



2020

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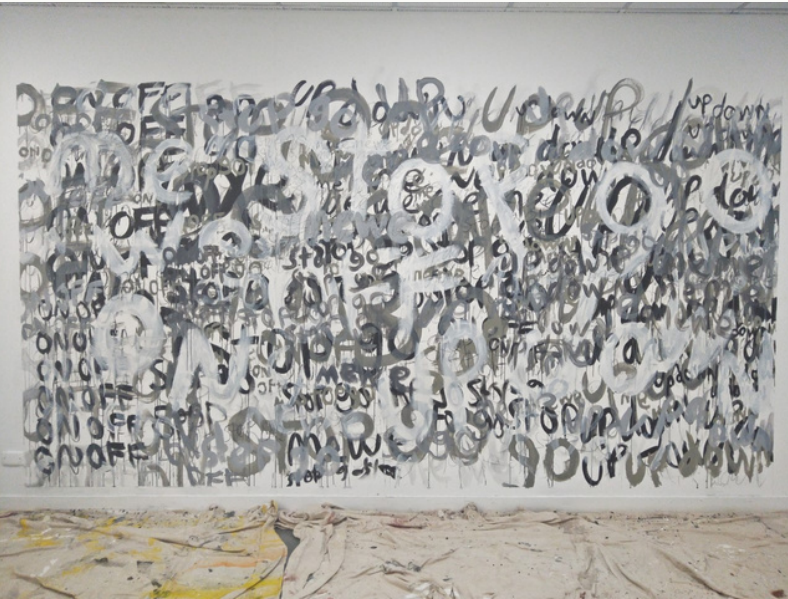
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DCLS operates on Larrakia country

We acknowledge the Larrakia people as the Traditional Owners of the Darwin region and pay our respects to Larrakia elders past, present and emerging. We acknowledge that Aboriginal sovereignty was never ceded.



*Everywhere I turn there
are hurdles and I
constantly have to fight
for the things I need*



COVER ART

Our cover art this year is by local artist, Keith Godfrey (original above). Keith's work depicts his experience as a person living with disability.

Keith's work reminds us of the systemic barriers to equality and the frustration and isolation of people who are forced to navigate systems that weren't designed for them.



CASE STUDIES

Please note that the case studies used in this report have been de-identified to protect the privacy of our clients. The names used are not their real names.

CHAIRPERSON'S REPORT

DCLS's mission is to strengthen access to justice and empower the community through holistic advice, education and advocacy.

DCLS's mission is to strengthen access to justice and empower the community through holistic advice, education and advocacy. In working towards this mission our stakeholders, volunteers and key partnerships are crucial resources and I acknowledge and thank them for their support. Each and every volunteer and supporter including, Australian Government Solicitor and Clayton Utz have provided specialised and extended services beyond the capacity of DCLS and I thank them for their contribution to DCLS and the community.

The service experienced significant turnover of staff during the year including the departure of the Executive Director. The Board anticipates making an appointment to the Executive Director role in the new financial year. In the meantime, Ms Shelley Landmark, was appointed Acting Executive Director and we thank Ms Landmark, and the many staff members who took on additional duties, for their commitment to DCLS whilst the recruitment process takes place.

Long serving board member Frieda Evans resigned in May and we thank Frieda for her many years of service as Treasurer. The Board appointed 3 members to the Board to fill vacancies, Dr John Garrick, Ms Clarissa Phillips and Mr Julian Vido and each of them bring their specialised skills to DCLS.



COVID-19 is a 1 in 100 year event that presented the world with many challenges. In spite of the changes to the environment, swift steps were taken to provide options for some staff to work from home where practicable and we were able to maintain staff and find innovative ways to continue delivering services to clients. This has been an extremely difficult time for many and has had a compound impact on vulnerable clients. It is evident that DCLS staff quickly recognised this impact and this only increased their desire to reach out, connect, support and find resolutions and positive outcomes for clients. COVID-19 has been the impetus for many changes to the way we work and deliver services and this has pushed forward changes in communications and other areas, in some cases by years. In most cases this has been a positive outcome for those who now have additional avenues of communication available to them. There is no looking back in this regard.

Yours faithfully

Julie Davis
Chairperson

ACTING EXECUTIVE DIRECTOR'S REPORT



“It has been an honour to work alongside passionate staff who are dedicated to fighting for the most vulnerable in our community.”

2020 has been a year like no other and we have worked hard to help the community to respond to its challenges. Covid-19 created significant risks for our older population, particularly people living in aged care facilities, and it also shone a spotlight on social and economic disadvantage. DCLS staff have worked tirelessly to advocate for the rights of persons in aged care, and we have led the way in areas such as tenancy reform, social security rights, and equality for people living with disability in the Northern Territory.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability rolled out in the latter half of 2019. DCLS has worked closely with representatives from the Royal Commission to ensure that the voices and experiences of Aboriginal and Torres Strait Islander peoples and people living in remote areas are incorporated into the national conversation.

In February 2020, we met with Commissioner Andrea Mason AOM, Commissioner Alistair McEwin AM, and the Hon. Roslyn Atkinson AO, along with representatives from the Royal Commission community engagement team, to discuss the importance of an accessible Royal Commission which takes account of the findings of previous works, such as the Royal Commission into the Protection and Detention of Children in the Northern Territory.

Our Tenant's Advice Service has been extremely busy responding to changes to the Residential Tenancies Act and our specialist

lawyers have worked diligently to keep the community informed about their rights relating to rental payments, lease termination, and family and domestic violence. In addition to responding to an influx of clients seeking advice during the Covid-19 period, the Tenancy Advice Service has also made significant contributions to law and policy reform and community education. I continue to be inspired by the specialist knowledge and dedication of lawyers in this service.

In addition to assisting aged care residents and their families during the Covid-19 period, our Seniors and Disability Rights Service has continued its advocacy around the Aged Care Royal Commission and the need for reform to better protect the rights and welfare of older persons in our community. Similarly, our disability advocates have been fighting for reforms to the National Disability Insurance Scheme (NDIS) while continuing the vital work of helping clients to access the NDIS and the Disability Support Pension.

Since May 2020, we have been working to build synergies across our Seniors and Disability Rights Service and our General Legal Service to ensure that clients receive wrap-around legal and advocacy support when they enter our doors. This brings our service to the forefront of modern practice and we have already achieved exceptional client results.

Our General Legal Service has continued the important work of assisting clients to navigate the complexities of social security law, while

continuing to fight for client's rights in public guardianship matters, anti-discrimination law,

Our General Legal Service has continued the important work of assisting clients to navigate the complexities of social security law, while continuing to fight for client's rights in public guardianship matters, anti-discrimination law, rights at work and consumer rights including credit and debt issues. We have also run a number of NDIS matters which have tested the law and created precedent about access and supports under the NDIS, including the meaning of 'permanency' and the rights of children with Attention Deficit Hyperactivity Disorder (and similar conditions) to access the scheme. Lawyers in our General Legal Service have also continued to law reform with respect to anti-discrimination and 'religious freedom' as well as sexual and reproductive rights, rights of prisoners in the Northern Territory and LGBTIQ+ rights.

It has been an honour to work alongside passionate staff who are dedicated to fighting for the most vulnerable in our community. I wish to thank all staff for showing resilience, tenacity, courage, and commitment to social justice values during these challenging times. I would also like to thank the DCLS Board of Directors for providing me with support, encouragement and guidance while I have undertaken the dual roles of Executive Director and Principal Solicitor.

I am incredibly excited about the future of DCLS and I look forward to documenting the achievements of our great organisation in coming years.

Shelley Landmark

Acting Executive Director
Principal Solicitor



ABOUT DCLS

VISION

Justice for a stronger community

MISSION

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

ACCESS TO JUSTICE

DCLS is a community-based organisation committed to legal and social justice and the protection of human rights in the Northern Territory. We assist those who are disadvantaged to access justice by:

- Providing high-quality legal and advocacy
- Identifying issues and advocating for law reform
- Promoting understanding of rights and how to assert them

HISTORY

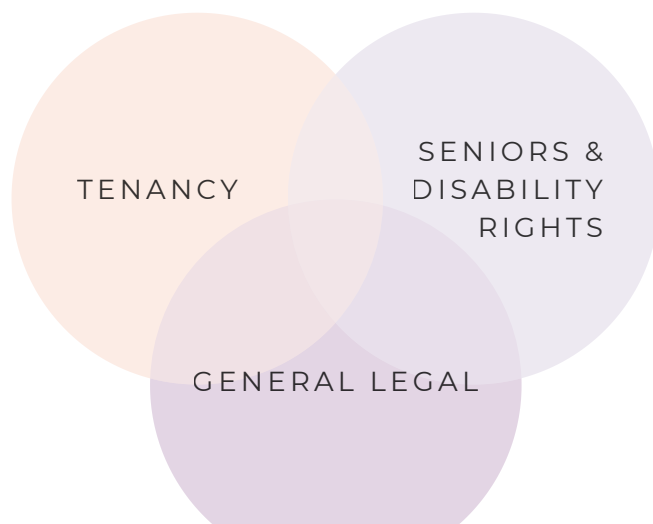
Darwin Community Legal Service (DCLS) was established in 1991 by volunteer lawyers who were passionate about providing free legal advice to financially disadvantaged people in Darwin. Over time, the service expanded its geographical coverage and the range of matters for which it provides assistance.

