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This has been a year of major change for DCLS with the resignation of Caitlin Perry who served as Executive Director for over fourteen years. With her common-sense approach, Caitlin steered the service through a minefield of environmental and funding challenges and she will be missed by board members, staff and the many stakeholders of DCLS.

Key work for the Board this year has included policy development, strategic planning and the recruitment of an Executive Director. I am very proud to be working towards this organisation’s goals with a group of dedicated and hardworking volunteer Board members and I thank them for their friendship and support.

The Board appointed Linda Weatherhead as Executive Director in January 2018. Linda was a member of the Darwin Community Legal Centre’s founding committee in 1990, and has subsequently pursued a diverse career across the community sector, government, and private enterprise. We are very fortunate to have enticed Linda back to the community legal sector and I welcome her to DCLS.

A cornerstone of our organisation is the strategic plan. DCLS staff participated in a planning day in May 2018 and produced the blueprint for the Board to develop. The joint efforts of staff and board members resulted in the production of the Strategic Plan 2018-2021, which sets the direction for our future.

The Honourable John Hardy AOM and Mrs Marie Hardy were our gracious patrons until the end of their tenure on 30 October 2017. We are grateful that the Honourable Vicki O’Halloran, Administrator, has continued patronage of DCLS and we thank her for her support.

I pay tribute to the many volunteers who make regular and dedicated contributions to the community through our vital legal services, thereby extending the reach of DCLS to those in need.

It has been a pleasure to serve on the Board this past year. I have appreciated the support of the aforementioned staff, volunteers, partners, Board members, patron and supporters. I thank you all and look forward to serving with you in the future.

Julie Davis
Chairperson
EXECUTIVE DIRECTOR’S REPORT

I have made it to the six-month mark in my tenure and just have to remember to breathe. There is so much going on! The first six months of this reporting period continued under the steady hand of Caitlin Perry who handed over a wealth of knowledge and a well-respected organisation in good health.

The demands on the range of DCLS services continue with client numbers increasing. The strength of our service is its multi-disciplinary approach.

The General Legal Service continues to experience a steady flow of issues related to employment, Centrelink, discrimination, and credit and debt issues. Many of our matters are heard in the Northern Territory Civil and Administrative Appeals Tribunal. The tribunal was created to provide an accessible and flexible forum for small claims and administrative matters. Consequently, we were concerned that the presumption against awarding costs and fees was to be altered, and an expedited process for default judgments introduced. DCLS were influential in informing the Economic Policy Scrutiny Committee’s recommendations to strengthen the requirements in these areas.

The Tenants Advice Service (TAS) receives increasing numbers of reports concerning failure to return bond monies, tenancy repairs, maintenance and security, rental stress, discrimination, and domestic and family violence impacts.

In May 2018, the TAS campaign to abolish the practice of blacklisting tenants without their knowledge and without good reason came to fruition with the passing of legislation to regulate tenancy databases. TAS advocacy also secured a bi-partisan commitment to the comprehensive review of the Northern Territory’s outdated residential tenancy law.

New laws should ensure renting is fair, safe and certain. In the Northern Territory more than half the population rents, and tenants should be able to consider their house to be their home. This will benefit both tenants and landlords by providing a secure and stable rental environment which will help attract and retain people in the Northern Territory.

The Senior and Disability Rights Service (SDRS) deals with the needs and rights of older people in the Northern Territory against a backdrop of limited services. It is the troubled transition to the National Disability Insurance Scheme (NDIS) that has created a tsunami of work for the team over recent months. Accessing the NDIS is complex and bureaucratic. The power of advocacy has been clearly demonstrated, as those with advocates realise significant improvements in support under their personal plans. For those not covered by the NDIS, there is a perception that disability supports and services are being wound down. Merely maintaining the current level of support for people who need it has been a challenge.

SDRS has hosted an Elder Abuse Prevention Project throughout the year which has served to both raise awareness and enable us to gather information about elder abuse in the NT. The Project has only scratched the surface of a significant problem that needs to addressed sensitively and appropriately in the NT context. DCLS will continue to advocate for reform and service supports to deal with the issues raised and for the development of clear pathways to resolution.

Finally, a big thanks to the DCLS community. Our work would not be possible without the dedication and effort of our staff, volunteers and board members. These are the people who represent and advocate for the community, and who help us make inroads into the gargantuan task of delivering access to justice.

Linda Weatherhead
Executive Director
DCLS STRATEGIC PLAN

Vision
Justice for a stronger community

Mission
Strengthen access to justice and empower the community through holistic advice, education and advocacy.

Include
Advocate for access to justice, through assistance, awareness and empowerment
• Provide legal assistance that is accessible and responsive
• Strengthen client outcomes through negotiation and advocacy
• Identify obstacles to justice and advocate for change
• Promote understanding and awareness of legal and human rights to empower our community.

Influence
Promote a strong and respected voice for community equity.
• Develop partnerships and collaborate to achieve ‘best possible’ outcomes
• Share knowledge and create resources and networks that allows information exchange
• Ensure quality and evidence-based interventions

Innovate
Challenge convention and embrace new ways of working.
• Commit to and encourage thinking outside the box
• Utilise technology and new media to communicate and achieve our objectives
• Generate, harness and disseminate new ideas.

Reform
Take action to address injustice and strengthen the platform for reform.
• Act as agents of change
• Raise awareness in the community
• Work with and mobilise our community to give voice to their priorities.
• Focus on embedding and consolidating reforms.

