

WOMEN'S
LEGAL
SERVICE
VICTORIA
ANNUAL
REPORT
2009

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VISION

Fair and just outcomes for all women who are experiencing relationship breakdown or violence by improving access to the legal system.

VALUES

We are RESPONSIVE

We are PROFESSIONAL

We are PROGRESSIVE

We work with INTEGRITY

MISSION

WLSV will be a leading legal service specialising in assisting women and their children who are experiencing relationship breakdown or violence through the provision of:

- Information
- Advice and/or referral
- Representation
- Influence
- Education

FUNDING ACKNOWLEDGMENT

Women's Legal Service Victoria is funded by the Indigenous Justice and Legal Assistance Division, Attorney General's Department – Canberra and Victoria Legal Aid.

WLSV SERVICES

OPTION 1 LEGAL ADVICE LINE

Phone **03 9642 0877**
1800 133 302 freecall for country callers

Monday 10.00am – 1.00pm
Tuesday 6.30pm – 8.30pm
Wednesday 2.00pm – 5.00pm
Thursday 6.30pm – 8.30pm

Please Note: The Legal Advice Line is for women in Victoria who need legal advice, information or referral – irrespective of income or assets. Interpreter services are available. Women should telephone the Legal Advice Line before attending WLSV's Face to Face Advice because WLSV Lawyers may be able to provide the appropriate legal information, advice or referral over the telephone.

OPTION 2 FACE TO FACE LEGAL ADVICE

Level 3
43 Hardware Lane
Melbourne 3000

Phone **03 9642 0877**
Every Thursday 9.30am to 12 noon

OPTION 3 ADVICE & REPRESENTATION AT MELBOURNE MAGISTRATES' COURT

Level 6
233 William Street
Melbourne 3000
(cnr Lonsdale Street)

Phone **03 9642 0877**
Monday to Friday 9.30am – 1pm

OPTION 4 CASEWORK SERVICES

WLSV takes on approximately 400 cases a year, focusing on issues arising from RELATIONSHIP BREAKDOWN and VIOLENCE AGAINST WOMEN, including: family law, de facto relationships, family violence – intervention orders.

WLSV focuses on areas of law where women are, or could potentially be disadvantaged (in family law, for example, where separation often reduces women's financial circumstances) and where women's access to justice and legal support is limited.

WOMEN'S LEGAL SERVICE VICTORIA

A BRIEF HISTORY

In 1981 a public meeting was held in Melbourne to discuss how to make the law and legal system recognise women and their needs.

Six months later Women's Legal Resource Group (WLRG) was formed. It was located in Women's Liberation House and was staffed by volunteers. The service was funded by donations and provided free telephone legal advice and a referral service.

In 1984 WLRG received a grant from the Legal Aid Commission to expand the telephone legal advice and referral service. A dedicated team of volunteers participated in law reform campaigns and produced publications. Throughout the 1980s up to the mid-90s WLRG operated under a collective model and was located in West Melbourne and Fitzroy.

In 1996, as a result of the Access to Justice Inquiry and Equality Before the Law Report, additional funding was made available under the Justice Statement. It was part of an initiative to establish women's legal services in each state. Funding was also made available to auspice Indigenous women's legal programs across Australia. This was a time of significant change for WLRG.

In an attempt to establish a statewide focus, WLRG relocated into the CBD. With the additional funding WLRG expanded, developing an outreach service in the western suburbs and in rural areas. Additional staff were employed to expand the telephone advice line, offer face-to-face legal advice, manage casework and conduct community education programs.

On 1 August 2000 at a special general meeting Women's Legal Resource Group changed its name and became Women's Legal Service Victoria (WLSV) and moved from a collective to a governance structure. A new constitution was adopted and board members were elected.

In 2001 and 2002 the WLSV board worked with stakeholders to develop a clearer direction for the organisation. A decision was made to restructure WLSV, enabling the organisation to become a more specialised service, developing expertise in the areas of law relating to 'relationship breakdown and violence against women'. As a result of the restructure, a more casework-focused service emerged, one where casework directly informs which law reform and legal education issues are prioritised.

On 9 August 2005 WLSV opened a separately incorporated 'sibling' organisation, Family Law Legal Service (FLLS). FLLS provides Duty Lawyer services to both men and women at the Family Court of Australia and the Federal Magistrates Court.

In 2009 WLSV continues to provide a first rate specialist service focusing on 'relationship breakdown and violence against women' issues, responding effectively to women in need. The organisation continues to be committed to the rights of all women, acknowledging that women are entitled to have equal access to a legal system which incorporates their needs and guarantees a fair and just outcome.

