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ACKNOWLEDGEMENTS

Essendon Community Legal Centre Inc. receives some of its funding from the following sources:

Commonwealth Government

State Government

The Committee of Management would like to thank the above government bodies for their provision of past and current funding to the centre. We would also like to thank The Federation of Community Legal Centres and Victoria Legal Aid for their continued assistance over the year.

Contents

1. Statement of Purpose
2. Chairperson's Report
3. Treasurer's Report
4. Sources of Funding
5. Committee of Management
6. Volunteers
7. Hours of Operation / Staff
8. Principal Lawyer Report – Tanya Lakic
9. Caseworker's Report – Aggy Kapitaniak
10. Case Work Summary
11. Volunteers Reports
12. Community Legal Education and Law Reform Report – Tim Bloxsome
13. 2005/2006 Audited Financial Statements and Activity Report

1 Statement of Purpose

The Essendon Community Legal Centre Inc., (ECLC) will endeavour to provide a local, independent, accessible, quality legal service to the community of the City of Moonee Valley and its surrounding suburbs who may otherwise not have access to the law and the legal system. The Centre will:

- Continue to be supported and managed by a community-based committee of management;
- Maintain a good administrative level;
- Provide and participate in the legal advice, referral, casework, community legal education, law reform and community development areas.

2 Chairperson's Report

Theo Alexander

It has been an exciting year for my centre and I would like to congratulate all the staff and volunteers for their amazing and quality work. The ECLC has undergone many changes as it does every season and yet the centre continues to achieve high results.

We will be expanding our services in the later half of 2006 to meet with the ever increasing population of the City of Moonee Valley. We identified a genuine need for legal assistance in the northern parts of our catchment area and will be responding with a dedicated service operating from Niddrie.

It fills me with pride to say I am the Chairperson of the ECLC with such dedicated people working with me.

I look forward to another great year ahead.

3 Treasurer's Report

Jessica Hrovartin

Over the course of the 2005/2006 financial year, the Committee as a whole spent a considerable amount of time reviewing the fiscal situation of the Centre. The Committee felt that it was necessary to spend a large amount of time on this to enable both the current and any future Committees' of Management to more accurately predict the budgetary procedure necessary to ensure effective monetary management at the Centre. The Committee has also attempted to establish a closer working relationship with our Accountant's (Macaulay Community Credit Co-operative Ltd) to foster an efficient chain of communication between themselves and the Staff at the Centre and to ensure that the Committee is equipped with the correct information needed to make accurate and informed decisions.

For the first time in the Centre's history, a staff member was eligible to claim long service leave. Our Principal Solicitor took both her long service leave and annual leave entitlements in this past financial year. This was not anticipated at the time that the budget for the 2005/2006 financial year was created, hence, the salaries and oncosts provision has been heavily reduced.

The Committee is confident with the current state of the economic affairs and we are happy to report that at the end of the 2005/2006 financial year, the Centre had cash reserves totalling \$40 053. Moreover, the actual expenditure vis-à-vis the budgeted expenditure was \$14, 112 less.

I would like to take this opportunity to thank the Staff of the Essendon Community Legal Centre for their dedication and constant hard work towards meeting both the short term and long term goals of the Centre. To the other Members of the Committee of Management – thank-you once again for a memorable year working together, through both the up's and the down's!!

4 Sources of Funding

The Centre receives its funding from the following sources:

Commonwealth Government

\$ 48,581.00

State Government

\$ 150,570.00

5 Committee of Management

Chairperson: Theo Alexander

Public Officer/Secretary: Nardia Morales

Treasurer: Jessica Hrovatin

General Members: Mirko Bagaric, Matthew Davis

6 Volunteers

Legal

Lena	Cimino
Greg	Doran
Owen	Cooper
George	Glezakos
Phillip	Barravecchio
Eileen	Armato
Theo	Alexander
Mirko	Bagaric