A MULTI-DISCIPLINARY SERVICE

We are a multi-disciplinary service consisting of:

- A General Legal Service that provides free legal advice and representation to vulnerable members of the community, as well as delivering legal education and promoting law reform
- A Tenant's Advice Service that provides information, specialist advice, assistance and representation to tenants in the Northern Territory
- A Seniors and Disability Rights Service that supports the rights of people with disability and promotes the rights of older persons in the Northern Territory
- A Volunteer Legal Service staffed by NT Lawyers who dedicate their spare time to providing high quality legal advice after hours and on weekends
- Specialist projects including 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. We aim to be a fearless, independent advocate that 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.



DARWIN COMMUNITY LEGAL SERVICE INC

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

GENERAL LEGAL SERVICE

FIGHTING FOR HUMAN RIGHTS

Lawyers in our General Legal Service (GLS) provide free advice and representation to the most vulnerable people in our community. Our primary areas of legal practise include:

- Social security
- Discrimination
- National Disability Insurance Scheme (NDIS)
- Guardianship
- Employment
- Prisoner's rights
- Consumer rights
- Credit and debt issues

SOCIAL SECURITY LAW – CHALLENGING CENTRELINK DECISIONS

Our GLS lawyers specialise in social security law and routinely assist people to challenge decisions made by Centrelink. This usually includes decisions about access to the Disability Support Pension (DSP). Other common issues include debts raised by Centrelink (including 'Robo-debt'), access to Newstart and other pensions, and portability of payments - which means the ability of people receiving Centrelink to travel or live overseas.

This financial year, the GLS assisted over 395 people who experienced legal issues with Centrelink. We also produced guidance material on Covid-19 changes to Centrelink payments, and engaged in community education sessions to talk to people about their rights and how they can strengthen DSP applications.

Pictured: DCLS Community Solicitor, Sarah Shin, in a client meeting.



CASE STUDY 1

CENTRELINK JOB CAPACITY ASSESSMENTS

Sylvia lives in an East Arnhem community and applied for the DSP for her chronic back injury and mental health condition, which prevented her from working. When Sylvia spoke to Centrelink about making a DSP application, she was told to undergo an assessment with a government contracted assessor, known as a 'Job Capacity Assessment'.

The contractor who performed the Job Capacity Assessment did not use an interpreter when conducting their assessment of Sylvia. The Assessor also made a number of statements which were not consistent with DSP legislation. As a result of the Job Capacity Assessment, Sylvia was refused access to the DSP.

GLS assisted Sylvia by challenging Centrelink's refusal in the Administrative Appeals Tribunal. We used the case of *Re Ranya Eid and Secretary, Department of Families, Housing, Community Services and Indigenous Affairs* [2013] AATA 558 which cautions decision makers against relying on government contracted assessments as the sole determinant of DSP applications. We also argued that government contracted assessors had an obligation to use interpreters when performing assessments on people who use English as a second or third language.

Sylvia's claim for the DSP was successful and she received back-pay in the amount of \$3,720, which helped her to pay off debts she incurred while waiting for Centrelink to make a decision.

DISCRIMINATION - STANDING UP FOR EQUALITY

GLS assisted 53 people who experienced discrimination this financial year. The majority of cases involved accusations of racial discrimination in employment or in the provision of goods and services, which means that our community has a lot of work to do to eliminate this damaging form of prejudice. Other cases included the refusal to allow a support dog in a restaurant, refusal to make adjustments at work for employees with disability, and inappropriate comments directed towards women in the workplace. Discrimination can have a deleterious effect on those who experience it, as well as a damaging impact on the fabric of our community.

In February 2020, the GLS made a submission to the Inquiry into the Status of the Human Right to Freedom of Religion or Belief. DCLS supports freedom of religion, but not at the expense of the LGBTIQ+ community or people accessing health services in remote areas. We also lobbied for changes to NT Anti-Discrimination legislation to bring our legislation in line with other states and Territories.

In May and June 2020, the GLS delivered a range of education sessions to community groups and small businesses about discrimination and sexual harassment.

NATIONAL DISABILITY INSURANCE SCHEME – CHALLENGING DECISIONS TO CREATE BETTER LAW

Our Principal Solicitor has run a number of cases involving access to the NDIS for children and adults with conditions such as Attention Deficit Hyperactivity Disorder (ADHD), Anxiety Disorder, Major Depressive Disorder and Foetal Alcohol Spectrum Disorder (FASD). Too often, these conditions have been falling outside of what NDIS decision makers deem 'permanent impairments'. This is inconsistent with medical literature and with a proper interpretation of NDIS legislation. Legal arguments and research can be found on the 'NDIS Help' section of our website.

GLS has also been working closely with advocates from the Seniors and Disability Rights Service to get access and supports for people with disability in prison. People with disability have a right to be supported irrespective of their situation (whether they be in prison, live in a remote community, or find themselves in insecure housing as a result of the economic impacts of disability). In our opinion, NDIS policies which refuse supports or access to the NDIS for people in prison are not consistent with NDIS legislation, or human rights principles.



CASE STUDY 2

NDIS IN DARWIN CORRECTIONAL CENTRE

Jamie lives with intellectual disability and is serving a custodial sentence in Darwin Correctional Centre. Jamie's criminal lawyer tried to help him to access NDIS supports in prison but was advised by the National Disability Insurance Agency that supports 'weren't available in prison.' Jamie met the criteria to access to the NDIS, but only received a plan worth \$1.

The GLS worked with Jamie and his criminal lawyer to challenge this decision. We argued that having a \$1 plan was not consistent with the National Disability Insurance Scheme (Supports for Participants) Rules 2013 which state that people with disability can receive reasonable and necessary supports that are appropriate in the prison setting, as well as transition supports to help people when they exit prison. Jamie is now receiving therapy and assistance to build skills for when he exits prison.



GUARDIANSHIP ADVOCACY

DCLS along with Katherine Women's Legal Service and the North Australian Aboriginal Justice Agency, met with the Attorney-General, the Hon Natasha Fyles MP to raise concerns about support and representation for participants in guardianship proceedings.

The NT has the highest numbers of people under public guardianship of any state and territory - with 78% identifying as Aboriginal or Torres Strait Islander and 50% suffering permanent disability.

Although changes to guardianship law have been fairly recent, the NT lags way behind other jurisdictions in supporting people in guardianship proceedings and does not provide a right or access to representation.

The Attorney-General indicated a willingness to explore solutions in the area and DCLS has since been meeting with the Office of the Public Guardian and the NT Civil and Administrative Tribunal to try and find a way forward.



THE IMPACT OF COVID-19

Over the past year, the GLS has helped clients with a range of legal and non-legal issues – at our Darwin office, our free advice clinics at Casuarina and Palmerston Libraries, through outreach services at Coolalinga, St Vincent De Paul, and by way of information and education sessions.

From March 2020, the impact of the COVID-19 pandemic saw our service shift from face to face appointments to client contact via telephone, Skype and Zoom, with drop-in clinics put on hold in favour of booked appointments until the Stage 3 restrictions were eased.

Throughout the year our focus continued to be on people experiencing financial disadvantage – providing advice, advocacy, representation, information and referrals to enable clients to exercise their rights and protect their interests. The uncertainty created by COVID-19 inevitably led to a focus on employment law matters. GLS represented clients at the Fair Work Commission, the Federal Court, Local Court and the Northern Territory Civil and Administrative Tribunal (or NTCAT). Appearances by phone became the norm in 2020, with the closure of NTCAT's physical registries causing delays in the scheduling of some matters. All but urgent listings were cancelled. Documents could only be filed electronically, and urgent matters heard remotely.



COMMUNITY LEGAL EDUCATION

DCLS provides community legal education (CLE) to assist community members to understand their rights. This year's CLE included:

- Understanding your NDIS rights
- Centrelink processes and appeal rights
- Domestic violence and debt – know your options
- NDIS for health practitioners
- Disability Support Pension for health practitioners
- Discrimination at work
- Struggling with debt – know your option
- Sex, health and the law

In February 2020, our Principal Solicitor also spoke on a panel at Charles Darwin University examining the complex needs of people with disability in the Northern Territory.

