



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

THE UNIVERSITY OF NEWCASTLE
LEGAL CENTRE (UNLC)



OLDER PERSONS LEGAL CLINIC

ANNUAL REPORT 2023



CONTENTS

OLDER PERSONS LEGAL CLINIC (OPLC)

DEAN'S REPORT	3
DIRECTOR'S REPORT	4
SOLICITOR'S REPORT	5
AIMS AND OBJECTIVES	7
LAW REFORM	8
ACTIVITY HIGHLIGHTS	9
OUR CLIENTS	11
OUR STUDENTS	13
STUDENT REFLECTIONS	14
FIRST NATIONS CADETSHIP PROGRAM	16
FINANCIAL REPORT	16
ADVISORY COMMITTEE	17
ACKNOWLEDGEMENTS	18

The Older Persons Legal Clinic at the University of Newcastle respectfully acknowledges the traditional custodians of the lands on which it is located: the people of the Awabakal, Worimi and Darkinjung nations.



DEAN'S REPORT

It is with great pleasure that I share this report. It sets out some details of the outstanding work undertaken by our Older Persons Legal Clinic over the past year.

Our focus over the past year has been on providing services that can assist older people and their families with legal issues that might otherwise cause them stress, concern and, in some cases, may have significant consequences with potential impacts on housing, health care and financial arrangements. In addition, we are also focused on dispute prevention and one significant and ongoing initiative is related to our work on wills and guardianship arrangements, which has included extending an outreach clinic focusing on older Indigenous people. This is combined with our daily legal work, which supports a diverse group of older people with a particular focus on Newcastle, the surrounding regions, the Central Coast and Gosford.

Our work has resulted in the provision of much needed advice and support to people in a range of challenging circumstances and has included pop up clinics, as well as the provision of remote and outreach services.

In 2023 we have also been fortunate to continue to support the employment of part time newly graduated lawyers who have worked hard to provide ongoing support to clients. Our students have been enriched by the knowledge and

expertise of our Legal Centre team of lawyers and have also been inspired by their kindness and commitment to access to justice. These experiences will continue to shape the lawyers of the future and assist them to manage issues in a sensitive and client-focused way.

Professor Tania Sourdin
Dean, Newcastle Law and Justice School



DIRECTOR'S REPORT

The Older Persons Legal Clinic (OPLC) at the University of Newcastle Legal Centre has built on its successes in 2022 continuing in its position as a leading legal service provider for older persons in the Newcastle, Hunter and Central Coast regions. In mid 2022 the OPLC was thrilled to hear that its NSW State Government funding had been extended for a further period of 3 years to June 2025.

It has again been a busy year with clinics operating at NUspace in the Newcastle CBD both during the day and at evenings, Gosford CBD, Law on the Beach at Merewether Beach during summer, pop up clinics in the community and home visits.

The Clinic has provided legal advice, assistance, representation and community education to a large number of older persons aged 60 years and over and First Nations persons aged 50 years and over during the past year. The Clinic has seen a significant increase in the number of clients seeking our services and assistance with a corresponding rise in the number of legal tasks undertaken. The Clinic has provided services in a diverse range of legal matters including wills, powers of attorney, enduring guardianship, mental health law, financial abuse, social security, family law, consumer matters, retirement village cases, employment issues, neighbourhood disputes and tenancy cases. The OPLC has attended multiple Seniors Expos in the Hunter and Central Coast regions which has enhanced

its profile resulting in increased client numbers.

The OPLC continues the rich tradition of the University of Newcastle Legal Centre providing law students with intensive work integrated learning experiences during their studies at the University of Newcastle School of Law and Justice. These clinical legal education experiences have led to students securing highly competitive clerkship, paralegal and graduate law positions.

I wish to thank the NSW State Government for its continuing support of the Clinic, Legal Aid and the NSW Community Legal Centres Program for its ongoing assistance, Community Legal Centres NSW, Australian Taxation Office for its commitment to the Clinic, Committee members for their vision and strategic direction, Professor Tania Sourdin for her leadership, and Older Persons Legal Clinic and Legal Centre staff and students for their dedicated service to the Clinic.

