

Te Korowai Ture o Waitākere

# Waitākere Community Law Service

Annual Report 2009



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## *Our Vision*

Te Korowai Ture - providing legal services to those most in need

## *Our Mission*

The Waitākere Community Law Service will;

Give effect to Te Tiriti o Waitangi

Treat all people with dignity and respect

Work in ways that value diversity

Promote sustainable and empowering ways of working

Practice the "Waitākere Way" proactive, strengths based, collaborative, sustainable.

Mā te rongo, ka mōhio; Mā te mōhio, ka mārama; Mā te mārama, ka mātau; Mā te mātau, ka ora.

*Through resonance comes cognisance; through cognisance comes understanding; through understanding comes knowledge; through knowledge comes life and wellbeing (Sir James Henare).*

# Chairperson's Report

## Bobby Newson



E ngā mana, e ngā reo, e ngā waka. He mihi tenei ki a koutou katoa

As I reflect on the past year, it is without a doubt that we have seen some significant changes within the service with new staff appointments, the launching of the Community Mediation Project and the North Shore outreach clinic. There have also been significant challenges for the service as a result of the economic climate.

In January this year, threats to funding for Community Law Centres nationally were a major concern, with some CLCs expecting a 50-83% decrease in funding. What emerged was a strong united voice led by the Coalition of Community Law Centres Aotearoa, who actively advocated at a political level for the need to retain the same level of funding during a time when those in our community were facing extreme economic conditions. This resulted in the Minister of Justice, Simon Powell securing funding for this year, with the promise to investigate more sustainable funding in the future.

This global economic chaos has impacted on the demand for legal services in Waitākere. The number of clients accessing the service has doubled, with employment and debt being major legal issues for members of our community. The loss of employment has obvious implications for whanau and in turn, generates needs in other areas of law such as family, debt and tenancy.

However, during these difficult times WCLS has continued to meet the unmet legal needs of our community. Individuals are able to access legal services through our walk in legal clinics and 0800 line. In addition, we have recently launched an outreach clinic each Monday morning to meet the unmet legal needs of those on the North Shore. The tenancy clinic remains a critical factor in addressing

tenancy issues in Waitākere City with the clinic advocating on behalf of at least 135 individuals. Moreover, WCLS continues to address systemic issues through law reform recognising that often legal issues are situated within a wider context.

This year, there has been a concerted effort by staff to raise the profile of WCLS to those who have 'high' unmet legal needs at a grassroots level. This is reflected in our statistical data which identified that the number of Maori and Pacific clients is 150% higher than last year.

All of these factors have had a considerable impact on staff workloads and our capacity to engage with our community, both at an agency and grassroots level. However, the recent appointment of our legal educator provides us with the resources to take a proactive approach to legal education in our community. Furthermore, building reciprocal relationships and working collaboratively with agencies remains a key strategy to lobby at a political level, but more importantly to provide support to individuals and whanau in our community.

Since last year's AGM, we have had a number of staff changes which are reflected in the staff report. In July it was with great sadness that we farewelled Judith Wright, our Senior Lawyer, who returned home to Australia to be with her family. Judith was fundamental in contributing to the strategic and operational direction of the service. Her support and commitment to staff, volunteers and the governance team has been instrumental during her employment and her presence is deeply missed.

There are a number of challenges facing the service in the next year, some of which are detailed further on in the annual report. One significant challenge which we will need to address is the recommendations made in the review of the Legal Aid System to dissolve the Legal Services Agency. Community Law Centres are part of the Legal Aid

System and are therefore funded through the Legal Services Agency. Cabinet has resolved to scrap the Legal Services Agency and to bring the Legal Aid System within the Ministry of Justice. There is no doubt this will mean significant changes for Community Law Centres, including the way they are funded, and how they will operate. In saying this though, the detail of what the future might look like has yet to be worked out. In order to ensure that the Waitākere Community Law Service has a strong voice in shaping the future, the governance team moved at our most recent meeting to join the Coalition of Community Law Centres Aotearoa.

To conclude my report for this year, I would like to take this opportunity to acknowledge those that have supported the vision and direction of the service. The governance team continues to offer their knowledge, skills and expertise at a strategic level. They have demonstrated leadership during difficult and challenging economic times, ensuring that the needs of our community are foremost. This year, we will see some changes to the board. Sue Dodds who has been on the board since WCLS was established has made the decision to resign from the board. Sue was instrumental in the development of the Waitākere Community Law Service and her passion for social justice, her leadership and guidance has provided a solid platform for us to build upon. I would also like to acknowledge Rosie Abbott and Evelyn Taumaunu for sharing their knowledge of various social issues which face our community at a grassroots level. As we head into a new year, I look forward to consolidating the strategic direction of the service alongside existing governance members, Tony Mayow, Andrew Wood and Paulette Main.

Our ability to support those most vulnerable in Waitākere and the North Shore would not be possible without the support and commitment of our staff. They have diligently strived to meet the vision and objectives of the service, often going up and beyond what is expected of them. Their commitment to addressing social justice combined with their passion for supporting others is nothing less than exceptional. In addition, it would not have been possible to meet

the needs of our community without the support and dedication of our volunteers. We are extremely grateful for your time, effort and commitment to the Waitākere Community Law Service; we couldn't do it without you.


Finally, I want to express a special thanks to our Manager, Paula Bold-Wilson. Paula has gone beyond the call of duty to ensure the smooth running of the Law Centre and maintained the high standard we have reached.

Paula has endured some personal challenges, and has always put the staff and the law centre before her own needs. We salute and thank Paula for her commitment and dedication. Tena koe, e te wahine toa, e te wahine Rangatira, ka nui te mihi kia koe me to whānau.

To all of those that have shared in the vision and dreams of the Waitākere Community Law Service, we are extremely grateful. We look forward to working collaboratively with you as we embark on another new and exciting year.

Naku noa

Na



Bobby Newson

# He totara wahi rua he kai nā te ahi

*Unity is Strength*

# Treasurers Report

## Andrew Wood



The accounts have been satisfactorily audited this year by Colin Kyle Chartered Accountant. No significant issues have arisen from the audit which is included in the AGM report.

For the financial year 2008/09 Waitakere Community Law Services had a net operating surplus of \$1,429 after taking depreciation into consideration.

This year we received a larger grant from the Legal Services Agency (LSA) to fund 2 additional posts including a new lawyer. This additional funding was in recognition of the service we provide on the North Shore. Waitakere City Council also provided a grant to fund a part time Tenancy Coordinator.