Non – Legal

Susanne	Aggett
Nirmalan	Amirthanesan
Claire	Baker
Kate	Birrell
Paula	Brennan
Carole	Buhaj
Zac	Calabro`
Laura	Carter
Liam	Condon
Valeria	Cosini
Catherine	Curtain
Matthew	Davis
John	Flack
Ryan	Hamilton
Kathy	Heba
Jessica	Hrovatin
Emma	Jeans
Kimberley	Johnston
Emmanuel	Kefalas
Maciek	Krymski
Josh	Mennen
Peter	Murray
NamThanh	Nguyen
Bianca	Paridaen
Sarah	Pereira
Kinta	Riches
Mary	Sheargold
Lauren	Traugott
Roman	Valher
John	Wieladek
Christian	

7 Hours of Operation

The Legal Centre is located at the Wingate Avenue Community Centre, Ascot Vale with a number of other services. With the exception of public holidays and the Christmas period, the legal centre is open

Mondays - Fridays: 9.00am -1.00pm & 2.00pm - 5.00pm.

The Legal Centre **does not** provide telephone legal advice.

Legal advice and referral services are available to the community as follows:

Monday nights	6.30pm - 8.30pm - Drop in
Monday nights	5.00pm – 7.00pm – Family law by appointment
Tuesday mornings	9.30am - 12.00pm - By appointment
Thursday evenings	5.00pm - 7.00pm - By appointment

7 Staff

Tanya Lakic – Principal Lawyer-core responsibilities-provision of legal advice and referral via Tuesday service including relevant casework and follow up and participating in law reform activities.

Tim Bloxsome – Community Legal Education worker-core responsibilities-provision of information via seminars and other activities to the community and law reform activities.

Aggy Kapitaniak – Legal Caseworker-core responsibilities-provision of legal advice and referral via Thursday service and relevant casework follow up.

Sina Tagdir – Legal Caseworker-core responsibilities-provision of legal advice and referral via Thursday service and relevant casework follow up.

Eunice Cousins – Volunteer Co-ordinator & Administrative worker

Statistical Collection

The centre is required as part of its Service Agreement to collect statistics as part of its services. These include client information from all advice/referral service sessions, project work, community legal education, law reform activities and also four 1 week data collection cycles throughout the year, which is anticipated to provide a snapshot of service calls that occur everyday. Ongoing training with the centre's volunteer base has been a vital part of their orientation process as part of the advice & referral services that the centre runs involves these volunteers and their contacts with people coming through the door.

8 Principal Lawyer's Report

Tanya Lakic

As most people are aware I was on maternity leave for most of the 2005-2006 year. I returned to the legal centre in August of this year after having little Ava. I am once again running the Tuesday morning advice service and after the initial shock of being back at work and juggling motherhood I can honestly say I am back in the swing of things. There have been a lot of changes at the Centre since I left to go on leave. We lost our Administrative Coordinator Eunice Cousins and Sina Taghdir who ran the Thursday night advice service for many years, resigned to pursue a career at the Victorian Bar. I want to personally thank both those workers for their support over the years and want to wish them well in their chosen paths. As a result of their departure Annette Oakes who is a former volunteer at ECLC has just recently commenced as our Administrator and Aggy Kapitaniak Solicitor who was my replacement whilst I was on leave has continued to work here when Sina's position became available. Aggy worked very hard to maintain legal advice services on her own during the time that Sina resigned and I was on leave so that we could continue to service clients and maintain our case load. Lastly I am proud to say that Tim Bloxsome is shortly to go on leave for two months to be a host on the Discovery Channel '5 Takes' program. We wish him well and forgive him for leaving us for the bright lights of Hollywood provided of course he mentions

ECLC on air at least 5 times during the shows air time and returns to continue doing the great CLE work he has been doing.

In October the new Niddrie Hub Outreach Service will commence. The Niddrie Hub is a brand new community centre located in Matthews Avenue Niddrie and we will be occupying space owned by Moonee Valley Council. Moonee Valley Council has generously allowed us to have use of one of their counselling rooms rent free located near the MVCC Youth Services section on Wednesday afternoons. Initially the service will be a drop in service commencing from 2.30pm till 5.30pm. Eventually as demand for the service grows it will become an appointment based service. Already appointments have been made for the Niddrie service as its location and timeslot seems to be convenient for older residents living in the outer north west of our catchment area. Being co-located with the Moonee Valley Youth Services will also mean we will be very accessible to young people using the youth room who may have legal problems. In the past we have not had a lot of young people accessing our service and we hope that this new service will mean that we increase our work with young people. Like our other established advice services, we anticipate that the outreach work will be advice and appropriate case work. Casework guidelines as with our traditional services will apply for the Outreach service. Main areas of casework will be criminal matters, family law & fines. We anticipate given that there is a large older population in that area we will also be seeing many people with wills, deceased estates and issues around powers of attorney.