Dr. Shaun McCarthy
Director, University of Newcastle Legal Centre and Older Persons Legal Clinic

SOLICITOR'S REPORT

Within the last twelve months, we have continued to build and shape our legal services to meet the needs of our client base. Our goal has been to provide a service that the community needs, which we have worked towards by listening to our clients, liaising with external stakeholders, and collaborating with care and service delivery organisations.

At the beginning of the year, we recommenced our clinic at Law on the Beach and on site at The University of Newcastle. We have continued to offer both face to face appointments and telephone advice across both our Newcastle and Gosford service regions. We held our pop-up Wills Clinic for First Nations persons, which was supported by the solicitors of the Legal Centre and our students.

The work of the clinic has continued to provide a service that supports both our clients and their families during legal disputes and issues. The range of matters continue to span across different areas of law including advance care and ageing planning, wills and estates, family law, contract and debt matters, disputes with Retirement Villages, negligence, NDIS disputes, criminal law, neighbourhood disputes, property, and much more. Our document drafting service remains a significant part of our clinic, as we continue to draft Wills, Enduring Power of Attorney documents and Enduring Guardianship documents for clients that are financially vulnerable.

We presented several Community Legal Education Seminars across the year, as our presence in the community remains an integral aspect of our work. We focused on educating on scams, as this is a serious issue that is increasingly affecting our client demographic. The clinic was also involved in several community events that focused on providing support and

assistance to our client demographic. We took this opportunity to connect with our clients, and other organisations that offer non-legal assistance and support.

We continue to run targeted clinics throughout the University semester breaks, which remain busy across the year. During semesters, we are present at the regular Wednesday clinic days at the Legal Centre, where we assist the presenting clients that fall within our age demographic. In focus with our goal to provide a service that is accessible to the community, we have begun offering an interpreting service to assist clients who would otherwise face challenges in accessing our service. Our client base is as diverse as the range of our matters, and we are pleased that we can support and empower our clients during challenging and uncertain times.

Since the commencement of the clinic in 2019 we have had the opportunity to be part of a project to provide an advocacy service for marginalised older persons in the community. We have seen the success and the benefit that our service has provided to our clients and their families and we are excited to announce that our funding has been confirmed until 2025. We look forward to continuing to build on our services that have positively impacted our clients, community and solicitors.

Lastly, we acknowledge the ongoing assistance from our solicitors and support staff of The University of Newcastle Legal Centre and the support from private legal practitioners in the area. We are also pleased to have our students assisting the clinic as part of their practical legal training, and we acknowledge their contribution to our clinic.

Nichola Stodart
Solicitor



AIMS AND OBJECTIVES

ACCESS TO JUSTICE AND SERVICE TO THE COMMUNITY

1. To provide advice, assistance, advocacy and representation for persons who are marginalised and disadvantaged in dealing with the legal system.
2. To provide advice, assistance, advocacy and representation for older persons, their carers and families, as well as devising methods and strategies to combat elder abuse.
3. To undertake public interest advocacy where there has been a miscarriage of justice or other serious failure in the administration of justice or a serious wrong.
4. To promote access to justice for persons who are disadvantaged in dealing with the legal system by empowering persons with legal information, delivering community legal education seminars, and making contributions to law reform and government inquiries.
5. To provide holistic services to the community including partnering with community organisations, Government departments and University disciplines.

