

annual

Youthlaw Annual Report

for the Year Ended 30 June 2004

report



About Youthlaw

About Youthlaw

Youthlaw is Victoria's state-wide young people's community legal centre and began operations on 1st October 2001. Youthlaw works to achieve systemic responses to the legal issues facing young people, through casework, policy development, advocacy and preventative education programs.

Youthlaw is based at Frontyard Youth Services in central Melbourne. Frontyard consists of an integrated team of collocated services that work collaboratively to address the needs of young people at risk, including accommodation, financial, legal and health needs.

Youthlaw provides free and confidential legal advice for young people under 25 years. Monday-Friday 2-5pm (no appointment needed), and Wednesday evenings 5.30-8pm (no appointment needed). Other services Monday-Friday 9am-5pm.

Youthlaw, At Frontyard, 19 King Street, Melbourne VIC 3000
Tel 9611 2412 Fax 9620 3622
Email info@youthlaw.asn.au

www.youthlaw.asn.au

Questions

We can answer questions about:

- Public transport – dealing with transit police, inspectors and fines
- Police – your rights on the street, going to Court, what to do about unfair treatment
- Security guards – when can they search you and your bags?
- Alcohol and drugs – smoking, marijuana. What does the law say?
- Family issues – your parents are breaking up, who listens to you?
- Violence or abuse at home or in a relationship – How can the law help?
- Schools – suspension, expulsion, harassment from other students
- Discrimination – what is it, when is it unlawful and what can you do about it?
- Financial support – what if Centrelink says you are not eligible for benefits, cancels your benefit or claims that you owe them money?
- Working – do young casual workers have any rights?
- Debts – do mobile phone debts go away if I ignore them? Do I have to pay?
- Relationships – laws about sex, becoming a young parent and moving out



Annual Report

2003 - 2004

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Chair's report

Chair's Report

Youthlaw's output continues to far exceed realistic expectations for the low level of resources allocated to us. Youthlaw survives with only limited government funding, topped up by the generous contribution of Blake Dawson Waldron and short-term project funding from various philanthropic sources. Our challenge over the next 12 months is to secure expanded recurrent government funding to levels of organisational sustainability for community legal centres.

Youthlaw's partnership with Blake Dawson Waldron has continued to flourish. It is a tribute to Youthlaw's significant work since our establishment almost three years ago that BDW has continued supporting Youthlaw through its pro bono program. Whilst the private profession continues to advocate for expanded legal aid funding, including for children and young people, we have continued to work with the BDW pro bono program to find new ways to use the resources and expertise of the private profession in our service delivery.

Youthlaw continues to consolidate our home at Frontyard Youth Services in central Melbourne. The rewards and challenges of working with high profile services from different disciplinary backgrounds provides opportunities for collaborative partnerships that can address young people's issues in an holistic way.

The role and effectiveness of Youthlaw is closely tied to that of our colleagues in community legal centres in Victoria and nationally. Youthlaw's commitment to community law is shown in our significant contribution to the sector and its development through active involvement in various networks around policy issues affecting young people throughout Victoria and Australia.

Our substantial achievements are only possible thanks to the tireless work and commitment of Youthlaw's staff, volunteers, project partners and the significant in-kind assistance provided by BDW. Thanks also to my colleagues on the Committee of Management, who, on behalf of our members, keep us all on track.

Last but not least, thanks to the young people who have contributed to the work of Youthlaw, as members of our Youth Action Group, as managers, in consultations, as active clients and through our community education work. We hope that the continued development of our youth participation policy will see greater involvement by a greater diversity of Victoria's young people.