The general funds or equity of Community Waitakere Charitable Trust as of the 30<sup>th</sup> June 2009 was \$169,478 representing a firm financial base going forward into the next financial year.

Despite some uncertainty about funding at the beginning of the year, the Board has been able to approve an operating budget for 2009/10 which will maintain current levels of service. As the Waitakere Community Law Service is fully reliant on a single grant to operate, it is vulnerable to the funding agency's policies and changes in fortunes. For the 2010/11 financial year the service will be funded by the Ministry of Justice following the Government's decision to dissolve the LSA. This decision is likely to bring changes to our funding arrangements and financial accountabilities.

We would like to acknowledge Waitakere Council for its support through the grant for the Tenancy Coordinator.

### Grants and Contracts

We have received the following Grants and Contracts during the 2008/09 financial year.

#### Contracts

Legal Services Association \$452,635

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**Total Contracts** **\$452,635**

#### Grants Received

Waitakere City Council \$25,000

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**Total Grants** **\$25,000**

I would recommend that we engage Colin Kyle undertake the audit for the 2009/10 financial year.

Andrew Wood



Treasurer

# WAITĀKERE COMMUNITY LAW SERVICE'S (INC)

## SPECIAL PURPOSE FINANCIAL STATEMENTS

For the year ended 30 June 2009

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**WAITĀKERE COMMUNITY LAW SERVICE'S (INC)**

**SOCIETY DIRECTORY**

**As At 30 June 2008**

**Incorporated:** 30 March 2005

**Society Number:** 1617295

**IRD Number:** 90-523-686

**Registered Office:** 1A Trading Place  
Henderson  
Auckland

**Chairperson:** Robert Newson

**Treasurer:** Andrew Wood

**Bankers:** ASB Bank  
Henderson  
Auckland

**Accountants:** Amanda Needham  
19C Kelvin Road  
Papakura  
Auckland

**Auditor:** Colin Kyle  
PO Box 71 170  
Rosebank  
Auckland

## AUDITOR'S REPORT

### TO THE BOARD OF WAITAKERE COMMUNITY LAW SERVICE INCORPORATED

FOR THE YEAR ENDED 30 JUNE 2009.

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We have audited the Statement of Financial Performance and Statement of Financial Position for the year ended 30 June 2009. The Financial Statements provides information about the past year's financial performance of the board and its financial position as at 30 June 2009. This information is stated in accordance with the accounting policies set out in the Notes to the Financial Statements.

#### Responsibilities of the Board

The board is responsible for the preparation of the Financial Statements, which fairly reflects the financial position of the society as at 30 June 2009, and of the results of its operations for the year ending on that date.

#### Auditor's Responsibilities

We are responsible for expressing an independent opinion on the Financial Statements and the accompanying notes as at 30 June 2009 as presented by the board and reporting our opinion to you.

#### Basis of Opinion

An audit includes examining on a test basis, evidence relevant to the amounts and disclosures in the financial report. It also includes assessing:

- The significant estimates and judgments made by the board in the preparation of the financial report; and
- Whether the accounting policies are appropriate to the board,'s circumstances are consistently applied and adequately disclosed.

We conducted our audit in accordance with generally accepted auditing standards in New Zealand. We planned and performed our examination so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient

- 1 -

evidence to give reasonable assurance that the financial reports are free from material misstatements, whether caused by fraud or error. In forming our opinion we also Evaluated the overall adequacy of the presentation of the information in the Financial Statements.

We have no relationship with or interest the board other than in our capacity as Auditors.  
**Unqualified Opinion**

We have obtained all the information and explanations we have required.

In our opinion, the financial report fairly reflects the financial position of the Waitakere Community Law Services Incorporated as at 30 June 2009 and the results of its operations for the 12 Months operations ended on that date.

Our audit was completed on 7th December 2009 and our unqualified opinion is expressed at that date.

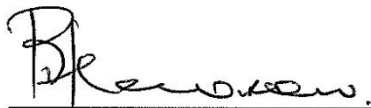


Colin Kyle  
Chartered Accountant  
Auckland

**WAITAKERE COMMUNITY LAW SERVICES (INC)**

**STATEMENT OF FINANCIAL POSITION  
As At 30 June 2009**


	<b>This Year</b>	<b>Last Year</b>
<b>Current Assets</b>		
ASB Bank - Cheque Account	52,515	43,164
ASB Bank - Savings Account	88,097	84,011
Tax Refund Due	1,962	972
Accounts Receivable	471,870	-
Preliminary Building Expenses	7,262	7,262
Deposit on Rent	-	4,167
	<u>621,706</u>	<u>139,576</u>
<b>Non Current Assets</b>		
Fixed Assets (per schedule)	34,651	40,924
	<u>656,357</u>	<u>180,500</u>
<b>Total Assets</b>		
<b>Current Liabilities</b>		
Accounts Payable	10,698	9,080
Receipts in Advance	468,670	-
GST	7,511	3,707
	<u>486,879</u>	<u>12,787</u>
<b>Equity</b>		
Retained Earnings	169,478	167,713
	<u>169,478</u>	<u>167,713</u>
<b>Total Equity &amp; Liabilities</b>		
	<u>656,357</u>	<u>180,500</u>

  
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**Chairperson**

  
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**Treasurer**

  
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**Date**

**WAITAKERE COMMUNITY LAW SERVICES (INC)****STATEMENT OF FINANCIAL PERFORMANCE****For the Year Ended 30 June 2009**

	<b>This Year</b>	<b>Last Year</b>
<b>Income</b>		
LSA Grants	452,635	364,225
ADLS Levy	-	6,726
Sundry Income	-	642
ASB Grant	-	145
Housing Grant	25,000	-
Interest Received	5,075	4,982
Membership Fees	600	-
CLAT	-	13
<b>Total Income</b>	<u>483,310</u>	<u>376,733</u>
<b>Less Expenses</b>		
ACC Levies	851	706
Advertising	1,836	957
Accountancy & Audit Fees	2,454	5,326
Bank Charges	195	169
Cleaning	2,495	2,267
Computer Support	681	1,484
Depreciation	10,731	7,812
Electricity	4,909	3,991
General Expenses	1,944	120
Gift/Koha	1,334	586
Insurance	2,851	2,459
Interest	436	15
Management Committee Expenses	896	2,313
Mileage	2,604	932
Non-Deductible Expenses	2,782	76
Payroll Expenses	1,379	662
Practising Certificates & Subs	7,720	3,733
Rent	45,930	40,523
Repairs & Maintenance	224	423
Research & Resources	213	1,060
Salaries & Wages	355,362	234,434
Security	538	559
Small Asset Expenses	4,290	-
Staff Expenses	1,009	-
Staff Training	2,171	2,035
Stationery, Photocopying & Postage	11,383	7,104
Student/Volunteer	588	591
Subscriptions	5,547	7,544
Supervision	450	3,106
Translator/Interpreters	268	444
Telephone & Internet	7,473	4,163
<b>Total Expenses</b>	<u>481,544</u>	<u>335,594</u>
<b>Net Surplus Transferred to Retained Earnings</b>	<u>1,766</u>	<u>41,139</u>