CLINICAL LEGAL EDUCATION

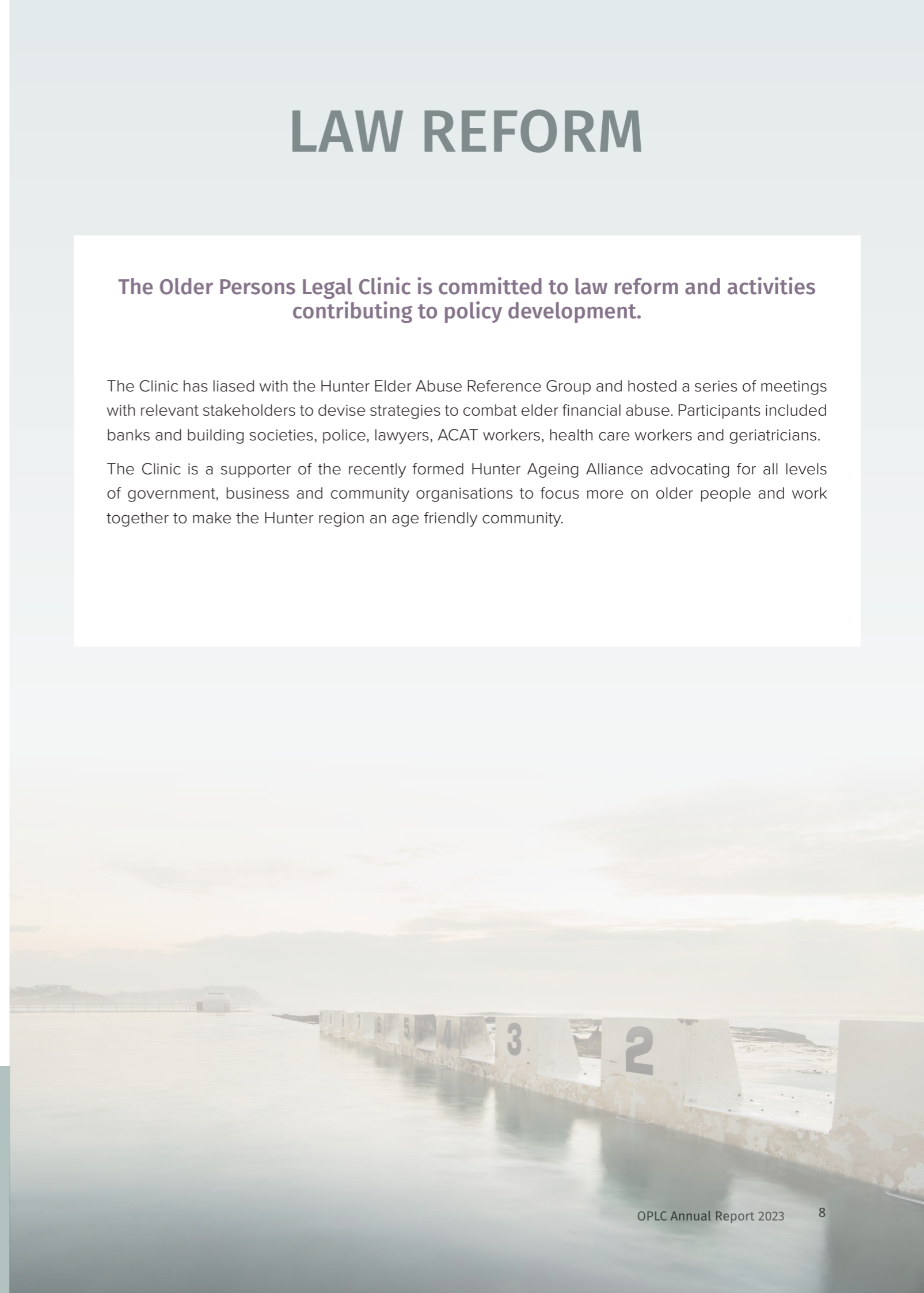
1. To provide all law students with high quality clinical legal education. All students are guaranteed an intensive professional legal placement at the Legal Centre and will work with clients who face disadvantage in dealing with the legal system.
2. To engage students effectively in client casework, engender deep learning about the law, enhance lawyering skills and promote excellent lawyering values including an ethos of social justice.
3. To actively pursue applied research in order to address systemic legal issues and to facilitate access to the legal system.

