcement inappropriate. Factors taken into account include the likelihood of Fines Victoria recovering the outstanding infringements and whether the matter should be heard by a court. Although the team had never made this kind of application before, it was their view that this was Neil's only option.

The Director of Fines Victoria considered the application carefully, as this was also the first time they had dealt with an application of this kind. As a result of the compelling argument raised by PCLC's fines team the Director approved the application and all fines were withdrawn.

#### **COVID** generation

Monika was in year 12 and struggling with remote learning. She had three siblings in the house and the relationship with her mother was getting worse every day. As a consequence, Monika was spending less and less time at home and was hanging out with friends in public places such as parks or retail precincts. She began drinking and experimenting with illicit drugs. The police had had dealings with Monika on numerous occasions and she had incurred several COVID 19 and Department of Transport fines.

Monika's friend told her to contact PCLC. After speaking with a fines lawyer she was referred to the WDP Program. During her meeting with our WDP Linkages Worker, Monika acknowledged that she needed help and agreed to engage with appropriate services, but didn't know how to make those connections. As PCLC already has a health-justice partnership with one of the local Youth AOD Services, the WDP Linkages worker quickly arranged for an appointment for Monika. Monika attended the appointment and was allocated to a Youth Outreach Worker, who, in consultation with PCLC, applied to Fines Victoria for Monica to access the WDP scheme. Within two months Monika had 'worked off' of her \$2000 infringement debt and gained access to a Youth Detox service. Monica was taking positive steps towards recovery and the rest of her life.

# Housing

## **Services provided**

- Information and advice
- Intake, assessment and response
- Negotiation
- Preparation for hearing and representation at VCAT
- Rooming House visits

## **Problem types**

- Urgent repairs
- Bond disputes
- Breach of duty notice
- Possession orders
- Compensation claims
- Lease breaks and rent arrears
- Minimum standards

### **Challenges & achievements**

Through changes to legislation the moratorium on evictions we assisted private rental tenants, caravan park and rooming house residents.

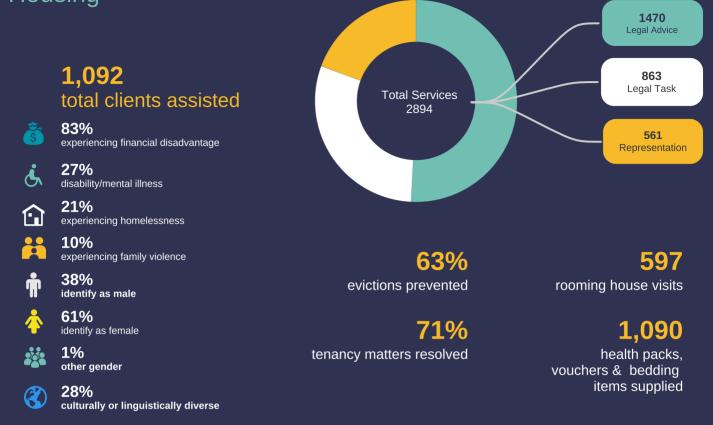
The end of COVID moratoriums on evictions and rent increases saw an increase in eviction activity towards the end of the year. Many renters, who were still struggling to get back on their feet, were issued with notices to vacate from rental providers who either wanted to move into the premises themselves or to put the property on the market. Between March 2021, when the 'ban on evictions' was lifted, and June 2021, we saw an increase of approximately 15% of clients being served with notices to vacate.

The pandemic-induced lockdowns fueled a record number of family violence-related matters coming through our tenancy program, including lease breaking and property damage.

It was also noted that many of the clients accessing PCLC's tenancy service presented with a range of other significantly complex issues, both legal and psycho-social. These clients required more intensive and integrated assistance. Resources are directed to provide these clients with sufficient attention and support along their journey, along with appropriate referrals to other PCLC programs and external agencies.



# Our impact



#### Safe at home

Tania felt defeated when she first came to PCLC. Her relationship with Jason, the father of her child, had broken down after Jason's aggression and violence had become too difficult to manage. The breaking point was when the police were called and an intervention order, excluding Jason from their shared rental property, was put in place.

Tanya was in a fixed term lease and had recently re-signed it for another 12 months. Although Jason could not come with 200 meters of the rental property, many of his close friends lived close by and Tania felt unsafe at home.

PCLC successfully negotiated with the property owner and the Real Estate Agent to have the fixed term lease end in one weeks time without penalty. Tania was unable to secure alternative accommodation and move herself and her young daughter in such a short time frame. PCLC again successfully negotiated with the property owner and the Real Estate Agent agreed to extend the lease for one month with only the advertising fees being passed onto Tania.