**WAITAKERE COMMUNITY LAW SERVICES (INC)**

**STATEMENT OF FINANCIAL PERFORMANCE (ACTUAL, BUDGET, VARIANCE)**

**For the Year Ended 30 June 2009**

	<b>Actual</b>	<b>This Year Budget</b>	<b>Variance</b>
<b>Income</b>			
LSA Grants	452,635	449,999	2,636
ADLS Levy	-	4,100	-4,100
Housing Grant	25,000	25,000	0
Interest Received	5,075	-	5,075
Membership Fees	600	-	600
Network Grant	-	12,000	-12,000
<b>Total Income</b>	<b>483,310</b>	<b>491,099</b>	<b>-7,789</b>
<b>Less Expenses</b>			
ACC Levies	851		851
Advertising	1,836	1,500	336
Accountancy & Audit Fees	2,454	2,250	204
Bank Charges	195	200	-5
Cleaning	2,495	2,500	-5
Computer Support	681	1,000	-319
Depreciation	10,731		10,731
Electricity	4,909	4,500	409
General Expenses	1,944	2,500	-556
Gift/Koha	1,334	600	734
Insurance	2,851	2,500	351
Interest	436		436
Management Committee Expenses	896	2,500	-1,604
Mileage	2,604	2,000	604
Non-Deductible Expenses	2,782		2,782
Payroll Expenses	1,379	700	679
Practising Certificates & Subs	7,720	5,000	2,720
Rent	45,930	42,000	3,930
Repairs & Maintenance	224	600	-376
Research & Resources	213	2,500	-2,287
Salaries & Wages	355,362	372,489	-17,127
Security	538	600	-62
Small Asset Expenses	4,290	500	3,790
Staff Expenses	1,009	1,000	9
Staff Training	2,171	3,500	-1,329
Stationery, Photocopying & Postage	11,383	8,000	3,383
Student/Volunteer	588	1,000	-412
Subscriptions	5,547	10,000	-4,453
Supervision	450	1,500	-1,050
Translator/Interpreters	268	1,000	-732
Telephone & Internet	7,473	6,500	973
<b>Total Expenses</b>	<b>481,544</b>	<b>478,939</b>	<b>2,605</b>
<b>Net Surplus Transferred to Retained Earnings</b>	<b>1,766</b>	<b>12,160</b>	<b>-10,394</b>

**WAITAKERE COMMUNITY LAW SERVICES (INC)**

**STATEMENT OF MOVEMENT IN RETAINED EARNINGS**

**For the Year Ended 30 June 2009**

	<b>This Year</b>	<b>Last Year</b>
<b>Retained Earnings at Start of Period</b>	167,713	126,574
Add Net surplus for the Year	<u>1,766</u>	<u>41,139</u>
	169,479	167,713
<b>Retained Earnings at End of Period</b>	<u><u>169,479</u></u>	<u><u>167,713</u></u>

**NOTES TO THE FINANCIAL STATEMENTS**  
**For the Year Ended 30 June 2009**

**1. Statement of Accounting Policies**

Waitakere Community Law Service (Inc) is an Incorporated Society. The special purpose financial statements have been prepared in accordance with Generally Accepted Accounting Principles.

***Measurement System***

The accounting principles recognized as appropriate for the measurement and reporting of earnings and financial position on a historical cost basis are followed by the incorporated society.

***Accounts Receivable***

Accounts Receivable are stated at their estimated realisable value.

***Fixed Assets***

All fixed assets are initially recorded at cost less accumulated depreciation to date. Depreciation has been provided at the maximum rates permitted by the Income Tax Act 1994 and the rates and methods are as follows:

Building	10% - 26% DV
Furniture & Fittings	20% - 60% DV

***Goods and Services Tax***

Financial information in these accounts is recorded exclusive of G.S.T. with the exception of receivables and payables, which include G.S.T. G.S.T. payable or receivable at balance date is included in the appropriate category in the Statement of Financial Position.

***Accounts Payable***

Accounts Payable are stated at estimated amounts payable.

***Income Tax***

The society was liable for income tax prior to it's registration with the Charities Commission. No allowance has been made for Income Tax, as the Society now has Charitable Status, although a Tax Exemption is yet to be applied for with IRD.

***Changes in Accounting Policies***

There have been no changes in accounting policies. All policies have been applied on bases consistent with those used in previous years.

**2. Contingent Liabilities**

There are no contingent liabilities at year end (30 June 2008 \$Nil)

**3. Capital Commitments**

There are no capital commitments at year end (30 June 2008 \$Nil)

**4. Related Parties**

No related party transactions have been entered into.

**5. Rent Expense**

A payment of \$4,167 previously recorded as a deposit on rent has been recorded as part of the rent expenditure for the current year. This payment relates to the initial rent payment on the premises at 1A Trading Place, Henderson.

**6. Depreciation**

Depreciation has not been recorded in the budget figures for 2009. After taking depreciation into consideration the budgeted net profit for the year would be \$1,429.

**7. Receipts in Advance**

Receipts in advance relate to grants that have been invoiced in June 2009 but which relate to the 2010 financial year. A corresponding amount is recorded in accounts receivable and will be taken to the profit and loss on a monthly basis when the grant money is received.

# Staff Report

Paula, Darryn, Cziana, Rebecca, Debbie, Sigrid,  
Anita, Mireama & Judy



From left: Mireama Houra, Cziana Reuben, Judy Ting (Intern), Rebecca Vertongen, Sigrid Shayer, Paula Bold-Wilson, Darryn Aitchison (Absent: Anita Allan, Debbie)

## Introduction

As we face a world where economic prosperity is promoted and great importance is placed on individualism, we are led to believe that the global economy will bring prosperity to all. And yet, the reality is, this economic rationalism neglects the hidden social reality costs for communities.

As the global financial market spiralled out of control this year, we saw the effects of capitalism and the economic recession penetrate the shores of Aotearoa. Unemployment, poverty, debt and the ability to provide the basic necessity would significantly impact on members of our community.