LAW REFORM

The Older Persons Legal Clinic is committed to law reform and activities contributing to policy development.

The Clinic has liaised with the Hunter Elder Abuse Reference Group and hosted a series of meetings with relevant stakeholders to devise strategies to combat elder financial abuse. Participants included banks and building societies, police, lawyers, ACAT workers, health care workers and geriatricians.

The Clinic is a supporter of the recently formed Hunter Ageing Alliance advocating for all levels of government, business and community organisations to focus more on older people and work together to make the Hunter region an age friendly community.



ACTIVITY HIGHLIGHTS

LAW ON THE BEACH



Our annual Law on the Beach drop-in clinics continued in January and February 2023 at Merewether Beach. These clinics were extremely busy with a large number of older people seeking advice around legal issues which have arisen following the pandemic.

FIRST NATIONS WILLS CLINIC



On Monday 25 July 2023, the University of Newcastle's Legal Centre proudly hosted a First Nations Wills Day. It was a huge success! There were 21 First Nations clients who participated in the day. This means there are 21 more First Nations peoples who have a Will in place to prepare for the future, with the hope to provide certainty to their families about their wishes. Clients who participated travelled far and wide to visit us! We had amazing support from Barkuma Neighbourhood Centre at Kurri Kurri, with 6 First Nations Elders attending via mini-bus to participate. We even had clients travel from Wauchope! Legal services aside, everybody enjoyed some morning/afternoon tea of Lemon Myrtle Cupcakes, and Wattleseed and Davidson Plum brownies. Most importantly everyone had a fantastic time visiting NUspace, it was just buzzing with energy all day! A special thank you to the amazing solicitors Sarah, Shaun, Nichola and Lisa, along with the wonderful and enthusiastic students who assisted throughout the day.

ACTIVITY HIGHLIGHTS

GOSFORD OUTREACH CLINIC

The Clinic provides 'pop up' legal services one day a fortnight at the Australian Taxation Office (ATO) in the Gosford CBD. This is a much needed addition to the Central Coast area, which is home to a high proportion of older people: 21 per cent of the population on the Central Coast are aged over 65 years compared with 16.3 per cent of the NSW population and 15.7 per cent of Australia's total population. Thanks to the support of the ATO, more individuals on the Central Coast have been able to access legal services in a timely and efficient manner.

OUTREACH AND COMMUNITY LEGAL EDUCATION ACTIVITIES

The Clinic has been involved in a range of stakeholder events and community initiatives throughout the year, including shopping centre and club visits where the profile of the Clinic was raised. The centres and clubs attended were at the following locations:

- **Dementia Australia, *Hamilton***
- **Grainery Church, Older People Planning ahead**
- **University of Newcastle Tax information for older persons with the Business School at the Newcastle Library**
- **Hunter Women's Centre, presentation delivered on offering free legal advice, family laws, wills**
- **Updating the 'Know the Law' app**
- **Hunter Ageing Alliance**
- **Liaison with Social Work Discipline at the University of Newcastle, Callaghan**
- **Community Legal Education Seminar, *Belmont***
- **Community Legal Education Seminar, *Toronto***