BOARD MEMBERS

Jennifer Dillon	Chair
Gesualda Li Rosi	Treasurer
Tali Bernard	Secretary
Lorna Gelbert	Public Officer
Jo Hastings	Member
Dorothy Gibbs	Member
Leanne Miller	Member
Anne Lyon	Member
Libby Maynard	Member

WLSV STAFF

Gillian Dallwitz	Chief Executive Officer
Leanne Sinclair	Principal Lawyer
Gwen Yeoh	Lawyer
Carol Mellords	Lawyer
Kate Langham	Lawyer
Brenna Powney	Lawyer
Geraldine Joyce	Lawyer
Allyson Foster	Legal Educator
Zione Walker-Nthenda	Law Reform & Policy Lawyer
Danielle Wisniak	Legal Advice Line Supervisor/Lawyer
Eila Pourasgheri	Lawyer – Law Reform, Education and Practice
Mary Louise Hatch	Legal Educator/Lawyer
Joanna Fletcher	Project Manager
Sue De Silva	Finance Officer
Rebecca Carbone	Office Administrator
Angela Borg	Administrative Assistant



JENNIFER DILLON CHAIR'S REPORT

In 2009 the Attorneys-General of both the State and the Commonwealth made much of the need to address family violence in our community. Mr Hulls, Victorian Attorney-General, reflected that a survey commissioned for White Ribbon Day “revealed that nearly 1 in 3 Australian boys believed it was not a big deal to hit a girl”. He went on to say that the figures were a “heartbreaking reminder of just how insidious, how enduring, cultural perceptions of violence against women continue to be”. Mr McClelland, Commonwealth Attorney-General revealed that he was “passionate” about addressing family violence, reflecting that it was a crime and “must be treated as such”.

Motherhood statements, perhaps? But can we also take some heart that this year –

- the “Time for Action” report handed down by the National Council to Reduce Violence against Women and Children constituted an Advisory Group which in turn produced the comprehensive National Plan to Reduce Violence Against Women
- 3 separate and wide-ranging reviews of Family Court processes will now take place in the context of family violence
- the provisions of the Howard “Shared Parenting” amendments – hastily hatched in a pre-election climate of intense pressure from militant lobby groups – were recognised as potentially ill-conceived and will be reviewed

- it is indicated that the funding and provision of legal aid across all States will be the subject of review by the Federal Government
- the Attorney-General has invited the four providers of alternative duty lawyer services to the Family Law Courts to provide submissions in relation to recurrent funding. The Government announced that it would merge the Federal Magistrates Court and the Family Court and in the course thereof, hopefully, address the delays, the waste and the occasional “variable justice” which practitioners may experience

All in the shadow of a recalcitrant opposition and an unwieldy Senate of course, but we at Women’s have learned to live in hope, while we get on with the business of reality.

We know that our reputation as a statewide service exhibiting best practice in the casework and policy relating to relationship breakdown and family violence is peerless. However, we’ve also affirmed that we must take our future firmly into our own hands and to this end the Board and staff of Women’s this year concentrated a large part of their expertise and energies on satisfactorily completing our strategic and organisational reform. We have to thank our guide and facilitator through the latter stages of this process, Arthur Williamson and the Board and staff members who ably assisted in the process.

I believe that Women's has, through its strategic endeavours and its resolve to grow, develop and remain pre-eminent, placed itself firmly in the forefront in the provision of community legal services, delivery of education and training, and influence on policy in the State of Victoria in the years to come.

Let's not take our eye off the ball – the future looks truly exciting! Quite apart from our resolutions in relation to future planning, in the year ahead, FLLS will have an opportunity to secure recurrent funding (hallelujah), Women's will continue to participate and influence the debate around the Industry MBA and determine whether to continue on our own with a non-union EBA in the interests of our staff. We will examine our capacity to obtain registered training organisation status to enable us to provide an accredited training course. We will again review our means and merits tests to better serve the women of Victoria. We will commence a partnership with Melbourne Family Relationship Centre to provide legally assisted mediations and participate in a pilot study with Victoria Legal Aid to offer duty lawyers for Roundtable Dispute Management. And to replenish our intellects, our lawyers (and hopefully our Board members) will have an opportunity to examine the organisation's philosophical framework in discussions on feminist law, policy and practice, with Dr Phillipa Rothfield from LaTrobe University.

You know, it just makes you think – we never really sit on our hands at Women's do we?!

As we watched and listened to our staff during the year, it became clear that they also excelled at getting on with the job. We had our time in the spotlight – Gill conducted the highly regarded national conference "Women Safety and the Law" and Mary Louise moderated the White Ribbon Day Breakfast for the Law Institute of Victoria. Our Principal Lawyer, Leanne Sinclair, has been in that role for a year now and has, as we hoped, put her own stamp and authority on that position. With delight, we welcomed back Joanna Fletcher to oversee the development of our groundbreaking Case Study Bank. It was also exciting to have our legal educator Allyson Foster return to the fold. Women like Joanna and Allyson are the keepers of the flame in so many ways for Women's; we can't afford to lose their sense of history or their balance. And the same may be said for Mary Louise Hatch – its good to have you all here. Rebecca and Angela cheerfully maintained the sanity of the professional staff, as they always do, and Sue balanced the books in the way only she can do. Danielle, Gwen, Eila, Carol, Geraldine and Kate all survived the year in the intense environment, thank the Lord, and earned the heartfelt gratitude of their clients and the Board. Brenna's back, which is great and Ilana has temporarily left us.

Zione Walker-Nthenda joined us in the role of Law Reform and Policy Lawyer. Zione has very quickly embraced the ethos of Women's and it shows in her writing and the enthusiasm she engenders in her team.

Whether it be engagement or submissions in such diverse areas of homeless women, sexual or criminal assault, surveillance in public places, deaths arising from family violence, human rights or stalking legislation, Zione's well considered words have enhanced the organisation's profile and our place in the setting of women's policy and we thank her for it.