Resource
Invest in our people, networks and community and consolidate and manage resources to meet strategic objectives.
• Build capacity and skills
• Develop systems and processes to support effective working
• Commit to continuous improvement and best practice
• Identify diverse and sustainable funding streams
SUMMARY

A multi-disciplinary service

DCLS began in 1991 when volunteer lawyers provided free legal advice sessions in Darwin and surrounds. Over time, the service expanded its geographical coverage and the range of matters on which it provides assistance.

DCLS provides systemic advocacy and legal support for individuals.

DCLS identifies laws and procedures that operate as barriers to justice, and works to change them through law reform campaigns. These systemic issues are identified through feedback from clients and advice from the broader community. DCLS also participates in law reform activities initiated by other organisations, notably government-initiated reviews of legislation, regulations, and procedures.

DCLS provides community legal education (CLE) about legal rights and responsibilities across the whole community with a focus on human rights, discrimination law, and social justice. DCLS seeks to involve other agencies in the design and delivery of CLE. Topics for these sessions are determined by community consultations, discussions with clients and analysis of DCLS client data.

DCLS offers a specialist Tenants Advice Service which provides community-based advice and advocacy service for residential tenants across the NT.

The Seniors and Disability Rights Service supports and empowers those with disabilities, and promote seniors’ rights and their access to services. Specialist project work this year has focused on Elder Abuse and NDIS appeals.

DCLS adopts a holistic approach to dealing with issues of concern, supporting access to basic rights and recognising the multiple layers of disadvantage often experienced in the NT.

DCLS aims to be a fearless, independent advocate which is visible and vocal on issues of injustice and disadvantage. We seek to be widely used and well-regarded by the general community for our skilled advocacy, and for our ability to help clients obtain just outcomes.

DCLS operates on Larrakia country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region and pay our respects to Larrakia elders past and present. We are committed to a positive future for the Indigenous community.

'EXPLORING THE COUNTRY' BY ANGELA BRUHN, RIGHTS ON SHOW 2017
GENERAL LEGAL SERVICE

Over the past year, the General Legal Service (GLS) saw clients with a vast array of issues. Our focus is on those suffering financial disadvantage. Key areas of work involved matters in relation to employment, consumer complaints, contracts, credit and debt, guardianship, disputes involving Centrelink entitlements, and issues arising from domestic violence. GLS frequently represents clients across jurisdictions such as the Fair Work Commission, the Local Court and the Northern Territory Civil and Administrative Tribunal.

Identify obstacles to justice and advocate for change

GLS identifies laws and policies that negatively impact members of our community. We do this through conducting case work, monitoring legislative reviews, responding to community concerns and eliminating barriers to justice.

Areas of focus this year have included:
• Reviewing outdated and unfair tenancy laws
• Monitoring proposals to introduce costs and fees into the Northern Territory Civil and Administrative Appeals Tribunal (NTCAT) and to alter the circumstances in which default decisions can be made
• Protecting vulnerable witnesses giving evidence
• Campaigning for the modernisation of the Anti-Discrimination Act
• Supporting the implementation of the expungement of historical homosexual criminal convictions
• Proposing a new framework to respond to Elder Abuse
• Advocating for systemic improvements to the National Disability Insurance Scheme (NDIS)

GLS also participated in the development of the NT's first action plan for the domestic, family and sexual violence reduction strategy: Changing Attitudes, Intervening Earlier and Responding Better.

Partnerships and collaboration

Partnering with people, organisations and the community enables the building of mutual capacity and ensures that we direct our services effectively to reach a greater number of clients.
Promoting understanding and awareness of legal and human rights

DCLS provides community legal education (CLE), to work with and mobilise our community to give voice to their priorities. It enables us to share knowledge, and to create networks that allow information exchange and collaboration.

This year, a broad range of CLE sessions were presented to other organisations. These sessions focused on examining workplace rights, tenancy, social security and consumer rights, ethics, homelessness, elder abuse, NDIS Appeals and credit and debt.

Specific sessions included:
- ‘Sex and the Law’ for the nurses and doctors at Family Planning NT
- ‘Working within an ethical and legal framework’ for students studying Community Services at Charles Darwin University
- ‘Lending contracts and financial arrangements for Sommerville Money Workers Network
- ‘Identifying legal issues for your clients’ for DCLS Law Week workshop
- ‘Accessing the NDIS’ for the staff at TEAMHealth
- ‘Homelessness and human rights’ for Darwin High School
- ‘Red card policy, condition reports and Territory Housing debts’ for representatives from Anglicare, Tangentyere Council, and the Mental Health Association of Central Australia
- Various legal and rights-based topics delivered at the request of the Multicultural Council of the Northern Territory.
- ‘Human Rights are Aussie Rules’ information session and handball game for Darwin High School students.

In 1993 DCLS published the first edition of The Law Handbook, which is now in its fourth edition. In 2016, The Law Handbook was published as an online resource in a joint initiative between DCLS, the NT Legal Aid Commission, and AustLII. This year, we were pleased to support other states to follow suit, continuing to improve this resource by expanding on areas within our expertise, such as Elder Abuse, Residential Tenancy law and Centrelink matters.
Case Studies

► Injuries and lost wages
Emma was working in a remote community where she was bitten by a dog. Due to complications of her injury she had to take considerable time off work. Emma contacted DCLS when her medical bills were forcing her into financial hardship. We assisted Emma to make an application to NTCAT to recover her lost wages and medical costs. The owners of the dog attempted to mitigate their loss by claiming that Emma was working on an illegal contract and therefore they were not liable to pay. The matter was heard by the tribunal after it failed to be settled at conciliation. The tribunal found that Emma should not be out of pocket following her injury, and that her employment contract satisfied National Employment Standards. Emma was awarded compensation for her loss.