LAW REFORM

Law reform is a key part of our work in the GLS team. Some of our reform projects this year included:

- Sex worker legislation reforms
- Religious freedom laws and their impact on remote and LGBTIQ+ communities
- Government sanctioned discrimination - roll out of the 'Cashless Welfare Card'
- NDIS access and supports for remote communities
- The NDIS Participant Service Guarantee – better standards and mandated timeframes
- Guardianship reform – the importance of supported decision making



FEEDBACK

Many thanks to DCLS, the place for who have no voice and disadvantage. Great thanks to Lee Campbell who works tirelessly with her kindness and understanding. She helped me get back my life, that I have lost in many years. Many thanks



“ ”



*Dear Shelley,
I would like to thank you for all the assistance, advice and support you have given me over the past couple of months. I do not know where I would be without you. Well, I actually do, and it is frightening, which would impact my children. So, this is a big thankyou from me and my family getting me through these very difficult times.*

TENANTS' ADVICE SERVICE



Pictured, L-R:
Tenancy Solicitors
Matthew Gardiner,
Shelley Alvarez, and
Caroline Deane.

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.

FIGHTING FOR HOUSING RIGHTS

When a Discussion Paper for proposed reform of the Residential Tenancies Act (RTA) was released in July 2019 we were hopeful that the NT Government were going to follow through on their commitment to comprehensive reform. DCLS produced a detailed submission with the support of other legal services and community groups and gave evidence at the public hearing before the Parliamentary Scrutiny Committee. The Government's proposed amendments were largely inconsequential and did not address the key issues we had identified, such as the need for:

- An independent bond holding authority
- The removal of 'no-grounds' evictions; and
- Longer notice periods for evictions
- Protections for tenants suffering from domestic violence

The implementation of such measures would bring the NT into line with the rest of Australia. Notably, the NT is the only jurisdiction without a bond holding authority (meaning the bond is held by the

landlord and is often difficult to get back). A tenant in the NT can also be evicted for no reason with only 14 or 42 days notice, depending on the type of tenancy. Again, these notice periods are shorter than anywhere else in Australia, and some leading states and territories have prohibited landlords from evicting tenants without reason.

TAS continues to advocate for change in these areas. TAS has seen a noticeable increase in clients experiencing domestic violence. We wrote a submission on the proposed changes to the Domestic and Family Violence Act and our oral submissions at the public hearing resulted in the Parliamentary Scrutiny Committee making a recommendation that protections for domestic violence victims be embedded into the RTA.

The second half of the year was consumed by the impact of COVID-19 on renters, and the emergency amendments to the RTA aimed at mitigating this impact. TAS was inundated with

enquiries from anxious tenants who had lost income and were at risk of being evicted. The complex nature of the COVID-19 legislation resulted in wide-spread uncertainty for both tenants and landlords alike. TAS assisted many tenants to navigate their modified rights and responsibilities, identified areas of confusion or inefficiency, and raised them with government bodies and stakeholders for review and discussion.

PARTNERSHIPS AND COLLABORATION

TAS continues to work closely with other legal services and community organisations and receives a large number of referrals from these agencies. We value our relationships with these services, particularly those based outside of the Darwin region as they enable us to assist tenants in regional and remote areas. TAS works with clients in Alice Springs, Tennant Creek, Katherine and various remote communities across the Territory. TAS' involvement in a number of community groups/network meetings has allowed us to form strong working relationships with other organisations and service providers, including:

- Darwin Region Accommodation Action Group, NT Shelter
- Refugee and Migrant Support Network, Melaleuca Refugee Centre
- International Student Strategic Directions Group, Melaleuca Refugee Centre
- Legal Services Group, Department of Local Government, Housing and Community Development
- National Association of Tenants Organisations
- NT CLE (Community Legal Education) Network

TAS meets with these groups meet on a regular basis to share information about the various services available to vulnerable members of our community, and to discuss what supports or improvements are needed. These meetings provide us with valuable information which informs our advocacy and enables us to make appropriate referrals.

PROMOTE AWARENESS OF TENANCY RIGHTS

We have recently updated our tenancy factsheets, which are freely available on our website. TAS also has a collection of template letters which address common tenancy issues and can be used by tenants to resolve disputes with their landlord without the need for legal or Tribunal intervention. These resources on their own and in combination with the advice provided by the TAS team, empower our community to uphold their rights.

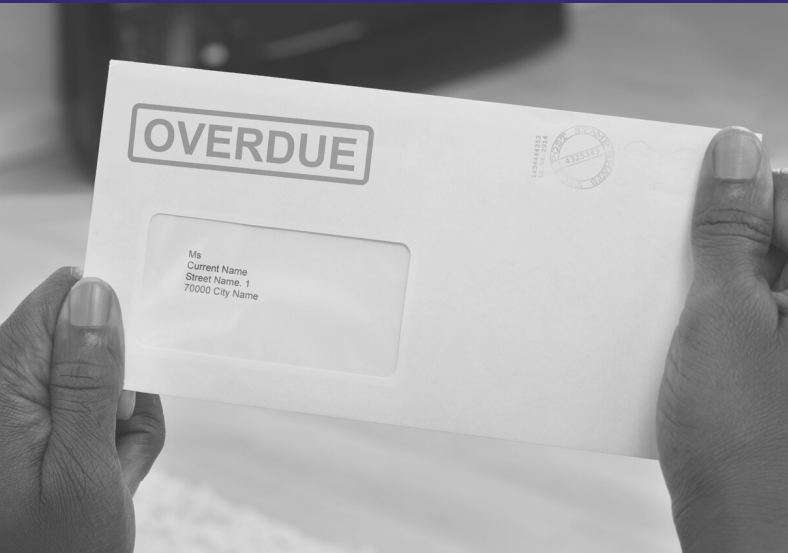
TAS has also provided community legal education sessions this year at Sommerville Community Services, Steps Education Centre and have recently begun a trial to provide an outreach legal services clinic to international students in partnership with Study NT.

Our information and resources for tenants is the most popular content on our website.

You can access these at dcls.org.au/tenants-advice/

This year TAS produced three short educational videos which provide basic information tenants need to know in relation to their rights and responsibilities at the start, during, and end of a tenancy.





CASE STUDY 1

COMMUNICATION ISSUES LEAD TO POSSIBLE TERMINATION

Brian and Kiara moved to Darwin with their six young children after spending eight years in a Kenyan refugee camp. They spoke very little English and had no experience with renting or social security in Australia. Brian and Kiara had set up their rental payments to be deducted automatically from their Centrelink benefits. On 1 January 2020 they were automatically placed onto income management and did not know that their rental payments had been cancelled and would need to be set up again. Their landlord issued them with breach notices for rent arrears and various unwarranted complaints by a neighbour and applied to NTCAT to have the tenancy terminated. TAS obtained Brian and Kiara's records from Centrelink and represented them at NTCAT. TAS explained Brian and Kiara's background and vulnerabilities, and successfully argued that NTCAT should dismiss the landlord's application to terminate the tenancy and instead require Brian and Kiara to enter into a payment plan for the outstanding rent. NTCAT also dismissed the unwarranted complaints from the neighbour.

TAS assisted Brian, Kiara and their six children to stay in their home, and after a few months they paid off their arrears and moved to a larger, more suitable property (without any difficult neighbours!)



CASE STUDY 2

TRIBUNAL ALLOWS TENANT IN COVID-19 HARDSHIP TO END HER LEASE WITHOUT PENALTY

Sally had her work hours dramatically reduced due to COVID-19 and could no longer afford to pay her rent. She was in a fixed term tenancy lease for one year, which was not due to end for another six months. Sally went on the Jobseeker payment, told the owner of the house she was in financial hardship and requested a rent reduction. The owner offered a rent deferment, but this would only postpone her rental debt to a later date. Sally also had medical issues that required hospitalisation and surgery, and her doctors were advising her to return to Queensland where she could access the medical care she needed. During this time of heightened stress and anxiety, Sally further experienced a decline in her mental health.

The Tenants' Advice Service team assisted Sally to advocate to the property owner and apply to NTCAT for a hardship termination, based on COVID-9 financial hardship, mental health and medical care reasons. Sally decided it would be best to move back to Queensland where she had a good support network, cheaper housing and could access the required medical services. The Tenants' Advice team represented Sally at the Tribunal and her application to terminate her lease without penalty was successful. Sally was able to move out of the property within the week and was very grateful for the help provided by the Tenancy team.