Our dear friend and CEO, Gill Dallwitz, has again this year exhibited the strength of character and commitment that we rely on and which she has in spades. We know the organisation will not flounder whilst it has her guiding hand. We do appreciate it so much.

To my Board – to paraphrase Rudyard Kipling: *If we can dream and not make dreams our mistress, if we can think and not make thoughts our aim, if we can meet with triumph and disaster and treat those two imposters just the same...*

Do you know, my friends, I think we've done that very well this year and I sincerely thank you and congratulate you all. I reflect again this year, as I have in the past, that to participate in the collegiality of strong and effective women is a joy and a privilege.



LEANNE SINCLAIR PRINCIPAL LAWYER'S REPORT

Throughout my association with Women's Legal Service Victoria, I have been amazed by the tireless effort and the high calibre of work performed by the WLSV staff team to assist women and their children. This year has been no exception.

The legal team has continued to battle the strain and pressure of increased client numbers due to the cutbacks made to Victoria Legal Aid's assistance guidelines. The number of women seeking advice through our face to face drop in clinic has steadily climbed, so much so that on some Thursday mornings the legal team has advised up to 24 women. Our great team of lawyers continue to work together so that each woman leaves feeling she has been listened to and that she has received personal, professional and expert advice and referrals.

We have also experienced an increased demand for ongoing casework assistance due to the Legal Aid cutbacks (most significantly in the area of matrimonial property disputes). The volume of casework has meant that the legal team now has a waiting list for casework assistance and must carefully prioritise matters needing urgent assistance.

At the end of 2008, WLSV welcomed the Family Violence Protection Act. This new legislation brought many positive changes to the way that Intervention Orders were dealt with and saw legal staff and legal educators rushing to ensure they were up to speed on the new legislation. Of marked significance was the creation of the Family Violence Safety Notice which changed the role that Victoria Police play in applying for Intervention Orders to protect women.

WLSV has continued to work closely with Victoria Police, Melbourne Magistrates' Court and Victoria Legal Aid through the duty lawyer service to ensure that women seeking the protection of a Family Violence Intervention Order receive advice and representation at Court.

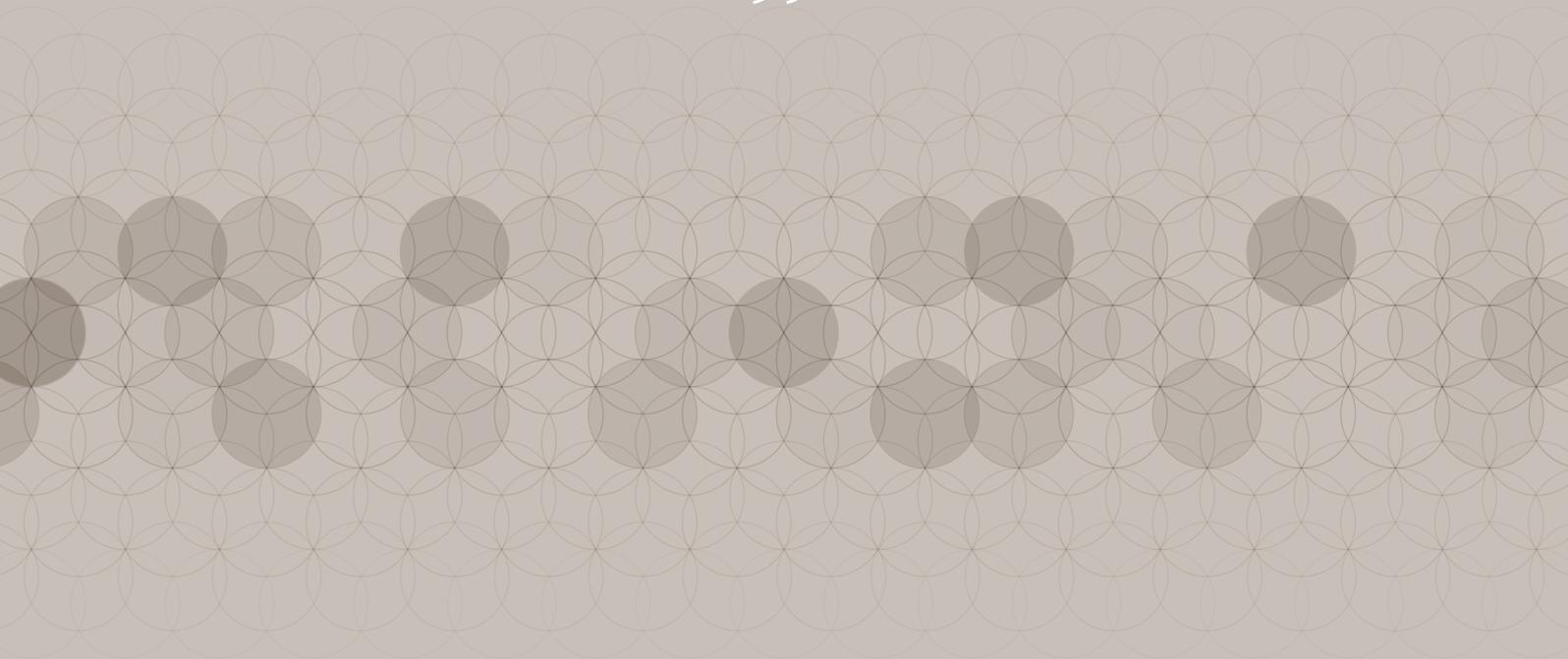
WLSV has also been working closely with Deakin University to host law students participating in the tertiary subject, law clinic. Students spend one day each week for twelve weeks working on WLSV files under supervision. This provides the student with the opportunity to see what being a lawyer is really like, as well as providing them with important skills for working in the area of family law/family violence.