► Centrelink rejection leads to homelessness
Years ago, Gary was granted a disability support pension for his long-standing mental health issues. Subsequently Gary reported that he had a partner, and as a result his payments were ceased without notice. He fell into homelessness and lived on the street for years. Gary approached Centrelink to make another claim, however his application was rejected due to his condition not being diagnosed, treated and stable. The Department of Social Services acknowledged Gary’s psychiatric condition but conflicting information on his file prevented the department from establishing the full extent of Gary’s condition.

The claim was taken to Administrative Appeals Tribunal, where DCLS provided evidence of the complex nature of Gary’s condition and the impact it had on his relationships, both personal and professional. DCLS argued that historical information should hold more weight than a one-off assessment because it provided a broader perspective of the impact of Gary’s condition. The AAT agreed that Gary did not have the ability to return to work and he was consequently granted the Disability Support Pension.

► Locked into debt for disability support
Sarah entered a lease agreement to get a motorised scooter on behalf of her sister Mary, who had severe mobility issues. Sadly, Mary passed away some months later. Sarah no longer had an income and was unable to continue making payments for the remainder of the lease agreement. She attempted unsuccessfully to negotiate an end to the agreement.

DCLS reviewed the agreement on Sarah’s behalf, and found that she had entered the contract lawfully and by ceasing payments she may be in breach of the contract. The other party, while sympathetic to Sarah’s circumstances, refused to terminate the contract without the balance being paid. After long negotiations, the matter settled with a lump sum payment, and Sarah was able to retain the scooter to recover some of her costs.

► The threat of legal action got them moving
Amy was involved in a car crash that was the fault of a company employee. At the time of the accident, both Amy and the employee exchanged details. However, before an agreement could be reached the company stopped replying to Amy’s messages. DCLS sent multiple letters to the company to attempt to settle the matter on Amy’s behalf. However, it was not until DCLS threatened to commence proceedings in the NTCAT, that the company finally reported the accident to their insurer. Months of negotiations followed, and eventually the matter was settled with a lump sum amount paid to Amy for the damages to her car.
Discrimination doesn’t pay

Iona had worked in an organisation specialising in disability services. Iona herself had a disability and her colleagues valued her rapport with the organisation’s clients. A new frontline supervisor was appointed. Iona felt bullied and denigrated by her new supervisor for her “slow work”, “poor work habits” and “laziness” - a view which was not shared by Iona’s colleagues. Iona was told to “just to get over it” and it would go away when she reported the bullying to senior management. The bullying escalated, resulting in Iona becoming ill and taking sick leave. Finally, the organisation notified Iona that her role was no longer required due to a re-structure.

With support from her work colleagues and DCLS, Iona filed a disability discrimination complaint. She participated in conciliation and let the organisation know the impact of their failure to address the bullying and discrimination she had suffered. Initially, the organisation claimed it had appropriate policies and procedures in place, however after the conciliation the company recognised that these had not yet been implemented. Iona demonstrated courage in calling out this unacceptable behaviour in the workplace, and the matter was settled on favourable terms.
TENANTS’ ADVICE SERVICE

The Tenants’ Advice Service (TAS) is an NT-wide, community-based advice and advocacy service for residential tenants. This includes people living in private residential properties, public housing, Indigenous community housing, caravan parks, supported accommodation, boarders and lodgers.

Provide legal assistance that is accessible and responsive

One in four families are in rental stress¹. TAS is increasingly dealing with clients seeking to terminate lease agreements because they can no longer keep up with the high costs of living. The current wait for public housing can be as long as eight years, and low-income households are increasingly forced into private lease agreements that are beyond their means². The availability of secure, affordable and appropriate rental housing plays an important role in keeping people from living on the streets.

The most common areas of concern for tenants raised during the year were:
• Repairs and Maintenance
• Tenancy Termination
• Rental Arrears
• Bonds
• Shared Houses
• Tenancy ‘Blacklisting’

Identify obstacles to justice and advocate for change

After extensive campaigning by TAS, the Northern Territory Government introduced long overdue reforms to the Residential Tenancies Act to increase protections for renters across the Territory. The legislative amendments removed the practice of blacklisting renters on private databases without their knowledge. These listings are often unsubstantiated and until now renters have had difficulty correcting the record or having a listing removed.

While these reforms are welcomed, they are only the first step toward ensuring renters in the Territory enjoy the same rights as those in other states and territories across Australia. As housing becomes less affordable, more people will be renting for longer periods. In the Northern Territory, more than half the population rents, yet legislation and incentives are still geared towards home ownership. The Northern Territory Government has committed to a comprehensive review of the Act before the end of 2018.

DCLS supports making renting fair, safe and certain by instituting:
• an independent bond board
• protections for victims of domestic violence
• longer term tenancies and longer notice periods
• protections against evictions without reason
• minimum standards of accommodation and safety.