Tania and her daughter are now living in their new rental property and are able to safely manage their remaining issues.

#### **Unexpected consequences**

Jai lived alone. She was employed by an international company whose head office was based in China. Jai's income was severely impacted by the long lasting impact of COVID-19 and as a consequence she was starting to accrue significant rent arrears. She had unsuccessfully attempted to mediate a rent reduction through CAV/DRCV.

Jai sought advice from PCLC. An application seeking a backdated rent reduction was lodged with VCAT on her behalf. PCLC represented Jai before VCAT and assisted the parties to reach an agreement that was subject to Jai being required to apply for a Rent Relief Grant. This grant was one of the measures created by the State Government to protect tenants from eviction and landlords from financial loss.

At first instance, Jai's application for the Rent Relief Grant was unsuccessful, due to part of her application occurring prior to the commencement of the Emergency Legislation. PCLC assisted her to have the matter reviewed by DHHS, which again was unsuccessful. Finally, the original decision was overturned on appeal and Jai was able to access a Rent Relief Grant of \$3000. This, along with a rent reduction of \$500 per month for a period of 12 months, meant that Jai was able to stay in her home

# **Community legal education**

When pandemic restrictions allowed we continued to deliver in-person community legal education, while also delivering innovative methods to continue providing CLE to our community.

# Strengthening Legal Pathways for CALD Women

The Strengthening Legal Pathways project commenced in early 2021 and aims to help CALD women increase their legal literacy on family violence/family law issues through community legal education tailored to their cultural and linguistic community.

The project was developed in response to concerns regarding the complex issues, lack of support and isolation experienced by many family-violence affected migrant and refugee women presenting at our legal service, often through our family violence and FASS duty lawyer services. Many of these women experienced multiple forms of abuse and were often unable to access legal or other support services due to a range of cultural, linguistic and geographic barriers.

The project aims to increase knowledge and understanding of the law, raise awareness of legal and other support services, and build trust with local communities.

Online and face-to-face information sessions for women were delivered at a variety of formal and informal settings. Webinars and live or pre-recorded sessions on Facebook were attended by hundreds of people, while the FB chat groups allowed us to engage with audiences in an informal setting. These online platforms enabled us to reach out and engage directly with people from CALD communities who would not normally seek out free legal services and who PCLC would otherwise not have been able to reach through in-person traditional CLE talks.

### **StreetLaw**

The Street Law Program also delivered CLE talks on a range of legal topics at Community Houses (elder law), Cranbourne Secondary College, David Scott school and Merinda Park Learning and Community Centre (youth law). Audiences included older people, high school and VCAL students, students who attend specialist schools and English language students from CALD communities.



# World Elder Abuse Campaign

PCLC participated in the FRM Respecting Seniors Network World Elder Abuse Awareness Day social media campaign, which featured a series of 7 short videos which busted common elder abuse myths. These videos were conceived, written, presented and narrated by PCLC. The campaign was launched by the Aged Care Discrimination Commissioner, Kay Patterson. The campaign and video were utilised by 5 of the 10 elder abuse prevention networks in Victoria.







ree Legal Services



**RESPECTING SENIORS NETWORK** 

FRANKSTON & MORNINGTON PENINSULA

# INHERITANCE NOT AN ENTITLEMENT

To mark World Elder Abuse Awareness Day Dr Kay Patterson, Australian Human Rights Commission's Age Discrimination Commissioner has launched our Inheritance – not an entitlement campaign

#InheritanceNotAnEntitlement #WEAAD



# Our relationships

PCLC continues to work collaboratively with a range of community service providers, health services, peak bodies, community networks and government to increase understanding of community legal needs and work toward a coordinated approach to service planning and delivery.