Gavin Green

Chair, Committee of Management

Legal advice & casework

Legal Advice and Casework

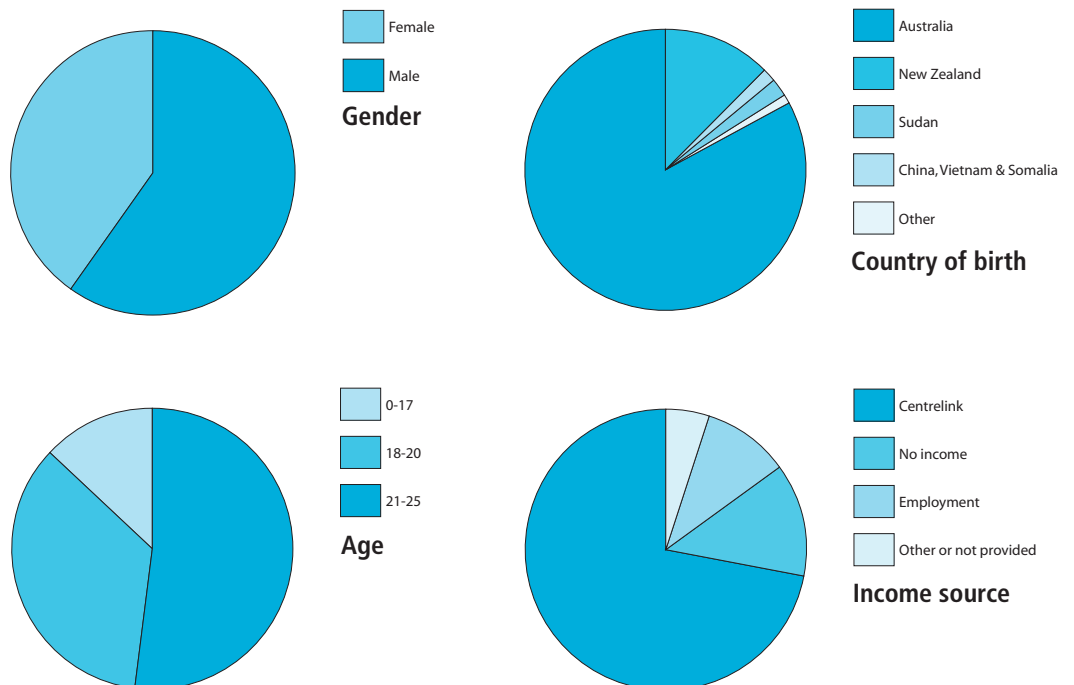
Objective – To provide high quality, free and accessible legal advice and casework services to young people aged up to 25 years of age and to assist in the development of a network of lawyers and legal advocates who regularly act or advocate for children and young people, by providing research, training and policy development in matters of children and young people’s rights.

Youthlaw Achievements 2003/2004

- Legal information and referral by email and telephone = 583
- Legal advice provided face to face = 163
- Cases conducted = 231
- Number of clients assisted = 698
- Total number of contacts with clients = 3205
- Cases opened = 163

Profile of clients

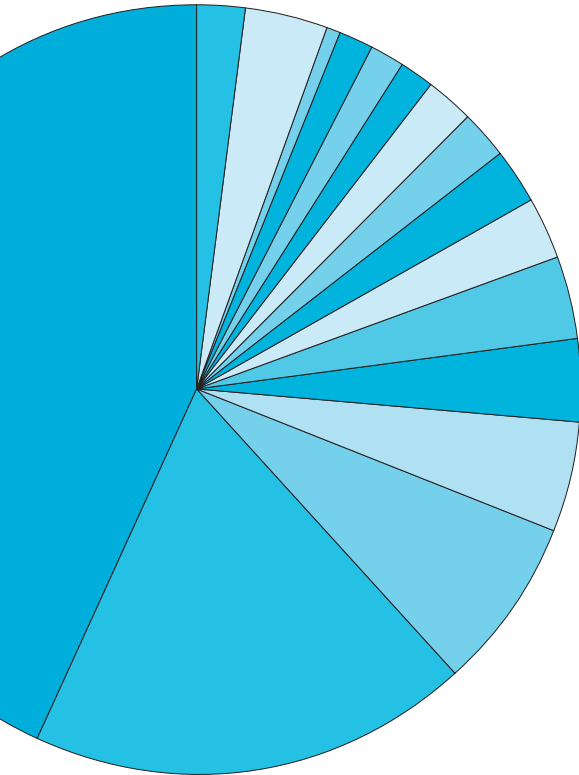
Profile of Clients



Law area

Law Area

(Total number of 345)