“The Darwin Community Legal Service, for example, has cited incidences where people have moved interstate and experienced difficulty in renting due to inaccurate listings... I acknowledge the community sector, particularly Darwin Community Service, for their input to this bill... I expect the full public review to be launched later this year” – Northern Territory, Parliamentary Debates, Legislative Assembly, 10 May 2018, 30 (Hon Natasha Fyles MLA)
Promote understanding and awareness of legal rights and empowering our community

TAS has been active in community legal education through presentations to Anglicare, the North Australian Aboriginal Justice Association, the Darwin Regional Accommodation Action Group, Tangentyere Council, the Community Legal Education Network, Central Australian Legal Aid Service and the Mental Health Association of Central Australia. TAS has developed ‘plain English’ publications such as fact sheets, and held public information forums and community group training sessions.

This year TAS featured on ABC Radio and television, in the NT News, the Law Society’s Balance Magazine and has provided a regular session on TEABBA. Contributing through these platforms allowed us to promote options and initiate conversation around tenancy reforms.

Develop partnerships and collaborate to achieve best possible outcomes

TAS maintains and strengthens relationships and the progression of strategic objectives through extensive networking and collaboration. National campaigns for tenancy reform have provided ongoing influence in advancing legislative change in the NT. TAS are members of the National Association of Tenants Organisations (NATO). NATO and TAS are key supporters of the national campaign called ‘Everybody’s Home’. This is a campaign supported by hundreds of organisations across much of the community, taking a stand on housing and homelessness. The premise of this campaign is to ensure that Australia aspires to everyone having a home that is safe, secure and affordable.

When appropriate, TAS engages with relevant community organisations to both make and receive client referrals.

Key activities include:
• Working with partner organisations including NT Shelter, National Shelter and NATO
• Attending the Salvation Army Outreach Program
• Attending various regional Accommodation Action Group Meetings

"Many Territorians were understandably concerned when a few years ago, it became widely understood that there was a blacklist that renters used to essentially ban tenants from securing rentals. The Darwin Community Legal Service and others raised the alarm that tenants were being placed on the list surreptitiously and could remain there indefinitely" – Northern Territory, Parliamentary Debates, Legislative Assembly, 10 May 2018, 30 (Mrs Lia Finocchiaro MLA)
Case Studies

▶ TAS support secures housing
Shelly was living temporarily in supported accommodation after her application for priority housing was rejected because of a six year old maintenance debt from a previous tenancy. TAS appealed and the decision to reject Shelly’s application was overturned. Because of the age of the debt, the maintenance charges could not be substantiated, and the debt was waived. Shelly’s application was accepted and backdated and she was able to secure priority housing shortly after.

▶ Unjust blacklisting puts tenant at risk of homelessness
Pete had received an email from his previous landlord stating that he would be blacklisted for an ‘indefinite period of time’. Subsequently, he had trouble getting approved for a rental property and feared that he would become homeless. When DCLS contacted the agent, they stated that Pete had displayed ‘unkind conduct’ towards staff and they refused to provide any details or remove the listing. TAS wrote to the blacklist operator on Pete’s behalf, however attempts to correct the listing were denied. When new regulations were passed by the NT Parliament regulating tenancy blacklists, TAS went back to the agent and within a week the unjust listing was removed.

▶ Urgent security installation refused by landlord
Marjorie lived in fear of her safety following her relocation to Darwin after escaping domestic violence. She was afraid that her ex-partner would find her. She had been offered assistance to make security adjustments to her property which would be at no cost to her landlord. The landlord refused to allow her to make the adjustments. TAS advocated on her behalf to ensure that the severity of her situation was understood by the landlord, who eventually approved the security upgrade.

▶ Domestic violence causing public housing debt
Jane and her three children had been living in Darwin to escape from her abusive ex-partner. After receiving threatening messages from her ex-partner, Jane made an application to the Department of Housing for public housing, however this was rejected because of an outstanding debt. Jane explained that the debt was incurred due to damages from her ex-partner’s acts of domestic violence. The Department made it clear that she would not be put on the waitlist until the debt was paid. Jane came to TAS with the assistance of her social worker, and was very anxious about keeping her children safe. TAS engaged with the Department of Housing and within two weeks, Jane was offered a three-bedroom house. The department agreed to investigate the outstanding debt.
Dealing with Elder Abuse

Elder abuse is a significant and widespread issue that affects people of all ages and cultures. It occurs when a person who is in a vulnerable position, such as an elderly person, is harmed or threatened with harm by another person who is in a position of trust or authority over them. Elder abuse can take many forms, including physical, financial, emotional, and psychological abuse. It can also be neglect or abandonment. Elder abuse can occur in many settings, such as private homes, nursing homes, or residential care facilities. It can happen anywhere, including in the Northern Territory.

To learn more about the signs and symptoms of elder abuse, and how to get help, visit the DCLS website at https://www.dcls.org.au.

Learn your rights and responsibilities

Help for renters

DCLS is a legal service that provides free, confidential, and confidential legal advice to people in need in the Northern Territory. We aim to empower people to take control of their legal affairs and protect their rights.

Renters to battle blacklist

Landlord pays for tenant's break-in

DCLSabraves.com
The Northern Territory Parliament has passed a number of reforms to improve protections for renters across the Territory.

The changes to the Residential Tenancies Act, passed yesterday, would remove the practice of black-listing renters on private databases without their knowledge.

Rachel Athiade from the Tenants Advice Service at Darwin Community Legal Service (DCLS) urged the NT Government to commit to broader reforms that enabled tenants to make their property feel like home, increasing sustainability for both landlords and tenants.

“If we are going to attract and retain students, families and workers in the Northern Territory they need to know their housing will be secure,” she said.