CASE STUDY 3

ANTI-SOCIAL BEHAVIOUR IN PUBLIC HOUSING

Alice was living in Department of Housing accommodation with her 3 daughters and 3 granddaughters was reported for Anti-Social Behaviour by her neighbours and requested to sign an Acceptable Behaviour Agreement (ABA) by the Department. The client had lived in Department housing for over 14 years with minimal issues or complaints until a move to these premises.

A section 99A application was made to NTCAT by the Department to terminate the clients housing because she had failed to sign an ABA. The Tribunal found that the Act only made reference to anti-social behaviour of tenants of public housing, not their visitors or other third parties.

The client could show on numerous occasions that were classified by the Department that she had initiated contact with NT Police to have the disruptive visitors removed from the premises.

Further to this NTCAT found that the Department had not established "reasonable belief" that further incidents would take place considering the 14 years that the tenant had spent in public housing with only a few complaints in that time.



The Department extended empathy in the end. Though client had their tenancy terminated under another part of the Act, they were given two months to move out and the Department assisted them to obtain transitional housing for a year to avoid homelessness.

The decision showed that a tenant of public housing cannot have their tenancy terminated for anti-social behaviour due to the actions of third parties when the tenant has taken reasonable steps to have the person causing the anti-social behaviour to be removed from the premises.

“



FEEDBACK

Thank you for your assistance. I will never forget what the legal services is assisting people like us thank you very much.

*If anything comes out again about that place I will contact you
Good job Caroline*

”





CASE STUDY 4

HIGH POWER BILLS DUE TO POORLY MAINTAINED AIR CONDITIONERS

Robert and his family of seven had their bond withheld by the landlord when exiting their privately rented property. He applied to NTCAT to have the bond returned and further sought compensation for numerous failures of the landlord to undertake repairs satisfactorily. One of which was the failure to properly maintain the air conditioners, resulting in high power bills during the tenancy.

The landlord asserted that they had sent a tradesperson to the residence within the required 21 days and that they had accordingly fulfilled their "due diligence".

However, it was found by NTCAT that the tradesperson engaged by the landlord had failed to properly identify the issues, did not repair the problems, and blamed the tenants for ongoing issues.

**MAKE RENTING
FAIR, SAFE AND
CERTAIN**



PICTURED

TOP: International Tenants' Day, 7 October 19
TAS solicitors Caroline Deane and Tamara Spence at the DCLS stall in the Mall

MIDDLE: International Student Reconnect Festival
TAS solicitor Matthew Gardiner talking to international students at Darwin Waterfront

BOTTOM: Homelessness Week, 14 August 19
DCLS and other services attended St Vinnies in Stuart Park to recognise Homelessness Week

SENIORS AND DISABILITY RIGHTS

Our Seniors and Disability Rights Service (SDRS) provides advocacy and support for older persons and their families, and people living with disability in the Northern Territory. SDRS is based in Darwin and covers the top end of the Northern Territory, including East Arnhem Shire and Jabiru, as well areas south of Darwin such as Katherine. Our service is committed to human rights principles and we aim to empower our clients through information, support and courageous advocacy.

SENIORS RIGHTS

Our Seniors Rights Service provides information, support and advocacy for older persons in our community, including people in aged care facilities and people receiving home care packages. We advocate for our client's rights to receive appropriate and high-quality care, to be protected from abuse, neglect and exploitation, and to be supported to make independent life decisions.

We also provide education to the community about seniors rights and access to services.

DISABILITY RIGHTS

Our Disability Rights Service provides information, support and advocacy to people living with disability in the Northern Territory. We work predominantly to assist clients to access the Disability Support Pension and the National Disability Insurance Scheme by providing information and comprehensive support to clients, including by attending appointments, assisting clients to complete forms and applications, liaising with medical and other professionals to support applications, and assisting clients by connecting them with lawyers and other professionals.

We also assist people to access public and affordable housing, and to make complaints about service provision quality and safety.

Advocates in our Disability Rights Service routinely deliver education about disability rights and develop guidance materials to assist people to access supports and services.



CASE STUDY 1

ELDER ABUSE IN THE COMMUNITY

Ronald is an elderly man who required urgent medical assistance after falling in his home. He was referred to SDRS by a hospital social worker who was concerned by his physical presentation.

SDRS advocates worked closely with Ronald and his medical team to learn about his living situation and health needs. Through our work we discovered that Ronald was the victim of elder abuse and that his fortnightly pension was being accessed by relatives. Ronald's health and hygiene needs were not being met and he no longer wished to remain in his home.

SDRS advocated for Ronald to enter an aged care facility, and implemented measures with Ronald's bank to ensure that his finances were secured. Ronald now enjoys good health and is receiving the care he requires.

COMMUNITY OUTREACH

Outreach is a key component of our work in SDRS and our advocates routinely visit remote communities in East Arnhem and Katherine regions. This work enables our service to identify legal need and deliver advocacy services that are tailored and culturally appropriate.

This financial year SDRS identified a need to deliver financial abuse training to remote communities in the Top End. With funding from the Northern Territory Government, SDRS advocates delivered information sessions in Nhulunbuy, Yirrkala, Maningrida and Groote Eylandt. Our brightly coloured DCLS shopping bags with the message, "Don't get ripped off" were an overwhelming hit.

From March 2020 all outreach activities were postponed as a result of Covid-19. This has meant that advocates have developed innovative ways to provide information and support to the communities we service. We look forward to continuing our outreach work once remote restrictions ease.



PICTURED

DCLS conducted education sessions on financial abuse to communities across the Top End, including Groote Eylandt, pictured here.



CASE STUDY 2

FORMING PARTNERSHIPS TO HELP OUR CLIENTS

Anne is a 60 year old woman referred to SDRS by Northern Territory Police. She had been 'long-grassing' for a substantial period, which was made difficult by her broken wheelchair. SDRS Advocates worked tirelessly to locate Anne and through building trust and rapport, learnt about her circumstances and disability support needs.

SDRS worked jointly with a number of local service providers to develop a support plan for Anne which included finding her accommodation, linking her with NDIS supports and arranging repairs to her wheelchair.

Anne now has permanent housing, personal care and assistive technology supports, and access to her community. Anne also received training to use technology, which allows her to stay in contact with her family and SDRS advocates.



NDIS APPEALS PROJECT

Our specialist NDIS Appeals Project commenced in 2017 and continues to attract high numbers of clients each year. Through this project, SDRS delivers specialist information, support and referral for people appealing NDIS decisions.

This financial year has seen the development and expansion of NDIS expertise within the SDRS, and our partnership with the General Legal Service has enabled clients to receive expert support and assistance at each stage of the NDIS process (from access and planning through to appeals).

Since the inception of the NDIS Appeals Project, we have campaigned tirelessly for a better NDIS. While some progress has been made by the National Disability Insurance Agency (NDIA), a number of issues still persist, including:

- Lack of disability services in the Northern Territory, particularly in remote areas
- Lack of culturally appropriate information about the NDIS
- Unclear communication from NDIA
- Inconsistent decision making
- Incorrect advice provided to participants by the NDIA
- Delays in planning processes and decision making
- Implementation of 'one size fits all' policies and procedures which are not suitable for remote communities

DCLS continues to work on law reform and community education about the NDIS and we remain committed to litigating cases professionally and courageously to create certainty for people living with disability.



CASE STUDY 3

AUDIOLOGY HELP FOR AARON

Aaron lives with significant hearing loss. He sought an upgrade to his hearing aids to enable him to participate equally in his workplace.

Initially Aaron was advised by the NDIA that the costs of new hearing aids would be covered in his NDIS plan. Problems arose however when Aaron was informed by his Audiologist that payment had not been received from the NDIA and that he would have to return the aids. The NDIA argued that it would not fund the full cost of Aaron's hearing aids and insisted that Aaron apply for a hearing services voucher scheme to reduce the cost of aids.

SDRS advocates drew upon the Federal Court case of *McGarrigle v National Disability Insurance Agency* – a Victorian matter run by the DCLS Principal Solicitor – as authority for the proposition that reasonable and necessary disability supports must be funded in full under the NDIS. Eventually the NDIA agreed to fund the full cost of Aaron's hearing aids and he is now able to participate on the same level as other employees in his workplace.



“Our disability system is fragmented, inherently ableist, and currently unable to meet the needs of Aboriginal peoples.”

SHELLEY LANDMARK
PRINCIPAL SOLICITER | DCLS

Darwin Community Legal Service
5 May · Public

“We can really change people’s lives. That’s why I come to work. I want to make sure my clients get what they need”.

Elaine is one of our Seniors and Disability Rights advocates. Her client just won his fight to get the Disability Support Pension. After three unsuccessful attempts, the client came to Elaine for help with his appeal. With the four months backpay he received, the client could finally afford to fix his car.

“When the news came through, he couldn’t stop thanking me”.

“You’re the only person who hasn’t ditched me”, he said. He had been let down by a lot of people in his life.