Finally, I am thankful for the generosity of our volunteer students/lawyers and members of counsel who find time in their busy professional schedules to assist our clients. This volunteer/pro bono base is essential to our capacity to deliver effective services to our clients, and WLSV could not function the way that it does without this help. We are forever indebted to you.

“

*I had the best help anyone
could have asked for*

”





MARY LOUISE HATCH LEGAL EDUCATOR/LAWYER

Legal education at WLSV continues to go from strength to strength. Since the last AGM, the Legal Education team has delivered approximately 70 education sessions to an ever expanding audience including magistrates, private practitioners, legal aid and community legal centre, lawyers, registrars, police officers, counsellors and support workers for victims and perpetrators, infant and maternal health nurses, family dispute resolution practitioners and university students.

With its statewide mandate, WLSV has continued its close associations with bodies in rural and regional Victoria. This year saw WLSV providing training to Lawyers and Support Workers in Warrnambool, Albury-Wodonga, Bendigo, Benalla and Bairnsdale. Legal Education was also provided in outer Metropolitan areas such as Melton, Thomastown and Mornington.

WLSV continues to work closely with the Department of Justice and in September, rolled out the final component of training to Court staff, Victoria Police and Support Workers on the new Family Violence Protection Act.

Volunteers have been an integral part of WLSV, and training for our Legal Advice line for volunteers has been an important part of the work undertaken by the Legal Education team. This year we conducted 19 sessions for volunteers, including induction training for new volunteers and on going training for current volunteers.

WLSV conducted a forum on Women's Safety and the Law in March. The forum which was opened by the Honorable Rob Hulls, was well attended with over 120 participants from various professions. See *page 16 for more on the forum.*

We have also been collaborating with other organisations such as the Law Institute of Victoria (LIV) and Victorian Women Lawyers (VWL). WLSV delivered training through LIV to practitioners on mediation and family violence. Later, in conjunction with LIV and VWL, WLSV moderated a discussion between Magistrate Ian Gray and Fiona McLeod SC on the Family Violence Protection Act before 160 attendees at the RACV Club.



LOOKING FORWARD

WLSV's strategic planning initiative has told us what we already know; that, due to ever increasing demand from a variety of organisations, we cannot continue to simply respond to requests for training on a piecemeal basis but must be proactive in our strategies. Importantly, we have been in the process of planning our own Calendar of Events to enable customised legal education sessions to be advertised and delivered to various target audiences throughout each year. To kick this off, we are in the throes of organising a forum for support workers on the legal ramifications of family violence. Whilst we are grateful to have secured funding from the Department of Human Services and Victoria Law Foundation for this event, securing funding for ongoing legal education projects is always a challenge but one we are committed to achieve as we move into 2010.

As part of new partnerships we are working with Family Relationship Centres and other providers of family dispute resolution, to provide legally assisted dispute resolution in order to help vulnerable parties achieve best outcomes. WLSV is proposing that training be provided to Family Dispute Resolution Practitioners, Lawyers and clients to maximise the effectiveness of this model. We are hoping to secure funding for these projects.

The Legal Education team at WLSV is in the unique position of being able to draw upon both their own practice experiences and those of the other WLSV Lawyers and staff to develop more relevant and innovative legal education. Education is a two way street; we too are constantly learning from our colleagues and clients. The WLSV Legal Education Team would like to thank all those who have supported and enriched us in various ways in 2009.



ZIONE WALKER-NTHENDA LAW REFORM & POLICY LAWYER

I started work at Women's Legal Service Victoria at the end of February 2009. It has been an amazing 8 months on the job and it is hard to believe that so much has happened in that time.

Eila Pourasgheri is the other key person in the law reform team (of two) and she works on submissions, workshop presentations and other relevant projects that either one of us initiate.

SUBMISSIONS

WLSV has completed seven submissions plus assisted in a number of other submissions with Women's Legal Services Australia. One of the highlights has been writing submissions that demonstrate the nexus between family violence and a number of other social issues that are sometimes not traditionally associated with family violence by the mainstream. For instance:

- In our submission addressing components to be included in the homelessness legislation - we highlighted the fact that family violence and relationship breakdown is the number one factor in women and children being homeless
- In our submission on the Review of the Equal Opportunity for Women in the Workforce Act - we discussed family violence as a significant barrier to women's equal opportunity and participation in the workplace.

Another example of WLSV being called upon to comment on proposed laws that may not at first glance fall within its area of expertise was the inquiry into the Personal Property Securities Bill (PPS Bill). The PPS

Bill sought to, amongst other things, set up a national public register that could be searched by the public to determine whether or not any personal property was subject to a loan. WLSV's submission to the Senate stressed the need for any registration system to respect the needs of women escaping from violence to remain anonymous. The Senate agreed with our submission and recommended that key privacy protections be addressed particularly for women escaping from violence.