In a statement, DCLS said the passing of the Bill should be considered as the first stage of reform. DCLS said it supported making renting fair and safe through the establishment of an independent bond board, introducing protections for victims of domestic violence, making longer term tenancies more common and shorter notice periods; ensuring protections against evictions without reason; and longer notice periods; enacting protections for tenants of vulnerable older people.

DCLS said it supported the passing of the Bill should the respondent's credit rating.

Sue Brownlee said that would effectively mean Territorians could sue for a hearing as required under the current laws.

Ms Brownlee said that would effectively mean Territorians could sue for a hearing as required under the current laws.

The Law Society's concerns ahead of the NT Senate's Economic Policy Scrutiny Committee. “This process facilitates robust and transparent debate on bills,” he said.

By that time, the tribunal's ruling on the phantom debt could already have had unintended consequences, includ-

The abuse of elderly Territorians is being tackled by the Darwin Community Legal Service (DCLS) but advocates say that more is needed to raise awareness of the victimisation of vulnerable older people.

The Seniors and Disability Rights Service, operating with DCLS, has received 24 months of funding to minimise elderly abuse in the community.

Advocate for seniors and disability rights, Tracy Lee, has been answering the phones at DCLS for years, said that all other states except the NT have ongoing funding for elder services.

We recognise a few years ago that we needed to gather more information about what this issue is like here and what the prevalence is,” she said. “So we have been running an unfunded information line for people to contact.”

The DCLS has found that the most common form of elder abuse was financial, but they also receive reports of psychological and sexual abuse, as well as neglect.

“It's only our first stage that we've been lobbying by key people around this for a long time, but also the fact is that the Baby Boomers are coming through and it's becoming a population imperative to deal with this issue,” she said.

I remember a time when domestic violence was something that we didn't talk about. I think there is a ground swell of reaction and a desire to do something about elder abuse.

“A lot of older people aren't aware of the law unless they are talking to the Government, through Territory Families,” said Sue Brownlee.

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The Senior and Disability Rights Service (SDRS) provides advocacy, education and community awareness across the Top End, East Arnhem Shire and Katherine Region. We work with people with disabilities and their advocates, as well as those receiving Commonwealth Aged Care Services to help them understand and exercise their rights.

SDRS is based in Darwin but much of our advocacy is delivered through outreach services to homes or residential service providers or through other community organisations as a base. SDRS provides regular services to Katherine, Nhulunbuy and other areas as required, to deliver vital advocacy services.

The service focuses on supporting older people, those with disabilities and their representatives to raise issues with the appropriate authority. SDRS provides an advocacy service that is rights-based and seeks to ensure that older people and people with disabilities understand their rights and participate in decision making to the maximum degree possible.

Key elements of our work

- Helping our clients understand the changes to consumer-directed care and the implementation of the National Disability Insurance Scheme (NDIS)
- Advocating for seniors and supporting those who are seeking to access aged care services
- Undertaking a project focused on understanding and identifying Elder Abuse across the Northern Territory
- Visiting remote areas to assist people with concerns around disability supports and services to improve their day to day living and economic and social participation
- Monitoring the roll-out and implementation of the NDIS in the Northern Territory
- Assisting people under the NDIS with planning, reviews and appeals
- Delivering education sessions to a broad range of clients, agencies, businesses and community groups across the Northern Territory.

Promote understanding and awareness of legal and human rights to empower our community

Throughout the year, SDRS provided a range of education and information sessions to service providers, hospitals, students, community members and residents of aged care facilities and supported accommodation. The commencement of our NDIS Appeals Project and Elder Abuse Prevention Project, saw a high demand for training and information. SDRS also presented Community Legal Education sessions to partner organisations such as Carers NT, TEAMHealth, Sommerville Community Services and Integrated disAbility Action.

Statistical data:

<table>
<thead>
<tr>
<th>Category</th>
<th>2017/18 Count</th>
<th>2016/17 Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clients</td>
<td>202</td>
<td>169</td>
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<tr>
<td>Community education sessions</td>
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<td>31</td>
</tr>
<tr>
<td>Information queries</td>
<td>164</td>
<td>100</td>
</tr>
</tbody>
</table>
Case Studies

► Concession Scheme causing debt
Sally contacted SDRS when she received a notice of a $3,000 debt through the NT Pensioner and Concession Scheme. She didn’t realise she was still receiving a concession for her property in Darwin while she travelled interstate to visit her family. Sally could not afford to repay the debt as she relied on her pension as a source of income. An SDRS advocate liaised with the Department and as a result the debt was waived.

► Feeling safe in his own home
Adrian was an older gentleman with a disability who had concerns for his safety and security in his public housing unit. His residence was on a main road and did not have a fence or security gate. He feared intruders after having his home broken into a week after moving in. Adrian had no success talking with the Department of Housing himself, so he contacted SDRS for assistance. An SDRS advocate was able to liaise with the department, who acted on our recommendations and installed a security gate and lighting so Adrian could feel safe in his home.

► Bureaucratic process obstructing independent living
Mike is a 22-year-old man who had been diagnosed with autism spectrum disorder and schizophrenia and lives with his mother. Mike contacted the SDRS team and requested advocacy assistance to secure a government-funded independent living arrangement. Mike hoped that living independently would help him develop the skills he needed to live within the community, however both he and his mother found the application process very complex. After 11 months of advocacy support from SDRS, Mike’s application was successful, and he was able to transition into independent living.
In September 2017 DCLS commenced the Elder Abuse Prevention Project\(^3\). The project aims to raise awareness around Elder Abuse in the Northern Territory and identify strategies to protect seniors from abuse and mistreatment.