### **Community Relationships**

Bayside Peninsula Integrated Family Violence Partnership Bunjilwarra Koorie Youth Healing Centre **Bunyip & District Community House** Cardinia Shire CALD Network Casey/Cardinia Critical Linkages Family Violence Network Casey Nth Services Network; Casey/Cardinia Homelessness Network Collaborative Support Group (Federal Circuit Court, Dandenong) Community Workers in Cardinia Shire (CWICS) Network Connect Health & Community Cranbourne & District Community Services Group City of Casey Youth Network Crib Point Community David Scott School Dromana Community House Fountain Gate Primary School Frankston & Mornington Peninsula, Primary Care Partnership Frankston Charitable Fund Committee Frankston City Strategic Homelessness Alliance Frankston Community Support Frankston Homelessness Network Frankston Emergency Relief Providers Network Frankston Library Frankston Magistrates' Family Violence Court Users Meeting Frankston Mornington Peninsula Family Violence Network Frankston Zero Greater Dandenong Youth Network Hampton Park Library Hampton Park Secondary College Hastings Connect Church Health Justice Australia Health Justice Community of Practice Indian Care Inner South Rooming House Network Kananook Community Trust Living Free Steering Committee Living Free Community of Practice Mentis Assist Merinda Park Learning & Community Centre Mind Australia Ltd Mornington Community Support Second Bite Program Mornington Peninsula Elder Abuse Prevention Network Mornington Peninsula Housing Network Mornington Peninsula Combined Service Provider Network Nairm Marr Djambana Gathering Place **Orwill Street Community House** Port Phillip Homeless Network Project Y Frankston CAD Outreach Committee RAD-FMP Steering Committee Reclink Rye Fresh Food Program Seawinds Community Hub Somerville Community House South East Melbourne Primary Health Network (SEMPHN) Southern Peninsula Laundry & Shower Program (SPLaSh) TaskForce Community Agency The Orange Door

Uniting Church Hampton Park Vinnies Kitchen Wallaroo Community House WASEMA Friendship Cafes Wellsprings for Women Westall Community Hub Service Providers Network Westernport Community Support Willum Warrain Gathering Place Whitelion Womens Housing Ltd Youth Support + Advocacy Service VicPol Financial Elder Abuse Trial Steering Committee

### **COVID19** Response

Casey Relief & Recovery Network Glen Eira Community Group Committee Tenancy Coordination Group DJCS Rental Dispute Operational Forum Melbourne Metropolitan Rooming House Group

### Regional

Federal Circuit Court Users group Southern Metropolitan Partnership South East Region CLE & Community Development Network SFVC Court Users Group (Frankston & Moorabbin) SFVC Direct Service Providers

### State

Access to Justice/Jurisdictional Planning Working Group Federation Family Violence Working Group; FCLC Community Development and CLE Working Group; Infringements Working Group; Management Committee of Federation of CLCs; Principal Lawyers' Network; Residential Tenancies Commissioner Stakeholder Reference Group; Smart Justice for Youth Working Group Tenancy Working Group; VCAT Residential Tenancies Users Group;

> **345** Stakeholder engagement activities



# Our people

# Management Committee

**Chairperson** Thierry Pascal

Vice Chairperson Paul Hodgman

**Treasurer** Lisa Bremner

Secretary Matthew Bolle

Members Phillip Carr Luke Denham Samuel Ellemor Eliza Collister

### **Our team**

#### **Executive Team**

**Chief Executive Officer** Jackie Galloway

Director of Legal Services Kate Ross

Director of Business & Operations Sue Vincent

#### Leadership Team

Practice Manager Family Law Brendan Stackpole

Practice Manager General Law Sokha Um

Practice Manager Fines Ash Galvin

Practice Manager Family Violence Sharon Carr

Business & Operations Coordinator Hellen Argiriou

#### Support Team

Finance Officer Jodie De Gregorio

#### Legal Team

Caseworkers Alison Laird Ashleigh Rodgers Cathie Currie Chris Daniels Chris Gunasekera Daniel Hombsch **Emily McAlister** Jennifer Allamby Joe Oliver Kate Bell Kim Novak Laura Di Felice Louise Naylor Maria Stipic Michele Simpson Natalie Altman Nina Zec Robert Braun Sandy Kaur Saskia Rijfkogel Sousan Gholami **Terry Meehan** Theresa Lam Vanessa Saunders Warren Wheeler Will Betts Yih-Laine Teen

**Paralegal** Casey Hill Lisa Taranto

#### **Administration Team**

Administrative Services Officers Jasminka Kumbaric Nina Mitris

Administrative Workers Caitlin Wilson Ellie Lingard Louise Grant Melanie Jones Melissa Liapis

#### **Project Workers**

Jackie Currie Warren Eames Joanne Petch \*

#### **Engagement Team**

Kirsten Young Mark Patton

#### **Rooming House Support**

Aldo Taranto

#### Staff Farewell

Chloe Stapleton Chris Smith Christian Schultink Desmond Maruziva Elly Danks Emily Vincent Greg O'Brien John Williams Laura Jordan Mike Harding Michael Arnold Nicola Barrans Renusha Nair Sam Cashmore

# Our volunteers

This year has again been challenging for our volunteer program. We were looking forward to re- commencing our volunteer services, as we had tweaked the program to ensure our clients received excellent advice and that the experience was enriching and rewarding for both our volunteer lawyers and paralegals. Unfortunately, our revised model was only able to operate for a short time before the volunteer service had to be suspended again.