Earlier this year, WLSV received a visit from Mary Kostakidis, the well-respected journalist, and committee member of the National Human Rights Consultation to determine whether Australia should have a Human Rights Act. WLSV made a detailed submission to the Consultation, emphasising how a National Human Rights Act would protect and promote the rights of women escaping from violence and those experiencing relationship breakdowns. The Committee recently recommended that Australia enact a Human Rights Act to protect and promote the rights of Australians, including the rights of women as set out in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The Key Submissions have been:

- Review of the Non-Family Violence Protection Act (Stalking Act);
- Maximum penalties for sexual penetration with a child under 16;
- National Human Rights Submission;
- Submission on the inquiry into Homelessness Legislation;
- Submission on the 2006 Shared Parenting Family Law Reforms (with WLSA);

- Review of the Legislation, Practice and Procedures relating to Family Violence in the Family Law System;
- Review of the Equal Opportunity for Women in the Workplace Act; and
- Submission on the Inquiry into Personal Property Securities Bill 2009.

MEETINGS

We attend numerous government and community meetings to discuss client's needs and unmet needs in the community. One of those meetings is the Victorian Legal Assistance Forum (VLAF), organised by Victoria Legal Aid to further discuss community unmet needs, especially in recognition of the current economic climate. As a key women's organisation in Victoria, we participate in the Violence Against Women and Children Working Group (VAWCWG), which is one of the working groups of the Federation of Community Legal Centres (FCLC). I also regularly attend various stakeholder reference and advisory group committees with government and community stakeholders. We are part of the Department of Justice Reference Group on Family Violence, the Family Violence Statewide Advisory Committee organised by the Department of Planning and Community Development and we also sit on the Systemic Review of Family Violence Deaths Reference Group organised by the Coroner's Court.

NACLCL CONFERENCE

In September Eila and I attended the National Conference for Community Legal Services (NACLCL) in Perth. It was a first time for both of us and we left feeling re-energised and very inspired by the work done by the sector throughout the country. The conference had a very strong Human Rights focus and we were glad to network with the staff of other organisations in the various states.

PARTNERSHIPS

Part of the Law Reform role has been maintaining key partnerships and building new relationships with other key organisations. As part of our human rights submission, we partnered with PILCH to conduct presentations to women in refuges so that their voices would be represented in the debate. Elizabeth Hoffmann House, the Indigenous women's refuge, graciously included their clients in this process. These women's stories helped colour WLSV submissions, and we thank those women who fervently shared their life experiences with us and spoke about how they would like their rights protected. The Human Rights Law Resource Centre (HRLRC) also provided us with training in the Victorian Human Rights Charter to train our staff in-house as the charter may be useful in advocating for better service provision for our clients. The Murray Mallee Community Legal Service has also graciously offered us case studies for use in submissions to give a broader regional, rural and remote context to the experiences of women.

CASE STUDY BANK PROJECT

This has been one of the highlights of my time at WLSV thus far. Joanna Fletcher, WLSV's former Law Reform and Policy Lawyer has stewardship of the project. She has been invaluable in her attention to detail in drafting key documents to quality control the process. The process has also been invaluable in further embedding a law reform culture as a key part of staff's professional development. We have organised several workshops with staff to further develop and embed the process and a committee has been formed as a further check and balance to the process. We are currently underway with our first real test of the process so we look forward to evaluating our progress.

MEDIA & NEWS

Due to our participation in submissions to the Sentencing Advisory Council (SAC), we were contacted by The Age to comment on the final report by the SAC on sentencing practices in relation to breaches of Intervention Orders. We were quoted in the newspaper as a result of the interview. We are also building stronger networks with media organisations to comment on matters that impact or are of interest to our demographic.

I have created an in-house resource folder that gets updated with current statistics and other reference material for submissions, presentations and interviews. We now have a law reform newsletter to keep staff regularly updated with information on submissions and any other issues of interest.

“

I was very distressed at having to go through this process so to find someone that fully understood my issues and concerns and was able to take on my case at such short notice, was a tremendous relief

”

WOMEN'S SAFETY AND THE LAW

On 18 & 19 March 2009, WLSV hosted a national forum in Melbourne: Women's Safety and the Law. The event was organised and hosted by Women's Legal Service Victoria on behalf of Women's Legal Services Australia.

The forum brought together a range of stakeholders including: lawyers, academics, community workers and government representatives to:

- Compare and contrast state and territory intervention order laws
- Examine how family law can be improved to better protect women and children from violence
- Identify the gaps in family law, child protection and family violence laws
- Examine how the law can help women heal from violence, including restorative justice approaches
- Consider how Australia's Human Rights Act can protect women and children from violence
- Present Victoria's model for a family violence death review process.

Expert presentations and panel discussions were combined with interactive workshops to establish best practice models for ensuring women's safety within the justice system.

120 delegates attended from all the major cities and from regional towns including Kununurra, Geraldton, Bundaberg, Dubbo, Cairns, South Hedland, Bega, Mildura and Townsville. Delegates were from a range of different professions including family violence support workers, Magistrates' Court staff, social workers, government staff, academics, lawyers, barristers, refuge workers, parliamentarians and legal educators.

WESNET funded 27 Women's Legal Services Australia delegates from all states and territories including representatives from the National Association of Community Legal Centres' Network of Aboriginal and Torres Strait Islander Women's Legal Services to attend the forum.