From October to December 2017, a broad range of people across the aged care services sector were consulted, including older people in the community, carers, social workers, Indigenous Liaison Officers, lawyers, community educators, aged care assessment teams, disability support coordinators, domestic and family violence services, advocates and providers of both residential and home care. These consultations were conducted in locations across the Northern Territory including Nhulunbuy, Darwin, Katherine, Tennant Creek and Alice Springs.

Everyone we spoke with responded positively and enthusiastically. People identified elder abuse in their work and their communities. They described it as a huge, complex and largely unrecognised problem however most were not sure how to approach the issue.

During consultations, we were told “there is no respect for old people anymore”, “nobody cares about the old people, only about their money”, and “isn’t there a number I can ring to report, like I can with child abuse?”

Project activities have been broad-ranging. Resources such as fact sheets on Elder Abuse, Wills, and Powers of Attorney have been developed and distributed. Community awareness activities included engaging with people at a major shopping centre, attending the Darwin Seniors Expo, and gaining newspaper and radio coverage. These activities provided the opportunity to inform people about the nature of elder abuse, risks for older people and abusers, strategies to prevent abuse, and helpful service contact numbers.

A survey targeting aged care service providers, support workers and unpaid carers was conducted with the aim of identifying the type of abuse experienced by older people in the NT. The survey identified that abusers are largely trusted family members, friends or neighbours. Abuse often goes unreported and unresolved because fear and shame often attach to the abused rather than the perpetrator. From the results it was clear that there is a reluctance to report for fear of consequences, and that people are often uncertain about what to do when abuse is identified. The final report can be found on the DCLS website.

It is still early days in the social and political response to elder abuse. The community is beginning to learn the language and the concepts associated with elder abuse, and slowly confronting the harsh reality of the mistreatment of older people and what this says about our society.

It has become clear that one size won’t fit all because issues are different in each community and region. This means responses need to be tailored depending on the cultural and social framework. A community place-based approach with place-based outcomes will be most effective. Given the gendered nature of elder abuse, with 70% of victims being women, it will be important to support women’s groups in both urban and remote sites to contribute to solutions.

In the future, responses to the shame of elder abuse will require multi-pronged and creative approaches that consider the cultural, economic and geographical diversity of the Northern Territory.

Darwin Community Legal Service advocates for the need to:

- **Respect** the right of older people to make decisions about their own lives
- **Value** older people so that they are recognised as significant community members
- **Protect** vulnerable older people through a safeguarding agency that investigates and acts upon suspected abuse

\(^3\) The Elder Abuse Prevention Project is a 12-month program funded by the Office of Senior Territorians within Territory Families.
Case Studies

DCLS comes across various types of elder abuse matters. The Elder Abuse Information Line and our Elder Abuse Prevention Project have generated a large number of inquiries about, and stories of, elder abuse. A great concern is the prevalence of abuse by one family member against another, and the associated reluctance of an abused elder to take action against another family member. Those approaching invariably request some form of independent body that will investigate these issues. DCLS has been active in supporting the creation of a safeguarding agency.

► **Prisoner in his own home**

Donald, who is diagnosed with dementia, has an Advanced Personal Plan. The plan grants power over his personal and financial matters to his son Jacob, should Donald lose his decision-making capacity. Jacob abuses his responsibility for Donald’s financial matters and makes him a virtual prisoner in his own home. He restricts any other family member from having access to Donald. Jacob starts to use Donald’s savings to pay for his gambling addiction. Family members became suspicious and approached DCLS for advice. There are limited options for redress in this situation. In this case the family were supported to apply for guardianship orders for Donald.

► **Kids living rent free**

Mary is an elderly lady who lives alone. Mary’s daughter Rachel lost her job and had a relationship breakdown. Rachel shifts into Mary’s home with her young son Tyson until she gets her life back in order. Rachel agrees to help Mary with household chores and to reimburse expenses and rent when she gets another job. Rachel does not follow through with her promise. Mary frequently lends Rachel large sums of money to pay existing credit card loans. This arrangement continues for some years before Mary becomes concerned about the depletion of her savings. Mary raises the issue with Rachel and an argument erupts. Rachel leaves Mary’s home and ceases all contact with Mary. Rachel also denies her access to grandson Tyson. Mary seeks legal advice and decides to pursue mediation, which could assist her to recover her money, resume her relationship with her grandson and maintain the potential of a reconciliation with her daughter. DCLS has supported Mary in documenting her case.
NDIS APPEALS PROJECT

The rollout of NDIS has seen the service swamped with requests for advice and assistance from our advocates. In July 2017 DCLS commenced a project providing support for those who wish to appeal a decision made by the NDIS.

The NDIS is based on a model of competition and choice, however in the NT context there is no market, a lack of choice and an absence of support to help inform choice. The transition has not been smooth. Delays are chronic, and accessing support under the NDIS is extremely complicated and bureaucratic. DCLS’s role is vital in this area as it has been demonstrated that participants with advocacy support receive 30% more in their plans.

A significant part of our work to date has been in monitoring the implementation of the NDIS and ensuring that people with disabilities have continuity of support as responsibilities change. Issues around coordination and oversight of services and the roles and responsibilities of government and statutory agencies in the changing environment have been particularly opaque. DCLS has been trying to achieve some clarity in identifying ‘who does what’ to ensure that clients don’t fall through the gaps.