- Crime = 149 (43%)
- Fines = 64 (19%)
- Debts = 25 (7%)
- Intervention orders = 16 (5%)
- Police complaints = 12 (3.5%)
- Family law = 12 (3.5%)
- Employment = 9 (3%)
- Motor vehicle accidents = 8 (2%)
- Crimes Compensation = 7 (2%)
- Education law = 7 (2%)
- Centrelink disputes = 5 (1.5%)
- Tenancy = 5 (1.5%)
- Discrimination = 5 (1.5%)
- Child Protection = 2 (0.5%)
- Other Civil (including contracts, defamation, copyright) = 12 (3.5%)
- Miscellaneous = 7 (2%)

Case Studies

Case Studies

Mobile phone debt

Jacinta, a 20-year-old client with limited grasp of written English, received a letter of demand from a telecommunications company demanding payment of a debt of over \$1,500 under a mobile phone contract. Jacinta said her friend Kumar was liable for the debt, the amount of which was disputed. Jacinta signed the contract with Kumar on the understanding that that she was signing jointly for the phone. Jacinta also told the company representative at this time that the mobile phone was for Kumar and not for her. Kumar agreed that she was liable for the debt and provided a statutory declaration stating this. Youthlaw wrote to the company, asking that the debt be transferred to Kumar's name and be reduced to reflect the monthly bills. The mobile phone company refused. We then filed a complaint on Jacinta's behalf with the Telecommunications Industry Ombudsman ("TIO"). The mobile phone company promptly agreed to transfer the account and the accrued debt to Kumar, and reduced the amount of the debt to the correct amount.

Police prosecution

Mick, 23, overheard police threats to a courier to charge him with further offences should he question why he was being charged. When passing the scene, Mick made a comment "I heard that". This resulted in Mick himself being charged with hindering police and resisting arrest. He contested the charges. Mick was not eligible for legal aid to cover the costs of running the case in court. When the matter proceeded to a contested hearing, we briefed a barrister on Mick's behalf. The charges were subsequently dismissed and Mick received costs. Youthlaw and the barrister were awarded their costs.

Centrelink appeal

Jethro, 17, sought assistance from Youthlaw regarding an alleged debt owed to Centrelink for overpayments made to him. Centrelink said that he was not entitled to these benefits as he had ceased studying fulltime during the time of payment. Jethro instructed Youthlaw that he was not able to study because of a medical condition. Youthlaw assisted Jethro to appeal this decision to an Authorised Review Officer and upon production of Jethro's medical certificate and the school's attendance register for the relevant time, and submissions in support, the debt was waived.

Public Transport fines

Georgina, 19, had been diagnosed with Bipolar Disorder and Borderline Personality Disorder. Georgina had accrued over \$1,000 in Public Transport Corporation (PTC) Fines by the time she came to see Youthlaw. We assisted Georgina to dispute these fines in "open" court on the basis of her mental illness, which is the only basis upon which the "special circumstances" provisions apply. We obtained a report from Georgina's treating psychiatrist, which was provided to the Enforcement Review Officer at Melbourne Magistrate's Court (MMC). This evidence led to the fines being revoked from the PERIN Court due to special circumstances. The MMC then heard the case and Georgina was placed on an Undertaking to be of good behaviour for three months rather than being forced to pay the \$1000 or do unpaid community work, which would have been the outcome in the PERIN system.

Community education

Community Legal Education

Objective

To raise the level of understanding amongst young people, their advocates and the broader community in Victoria about how the law affects young people and their rights and obligations.

Key achievements 2003/2004

Youthlaw has conducted numerous sessions with young people and workers across Victoria about legal issues facing young people. A total of 53 sessions were conducted, with a total of 1374 attendees at various schools, TAFEs, community centres and at forums organised by local government and community legal centre workers.