Elaine also helped the client to obtain NDIS funding – including driving lessons!

Do you or someone you know need help with Centrelink? Call us on 8982 1111 to make an appointment. We’re here to help.



Darwin Community Legal Service
Legal service

Send Message

2,369
People reached

652
Engagements

Boost post

46

9 comments 18 shares

ELDER ABUSE

SDRS received funding from the Office of Senior Territorians to implement an Elder Abuse Project, the aim of which was to:

- raise community awareness of elder abuse
- develop resources to educate the community about elder abuse
- identify strategies for reform and policy improvement
- provide an information line and referral service
- gather data on the prevalence of elder abuse in the northern territory

DCLS has used data collected through the Elder Abuse Project to advocate for law reform and tailor our legal and advocacy services to address rates of elder abuse in the community. This includes targeting women, who are more likely to be victims of elder abuse, as well as Aboriginal and Torres Strait Islander peoples who experience disproportionate rates of elder abuse in the community.

As a result of the Elder Abuse Project, SDRS continues to operate an Elder Abuse Hotline to provide information to people experiencing elder abuse or people who hold concerns that another person is subject to abuse.

People can call our Elder Abuse line on 1800 037 072.



Pictured: DCLS staff wearing their 'Respect - Value - Protect' t-shirts for **World Elder Abuse Awareness Day (WEAAD)** (15 June).

DISABILITY RIGHTS COMMISSION

DCLS is passionate about representing the voices of people with disability living in the Northern Territory. We have been engaging with Disability Royal Commission to ensure that the unique circumstances and experiences of our clients here in the Top End are considered.



Pictured, L-R: Shelley Landmark (Principal Solicitor, DCLS), Di Gipey (Assistant Director, Community Engagement, DRC), Commissioner Andrea Mason AOM (DRC), Linda Weatherhead (Executive Director, DCLS), Deborah Di Natale (CEO, NTCOSS), Commissioner Alastair McEwin AM (DRC), Commissioner Roslyn Atkinsons AO (DRC)

The Royal Commission into Violence, Neglect, Abuse and Exploitation of People with Disability was established on 4 April 2019. Since its implementation, Darwin Community Legal Service has been engaging Royal Commission representatives to ensure that Northern Territory issues are on the agenda.

In February 2020, we hosted Commissioners Andrea Mason AOM, Alistair McEwin AM, and the Hon. Roslyn Atkinson AO, Counsel Assisting, and representatives of the Royal Commission Community Engagement Team in Darwin. We discussed the challenges experienced by people in accessing disability

supports and the impact of the lack of disability and health services in remote communities. We also talked about incarceration of people living with disability and the impact of bureaucratic systems that often exclude Aboriginal and Torres Straits Islander peoples.

While Commission hearings and community forums in the NT have been postponed for now, DCLS is still in regular discussion with the Royal Commission about how to provide submissions, information and evidence of the experience of people with disability in the Northern Territory, particularly of those in remote communities.



Royal Commission
into Violence, Abuse, Neglect and
Exploitation of People with Disability

<https://disability.royalcommission.gov.au/>

You can share your experiences of violence, neglect, abuse or exploitation with the Royal Commission. This helps us learn more about the problem and how we can help prevent it in the future.

LAW REFORM

SUBMISSIONS

The below submissions were part of our law reform and advocacy work this year:



DCLS seeks to identify laws and policies that unfairly impact members of our community. Addressing the needs of our clients provides the basis for advocating for legislative reform, addressing community concerns and eliminating barriers to justice.

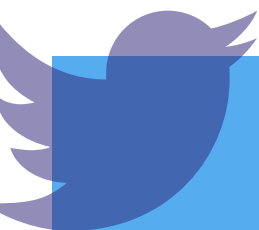
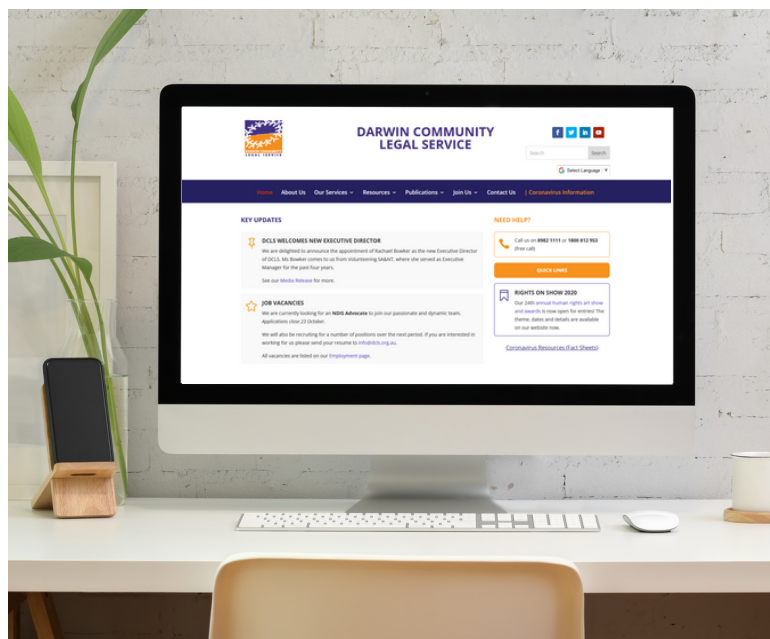
- Submission on the Second Exposure Draft of the Religious Freedom Bill 2019
- Submission on the Northern Territory Health Care Decision Makers Discussion Paper
- Submission to the Legislative Scrutiny Committee Inquiry into the Justice Legislation Amendment (Domestic and Family Violence) Bill 2019
- Submission on the draft report of the Productivity Commission Inquiry: The Social and Economic Benefits of Improving Mental Health
- Submission to the Royal Commission on Aged Care Quality and Safety – Aged Care Program Redesign
- Submission on the Draft Religious Freedom Bills
- Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019
- Supplementary submission to the Legislative Scrutiny Committee Inquiry into the Residential Tenancies Legislation Amendment Bill 2019
- Submission to the Social Policy Scrutiny Committee – Inquiry into the NDIS (Worker Clearance) Bill 2019
- DSS NDIS Tune Review – Submission to improving the NDIS experience
- DCLS Response to Discussion Paper – Review of the Residential Tenancies Act 1999



COMMUNICATIONS

As a community organisation it is vital that we connect with our constituents and keep them informed and updated about our services, information and resources, and opportunities for engagement.

Most importantly, we seek to share our passion for the work we do - assisting people who are disadvantaged or marginalised to access justice.



TOP MENTION ON TWITTER

Top mention earned 37 engagements



Disability Royal Commission

@DRC_AU · Feb 12

Great to meet with the @DarwinCommLegal and advocacy organisations to hear about the unique experiences and challenges for people with disability in the NT. And a good opportunity for us to share information about how people in the NT can engage with the #DisabilityRC pic.twitter.com/tid8mioqKD



1 2 8



Most popular website page
dcls.org.au/tenants-advice/



3

DCLSNEWS

Darwin Community Legal Service Quarterly Newsletter

**SUBSCRIBE ON OUR
WEBSITE TO RECEIVE
OUR QUARTERLY E-NEWS**



**NEW VIDEOS
ON
YOUTUBE**



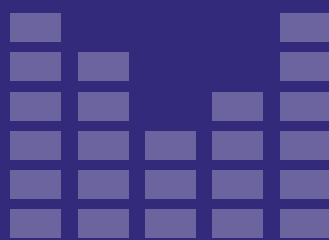
4848

**ORGANIC REACH OF MOST
POPULAR POST
(25 MARCH 2020)**

860

**TOTAL FACEBOOK PAGE
LIKES.**

**TOTAL PAGE FOLLOWERS
GREW FROM
666 - 881**

**Media**

**13 NEWS ARTICLES
15 RADIO INTERVIEWS**



OUR VOLUNTEERS

DCLS was established in 1991 by volunteers, and we continue to rely on volunteers to ensure our service is widely accessible and efficient. Our volunteer service is expanding - we currently have over 60 volunteers! Thanks to their dedication, we now host clinics at Darwin, Palmerston, and Casuarina.

The last twelve months have been especially challenging for volunteers throughout Australia, firstly with the bushfires and then the Coronavirus pandemic. Despite these challenges, the volunteers of DCLS continued to work hard providing free legal advice to vulnerable and disadvantaged clients. During the early days of the pandemic, the volunteer program was adapted to enable volunteers to work remotely and provide advice over the phone or through alternative platforms such as Zoom or Skype. This change increased the accessibility of our clinics, and we continue to offer clients the option of a face-to-face, online or phone service.