OUR CLIENTS

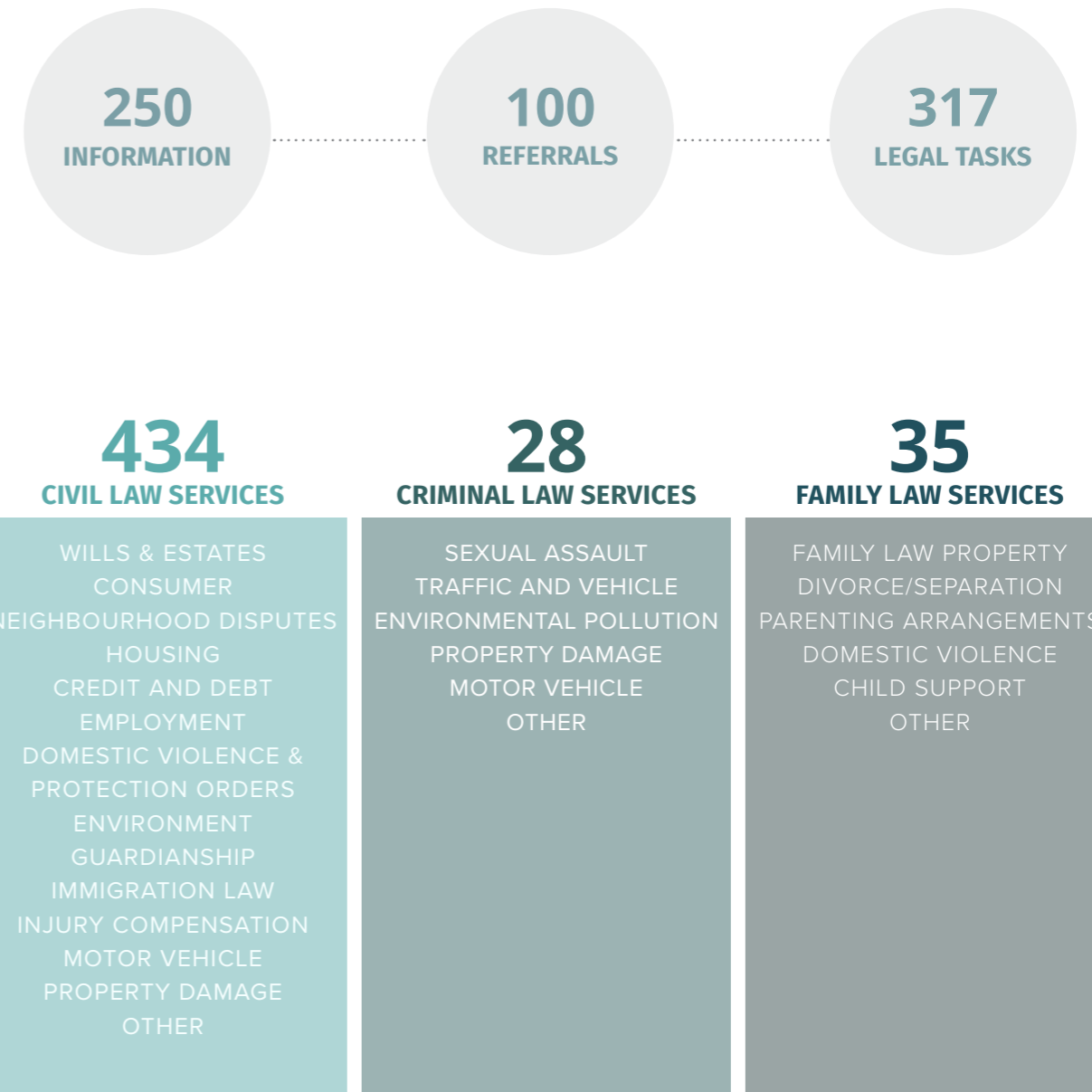
CASE HIGHLIGHTS:

A client attended the clinic seeking assistance on the terms of the sale of her property within a Retirement Village. There was a lack of transparency by the Operator about the fees that the client would pay when the property is sold and under the terms of the Agreement. We reviewed the Agreement for the client and wrote to the Operator on behalf of the client requesting a report detailing the fees for the sale of the property. We were able to assist by liaising with the Operator to confirm what fees the client would be required to pay. The client was thankful for the assistance from OPLC with understanding the terms of the Agreement.

A client attended the clinic seeking advice on how to lodge proceedings with NSW Civil and Administrative Tribunal to review a decision to remove her foster child. The child has been living with the client and her family for most of the child's life and was removed without explanation to the client. After reviewing an extensive amount of documentation and correspondence with the foster care services, we provided detailed advice to the client to assist with the upcoming proceedings. The client was thankful for the assistance and support during a difficult time.