Major projects

- **Educators Kit Project** – Youthlaw has been working with Victoria Legal Aid throughout 2003-04 on a significant project to develop an Educators Kit designed to improve young people's understanding of their legal responsibilities, to broaden their awareness of their legal rights, and to bring to their attention resources and organisations that may assist them in resolving legal issues. The kit will be used by school teachers of students in Years 9 and 10 and educators working in community settings such as Community Legal Centres, youth residential facilities and financial welfare organisations. The kit will use a range of teaching strategies to enhance young people's learning, such as research activities, role-plays and games. The kit should be available in mid 2005.
- **Centrelink Appeals Postcard** – Youthlaw, in conjunction with the Welfare Rights Unit and the Federation of Community Legal Centres, obtained funding to develop and distribute a bi-fold postcard that combines both information on rights when dealing with Centrelink, and a proforma that people can complete, detach and send to Centrelink to lodge an appeal. The postcard will be launched in October 2004.
- **MacKillop Peer Education Project** – Youthlaw conducted a project with MacKillop Family Services, Western Education Support Team, to train 6-8 young people currently involved in the Child Protection system to become peer educators in relation to legal rights and responsibilities across a range of legal issues.

- **Youth Referral and Independent Persons Program** – Youthlaw has continued as the Federation of Community Legal Centres representative in the development and implementation of this program. YRIPP aims to work with and improve the existing system of Independent Person support provided to young people (under 17) who are being questioned by police about potential criminal charges. The project also aims to divert young people, primarily refugee and newly arrived young people, from progressing to higher levels of the criminal justice system, based on culturally appropriate referral processes at the point of police interview. Youthlaw has provided significant legal expertise to the development of the Volunteers Manual and Training Program, as well as being the link for community legal centres to this project, one of the most significant new initiatives for young people in police custody.
- **ChangeXchange** – Youthlaw has been involved in the pilot phase of this project, funded by the Reichstein Foundation. ChangeXchange has developed a practical and innovative training package for community organisations and campaigns, non-profit organisations and individual activists aiming to affect social, economic and environmental change.
- **Footpatrol** – Youthlaw through Blakes volunteers, has regularly worked with the mobile Footpatrol workers (who provide information and support to intravenous drug users in the CBD). Volunteers provide legal information “on the streets” to Footpatrol clients, providing a valuable adjunct to the work of the Footpatrol.

Contributions to projects of other organisations and journals

- Contributions to various legal education publications of Victoria Legal Aid, RMIT Union Legal Service, Berry Street and Fitzroy Legal Service.
- Articles in relevant journals and presentations at conferences including Lawyers Weekly, YACVic News, CMYI News, The Big Issue, Young Lawyer’s Journal of Law Institute of Victoria, VCOSS, National Community Legal Centre Conference, State Community Legal Centre Conference and Australian Drug Foundation.

Use of the media

- **SYN FM** – Youthlaw has presented a regular show on legal issues affecting young people on SYN FM.
- Ongoing use of the mainstream media, for example, to highlight the adverse effects of the volatile substances legislation on young people.

Policy, research & law

Policy, Research and Law Reform

Objective

To clarify or further the legal rights of children and young people, bring about changes to laws, policies and practices to advance the interests of young people in Victoria and promote the implementation of the United Nations Convention on the Rights of the Child ("UN CROC") in Victoria and the recommendations in Seen and Heard (1997).

Youthlaw achievements in 2003/2004

Youthlaw has worked towards positive law reform / policy change in a number of key areas and has been involved in 35 law reform and legal policy projects.

Law reform submissions – responding to inquiries

- **Child Protection** – Youthlaw has dedicated policy resources to the current Victorian government child protection inquiry, including through non-government and government networks and preparing submissions, to ensure that the current inquiry incorporates principles and practises reflecting the UN Convention on the Rights of the Child.
- **Volatile Substances** – Youthlaw initially advocated to stop the passage of legislation which gives new powers to police to deal with volatile substance abuse amongst young people. Upon passage of the legislation, Youthlaw advocated to minimise the negative impacts of the implementation of these powers on young people, including involvement on the Volatile Substance Abuse Protocols Advisory Committee.
- **Schools** – Youthlaw has been involved in advocating for young people's rights to the Victorian Curriculum Assessment Authority, seeking positive reforms and incorporating principles of natural justice in processes dealing with alleged "VCE cheats".