As the only funded NDIS advocacy agency in the Top End, it has been a busy year establishing our profile in the community and across government departments at both the territory and federal levels. With the rollout of the NDIS beginning in Katherine and East Arnhem in July 2017, it was necessary to make regular trips to these locations to cement our commitment. Consequently, we have achieved positive results in collaboration with NDIS staff to benefit clients who may not have previously received disability supports.

We have found that a collaborative approach has secured exceptional outcomes for our clients. Independent advocacy provides an essential level of assistance and has the capacity to make substantial differences to those accessing the scheme.
Case Studies

▼ Territory Families make commitment to leaving plans

A number of our clients are carers with children who exit the care of Territory Families when they turn eighteen. In many cases, these young people and their carers lost supports at this point. Although there was an expectation that NDIS would fill the gap, this has not been the case. DCLS was concerned that the wellbeing of these 18-year-olds declined because they were not prepared for independent living. DCLS raised this matter with the Children’s Commissioner and Territory Families. Territory Families initiated a protocol to ensure there was coordination of the transition and the Department committed to developing a ‘leaving care plan’ for all young people in these circumstances.

▼ Bureaucracy impacts access to support

Incorrect filling out of forms, or the failure to provide sufficient detail, have become common reasons for rejection of NDIS benefits. In one case, an 8-year-old Aboriginal boy was denied access to the NDIS scheme because his GP had failed to provide sufficient detail about his condition and needs.

DCLS obtained the authority of the boy’s mother to ring the special school the little boy went to. As a result, the Principal of the school provided school reports, a specialist report about the boy’s condition, and a letter of support which outlined the boy’s challenging behaviours and his consequent need for support.

A request to have the original decision reconsidered by the local NDIS office was agreed to and a comprehensive plan was developed which gave the boy’s mother a supporting plan worth $63,000.

▼ No cross-referencing leads to NDIS rejection

A woman who was on the Disability Support Pension (DSP) for an intellectual disability was denied access to the NDIS. The threshold for granting the DSP is very high, and it is expected that those on DSP would satisfy NDIS requirements. The woman had given permission to access Centrelink records, but this was not done and consequently her application was denied.

Many of our clients had assumed that, once they had given consent, these records would be accessed and there would therefore be no need to duplicate existing information. However, this is not always the case and DCLS have supported clients to make a Freedom of Information (FOI) request for department records in order to provide them back to the same Department.

DCLS made an informal approach to suggest that there had been an error, but the application was refused again. After a formal application for review, the woman’s application was accepted on the basis of the additional information received through FOI. The whole process added several months to the finalisation of this woman’s application, and the protracted delays caused her enormous anxiety.
The 2017 theme ‘Sustainable Tourism: visitors and locals caring for country’ generated an eclectic response from remote area artists, Indigenous artists, street artists, youth, community groups, domestic violence survivors, asylum seekers, schools, disability groups and others. Over 100 art works were entered, which is evidence of the strong commitment to human rights across the Northern Territory community.

Over 200 people attended the opening of the 23rd Human Rights Award and exhibition ‘Rights on Show’ at the Darwin Supreme Court. The evening begun with a heartfelt Welcome to Country from Larrakia elder Donna Jackson, followed by an engaging presentation on sustainable tourism by guest speaker Adele Pedder.

Rights on Show 2017 Winners

Rights on Show Award: Polly Johnstone
Human Rights Award: Bao vi Truong
Ian Tranthem Award: Emma Lupin, Shaun Lee
Senior School Award: St John’s College
Primary School Award: Rocky Joe Summerhill
Judge’s Commendation: Henbury School Tiwi
Judges Commendation: Dhawumal Wunungmurra
Highly Commended: Michael Hope
Highly Commended: Grusha Leeman
People’s Choice Award: Jesse Bell

‘MIGRATION (DIPTYCH) 1/2’ BY POLLY JOHNSTONE, RIGHTS ON SHOW 2017
VOLUNTEERS

DCLS offers after-hours legal clinics in various locations across the Darwin area to enable universal access to legal assistance. The after-hours legal advice clinics are run solely by volunteer lawyers, law students and session coordinators. DCLS wishes to acknowledge the dedication and willingness of our volunteers, who make these sessions possible.

It has been an extremely busy year, with the volunteer group expanding to meet the growing need, following several induction intakes and recruitment drives at Charles Darwin University.

Thanks to the following volunteers for their commitment to DCLS throughout the year.

Practical Legal Training

DCLS facilitated a number of students who were completing their practical legal training as part of the graduate diploma of legal practice. A special thank you to:

Ninik Stroud, Sharon Binns, Laura Payne, Raymon Cayamanda, Bailey Bourke.