The effects of the recession would also impact on the service both at a local and, national level. Threats to funding and the increase in clients accessing the service required us to reflect on our ability to meet the increased need for legal services in Waitākere and the North Shore.

Despite the divergent global, political and economic influences, the dedication of our team would provide us with the means to overcome these obstacles. It is our pleasure as a team to share with you the numerous highlights, changes and challenges which we have experienced over the past year.

## A new team

Since our AGM in 2008, we have had a number of staff changes. Paula Bold-Wilson (No Te Arawa) was appointed the new Manager. Our receptionist Thomas Hamilton left the service to undertake an exciting management position with Rainbow Youth. We had over 100 applicants apply for this role and were pleased when Debbie agreed to become part of our team. Debbie provides the first point of contact for our clients and has made significant changes to our database systems which are reflected in the statistical information collected.

Although it was difficult accepting Judith Wright, our Senior Lawyers resignation, we were delighted that she was able to return home to family in Australia. Judith made an enormous contribution to the service and was always willing to share her legal experience and knowledge to contribute to issues of social justice and in doing so, make a difference for those in our community.

This vacancy provided an opportunity for Darryn Aitchison, an existing staff member to apply and be appointed to the Senior Lawyer's position. Darryn has taken on this role with much enthusiasm and has recently attained his certificate to practice on his own account. Darryn is responsible for overseeing the



Anita Allan -  
Lawyer

provision of our legal services. Anita Allan joined us in August as a staff solicitor and brings 9 years legal experience to that role. Prior to her commencing employment with the service, Anita was a WCLS volunteer lawyer.

A change in Paia Lopala-Gill's personal circumstances saw her accept a role closer to home. A review of roles within the service enabled us to employ Sigrid Shayer for a further 20 hours per week. Sigrid has applied the same commitment and passion she has

for the tenancy coordinator's role, into the various other projects she is responsible for. Moreover, we were fortunate that Debbie offered to take over the additional responsibility of our accounts.

The most recent person to join our team is our Legal Educator Mireama Houra (No Te Atiawa me Te Ati Hau Nui a Paparangi). Mireama has recently completed her Bachelor of Law and has experience in delivering educational workshops. Mireama is extremely enthusiastic about engaging with agencies/organisation and community groups to ascertain what legal education would be of extreme benefit.

We are fortunate that we have had Rebecca Vertongen and Cziana Reuben to provide stability within the service. Their commitment to the service and our clients has enabled us to meet the increase in demand for our legal services. Cziana and Rebecca have both contributed to many successful outcomes for our clients, which is evident by the chocolates, flowers and thank you cards received from our clients. Cziana is also preparing an application to practice on her own account which will provide a further step in her career.

Paula would like to thank the staff and volunteers for their tremendous work and their willingness to adopt the new processes which have evolved over the past year. Although our statistics reflect the number of the clients who access our service, it does not reflect the staff's commitment and dedication to empowering members of our community, and the many successes they have contributed to.

### Community Awareness - Reaching our priority groups

The presence of WCLS at various community events has provided us with an opportunity to raise awareness of the service to our priority groups. The WCLS took a proactive approach last December after recognizing that after Christmas each year, we had a number of clients accessing the service in relation to debt matters. The WCLS produced a 'wallet size' information sheet, branded "controlling my debt –

what I need to know". This resource was disseminated to the community outside Westfield Mall. The debt campaign not only offered valuable information to the community about avoiding/managing debt, but it also enabled us to raise awareness about the services and location of the Waitākere Community Law Service. It was a great opportunity to engage with the community at a "grassroots" level with approximately 95% of community members we spoke to being unaware of the service. We will be running another debt campaign this December.

## He aha te mea nui o te ao? Maku e kii atu, he tangata, he tangata, he tangata

*What is the most precious thing in this world, I tell you  
this, it is people, it is people, it is people*

The service provided legal information at the Big Gay Day out and the Te Huinga Cultural Festival 2009. Although these community events were regional events, our team also took part in the Ezekiel (FLAVA) family day out. A display was set up to inform the Waitākere community of the range of legal services offered. We took the opportunity to engage and reach a wide range of whanau. Notably Maori and our Pacific whanau featured most in need of the range of legal service offered. A number of the enquiries raised were matters relating family, youth, Summary Judgments and tenancy law. Similarly, we were delighted to be able to participate in the "People Pride Place" Festival hosted by McLaren Park, Henderson South Community event. Overall our participation at community events has made it possible for our team to meet with whanau at all levels, and make our Waitākere community, aware of our presence.

## Waitākere and the Super City

The Community Coalition for Action Campaign which opposed the Local Government Act enabled the service to actively participate and advocate at both a local and regional level. The WCLS walked alongside passionate community representatives and individuals at the Waitākere march, highlighting the absence of community consultation and lack of real powers which were to be given to the proposed Local Boards. Similarly, our presence at the regional hikoi demonstrated the “injustice” of the government’s decision to disregard the Royal Commission report which recommended Maori representation. Furthermore, as a member of the Grassroots Action Group, WCLS was able to assist and encourage the community to write submissions on the Local Government Act. This of course, was followed up with our own written submission which opposed the Local Government Act for the reasons outlined above.

## Language Line

Waitākere Community Law Service now has access to Language Line through the Office of Ethnic Affairs. This enables second language speakers’ to access to legal services. For a small set fee per telephone call, our lawyers now have access to interpreters who speak 40 different languages. We have used the service several times and in one case, access to language line allowed us to discuss with a client the complex issues and risks around perverting the course of justice. Having professional interpreters means our lawyers can have confidence that the discussions between them and the client are being accurately conveyed.