I am very excited to be involved with this new Outreach Program. Whilst I was on maternity leave Tim Bloxsome our CLE worker commenced negotiations with Council to help obtain their support for the proposed outreach program. The new Niddrie Hub is a coveted location with limited space and we are very lucky to be offered space there to operate this service from. We are hoping that we can bring a valuable service to local residents and further raise the profile of ECLC and of the new community centre. Over the years we have only flirted with the idea of setting up an outreach service it never being achievable due to our limited resources and therefore this is such a wonderful opportunity which I am so proud and motivated to be a part of.

9 Caseworker's Report

Aggy Kapitaniak

'Ah, but a man's reach should exceed his grasp, or what's a heaven for?'

Robert Browning, "Andrea del Satto" as sited from Just Law, Helenna Kennedy (2004)

I started working at the Centre here in February this year initially as a 2 day a week solicitor. I was running the Tuesday and Wednesday morning services. I have been involved with the Centre from 2000 in many capacities, volunteer, Committee of Management member and now as Case worker/Solicitor. In the middle of May 2006, Sina, our acting principal solicitor, made the Bar readers course so we farewelled him. I then took up his 2 services mainly the appointment based Monday night service and Thursday morning service.

Most of the clients I was seeing throughout my services were seeking family law advice. A few criminal matters, and more and more Infringement Court/Fines matters. Coming from a strictly commercial law background I certainly had a lot to learn not only on process and procedure but how to manage the demanding but ever so grateful and needy clientele. One of the reasons I chose to come and work with 'the force' (public sector) was my passion for making a difference and my interest in criminal law. I have had many criminal law files during my initial time at the Centre, notably a hit and run (crimes act, failure to render assistance). I had a distressed mother seeking advice on this. Her son was involved in a hit and run. He drove off in a panic. They had sought the assistance of a prominent criminal law firm and they were dissatisfied with the service and legal fees. The consultation lasted for over an hour. I wanted to calm the nerves of this client as she was told that her son will go to gaol. I told her that I would be surprised if that was the case however brought in the 'expert' for his advice. A week later, I entered my office to find cake, flowers and a card thanking me for my help. Very corny but was having a bad day and this truly brought a tear to my eyes.

At times the Centre was manically busy with Eunice and I working like horses to meet the need of the clients. For a few weeks there just happened to be an inundation with Court dates. There were 4 major criminal matters where 2 of our clients were in custody and was under the pump in attending to their files, emergency bail applications, prison visits (very exciting apart from the security check points, you must experience these new machines that apparently sniff you) and also attending to their distressed families.

One client's mother has been terribly demanding but given her son is mentally unwell and has been in and out of custody for some time now, I have taken a real interest in the matter and will be drafting submissions to the Adult Parole Board in relation to grounds to grant parole and further treatment and care of mentally ill prisoners. They are faced with a difficult problem as are many other service providers as with our client, they are unwell mentally, but not enough to be certified. As with our client, we see that these people breach parole etc and it's like a revolving door. We were able to gain the minimum sentence for this client so as to not affect his parole hearing. The magistrate accepted that this was time already served, after hearing submissions from our chair himself!

Further, we represented the nephew of a crime lord/gang lord boss on 7 June 2006. The Court was familiar with his family and this did not prejudice him at all. He was given a suspended sentence and has found a job in Cairns where he will be working on a fishing trawler. This was great news as this client came to the centre as a drug addict and has been able to successfully complete a detox program. You certainly are exposed to so many and varied people and the problems they have and stories and experiences they share. It really is a unique place to work.

As part of our commitment to the Sunshine Magistrates' Court Intervention order program I attend as Duty lawyer every 3 weeks. This is always a busy but rewarding day. I was rostered on recently it was the first time with the new system in place that is the Sunshine Court is now a specialist Family Crime and Violence Court that has its own Registrar dedicated to IVO matters. The Court has been renovated and it was officially launched on 25th July 2006 where Tim and I attended and met with the Attorney General Rob Hulls, Chief Magistrate Ian Gray and other distinguished guests. There are a number of new support initiatives for applicants and the system is more streamlined and after its initial teething problems we are really seeing a difference in the way that these matters are being managed and handled.