Ongoing law and policy reform work about the following issues

- **Juvenile Justice** – We continue to agitate for lifting the jurisdiction of the Children's Court from 17 to 18 years old and seeking legislative change to allow Youth Training Remands of 18-21 year olds.
- **United Nations Convention on the Rights of the Child Project** – Youthlaw held a series of roundtables in conjunction with the Youth Affairs Council of Victoria to raise awareness around the Convention in practice and seek information about levels of compliance with the Convention in Victoria. The Project provided compliance information to the UN CROC shadow report and support for developing a youth participation model for UN CROC awareness raising / ongoing compliance monitoring.
- **Children and Young Persons Commission Coalition** – We continue to work as part of a Coalition of organisations, towards the establishment of a Children and Young Persons Commission in Victoria, according to the YACVic model outlined in Are You Listening to Us?

- **Fines system** – We continue to seek greater flexibility in the PERIN system to deal with special needs of young people particularly those at risk and those from disadvantaged backgrounds.
- **Privatised Passenger Transport** – Youthlaw continues to advocate for improvements to the treatment of young people for ticketing / behaviour offences on the transport system, including promoting alternatives to issuing infringements.
- **Public Space** – We are exploring legal and educative options to improve young people's access to public space, including shopping centres policed by private security and closed circuit camera systems.
- **Bail exclusion zones imposed by police in the Melbourne CBD** – We are advocating changes to police practise and education to review the extent of current practice and its impact on young people, and to encourage young people to appeal onerous bail conditions.
- **Policing issues and young people** – We continue to work towards improving relations between police and young people in public places.
- **Schools** – We advocate for principles of natural justice to be applied in disciplining children and young people within the education system.

Regular meetings and networking

- National Youth Advocates Network
- National Children's and Youth Law Centre Board
- Children and Youth Issues, Human Rights and Welfare Rights / Social Security Working Groups of the Federation of Community Legal Centres
- Human Rights Committee of the Law Institute of Victoria
- National Steering Committee – Shadow Report on UN CROC
- Police and Service Providers Forum, City of Melbourne
- Youth Services in the CBD Network
- Refugee Young People and Justice Issues Working Group of Department of Immigration, Migrant and Indigenous Affairs

Youth participation

Youth Participation

Objective

To promote opportunities for participation by children and young people in Youthlaw's work and strategic direction setting.

Our policy

Youthlaw is committed to the principle of youth participation. This is a multi-faceted concept extending well beyond mere consultation. Youth participation means involving young people in decision-making processes of the Committee of Management, initiating and supporting Youth Action Teams and directly involving young people in key policy formulation and project implementation.

Meaningful participation assists young people in developing leadership capabilities. This is the key difference between participation and consultation. Participation means that adults devolve a degree of power to young people so that they can influence the decisions that affect them. Consultation gives young people less influence because adults ultimately make the decisions. Meaningful participation involves:

- Raising young people's awareness of the social, political and economic issues affecting them
- Providing young people with ongoing support
- Providing young people with a sense of belonging and ownership in relation to decision-making
- Providing young people with a sense that their participation is valued
- Providing adequate resourcing including time, space, funding and information
- Acknowledging the contribution of young people (e.g. reimbursement of costs); and
- Acknowledging some of the barriers young people may face (e.g. timing of meetings) and modifying or removing these barriers

Participation should become part of the organisation's 'culture' and be discussed by the Committee on an ongoing basis, for example, by including youth participation as a standing agenda item.

Youthlaw achievements 2003/2004

- **Committee of Management** – Youthlaw has supported two young people to attend and contribute as members of the Committee of Management.
- **Youth Action Group** – Youthlaw has recruited and resourced a group of 6 young people as the inaugural members of the Youthlaw Youth Action Group. Training and mentoring has been provided to support the Youth Action Group to plan, develop skills and run a law reform / social justice campaign about issues faced by young people within the community. Legal research and resourcing has been provided by a volunteer law student and a liaison has been provided by the young people active on the Committee of Management.