In 2023, the Older Persons Legal Clinic provided legal advice to **511** clients in total.

Assistance was also provided through:



OUR STUDENTS

The Legal Centre has around 160 law students undertaking its clinical legal education program each year who are placed at the University of Newcastle Legal Centre. Clinical legal education is a method of teaching and learning the law that combines traditional classroom study with practical, real-world training. Through the Legal Centre's program, students put their knowledge into practice, assisting real clients with their real legal issues. This experience means that students graduate with vital professional skills and are career ready.

As part of their legal education, students have the opportunity of working with clients in the Older Persons Legal Clinic. Activities undertaken include supervised advice, client interviewing, advocacy, making referrals and drafting legal documents. This is transformative for many students who then graduate with an understanding of the disadvantage facing some individuals and the challenges posed by our legal system in terms of access to justice.

We are proud of our wonderful students and their commitment to giving back to the community. Thank you to everyone who participated in the clinical program over the last year and we wish you all the best for the future.



STUDENT REFLECTIONS:

"I was very fortunate to be placed with the Older Persons Legal Centre as the volume and variety of legal work consolidated my JD learning. This included a company law matter (regarding a SMSF), some Administrative Law cases (regarding foster care and aged care – the latter using my previous research in a Corporate Power & Accountability course), as well as contract disputes and disputes regarding statutory obligations and rights. I completed interviews, file-notes, physical files and drafting of Wills, Enduring Guardianship and Power of Attorney, an OPLC scams brochure, as well as research with/without draft letters regarding guardianship and estate disputes, rental tenancies, debt collection, strata, Victim's Support Scheme and others. A debt collection matter was almost a summary of the Civil Dispute Resolution course, from statement of claim to enforcing judgment, and it was a creative challenge to research how to help the client ultimately collect his debt.

I learned, from my mentor Nichola Stodart, how to interact and understand clients with trauma (compassion while maintaining boundaries and refocusing the client).

I gained an awareness of the many vulnerable clients OPLC has and how valuable the service UNLC provides for social justice. I learned about the many organisations and services available to the vulnerable in the community, through working in the OPLC. I am deeply grateful for this experience that provided learning on many levels within such a supportive collegiate environment."

Rebecca Trowbridge

"I was privileged to do some of my practical legal training at the Older Persons Legal Clinic in 2023. My work involved interviewing clients, legal research, drafting documents and preparing correspondence.

Our clients say they appreciate the relaxed, informal atmosphere of the Clinic, which is especially important when dealing with potentially confrontational issues, such as end-of-life documents. It is in this area that the Clinic's solicitor really makes a difference by providing information and legal advice, based on the client's situation. It was from these discussions that I learned the most while 'on the job', about the implications of various decisions and how they intersect."

Hermione Cannon

FIRST NATIONS CADETSHIP PROGRAM

OPLC participated in the First Nations cadetship program auspiced by NSW Community Legal Centres. The program assists Aboriginal and Torres Strait Islander university students to gain valuable work experience in community legal centres. The program aims to support students' professional development, boost the representation of First Nations people in the community legal sector, and increase access to justice in NSW.

Tonyka Jamieson is an Awabakal woman from Lake Macquarie NSW, who has now completed her Juris Doctor at the University of New South Wales. During her placement, Tonyka commented:

"I am fortunate to be undertaking my first 6-month rotation at the University of Newcastle Legal Centre. I am loving it! Everyday I am there, I am doing different tasks and learning different things. It is wonderful to finally be able to put the skills and knowledge acquired throughout my degree into practice, and further develop these skills to assist me in getting ready for a legal career once graduated."

With a previous background in social welfare, working in a community legal centre provides me with the opportunity to combine this with legal services. Many clients who visit the centre are impacted by a range of factors, often outside the legal realm. Working within a community legal centre has given me the ability to combine my background in social welfare, and my legal studies to support vulnerable clients as much as possible!"