Community Development has a dual role. One which empowers the community and the other which identifies the structures which perpetuate oppression

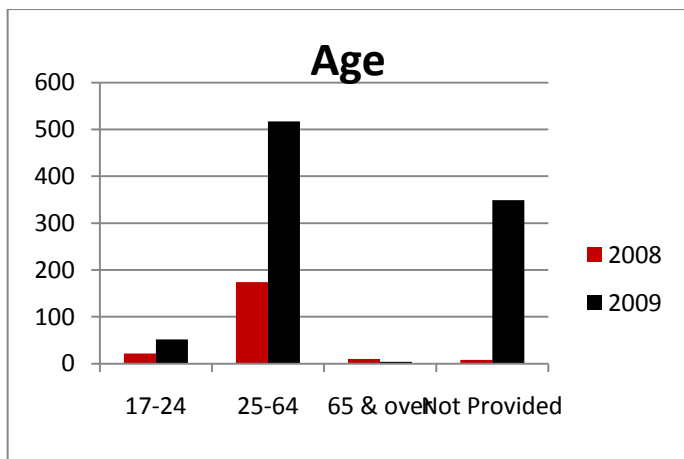
*(He & Tesoriero, 2006)*

## The past year - Statistics

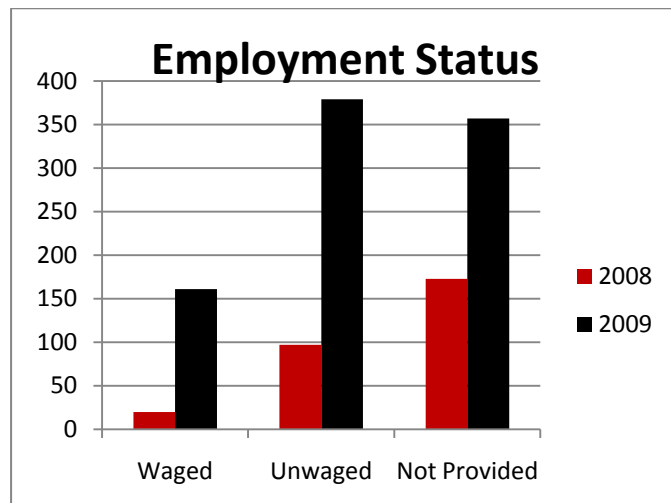
The following statistics provide a visual overview of the level of legal services provided in 2008-2009. In order to demonstrate the increase in clients accessing our services, statistics from our quarterly reports for July – September 2008 & 2009 have been provided. In each of the categories, statistics show that some demographical information was not provided, or ascertained. This is a result of the 0800 info line, where this information is not recorded.

Referrals from the Citizen Advice Bureau, community organisations, word of mouth and the presence of WCLS in the community have been significant in terms of people being aware of the services we provide.

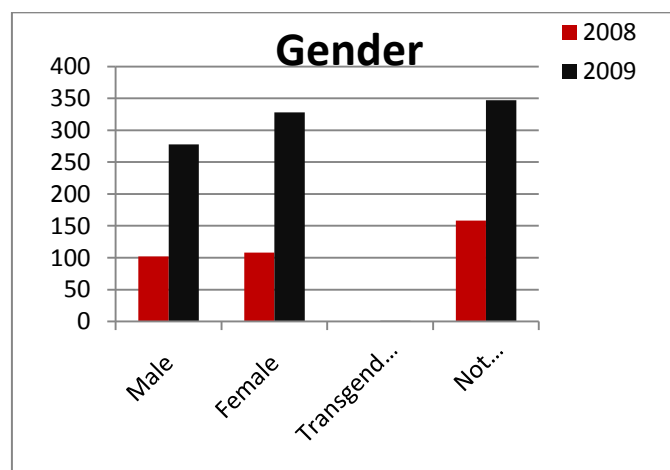
Our statistics highlight the need for us to continue to investigate ways in which we can meet the unmet legal needs of young people and older adults in our community. Working collaboratively with agencies and community groups will be essential to meet this need.



Individuals' circumstances saw a change in the demographics of individuals accessing the service. Working class and middle class families needed our services as a range of people experienced redundancies and employment issues.

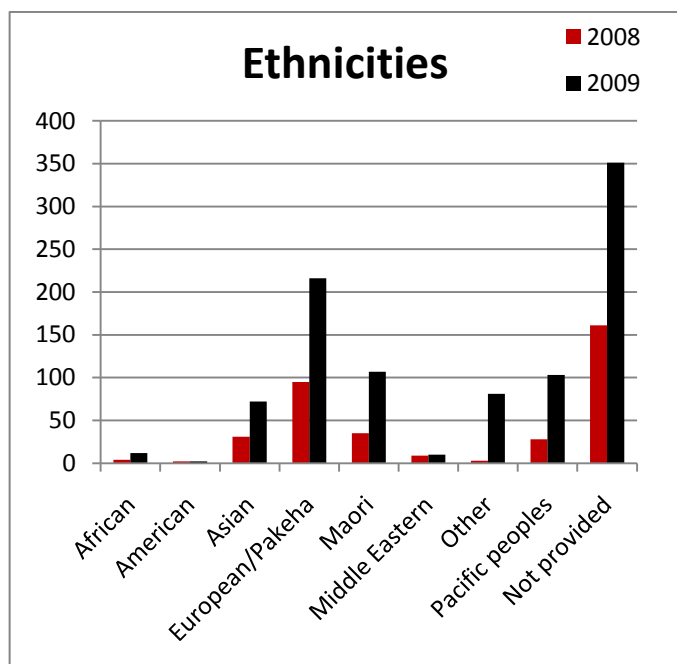


The dominant gender continues to be women who access our service.

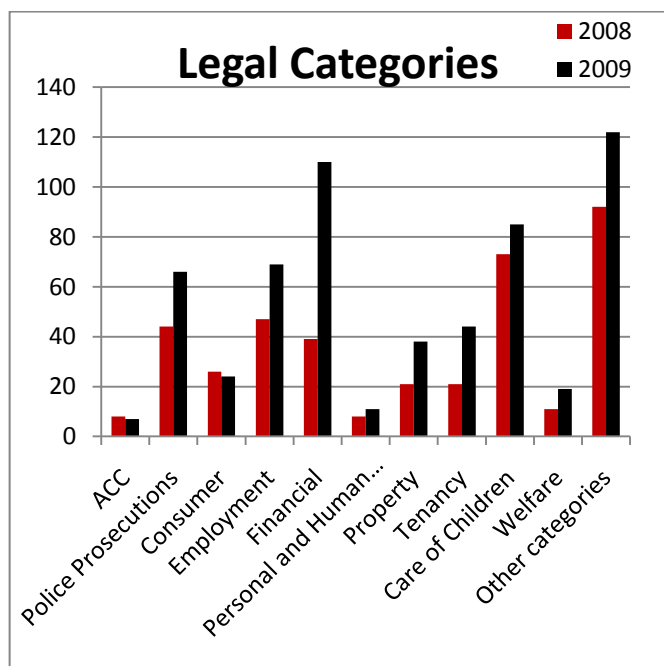


Another significant factor highlighted in our statistics is the dramatic change in the number of Maori and Pacific peoples who have sought legal advice from the service. Although a greater analysis needs to be undertaken to provide an explanation for this change, the recession, our presence at community events and the building of relationships in the community could be possible reasons for this. In addition, the commitment from staff to give effect to Te Tiriti o Waitangi is evident with Te Reo Maori, and waiata being an integral part of our work culture. We also hope that the visual display of bi-lingual signage and Maori and Pacific artwork, and the manner in which

Debbie greets our clients provide a sense of belonging and safety for those that access our service.