The number of court matters listed has halved as it is now spread over 2 days, Tuesday and Wednesdays. This is reflected in the roster and we now are rostered for either day, every 3 weeks. It's a great day that is exhausting but full of positives, stats wise, improving advocacy and Court appearance skills and really at the edge of drama so it's rewarding. Most importantly it's making a difference at the 'ER' end of the legal world.

I have been attending the Victoria Legal Aid PLE sessions which are really useful. They are provided by VLA for the public and also their own in house training. I attended a session on Family Law and was updated on the recent amendments, also the topic of Criminal Law and mental impairment was interesting. These are free sessions and I try and attend each week. I go to the Sunshine office and tap in to it via telephone hook up. This is a great way to have a quick 'know how' on particular matters which is a life saver for a young recent admitted solicitor.

I attended the State conference for CLC's on both days. It was held at Trades Hall in Carlton. It was useful and nice to meet other workers from all the other CLC's.

On 2 June 2006 there was an advocacy workshop that I attended. It was run by members of the bar and was specifically aimed at witnesses in intervention order matters. We were given scenarios and then asked to improvise a court room scenario where we cross-examined witnesses. This was really useful and went away with some helpful hints.

It's been a great couple of months that has seen the Centre really excelling in clients stats, CLE projects and building relationships with community service providers.

A special thank you needs to be noted to Eunice for her super organised manner, efficiency and support. To Tim, for your humour and the commitment you show to your work. It's really been a pleasure listening to your perspective on things. I will miss you. To Tanya who for the most part of my time here since February has been at the end of the phone answering my many and varied questions. Thank you for your time, guidance and friendship. Finally to Theo, for his mentoring, patience and always open ear to my 'winging', stories and laughs.

Working within the community sector, you realise it really is a little family that comes with its own unique set of characters. I really look forward to the next year, we are achieving things that some may have never thought possible, and it is really an exciting time to be at the ECLC.

The ECLC's main areas of casework continue to be Magistrate Court Criminal matters, Family Law Divorce, Separation, Issues around children, Intervention Orders and Fines work. Advice work most commonly relates to Motor Vehicle Accidents, Neighbourhood disputes and Consumer type issues.

Staff absences have affected this year's statistics. Tanya Lakic our principal solicitor was on maternity leave from December 05 to August 06 and Sina Taghdir our part time solicitor resigned in May 2006. Despite these disruptions it has been a productive year.

11 Volunteers' Reports

There are only a few volunteers available during the day on Tuesday, no doubt because they have jobs or classes to attend, so this year I have increased the number of Tuesdays on which I am available.

The main job of the volunteers is to greet clients, fill in the various forms required and file information. Often the clients are quite nervous and upset about their problems and about seeing a solicitor, so it is important for them to be met by somebody sympathetic and helpful. One of the important roles of the volunteers is to put the clients at ease.

Volunteers who are legal students often sit in with clients at their interviews with solicitors and this gives the volunteers useful experience and an insight into the types of cases they are likely to encounter in the future. As I am not a law student I only go in with clients if either the solicitor or the client requests it, so I have more time for routine jobs like entering data and doing filing. Because the service is busy, this mounts up quite quickly. This year I came in every week for a period of time to help get the old files sorted out and destroyed and to make more space in the filing cabinets.

Many of the clients are vulnerable people and I enjoy working in a service that helps them to cope with their problems. The staff here are always friendly and supportive to their clients and are willing to help people who often don't cope well due to ignorance of the law or their own personal problems, so it is a very worthwhile volunteer activity.

Carol Buhaj

I decided to volunteer at ECLC after reading an article by Stephen Wexler titled *Practising Law for Poor People*.¹ It is an old article, but still very relevant.

Wexler said that the traditional model of legal practice was unable meet the needs of poor people. In fact in many cases it actually perpetuated the unique problems poor people encounter when dealing with the law. Further to this he said that poverty would not be stopped by those who are not poor. It would only be stopped by the poor themselves. And even in fact if this were not the case there are not enough legal resources available to the poor to deal with their individual articulated problems, let alone the "...tangle of unarticulated legal troubles in which the poor people live." On this basis he proposed an alternative model of legal practice which aimed to "organise" the community; to empower it by providing it with the means to enable it to advocate on its own behalf. The proposed model included: informing individuals and groups of their legal rights, writing manuals and other materials in plain English, training lay advocates, and educating groups for confrontation.