Volunteers 2017/2018

Abby Mankelow  
Ahmad Dostizada  
Ainslie Corridon  
Andrew Smith  
Anne-Marie Chin  
Anne-Marie Hardwick  
Azmi Thayil  
Ben Collinson  
Bill Piper  
Bradie Mercer  
Caitlin Perry  
Carmen Jap  
Charmaine Lentija  
Chris Cooper  
David DeSilva  
Destiny Gultom  
Diedre Pickering  
Dylan Walters  
Elisha Harris  
Emma Farnell  
Emma McLaughlin  
Geraldine Cusher  
Jackie Fryar  
James Leggo  
James Wheeler  
Jessica Cox  
Josie Short  
Judith Davison  
Kathryn Baumeister  
Lachlan Peattie  
Lauren Tattersall  
Leanne Kerr  
Lee Campbell  
Maker Mayek  
Marguerite Bowen  
Melissa Chen  
Michelle Duggan  
Monica Thompson  
Nadia Lim  
Nathan Supra  
Peter Orr  
Rachel Athaide  
Ron Lawford  
Rubin Thomas  
Sarah Morton  
Sarah Strzelecki  
Sharon Binns  
Stella Noor  
Svetlana Abella  
Tamara Spence  
Tammy Wong  
Zara Tenorio
**PRO BONO SUPPORT**

DCLS would like to acknowledge the contributions of our pro bono partners during the year, especially those who provided support directly to our clients. These include Clayton Utz, Ashurst Lawyers, barristers Myles Crawley, and Cassandra Ellis of Piper Ellis. We were excited to add the firm of Gilbert and Tobin to our pro bono partnership list for this year.

**FUNDING SUMMARY**

DCLS receives funding from the Australian Government and the Northern Territory Government, as well as donations, grants and sponsorships from a range of sources.

Funding for the General Legal Service is provided by the Commonwealth Government under the National Partnership Agreement for Legal Assistance Services through the Northern Territory Government’s Department of Attorney-General and Justice.

As per Section 388 of the Legal Profession Act 2006, DCLS received an allocation of funds from the Legal Practitioner Fidelity Fund. These funds contribute towards general operational and staffing costs.

The Seniors and Disability Rights Service is funded by:

- Commonwealth Department of Social Services ‘Disability and Carer Support Program’
- Commonwealth Department of Health ‘National Aged Care Advocacy Program’ through the Older Persons Advocacy Network
- NT Department of Health ‘Disability Services Program’

Funding for the Tenants’ Advice Service is from the Agent’s Licensing Fidelity Guarantee Fund through the NT Department of Attorney-General and Justice.

The Elder Abuse Prevention Project was funded by the NT Government’s Territory Families.

Support for Strategic Planning was provided by the NT Department of Trade, Business and Innovation ‘Business Growth Program’.

Thank you to all our funders and sponsors.
Staff

Linda Weatherhead
Executive Director

Caitlin Perry
Executive Director until August 2017

Lisa Lock
Administration Manager
Acting Executive Director until Jan 2018

Erith Carr
Administration Officer

Maureen Wright
Receptionist
Volunteer Coordinator

Saskia Strange
Community Engagement Officer

James Courtney
Marketing and Communications
Manager until April 2017

Breeana Lock
Casual Admin

Jody Jackson
Casual Admin

Sheree Smith
Casual Admin

General Legal Service

Nicki Petrou
Principal Solicitor

Abhishek Jain
Senior Solicitor
Elder Abuse Solicitor

Priscilla Lavery
Community Solicitor

Bridget McDermott
Community Solicitor

Lee Campbell
Community Solicitor

Tamara Spence
Community Solicitor

Kate Kelly
Community Solicitor

Laura Payne
Paralegal

Shannon Bock
Paralegal Volunteer
Tenants’ Advice Service

Abhishek Jain
Team Leader until Nov 2017
Tenancy Solicitor until Nov 2017

Andrew Smith
Team Leader until June 2018
Tenancy Solicitor

Rachel Athaide
Tenancy Solicitor

Lokesh Kashyap
Tenancy Solicitor until Jan 2018

Katherine Shaw
Tenancy Advocate until Jan 2018

Myles Brown
Tenancy Advocate
Seniors and Disability Rights Service

Lorraine Gibbs
Team Leader until April 2018

Gail Marsh
Senior Advocate
Acting Team Leader

Jane Carrigan
NDIS Appeals Project Officer

Sue Brownlee
Elder Abuse Prevention Project Officer

Janet Brown
Advocate

Trudy Lee
Advocate

Elaine Walton
Advocate

Legal Students

Sharon Binns

Laura Payne

Ramon Cayamanda

Bailey Bourke

Board of Directors

Julie Davis – Chairperson
Frieda Evans – Treasurer and Public Officer
Julie Hansen – Secretary
Peggy Cheong
Kimmy Jongue
Eric Hutton
Samantha Chung
Megan Lawton (Resigned November 2017)

Work Experience

Alannah Christofis
**STATISTICS**

**Summary of legal assistance**

- Information and referral: 815
- Legal advice: 1278
- New clients in period: 837
- Cases (new and ongoing) open during period: 204
- Cases closed during period: 125

**Most common problem types**

- Tenancy: 1149
- Employment: 413
- Credit and debt: 291
- Other civil problem type: 248
- Consumer: 224
- Social security: 115

*These figures refer to number of times we provided advice in relation to each problem type not the number of clients*
Clients by demographic

- People experiencing financial disadvantage: 488
- People experiencing family violence: 85
- People experiencing homelessness: 59
- People who are culturally or linguistically diverse: 173
- People who have a disability and/or mental illness: 130
- People of Indigenous descent: 176
- People living in outer regional or remote areas: 551

Clients by income level

- Low income: 37.8%
  - No income: 9.1%
  - Medium income: 36.5%
  - High income: 16.6%

Advice provided by volunteer solicitors at after-hours advice clinics

- Darwin – Thursday evenings: 289
- Casuarina – Saturday mornings: 181
- Palmerston – Monday evenings: 147
- Total: 617