Without a doubt, the need for our services have increased over the past year with a number of key legal issues presenting in clinic. Employment, police prosecutions, property and tenancy matters have been dominant legal issues in our community.



## Walk in legal Clinics - Waitākere

We continue to meet the unmet legal needs of clients who access our service through our walk in legal clinics. On average we see approximately 12 clients each morning, and in some instances, ask clients to return the following day. We are fortunate that we have had an increase in volunteer lawyers and law students who have been fundamental in our ability to meet this demand.

## 0800 info line

The infoline continues to be an effective medium for addressing unmet legal needs. The number of callers averages between 10-12 each afternoon. Approximately 75% of calls are able to be dealt with over the phone and if necessary, the clients are asked to attend clinic for additional assistance

## Tenancy Information & Advocacy Clinics

The Tenancy Information and Advocacy Service was established by a sub-group of Waitākere City's Housing Call to Action network, which includes community housing and social service organisations, as well as Waitākere City and central government agencies. Tenancy issues and rental housing was identified by the Housing Call to Action as a priority area for action.

**A tenant was compensated because rooms were damp and mouldy.**

The proportion of people renting will only increase as property prices continue to increase proportionately to income. In addition, the poor standard of rental

property offered at the bottom end of the market can only be expected to increase, as well as the numbers of such properties.

In most circumstances our intervention and advocacy resulted in a better outcome for tenants. For many people, all they needed was to have the information to give them the confidence to challenge their landlord. Cases heard through our service confirm the existence of unscrupulous landlords and completely unacceptable properties for anyone to live in. The Service's many successful outcomes include:

- Parents of a mentally ill tenant (their son) were provided with information which gave them the confidence to apply for a Baycorps order over their son's previous landlord for not returning overpaid rent.
- A landlord reconsidered his approach after putting pressure on a tenant to pay for a broken window which was the landlord's responsibility to repair. The use of a non-lodgement of bond was used as a lever.
- Housing New Zealand paid compensation to a tenant for the inability to use rooms because of mould and dampness.
- A landlord backed down and did repairs, and agreed to two rent free weeks in acknowledgement of the many items that did not work and for which the tenants were paying rent.
- A tenant was prevented from being evicted through an illegal notice when the landlord used a mediation order illegally to try to evict. This was stopped via the District Court.
- HNZ backed down from evicting family through the Service working to provide relevant information to HNZ.
- Advocates wrote to property manager over illegal eviction and dumping of tenant's possessions. The tenant was awarded compensation and full repair costs for damaged vehicle.
- The tenancy clinic helped many people present their evidence for the tenancy tribunal and won including a young woman with a young child who received a \$2,500 compensation payment plus works order.

## Community Mediation Project

In February 2009, we launched the Community Mediation Project. The Community Mediation Project is a collaboration between the Waitākere Community Law Service and LEADR (the professional organisation of dispute resolvers). Under the project parties who agree to mediation are referred by WCLS to a LEADR mediator for (essentially) free mediation. There was a lot of community interest in the Mediation Project when initially launched. There were also a number of early referrals which resulted in successful outcomes for WCLS clients. However, the number of clients willing to try mediation is quite low and obtaining the consent of the other party is not easy. We are hopeful that as the community becomes more aware of the benefits of mediation through education and publicity there will be greater "buy in" and mediation will be used more often.

## North Shore Legal Clinics



Photo published in North Shore Times – November 2009

In late October WCLS started a weekly legal advice clinic based out of the Northcote CAB on the North Shore. We have been providing legal services to North Shore residents since July 2008. However, those services were based out of Henderson. Until the Northcote clinics North Shore residents had to come to Henderson or access our services over the phone.

We have based the services adjacent to the Northcote Renewal Project, an area of high density Housing New Zealand residents. Our hope is that our

location makes us more accessible to members of this community and enables us to focus on meeting the high unmet needs of those communities.

## Legal Education

The appointment of our legal educator, Mireama Houra, will enable us to meet the educational needs of our community, provide up to date legal information and resources and enable the service to respond to any emerging legal issue in our community.

# Whāia te mātauranga, kia ora ai tātou katoa

*Pursue knowledge so we can all be well*

Mireama is currently proposing an up and coming 'Discussion Forum presented by Waitākere Community Law Service'. The primary basis for the 'Discussion Forum' is to address the unmet needs of the Waitākere Community: to empower and support displaced community members to achieve autonomy and their own identity of place in this developing and competitive market.

A number of key social indicators were identified and discussed as being significant risk factors namely: the inadequacy and quality of advocacy services, poverty, housing, financial /academic literacy skills.

## Law Reform

We have made a number of submissions this year, one at a local government level (Gambling) and other submissions to central government. They related to the Local Government (Auckland Council) Bill, the Residential Tenancies Amendment Bill, the Legal Aid Review and the Credit Contracts and Consumer Finance Act. We have also supported community stakeholders in their submission process. Contributing to law reform remains a key priority for WCLS. Our capacity to focus on law reform work has

to be balanced with our capacity to deliver legal services to our clients. The high number of clients accessing the service has made that challenge more acute.

## Our Volunteers

The Equal Justice Project (EJP) remain a key partner of WCLS. EJP is a student run organisation which comprises of law students studying at the University of Auckland organisation who are interested in pro-bono work. It offers students work in a variety of "projects" including volunteering at the WCLS walk in legal clinics. Direct contact was made with the Maori and Pasifika Law students which resulted in a surge of interest from these students in volunteering at WCLS. This year, we have also been fortunate enough to obtain a number of volunteer lawyers assisting us with our morning clinics.

The tenancy law training sessions for community organisations started late last year. This has provided us with a number of Tenancy Advocates for the tenancy service: Te Whanau o Waipareira, Monte Cecilia, the Tenants Protection Association, McLaren Park Henderson South Community Initiative, Citizens Advice Bureau, Walsh Trust and a volunteer law student have volunteered their time to advocate on behalf of our clients.



**“It’s immensely satisfying being able to make a difference to people who would perhaps not normally have an advocate acting for them in tenancy matters”**

*Diana McMahon: Advocate Tenants Protection Association.*

We are extremely proud that the ethnicities of our volunteers are rich and diverse and are reflective of the diversity evident within our community.