Although keenly in favor of Wexler's alternative model of legal practice, I found his article to be somewhat optimistic and questioned whether in practice such a great divergence from such a well-entrenched traditional model of legal practice was even realistic.

However ECLC's Mission Statement articulates these same sorts of principles. During the Monday night drop-in service I have seen these principles consistently applied. I have seen the legal staff communicating to clients the law and their legal rights and obligations. They have done so in a way in which clients can understand. They have provided clients with the means necessary to advocate on their own behalf, whether it be in the Magistrates' Court where the client is contesting an infringement, with an insurance company in relation to a motor vehicle accident, the clients are prepared. Pamphlets, manuals and other written materials are used where possible; Will Kits for example are often utilised; a powerful tool enabling a lay client to organise his or her affairs in a way which has traditionally been

¹ Wexler S (1974), *Practising Law for Poor People*, (79) Yale law Journal 1049 - 1067

reserved for the learned legal profession. In many cases clients' legal problems are entwined with a range of other problems for which there is no legal remedy. In these situations I have witnessed solicitors take their duty to their client that one step further and effectively refer their clients to other services, or even simply provide an ear to listen, which in itself can often provide a much perplexed client with a real sense of relief. I hope that my experience at ECLC will teach me to practice law in the same way.

Many private practitioners would turn their noses up at the idea of a lay person managing their own legal affairs, and perhaps in some circumstances it simply is not achievable because of the complexities of our legal system; however whether or not one agrees with such an idea, it is clearly necessary to some degree, and the Monday night drop-in service proves that in many circumstances it is not only achievable, but can be successful.

I am very grateful to be a part of such a progressive organisation and look forward to many more years of contributing my small part in the furtherance of our Mission Statement.

Kimberley Johnson

12 Community Legal Education Report

Tim Bloxsome

It has been an exciting and jam packed first year for me at the ECLC. I am proud of the efforts from all staff and volunteers. I was slightly hesitant to remain in the community sector, but now I wouldn't have it any other way.

I am pleased to announce that we have secured a room at the newly opened Niddrie Community Hub. After much negotiation, the MVCC has agreed to allow us to operate from their side of this fantastic site. The Hub is co-tenanted by the Doutta Galla Health service and the MVCC (Moonee Valley City Council). There are 6 dental chairs, a podiatrist, counselling, art classes just to name a few of the services offered here. There is also a Youth Drop-In centre and this is where we will be located. I am so pleased we have received this as it will allow us to possibly increase our service levels by 50%. And we will be able to directly target the northern cities in our catchment area.

At the Committee of Managements request I have been looking into the equality of the new Specialist Family Violence Service. Discussions are being with the DoJ and the Sunshine court Reps to access it's development. With the help of Aggy and the ECLC's volunteers to be rostered on at this service, I will report our findings before the end of 2006.

In Sept I will start to address the AMEPS class on a regular basis. In coordination with the local settlement worker, we will be providing general information about our services.

With around 80 attendees from over a dozen schools from all over the state the, 'Bullying, Racism and The Law' Forum held at VU Footscray was a huge success. School teachers, Principals, Social Workers and the Police, they were all there. Channel 7 came and did a story on the evening news. This project was done as a collaborative effort amongst the, FCLC, Children & Youth Issues WG, Wyndham Legal, Youth Law and the ECLC.

In late June, I was pleased to sign the western youth futures charter on behalf of the ECLC. This joint effort between public and private industries will help bridge the gap between high school leavers and employment. By providing new pathways, students will be able to be involved with private industry earlier and have the public sector watching their development.

I was happy to be nominated as the Victorian Representative to the NACLCL's (National Association of Community Legal Centre's) National CLEW's group. We meet once a month via a phone link up and have already started several exciting projects.

TRAINING

- National Standards Training
- CLSIS Training
- AMEP Training
- Federation of Community Legal Centre's State Conference
- Volunteer Training Provided by the ECLC

On the following pages...