We want to extend our heartfelt appreciation to all the volunteers that stuck with us during these difficult times, we look forward to seeing you all again hopefully soon, when it is safe to do so.

### Lawyers

Vasudha Akula Anna Araneta Katherine Awad Veronica Bar Kristen Beagley Helen Betros Ivan Bezbradica John Blackley Samuel Bracher Milly Cain Salima Catherine George Chabvonga **Richard Chapman Damien Christmas** Philip Cottier Michael Denison **Elizabeth Divers** Despina Djumas Amelia Edwards Sue Ellison-Whyte George Erlichster Loredana Giarrusso Chris Hill Ian Hone Chris Horsfall Amanda Humphreys Christopher Khouri Elizabeth Lee Stephanie Mahon Alex Marcou Luke Martin **Desmond Maruziva Taylor Maskew** Laura McDonnell Ashley Melnacis Michael Morehead Mary Nasser Louise Naylor Julie Newdick Thierry Pascal Asha Prasad Villy Raki Jonathon Rhall Ashley Richardson Trish Samson Lily Sarkar Thirumalai Selvi Shanmugam Joel Silver

Sarah Sorrell Melissa Stephens Angelica Suarez Michelle Tangimama Jacqueline Van Dort Scott Whitechurch Rohan Wijesinha Claire Williams Kate Wraith-Bell Maria Zambrano

## **Paralegals**

Jessica Alesci-Pettitt Marley Angus Tayla Archard Michael Arnold Georgia Arranga Shanice Atkins Faith Brack **Gwendolyn Briscoe** Hayden Brodie Laura Buckley Grace Cairns Andrew Campbell Elizabeth Clarke Iesha Clarke Shardave Clarke Eliza Collister Talani Cooke Tara Dakin Sarah Davison Dee Divina Aija Dowling Jay Fergus Marcus Frajman Jackie Galloway Pamela Gorgioski Anna Grage Nadeera Gunawardena Ines Hage-Nebyl Alice Henson Mikayla Hutchins Minoli Javamaha Vinu Kumar

Olivia Lee Joshua Levenda-Freeman Chaniece Lewis Christina Liberatore Danielle McCartin Ashley Melnacis Kate Mililli Emma Morgan Mark Muntz Varsha Nayak Benjamin Needleman Max Needleman Kimberley Ng **Barbara** Padfield Davin Park David Pascal Dale Pirera Janet Power Valerie Power Aaron Riellv Ashley Roussety Laura Sanderson Alyson Savory Amy Schuller Andrew Shin Indiah Smith Georgia Smollen Samuel Solak Rebecca Strati Megan Struthers Nathan Tai Joshua Tamir Alexandra Valerio Kate Walker Luke Wescombe Karolina Wlodarczak Sophia Zafiriou Gabriela Zanin

## **Practical Legal** Trainee

Michaela Keating





# Michael Denison

# Life Member & 40 years of service

We are delighted to highlight the outstanding contribution to PCLC by volunteer Michael Denison, with this year marking his fortieth year of volunteer service.

For forty years of the Centre's forty-four year history Michael Denison has generously volunteered his services to PCLC. Michael has held a number of roles within the Centre including President Management Committee, Committee member, mentor and volunteer lawyer, a role he continues today. Last year Michael was recognised with the Centre's inaugural Life Membership Award.

Michael's genuine commitment and drive for good governance for over two decades on the Management Committee has been instrumental in building a strong foundation that has enabled PCLC to grow from its volunteer base in Frankston North to a widely regarded community legal centre operating across the South East of Melbourne.



# Financials

Depreciation Communication Travel & accommodation Resources Repairs & maintenance Office & administrative Occupancy Finance

Employment

Expenditure \$5,084,106

> General grants Local government funding Fundraising & donations Other income Commonwealth Government funding State Government funding

Income \$5,035,298

> copies of the full financial report can be accessed at www.pclc.org.au

# Financials

# **Comprehensive Income**

Statement of profit or loss and other comprehensive income for the year ended 30 June 2021

Continuing Operations		2021 \$	2020 \$
Income			
Grant Funding	2	4,848,081	4,910,587
Other Income	3	187,217	83,417
		5,035,298	4,994,004

Expenses		
Communication Expenses	(46,087)	(41,400)
Depreciation Expenses	(123,338)	(68,904)
Employment Expenses	(4,226,709)	(3,879,889)
Finance Expenses	(11,618)	(13,705)
Occupancy Expenses	(253,393)	(262,182)
Office & Administrative Expenses	(297,783)	(306,326)
Repairs & Maintenance Expenses	(59,428)	(48,538)
Resources Expenses	(50,099)	(42,768)
Travel & Accommodation Expenses	(15,651)	(33,769)
	(5,084,106)	(4,697,481)
Net profit	(48,808)	296,523