2019 Volunteer function at Government House

Our annual celebration of volunteers took place on Wednesday 16 October 2019, at Government House. This dedicated function was hosted by our patron, Her Honour the Honourable Vicki O'Halloran AO, Administrator of the Northern Territory.

Pictured, L-R, top to bottom:

Samara Carroll (Volunteer Coordinator) and Maureen Wright

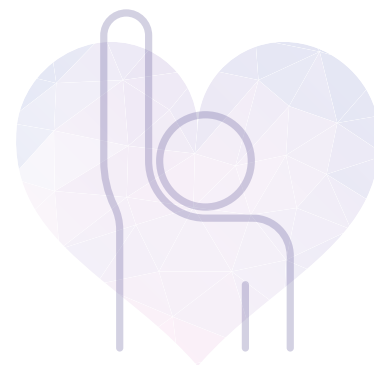
Asheesh Shawel, Nickolas Dakis, and David Ninan

Kelly Stephenson, Leanne Kerr, Lauren Tattersall, Samara Carroll, and Matt Barsden

John Garrick, The Honourable Vicki O'Halloran AO, and Sarah Strzelecki

OUR VOLUNTEER REWARDS PROGRAM

Towards mid 2020 we introduced a Rewards Program for our volunteers, offering free training sessions on topical issues affecting the Darwin community. Attendees receive a certificate of participation for each session, which can contribute towards Continued Professional Development (CPD) points. As part of the Program we also initiated a 'Volunteer of the Month' award. One volunteer is selected as the recipient each month and their achievements are recognised on our social media.



DCLS also hosted two volunteer inductions in the past twelve months, and welcomed a range of new volunteers - including local barristers, solicitors, and university students.

OUR SINCEREST GRATITUDE GOES TO ALL OUR 2019-20 VOLUNTEERS, FOR THEIR VALUABLE CONTRIBUTIONS TO THE COMMUNITY.

Agueda Mendonca
Alistair Wyvill
Anne-Marie Chin
Azmi Thayil
Beau Clark
Beth Marsh
Bradie Mercer
Caitlin Donnelly
Carmen Jap
Casimir Zichy-Woinarski
Chris Cooper
Clancy Dane
Colin Davidson
David Desilva
David Ninan
Destiny Gultom
Dylan Walters

Eesha Raut
Elisha Harris
Elsa Adsheade
Emma Farnell
Emma McLaughlin
Evana Coote
Gabby Hill
Gajanesh Chandran
Ian Grant
Jackson Bursill
James Wheeler
Jaqueline Fryar
Jemma Hayes-Henley
John Garrick
Jorja Costello
Kailey Coble
Katia Pereyra-Burns

Kelly Stephenson
Lachlan Peattie
Laing Clark
Lang Williamson
Lauren Tattersall
Leanne Kerr
Luke McLaughlin
Mark Hibbins
Matthew Barsden
Matthew Roso
Melanie Ralph
Michelle Duggan
Michelle Ganzer
Monica Thompson
Myles Brown
Natasha Clayton
Nickolas Dakis

Peter Orr
Rebecca Dezylyva
Robert Cooper
Ron Lawford
Ruby Kelly
Sarah Borrows
Sarah Strzelecki
Solomon Berhane
Svetlana Abella
Tanisha Cubillo-Latzer
Taylah Cramp
Thomas Mooney
Tim Dixon
Tisha Tejaya
Yasmin Osborne



To celebrate National Volunteer Week 2020 (18 – 24 May), DCLS participated in the online campaign 'Wave For Volunteers'.

NATIONAL 18-24 MAY 2020
VOLUNTEER
CHANGING COMMUNITIES.
CHANGING LIVES. WEEK

BOARD OF DIRECTORS

The board of directors has the responsibility for the governance of Darwin Community Legal Service. It oversees the strategic direction of the organisation, monitors performance and accountability, maintains viability, and ensures compliance with legal requirements and ethical standards.

For the period of this report, the following people volunteered their time and skills fulfilling these responsibilities.

Julie Davis

Chairperson

Frieda Evans

Treasurer & Public Officer (resigned
22/05/20)

Peggy Cheong

Secretary/Public Officer (Appointed PO
02/06/20)

Kimmy Jongue

Director/Treasurer (appointed Treasurer
21/05/20)

Julie Hansen

Director

Samantha Chung

Director

Eric Hutton

Director (resigned on 02/02/20)

Alastair Shields

Director

Myles Brown

Director (appointed 03/02/20)

Dr John Garrick

Director (appointed 22/06/20)

Clarissa Phillips

Director (appointed 22/06/20)

Julian Vido

Director (appointed 22/06/20)

PICTURED L-R, TOP TO BOTTOM

'Don't turn your eye away from the effects of the traffic beneath you' by Kylie Wallace-Smith

'Love and Peace Rains' and 'Three buffs' by James Mason Nasir | Rights on Show



DCLS STAFF

ADMINISTRATION

Shelley Landmark

Acting Executive Director from April 2020

Linda Weatherhead

Executive Director until May 2020

Hollie Garlepp

Administration Manager/Executive Officer until October 2019 (parental leave)

Samara Carroll

Volunteer Coordinator and Legal Assistant

Staci Sherman

Finance and Administration Officer (from January 2020)

Jo Daniels

Reception and Administration Officer (from March 2020)

Georgia Lane

Administration Assistant from June 2020

Nfanwy Welsh

Administration Manager/Executive Officer from September 2019

Erith Carr

Finance and Administration Officer until March 2020

Saskia Strange

Community Engagement Officer until October 2019

Maureen Wright

Receptionist and Administration Officer until November 2019

GENERAL LEGAL SERVICE

Shelley Landmark

Principal Solicitor from January 2020

Sarah Shin

Community Solicitor from January 2020

Priscilla Lavery

Community Solicitor

Bridget McDermott

Community Solicitor

Lee Campbell

Community Solicitor until March 2020

Nicki Petrou

Principal Solicitor until October 2019

Laura Payne

Community Solicitor until October 2019



Pictured: DCLS staff celebrating International Women's Day at Multicultural Council of the NT

TENANTS' ADVICE SERVICE

Caroline Deane

Tenancy Solicitor
Acting Managing Solicitor, Tenant's Advice
Service from May 2020

Shelley Alvarez

Tenancy Solicitor from October 2019

Matthew Gardiner

Tenancy Solicitor

Tamara Spence

Tenancy Team Leader until June 2020

Sharon Binns

Tenancy Advocate until July 2019

Myles Brown

Tenancy Solicitor until September 2019

Abhishek Jain

Tenancy Team Leader until September
2019

SENIORS & DISABILITY RIGHTS

Trudy Lee

Senior Advocate until August 2020

Elaine Walton

SDRS Advocate
Acting Seniors' Rights Coordinator from
June 2020

Sharon Binns

SDRS Advocate from August 2019
Acting Disability Coordinator from June
2020

Theresa Kagayo

SDRS Advocate / Community Engagement
from February 2020

Lindy Sandrey

SDRS Advocate/Acting Disability
Coordinator from November 2019

Joanne Goodwin

Community Educator from November 2019

Leigh Kinsela

Disability Coordinator / NDIS Advocate
until June 2020 (parental leave)

Ann-Marie Loebel

Seniors' Advocacy Coordinator until June
2020

David McGinlay

SDRS Manager

Gabrielle Hill

CDLP Student / Reception from January
2020



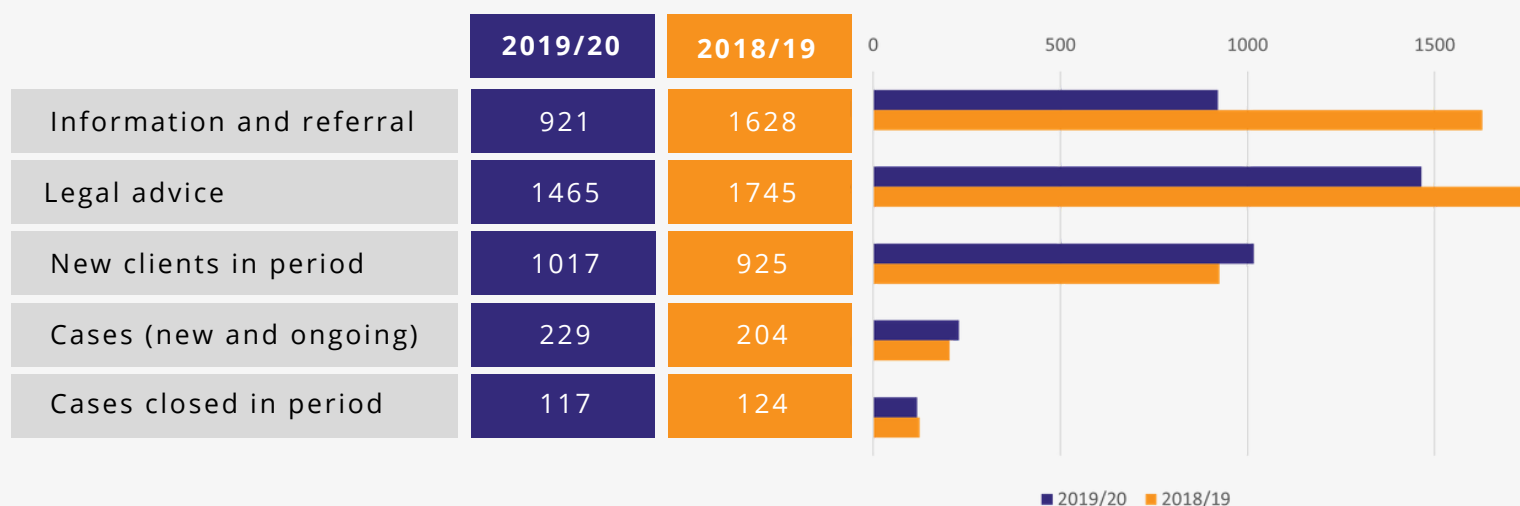
Pictured, top L-R: The Honourable Vicki O'Halloran AO, Administrator of the Northern Territory, with DCLS staff Lee Campbell and Ann-Marie Loebel, at our Government House volunteer function 2019.