## Bell Gully Pro Bono Programme

WCLS is delighted to be developing a pro bono partnership with Bell Gully. Bell Gully have offered us a wide brief on the types of pro bono support they can offer us, such as:

1. Providing legal opinions on complex or non-WCLS specialities;
2. Acting for clients referred by WCLS;
3. Taking test cases where significant justice issues are at stake
4. Providing education seminars and training
5. Providing support to cover staff shortages or leave

To date, Bell Gully has provided a secondment lawyer, Simon Mee, when staff were on leave. Simon was with us for 3 weeks and his presence enabled us to maintain the same level of service without interruption. Bell Gully has also accepted a number of referrals from us and has directly assisted WCLS clients through legal opinion work. More recently Bell Gully has supported us with a nomination to our governance board. We are confident our relationship with Bell Gully will go from strength to strength.

## Internship

WCLS has recently taken on an intern for several weeks over the summer. Judy Ting has joined us from Equal Justice Project. Judy is working closely with Darryn on her own case load. The intern programme grew out of a brain-storming session with EJP representatives. The programme is designed to extend the learning experiences of our volunteers while at the same time increasing the capacity of WCLS.

## Success Stories

We are pleased to report a small number of the successful outcomes recently achieved for our clients:

Rebecca helped a client whose car insurance claim was declined. The car was taken by the client's brother without the client's permission and was involved in an accident. The insurance company insisted that the client report her brother to the Police as a condition of acceptance of the claim. As a result of Rebecca's intervention, the insurance company dropped this requirement and paid out the claim of \$10,000.

**A car dealer induced our clients to buy a second car by promising that he would pay off the debt owing on their existing car. The dealer reneged**

A car dealer induced our clients to buy a second car by promising that he would pay off the debt owing on their existing car. The dealer reneged. We assisted the clients to take proceedings against the dealer in the Disputes Tribunal which were successful.

Cziana represented a client who had been unjustifiably dismissed from her fixed term job. Cziana attended a Mediation Conference with the Department of Labour and then represented the client at a hearing in the Employment Relations Authority. The client was from a non-English speaking background and had a husband who was unable to work due to illness. The effects of the dismissal were therefore particularly harsh for this client and her family. The Employment Relations Authority found in favour of our client and has yet to make a final decision in relation to remedy, but has

indicated that the client can expect to get at least \$8,000 in compensation.

Rebecca assisted a tenant whose poor health was exacerbated by the damp and mouldy condition of the unit he was living in. Rebecca helped the client obtain a transfer to more suitable accommodation and significant financial compensation for his ordeal.

Cziana drafted a personal grievance letter for another client who had been unjustifiably dismissed from his job and helped the client prepare for mediation with his former employer. The client was able to negotiate a settlement of \$4,000 compensation from his former employer which he was very pleased about.

A client was sent a parcel from Ethiopia which was detained by MAF for heat treatment. During the heat treatment it caught fire and was destroyed. Cziana negotiated compensation for the loss of this parcel for the client despite the legislation being in MAF's favour.

Rebecca helped an elderly lady who was living in substandard conditions below a house. The client was paying a substantial amount of rent in an 18 month fixed term tenancy but the property was damp and dangerous. After Rebecca contacted the landlord, the landlord agreed to release the client from the tenancy.

Cziana was able to help an 87 year old lady who had suffered for 5 years with a faulty hearing aid. The lady had tirelessly complained to the retail outlet that provided her with the hearing test and the hearing aid. After we approached the Chief Executive of the company, the lady was offered a hearing test and a state of the art hearing aid which naturally she is delighted with. To quote this dear old lady, "Oh, now I have been given a new lease of life and I can even hear Coronation Street!"

Rebecca helped clients in a number of benefit complaint and review situations. Successful outcomes in this area include a client having their invalid's benefit reinstated after a medical review,

assisting a client apply for assistance for her disabled 16 year old daughter and helping an elderly couple seek financial assistance to care for their two grandchildren.

To show the value of our external lawyer referrals, to name two: Cziana liaised with Peter Moses a specialist immigration lawyer and he was able to assist in preventing a family from deportation back to Zimbabwe. Cziana referred a client to Andrew Cook, a specialist employment lawyer and during the period of a year he was able to help succeed and restore this client's reputation in a difficult and unpleasant case.

**Rebecca assisted a client who had been induced to enter into a \$7,000 contract for a vacuum cleaner. With her assistance, the client successfully applied to the Disputes Tribunal to have the contract declared void. The client was not required to pay a cent.**

# Strategic Direction for 2010

## Building stronger relationships with our community and legal sector

The WCLS met with the Waitemata Maori Wardens and Waitemata Maori Women's Welfare League. The intention of this hui was to identify and address some of the unmet legal needs of Maori in Waitākere City. A key theme which emerged from this hui, was the high unmet legal needs of young people in Waitākere. In fact, when engaging with other community organisations, the legal rights of youth and their whanau were identified as a key concern.

Nāu te rourou  
Nāku te rourou  
Ka ora te iwi

*With your food basket, and my food basket, the  
people will thrive*

## Capacity

As highlighted throughout this report, the increase in clients accessing our services has increased considerably. This has impacted on staff workloads and our capacity to contribute to other WCLS objectives in the way we would like to. Staff have continued to maintain this increase over the past year and have had to reshuffle workloads to create space for the senior lawyer to contribute to systemic change through law reform.

One focus for the next year is to strengthen our relationship with the communities where unmet needs are greatest. As these relationships strengthen, we are likely to see more clients from those demographics, and more complexity in the types of legal problems we have to grapple with. This in turn will generate pressure on capacity.

## Tenancy Information & Advocacy Funding

Funding for the Tenancy Information & Advocacy Clinic runs out in February 2010. To continue to provide this service to our community, it is necessary for us to source additional funding. A business case has been written which outlines the purpose of the service, highlighting the positive effective it has had on our clients. Applications to various funders are currently being made.

## Strengthening our preventative work

One ongoing challenge is to target resources towards preventative strategies. This requires drawing on a number of skills, including legal education, community development practises, and an holistic approach from our lawyers.

## Best Practice

The WCLS commits to reflecting on the way in which we meet the needs of our community. We hope to utilise a Bachelor of Social Practice student to undertake research which identifies what barriers there are to clients accessing the service.

The development, monitoring and evaluation of our internal policies and processes remain important objectives for us during 2010. These policies not only support the vision of the service, but enhance our ability to deliver high quality service to our clients. In addition, we want to ensure that best practice incorporates non-bureaucratic, flexible and responsive processes.