The forum also received sponsorship from the State Government of Victoria – Department of Justice & Department of Planning and Community Development.

A handbook of forum papers and workshop notes was produced and distributed after the event.

Thank you to our sponsors and to everyone who attended the forum.



DEBORAH POLITES 10 YEARS OF PHONE ADVICE VOLUNTEERING WITH WLSV

Shortly after I was admitted to practise in 1999, a colleague of mine let me know that she had been looking into opportunities to volunteer with community legal centres in the CBD and was going to volunteer on the phone service at WLSV. She asked if I would like to join her and I have been a volunteer on the evening advice line ever since.

As a junior lawyer acclimatising to the world of city corporate legal practice, volunteering on the phone advice line at WLSV has many advantages. As WLSV is located in the CBD and the advice service does not involve taking home casework, it is more compatible with the demands of practice in a corporate firm. As WLSV specialises in family law, there is less risk of a conflict with commercial clients, and there is the opportunity to maintain knowledge and training in a different and interesting legal area, under the supervision of lawyers with expertise in the field.

There have been many changes since I began volunteering with WLSV. Perhaps the most noticeable one from a legal perspective is that, although the concept of the evening telephone advice line has not changed, overall WLSV has become gradually more focused on family law. Family law issues were always the most common queries raised by clients calling the advice line. While volunteers were always very well supervised, over time the development of greater family law expertise has enabled us to assist with more enquiries. If there is ever a question we cannot answer during an evening advice line session, we have the expertise of the full time staff to call upon, and we can also

refer clients to the face to face advice clinic or the Court duty lawyer services where appropriate. In addition, the development of expertise within WLSV has led to greater opportunities for WLSV to be involved in law reform advocacy.

During the past ten years it has become more common broadly for community legal centres to develop specific areas of legal expertise. As a result, where a query arises that WLSV is not able to respond to, we are often able to refer the client to a centre (such as Mental Health Legal Centre or Child Support Legal Centre) and we receive similar referrals from other centres. When this happens there is a great sense of satisfaction that the community legal sector as a whole is functioning to direct the client to the best source of advice.

Walking into WLSV's office on a Tuesday or Thursday evening feels like arriving home. In ten years, not much has changed about the outward appearance of the office, its friendly, collegiate atmosphere, and the enthusiastic consumption of cheese, fruit and (especially) "Malteasers", to make up for a late (or non-existent) dinner. What has changed, almost to a revolutionary level, is the administration process in the office. I have many memories of leaving a client on hold on the phone while hunting through large grey filing cabinets that held the statistical forms, to determine whether we had previously advised the client or had a conflict. Inevitably, Mrs "DeLacy"* would be filed under "L", the drawer of the filing cabinet would close on one's pinkie finger, the client would be cut off on the phone in the meantime, and at least one paper cut

was worn with pride as evidence of having followed our conflict checking procedure! What bliss now to have the electronic databases at our fingertips that allow us to complete these checks while we speak to the client on the phone! More recently, the new database system can also be used for referrals to law firms and other community organisations, so we have a wealth of information at our fingertips.

While by far the majority of enquiries have been about family law, women do call with many different legal issues. Over the years, I have been asked questions relating to defamation, advertising and marketing, international law, surveillance and espionage (yes, truly) and food regulations, to name just a few. As an intellectual property litigator in my "other life" as a commercial lawyer, I am always waiting for a client to ring WLSV about a patentable invention. It has not happened yet!

Of course, the very best aspect of volunteering on the phones at WLSV is the sense of satisfaction when we are able to go some distance towards helping a woman in a difficult situation to navigate the confusing and intimidating mire of the legal system. We can rarely provide a complete answer in the context of the telephone advice line. However, there is usually at least one call in each advice session in which I feel that we have really helped the client to get on the right track to addressing the legal issues. It is for this reason that I think the evening advice and referral service is so valuable, and that I am grateful to have had the opportunity to be involved with it.

**Fictional name*

“

Thank you so much for helping my family. I was facing a terrifying ordeal and thanks to the Women's Legal Service the future looks bright

”

VOLUNTEERS

LEGAL ADVICE LINE VOLUNTEERS

Volunteers work on the Legal Advice Line service from 6.30pm to 8.30pm every Tuesday & Thursday.