Pictured, bottom L-R: Board Chair, Julie Davis, with DCLS staff Caroline Deane and Nicki Petrou at Government House.

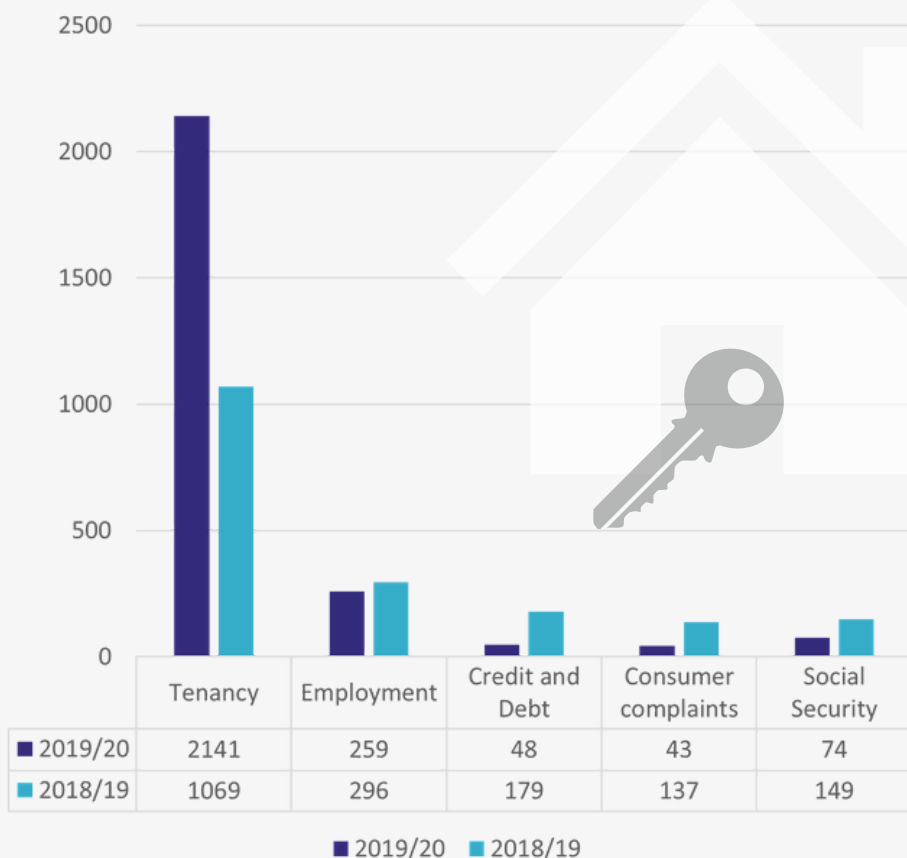
STATISTICS

1 JULY 2019 - 30 JUNE 2020

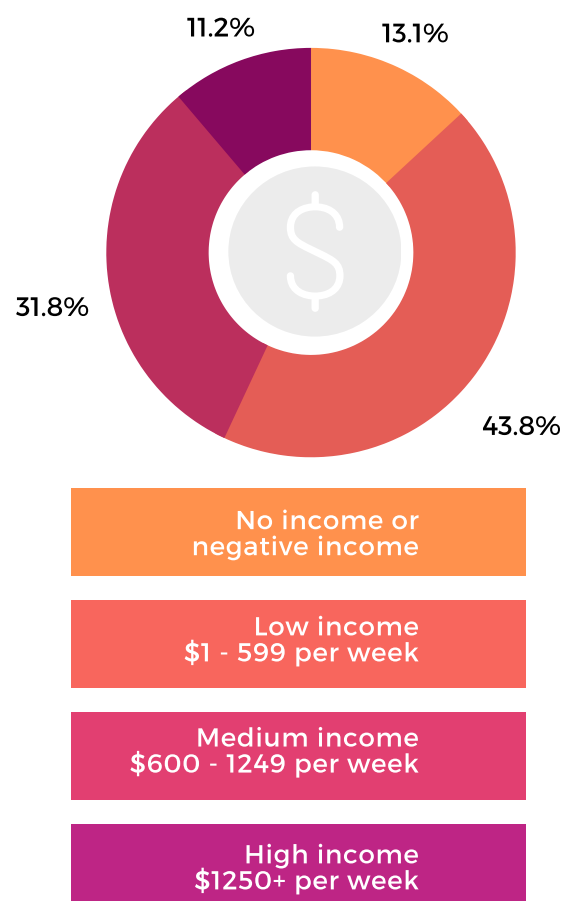
SUMMARY OF LEGAL ASSISTANCE



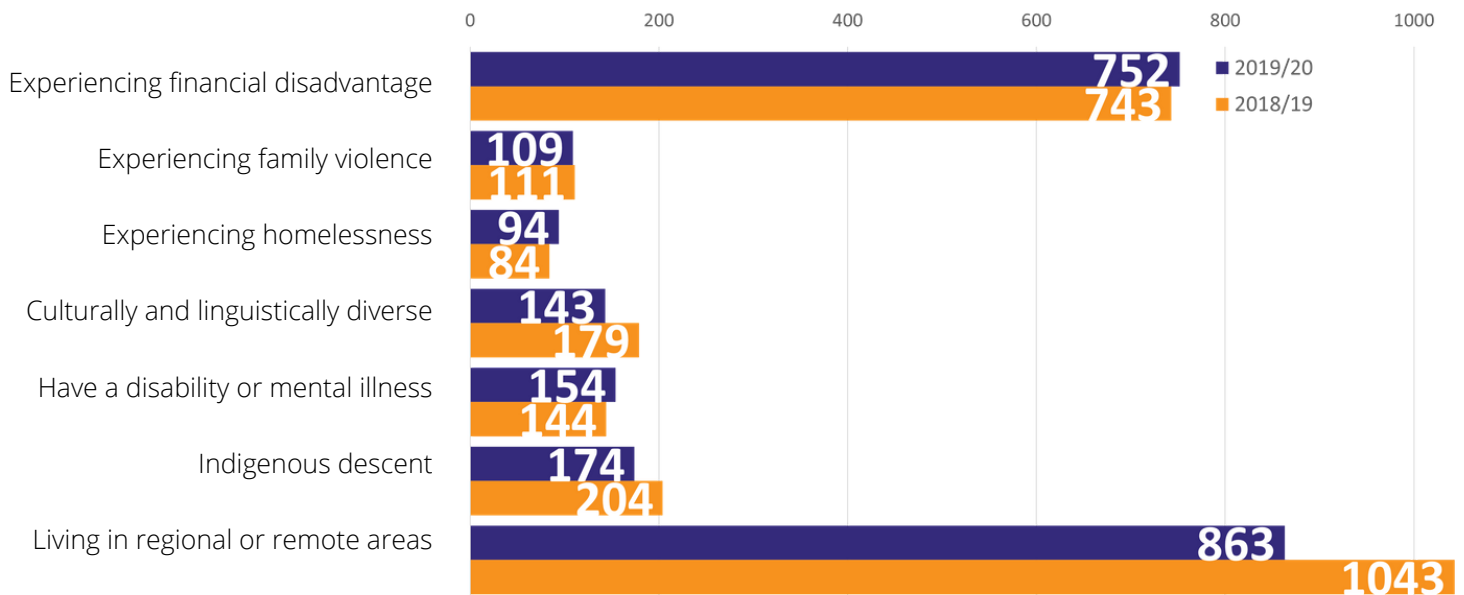
MOST COMMON PROBLEM TYPES



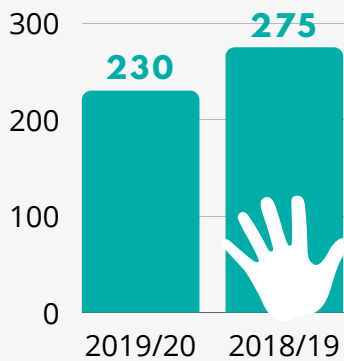
CLIENTS BY INCOME LEVEL



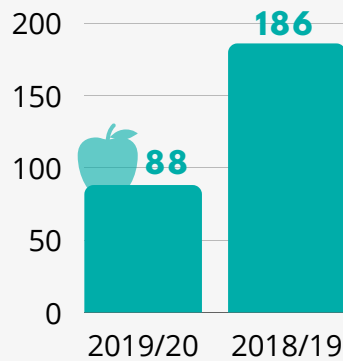
CLIENTS BY DEMOGRAPHIC



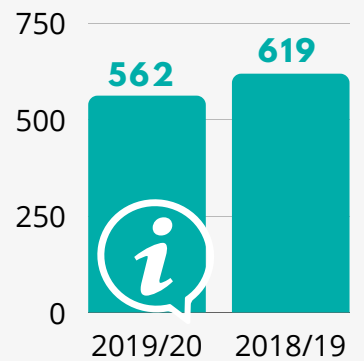
SENIORS AND DISABILITY RIGHTS SERVICE



CLIENTS

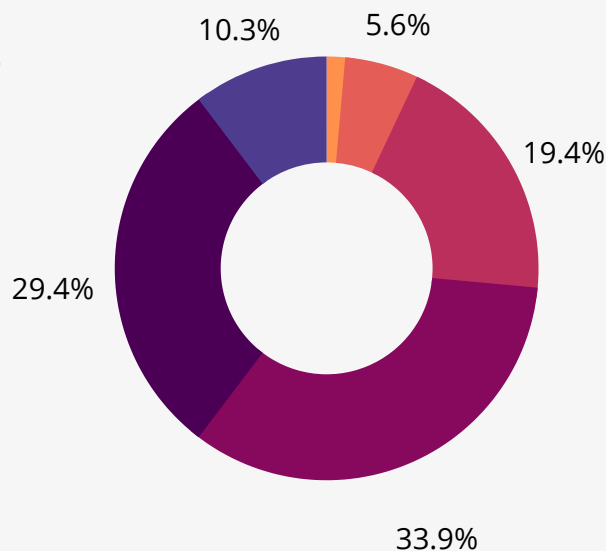
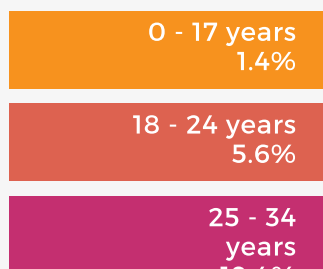


EDUCATION SESSIONS



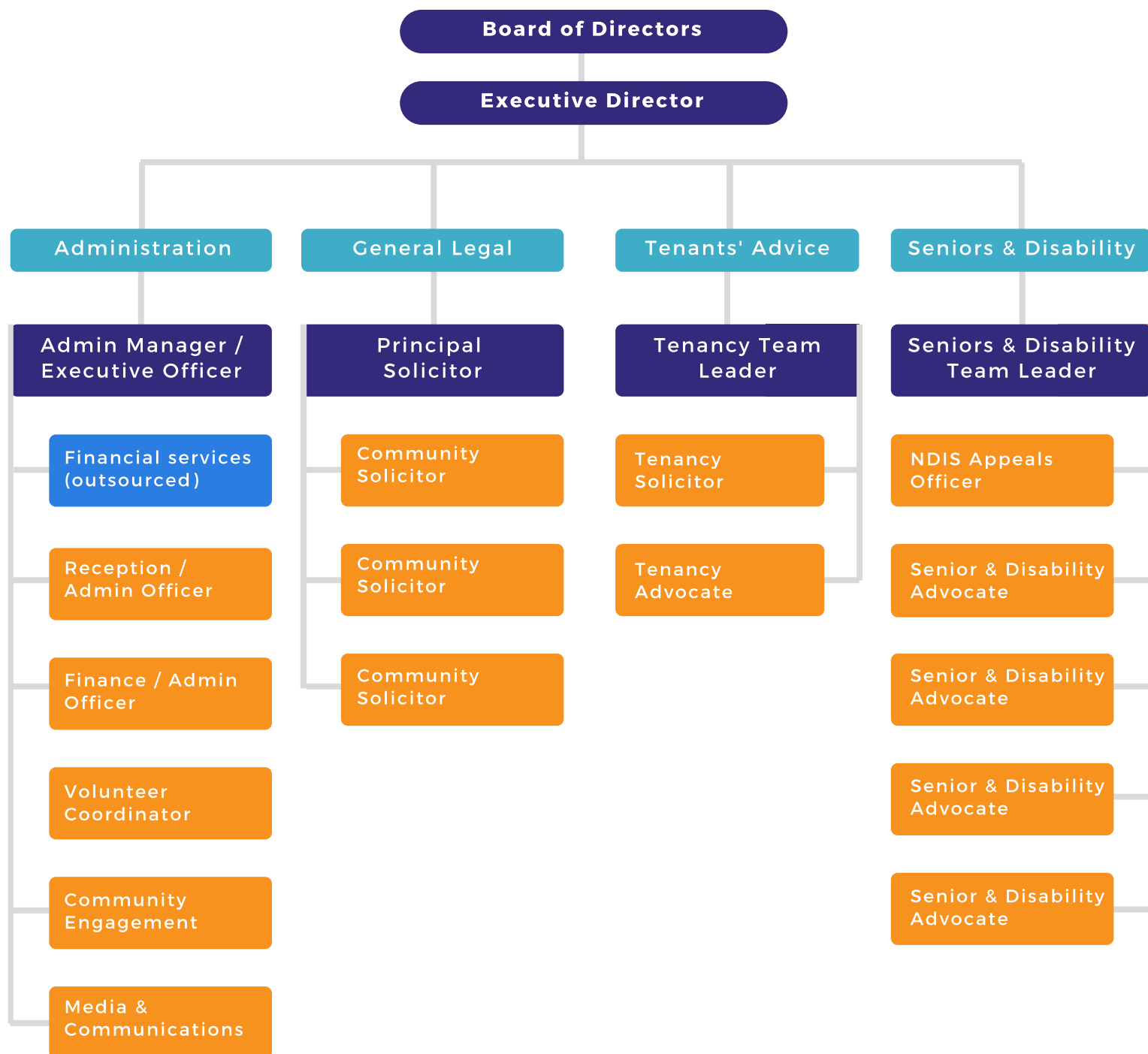
INFORMATION QUERIES

AGES OF OUR CLIENTS

35 - 49 years
33.8%50 - 49 years
29.4%65 & over
10.3%

ORGANISATIONAL STRUCTURE

JUNE 2019



PICTURED L-R:
Elaine Watson, Theresa Kagayo
and Sharon Binns, from the Seniors
and Disability team.

Far Right: Gabrielle Hill,
GDLP student

FUNDING SUMMARY

Darwin Community Legal Services receives funding from the Australian Government and the Northern Territory Government for core services, as well as donations, other grants and sponsorships from other sources.

THE GENERAL LEGAL SERVICE IS FUNDED BY :

- 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.
- Our Law Week event "Identifying Legal Issues" was supported by the Law Society's Public Purposes Trust.

THE SENIORS AND DISABILITY RIGHTS SERVICE IS FUNDED BY :

- Commonwealth Department of Social Services 'Disability and Carer Support Program'
- Commonwealth Department of Social Services 'Disability Advocacy Program'
- Commonwealth Department of Social Services 'NDIS Appeals Disability Carer & Support Program'
- Commonwealth Department of Social Services 'NDIS Decision Support Pilot'
- Commonwealth Department of Social Services 'Disability Royal Commission'
- Commonwealth Department of Health 'National Aged Care Advocacy Program' through the Older Persons Advocacy Network'
- NT Government's Territory Families for the Elder Abuse Prevention Project.

THE TENANTS' ADVICE SERVICE IS FUNDED BY :

- The Agent's Licensing Fidelity Guarantee Fund.

NT GOVERNMENT'S COMMUNITY BENEFIT FUND PROVIDED FUNDING FOR :

- Financial Abuse community education program
- a Vehicle gift

Thank you to all
our funders and
sponsors





THANK YOU FOR YOUR SUPPORT IN
2019 - 2020