- Tonyka Jamieson



FINANCIAL REPORT

INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2023

	2023 \$	2022 \$
Income		
CLSP Income - State	243,600	235,993
Carried Forward Balance	500	-
Other CLCP-Related Income	5,000	-
Deficit Funding - Newcastle Law School	-	2,405
	<u>249,100</u>	<u>238,398</u>
Expenditure - Salary Related		
Academic Salaries & Oncosts	(169,153)	(175,847)
Administrative Salaries & Oncosts	(74,001)	(49,641)
Expenditure - Non Salary		
Employee Related	(6,234)	(3,950)
Consumables	(287)	(374)
Services	(1,100)	(1,441)
Travel and Motor Vehicle	-	-
Student Support	-	-
Utilities	(80)	(169)
Equipment and Materials	-	(4,431)
	<u>(250,855)</u>	<u>(235,493)</u>

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2023

	2023 \$	2022 \$
ASSETS		
CURRENT ASSETS		
Funds at Call - The University of Newcastle	-	500
TOTAL CURRENT ASSETS	<u>-</u>	<u>500</u>
TOTAL ASSETS	<u>-</u>	<u>500</u>
LIABILITIES		
CURRENT LIABILITIES		
Funding - Newcastle Law School	1,755	-
TOTAL CURRENT LIABILITIES	<u>1,755</u>	<u>-</u>
TOTAL LIABILITIES	<u>1,755</u>	<u>-</u>
NET ASSETS	<u>(1,755)</u>	<u>500</u>
SURPLUS		
Net Surplus/(Deficit)	(1,755)	500
NET SURPLUS/(DEFICIT)	<u>(1,755)</u>	<u>500</u>

CHAIRPERSON'S DECLARATION

The chairperson of the organisation declares that the financial statements, for the year ended 30 June 2023:

- comply with Accounting Standards; and
- give a true and fair view of the financial position at 30 June 2023 and of its performance for the year ended on that date.

Chairperson: Susan Norgard
Ms Susan Norgard

Director UNLC: Mr Shaun McCarthy
Mr Shaun McCarthy

Dated this 1st day of November, 2023

ADVISORY COMMITTEE

The Older Persons Legal Clinic is very grateful for the expertise and contribution made by our Advisory Committee members. The Committee met three times in the last 12 months and provided valuable strategic guidance to the Clinic during this period. The composition of the Advisory Committee is:

Sue Norgard Chair and *Community Member*

Felicity Wardhaugh *Mullane & Lindsay*

Professor Tania Sourdin *Dean and Head of School, Newcastle School of Law and Justice*

Shaun McCarthy *Director, University of Newcastle Legal Centre*

Professor John Anderson *Newcastle School of Law and Justice*

Julie Hughes *Legal Practitioner, Older Persons Legal Clinic*

Nichola Stodart *Legal Practitioner, Older Persons Legal Clinic*

Jonathon Spencer *Australian Taxation Office*

Loren Collyer *University of Newcastle*

ACKNOWLEDGEMENTS

Between 2022 and 2023 the Older Persons Legal Clinic received income and grants from:

NSW State Government

University of Newcastle School of Law and Justice, College of Human and Social Futures

University of Newcastle

The Older Persons Legal Clinic would like to acknowledge:

The Australian Taxation Office for providing significant support and office space at their premises for our pop-up Gosford clinics

Our Advisory Committee for providing guidance and expertise during the past 12 months

The volunteer solicitors who provided their time and legal knowledge pro bono to staffing our clinics

Newcastle legal profession for being ever-ready to receive referrals and for their ongoing support of our activities

Staff of the Newcastle School of Law and Justice and the University of Newcastle Legal Centre

Students at the University of Newcastle School of Law and Justice and University of Newcastle Legal Centre

College of Human and Social Futures at the University of Newcastle




The OPLC wishes to thank the NSW State Government, Legal Aid NSW and the Community Legal Centres Program team for their ongoing support.

Contact Us:

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 www.newcastle.edu.au/older-persons-legal-clinic