#### Other Comprehensive Income

items that may be reclassified subsequently to profit or loss when specific conditions are met items that will not be reclassified subsequently to profit or loss - -

#### **Total comprehensive income**

28

(48,808) 296,523

# Financials

# **Financial Position**

Statement of financial position as at 30 June 2021

		2021 \$	2020
		Ŷ	Ŷ
Current Assets			
Cash at bank and on hand	11a	1,254,715	682,243
Receivables		-	158,804
Investments - term deposit		1,000,000	1,000,000
Other assets	4	39,667	4,009
Total current assets		2,294,382	1,845,056
Non-Current Assets			
Fixed assets	5	153,940	230,171
Total non-current assets		153,940	230,171
Total assets		2,448,322	2,075,227
Current Liabilities	6		
Trade and other payables	6	130,408	98,137
Payroll liabilities	7	221,647	186,770
Grants in advance	8	147,348	285,500
Employee provisions	9	609,736	505,643
VLA unused funds	12	441,265	75,435
Total current-liabilities		1,550,404	1,151,485
Non-Current Liabilities			
Employee provisions	9	48,917	25,933
Total non-current liabilities		48,917	25,933
Total liabilities		1,599,321	1,177,418
Net Assets		849,001	897,809

Equity		
Retained earnings	849,001	897,809
Total equity	849,001	897,809

# Thank you

We are extremely grateful for the support of a committed and generous network of supporters who share our vision and commitment to make a difference in the lives of our most vulnerable community members.

### **Pro Bono Partners**

Our pro bono partnership with **Russell Kennedy Lawyers** continues to strengthen our organisational capacity and practice capabilities to provide free legal services to the most in need. This past year Russell Kennedy Lawyers have provided legal mentoring, professional development, elder law clinic, PCLC's disbursement fund, governance, and business support. Special thanks to Emma Dunlevie, Principal and John Corcoran AM, Principal and the entire Russell Kennedy team.

### Legal Community

Our Legal Community frequently provides PCLC's clients with services on a pro bono basis or with significantly reduced fee briefs. PCLC highly values this support along with specialist mentoring, firm contribution to our volunteer program and training and resources to enhance our practice and the services we provide to vulnerable community members.

### Legal Mentors

Amanda Humphreys - Tausigg Cherrie Fildes V Satchi - Satchi & Co Ananda Jayasinghe - Easton Legal

### Legal Counsel

Svensons List Daphne Fong Harry Lewis Eleanor Mallett Holmes ListHowells ListLaura JohnstoneMarie Wilkening-LeBrun

### Legal Firms

Justice Crew Legal Services Maurice Blackburn MDL Law Satchi & Satchi & Co Southern Legal Victoria Legal Aid

### Sponsors

Russell Kennedy Lawyers generously supports our client disbursement fund providing much needed assistance to support clients with their disbursements related to their legal matter.

#### Funders

#### Government

Australian Government Attorney Generals Department State Government Victoria, Department of Justice and Regulation Victoria Legal Aid Department of Families, Fairness & Housing Consumer Affairs Victoria City of Glen Eira City of Glen Eira City of Casey Frankston City Council City of Kingston Mornington Peninsula Shire

#### **Philanthropy / Trusts**

BHP Vital Resources Fund Ecstra Foundation Gandel Philanthropic Management Ltd Helen Macpherson Smith Trust King & Wood Mallesons Minter Ellison Streetsmart Australia The William Angliss (Victoria) Charitable Trust Victoria Law Foundation Victorian Legal Services Board

#### Universities

Deakin University Melbourne (Burwood Campus) Internship Program University of Melbourne

### **Support Services**

PCLC's Rooming House Outreach Program service was boosted this past year with collaborative visits, material aid and additional funding to support rooming house residents. With this extra support, the Program was able to deliver health care packages to residents during the COVID-19 pandemic.

Boomerang Bags, Mount Martha. Streetsmart Australia Port Phillip Community Group PCLC Welfare Fund Mount Martha Community House Knitting Club Inner Sth Rooming House Network Access Health and Community Bolton Clarke



Peninsula Community Legal Centre

441 Nepean Highway, Frankston 3199 dx 19953 Frankston e pclc@pclc.org.au t 03 9783 3600 f 03 9770 5200

#### **Branches**

82 Brady Road, Bentleigh East 3165 65 Berwick-Cranbourne Road, Cranbourne East 3977 28 Mahogany Avenue, Frankston North 3200 1375 Point Nepean Road, Rosebud 3939

### www.pclc.org.au



Reg A8T ABN 23591244622