Farzeen Alam

Julie Andritsos

Fiona Batten

Amelia Beech

Eleanor Bishop

Eve Bodsworth

Gemma-Jane Cooper

Dianne Donati

Louise Dorian

Stephanie Doyle

Simone Driscoll

Annette Esposito

Annmarie Farrell

Jeanne Gorman

Elizabeth Hall

Lily Hardman

Laura Hilly

Hannah Hodges

Diana Hogan

Jana Homatopoulos

Felicity James

Rae Kaspiew

Pamela Khoo

Suzanne Kneen

Celia Laragy

Sarah Lean

Amanda Lee

Katherine Lockey

Isolde Lueckenhausen

Louise Martin

Kirsty McIntyre

Kirsten Morrison

Nerida Mulvey

Andrea Motbey

Dao Bui Nguyen

Deborah Polites

Deborah Randa

Susan Rawling

Regan Richards

Keleigh Robinson

Caitlin Tierney

Betty Trimcevski

Sarah Vorweg

Carolyn Welsh

Jillian Williams

Marita Wilson

Sarah Wainwright

LEGAL VOLUNTEERS

Day volunteers assist WLSV legal staff
between 9am & 5pm weekdays

Hannah Carne

Hong Sze Chen

Sarah Crouch

Cara Friedman

Shantini lyngkaran

Meredith Kennedy

Dee Le

Samantha McKay

Nita (Jaya) Nagendran

Naomi Pfitzner

Nita Rao

Emma Robbins

Imparani (Rani) Tisseverasinghe

ADMINISTRATIVE VOLUNTEERS

Kathy Fawcett

STUDENT PLACEMENTS

Jane Bentley

Valerie Cookson

Erin Dempsey

Jessica Fay

Carly Fuller

Ilana Madjar

Sue McLellan

Merym Mir

Donna Muntz

Samantha Orchard

Janine Perry

Breigh Smith

Kate Stary

Abigail Sullivan

Sally Szmerling

THANK YOU / LEGAL ASSISTANCE & OTHER ASSISTANCE

Thank you to the following organisations or people who have so generously assisted WLSV's clients, and WLSV, in the past twelve months.

LEGAL ASSISTANCE

Robert Allen

Munya Andrews

Mary Baczynski

Kylea Campana

Mario Cenacchi

Neil Collins

Caroline Counsel

Angela Cranenburgh

Helen Dellidis

Louise Dorian

Marlene Ebejer

Paul Ehrlich

Susan Einsiedel

David Faran

Zoltan Friedman

Evelyn Goldberg

Anna Goldthorp

Daniela Hannan

Ruth Hamnett

Rohan Holt

Tom Hutching

Esther James

Neale James

Michael Kats

Sarah Keating

Bruno Kiernan

Colin King

David Laidlaw

Andrea Lawrence

Kaye McNaught

Roona Nida

Kathy Raccanello

Valentina Stoilkovska

Mary Sevadalis

Kim Southey

Anita Spitzer

Michael Stanton

Vass Theodoropoulou

Minal Vohra

Tony Vriends

Amanda Wynne

Natalie Vogel

OTHER ASSISTANCE

Mallesons Stephen Jaques

Public Interest Law Clearing House

Professor Belinda Fehlberg

Dr Rae Kaspiw

Christine Millward

Helen Rhoades

Dr Philipa Rothfield

Arthur Williamson

NUMBERS TOTAL NUMBER OF CLIENTS ASSISTED 2784 (NOT COUNTING MULTIPLE CONTACTS)

TOP FIVE TYPES OF LEGAL WORK UNDERTAKEN

Advice activities	3378
Information activities	2232
Cases closed	957
Cases with Court representation	614
Non-casework projects	100

TOP TEN PROBLEM TYPES

Family or domestic violence orders	1105
Child contact or contact orders	694
Property in marriage	594
Property de facto	174
Separation	158
Child residency	152
Intervention Orders – Stalking	150
Divorce	129
Family law (other)	85
Other civil	74

TOP TEN OCCURRENCES OF COUNTRY OF BIRTH

Australia	1204
England	65
China	67
India	54
New Zealand	39
Turkey	29
Philippines	28
Malaysia	22
Fiji	20
Sri Lanka	19

FINANCIALS



J L COLLYER & PARTNERS
ACCOUNTANTS & AUDITORS

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Glen Waverley Vic 3150
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INDEPENDENT AUDITOR'S REPORT

To the members of **WOMEN'S LEGAL SERVICE VICTORIA**
Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, of **WOMEN'S LEGAL SERVICE VICTORIA** comprising the balance sheet as at 30th June 2009, and the income statement, statement of changes in equity and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory notes.

Management's Responsibility for the Financial Report

The management of **WOMEN'S LEGAL SERVICE VICTORIA** 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 statements, which form part of the financial report are appropriate to meet the needs of the members. The management's responsibility also includes designing, implementing 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 conducted 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 the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk 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 directors, 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 Management's financial reporting requirement. 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 relevant independence requirements.

Auditor's Opinion

In our opinion the financial report of **WOMEN'S LEGAL SERVICE VICTORIA**

- (a) gives a true and fair view of **WOMEN'S LEGAL SERVICE VICTORIA's** financial position as at 30th June 2009 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1; and
- (b) complying with Australian Accounting Standards to the extent described in Note 1.


Janet Collyer
J L COLLYER & PARTNERS

5th October 2009

DIRECTORS
JANET L. COLLYER FCPA
LIONEL R. ARNOLD CA B.BUS
RAELENE LAI CPA B.COM



LIABILITY LIMITED BY A SCHEME APPROVED
UNDER PROFESSIONAL STANDARDS LEGISLATION

BALANCE SHEET

AS AT 30 JUNE 2009

	2009 \$	2008 \$
EQUITY		
Capital Replacement Reserve	90,000	90,000
Retained Earnings	288,300	211,571
TOTAL EQUITY	378,300	301,571
Represented by:		
CURRENT ASSETS		
Petty Cash	313	314
Cash at Bank- Cheque A/C	138,224	111,371
Cash at Bank - Cash Management	244,737	178,868
Cash at Bank - Term Deposits	191,293	178,409
Cash at Bank - Payroll Security A/C	25,000	25,000
	599,567	93,962
NON-CURRENT ASSETS		
Computer Equipment	1,600	1,600
	1,600	1,600
Office Furniture & Equipment	145,293	143,658
Accumulated Depreciation	107,846	102,060
Less Accumulated Depreciation	37,447	41,598
	39,047	43,198
TOTAL ASSETS	638,614	537,160
CURRENT LIABILITIES		
Other Creditors	23,326	22,907
Provision for 'to make good' premises	12,000	12,000
Provision for Staff Entitlements	85,478	78,502
GST Payable	20,571	21,700
Future Contingency Fund	25,000	25,000
Income in Advance	93,939	75,480
	260,314	235,589
TOTAL LIABILITIES	260,314	235,589
NET ASSETS	378,300	301,571

INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
INCOME		
Interest Received	27,804	20,284
Costs Recovered and Retained	7,889	5,904
Reimbursement – Wages	131,790	94,040
Reimbursement – Rent	24,000	24,000
Legal Education	33,588	30,710
Donations	2,510	1,765
CLC Recurrent Grant	735,313	720,407
Other Commonwealth Grant	270,000	-
Other Grant	55,251	2,966
	1,288,145	900,076
EXPENDITURE		
Audit Fees	3,812	3,098
Bank Charges	421	307
Cleaning	4,814	4,384
Conferences and Seminar Costs	2,233	7,230
Depreciation	5,786	6,529
Disbursements	2,394	145
FLLS Costs	250,000	-
Filing Fees	40	39
Holiday Pay	(3,194)	(23,635)
Insurance	5,905	2,491
Leasing Charges	2,294	1,008
Library	4,321	7,499
Light & Power	3,101	3,146
Long Service Leave	10,170	9,147
Memberships	3,725	3,626
Planning & Programming	39,496	(536)
Practising Certificates	2,812	2,276
Postage	2,088	2,411
Printing & Stationery	8,538	8,750

	2009 \$	2008 \$
EXPENDITURE (CONTINUED)		
Publicity	4,170	4,945
Rent	60,824	56,724
Repairs & Maintenance - Capital Equipment	2,527	2,370
Salaries	678,840	573,133
Security Costs	404	364
Staff Recruitment	4,155	5,434
Staff Amenities	13,264	8,129
Structural Maintenance	-	500
Sundry Expenses	3,106	2,873
Superannuation Contributions	59,621	49,846
Telephone	15,168	13,864
Training	15,127	4,945
Travel & Accommodation	5,454	3,711
Workcover	-	2,416
	1,211,416	767,169
OPERATING PROFIT	76,729	132,907

CASE STUDY

Aarifah* emigrated to Australia from the Middle East over 10 years ago. She met the husband in Australia and she and the husband married in a traditional Islamic marriage ceremony at Aarifah's home. The husband arranged the marriage ceremony and Aarifah trusted that her marriage to the husband would be recognised in the Muslim faith and in Australian society.

Aarifah and the husband have three children together. Aarifah also has two children from a previous marriage. All five children live with Aarifah. Aarifah struggles to make financial ends meet.

Aarifah came to WLSV when she discovered that the husband had arranged an Islamic divorce without consulting her. At the same time, she also learned that the husband intended to leave the country with money he had recently received from the sale of marital property. WLSV issued urgent Court proceedings and obtained orders restraining the husband from dealing with or disposing of any property of the marriage. The orders restrained the husband from leaving Australia. Ultimately, Aarifah sought to receive some money or other property by way of a final property settlement.

The husband responded by seeking a declaration from the Court that the parties were not validly married. He claimed that the marriage ceremony had been a religious marriage ceremony only and not a marriage recognised as legally valid in Australia. The husband sought that Aarifah withdraw her application for a property settlement as he claimed that the Federal Magistrates' Court and the Family Court did not have the power to grant Aarifah a property settlement.

For Aarifah, the declaration sought by the husband was devastating. A property settlement to enable her to support herself and her children into the future was no longer Aarifah's primary concern. A declaration that Aarifah's marriage to the husband was invalid would have been a source of shame to her amongst friends and family members and it may have had serious consequences for her children. Aarifah informed us that if her marriage was declared invalid, her three children with the husband would have been viewed as illegitimate in her community and the girls would have been unable to marry.

WLSV acted for Aarifah in response to the husband's application to have their marriage declared invalid. This involved preparing affidavits and other documents to respond to the husband's application, appearances at hearings and briefing a barrister to appear at the final hearing of the matter.

The Court ultimately found that the parties' marriage was valid even though the Sheikh who conducted the marriage ceremony was not an authorised celebrant at the time and other formal requirements had not been complied with. This was because there is a presumption that in circumstances where parties have been through a marriage ceremony, have lived together, and are accepted by the community as husband and wife, they are validly married. In this case, the husband failed to provide clear evidence to rebut the presumption that the parties were married. In fact, when asked in Court, the husband agreed that the parties were viewed as a married couple by people in their community.

The Court found that Aarifah believed that the Sheikh was authorised to marry the parties at the time of the ceremony, the nature of the ceremony clearly showed that the parties intended to be married and after the ceremony, the parties and their children lived together as a family. They were recognised as a family by the community.

Aarifah's original application for a property settlement from her husband will now be determined by the Court on the basis that the parties were validly married.

**Fictional Name*