## Student Volunteers

In anticipation for next year's student intake, we will be developing a student prospectus which includes interview guidelines, the strategic plan and legal resources which will provide a greater understanding of the services operations. We need to explore ways

in which volunteers (students, lawyers and advocates) are able support the service to alleviate capacity issues. On the other hand, we also recognise that we need to ensure that volunteering at the WCLS provides them with a rich and meaningful experience.

### **WCLS Website**

Research undertaken by the Legal Services Agency showed that West Aucklanders are more likely to use the internet to seek legal solutions. This year, the initial design for our website has been developed, however we still need to collate and identify useful and informative resources which we can refer to on our website.

### **Legal Education**

Mireama our legal educator will be identifying and collating WCLS education resources and fact sheets. These will include, car parking fines, debt, credit contracts, tenancy, youth, disputes, divorce/separate, care of children, employment, redundancies and an other legal resources which may emerged throughout the year. Moreover, we plan to undertake monthly legal education campaigns.

A major focus this year is identifying the legal needs of our community and then developing a workshop around there particular needs. Thus, we look forward to working with agencies or community organisations in relation to legal education.

### **Community Development**

The WCLS is committed to working in ways which acknowledges diversity. Facilitating community forums and working alongside agencies and community organisations will allow us to identify the unmet legal need. This in turn will enable us to collectively address underlying drivers of social issues.

A strong focus on "grassroots" community development provides us with an opportunity to raise awareness, that often the experience of an individual is in fact, positioned within a wider context.

Moreover, by utilizing bottom up community development practices, this provides a pathway for the community to participate in political, social, economic and cultural arenas to bring about meaningful change.

**The experience of an individual is often positioned within a wider context.**

### **Law Reform**

We will continue to identify legislation and underlying drivers which impact on our community. Building relationships with stakeholders will enhance our ability to facilitate collective systemic change. Furthermore, we would like to develop education workshops which provide practical tools, knowledge and awareness about writing submissions so that individuals at a grassroots level are able to participate in the political system and contribute to law reform.

### **Prioritising priority groups**

As the need for our services increase this year, it is imperative that we continue to identify strategies which ensure we are reaching our priority groups. This may require us to refine our parameters, such as what the effects of the legal problem is on the clients life/whanau, or, for the service to provide outreach clinics which targets low socio-economic communities. Priority could also be given to those target groups who have more complex legal issues.

# With special thanks

## We couldn't do it without you!

We value and appreciate the support and dedication of our volunteers. We recognise that they are all fundamental in enabling us to meet the needs of those most vulnerable in our community. We are truly grateful for their commitment and dedication to supporting the work we do. On behalf of the Governance Team and staff we would like to thank the following:

### Our Funders

Legal Services Agency  
Waitākere City Council

### WCLS Governance Team

Bobby Newson (Chairperson), Tony Mayow (Deputy Chairperson), Andrew Wood (Treasurer) Paulette Main, Sue Dodds, Rosie Abbott.

### Lawyers

To Greg Presland for providing interim supervision while Judith and Darryn were undertaking their qualification to practice on their own account.

We would like to acknowledge Kiwi Legal as they have proved invaluable to us over the past year. Their willingness to provide their services and expertise on a pro bono basis has enabled us to assist clients in areas of law that would usually fall beyond our scope.

### Bell Gully

Ralph Simpson (Pro bono partner)  
Rachel Gowing (Pro bono manager)

### Tenancy Information & Advocacy Steering Committee

Kim Conway, Louise Lennane, Cissy Rock, Sue Dodds (Waitakere City Council), David Zussman & Lesley Hickey (Monte Cecilia), Angela Maynard (Tenants Protection Association).

### Valma Henry

We would like to thank Valma who has been our longest standing volunteer. Valma provides administrative support to the service and ensures our legal resources are available to our clients.

### Auckland University volunteer law students

Alexander Matthews, Amanda Clinton, Ana Hakaraia, Ana Ole, Arlan Arman, Ayesha Amin, Bella Burgess, Bianca Fanene, Charlotte Summers, Ciaron Murnane, Cindy Feng, Damian Quinn, Deborah Pathak, Elizabeth Fox, Emma Kemp, Fleur Jamieson, Frances Cummings, Hamesh Bhana, Helen Ulu, Hyo-Jung Kim, Jessica Day, Jessica McCormack, Judy Ting, Katherine McDonald, Khushbu Sundarji, Kristy Li, Lily Nunweek, Marla Alexander-Ward, Mary Romanov, Mia Koning, Pera Ulu, Praneet Singh, Rachel Nootai, Regina Faaletatau, Rikky Minocha, Sacha Yanke, Sahar Shamia, Shalveena Prasad, So Yeon (Gloria) Kim Sol Yi, Sophie Pollak, Stephen Parry, Teresa Tolua, Tania Lim, Yihong Shi, Denise Bonnar, Jan Chen, Patricia Jones, Vivian Zhang, Parizad Mulla, Louie Louten,

I enjoy volunteering at the law service as no two days are the same and sometimes you can help and make a real difference in someone's life and that is a really good feeling.

*(Denise Bonnar, Recent Law Graduate)*

Laura Niall, Jonathan Wood, Amelia Sirimanne, Sharnita Pratap, Robert Wills, Leighton Cox, Amy Duan, Carl Hey, Alana Sullivan-Vaughan, Joseph Nunweek.

## Volunteer Lawyers

Ellen Jun - Ellen came to us as volunteer lawyer intent on specialising in commercial law. During her time with us Ellen's career focus changed after experiencing grass roots level of community problems. Ellen decided instead to pursue a career in the varied areas of law practised at WCLS. We were delighted for Ellen when she secured her 'dream' job with a Community Law Service in Hastings.

## Tenancy Information & Advocacy Advocates

Patrice Douglas (Waipas), Sonia Veelenturf (Walsh Trust), Hira Harema (Te Whanau o Waipareira – Family Start), Becky Clusker (Glen Eden CAB), Diana McMahon (Tenants Protection Association), Lesley Hickey (Monte Cecilia Housing Trust), Aman Prasad (Tenants Protection Association), Teresa Tolia (Auckland University Law Student), Tania Heke (MPHS), Sophia Maui (MPHS), Susan Van der Plas (Te Whanau o Waipareira – Family Start), Angela Maynard (Tenants Protection Association)

## North Shore Services

Jenny Monks, Dude TuiSamoa, Carol Ryan and John Marsden.

## Community Mediation Project

Carol Powell and Anet Kate.



Te Korowai Ture -  
providing legal  
services to those  
most in need