Sustainability

Organisation Sustainability

Objective

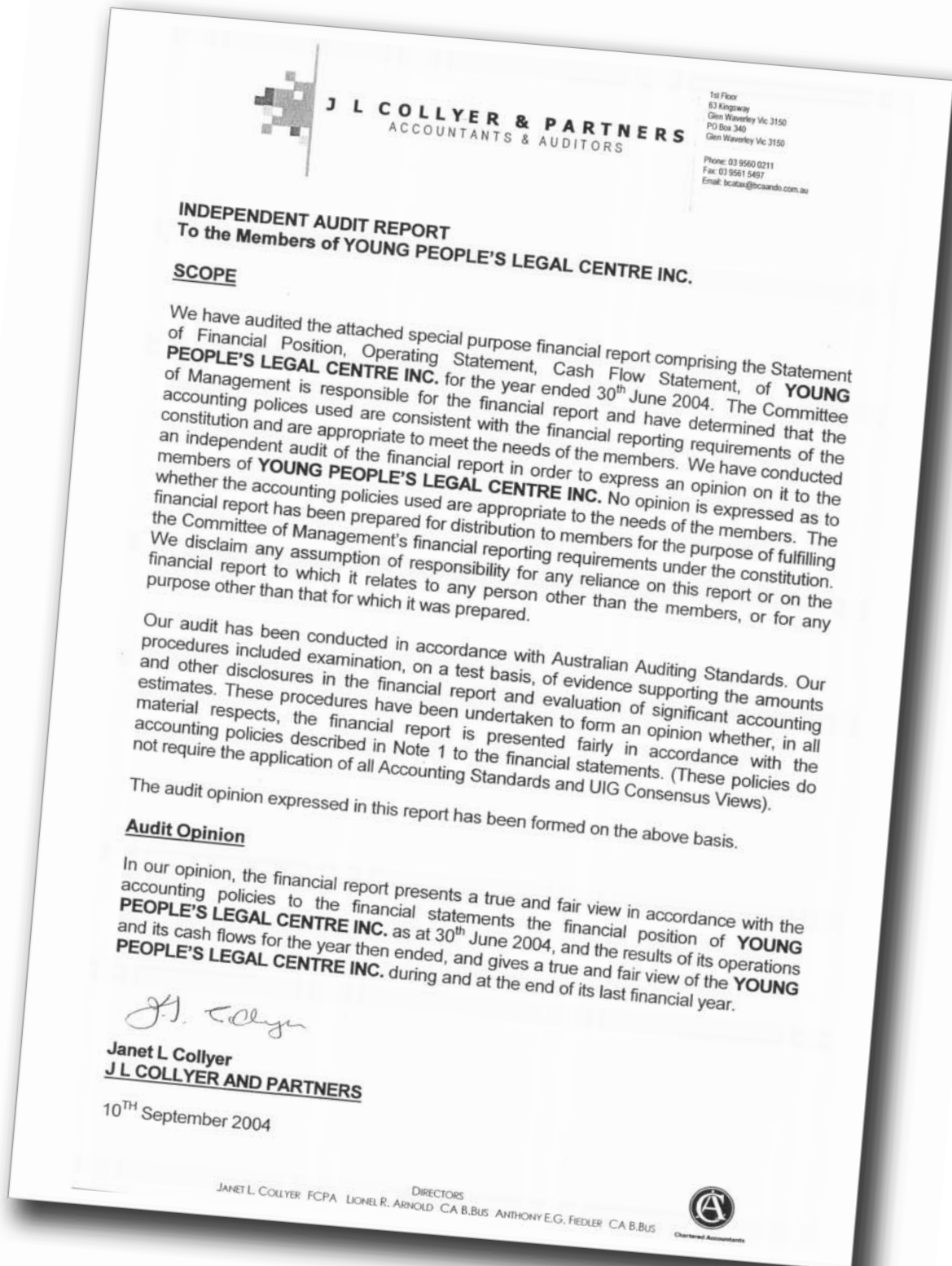
To ensure the long term financial viability of Youthlaw and to ensure that Youthlaw is able to operate efficiently and effectively on a day to day basis.

Youthlaw achievements 2003/2004

- Fulfilment of obligations under the service agreement with Victoria Legal Aid for State and Commonwealth funding, including compliance with service standards, progress reporting and activity targets.
- Staff and volunteer recruitment, training and support – regular work reviews of staff, attendance at regular professional training and relevant conferences, conduct of volunteer recruitment, induction and training.
- Sector networks – contribution to regular youth and legal sector development groups such as General Meetings of the Federation of Community Legal Centres & City of Melbourne service provider forums.
- Development of the Frontyard integrated service delivery model – contributions to Frontyard planning days, Team Leader and Service Management Forums and development of shared assessment and referral systems.
- Installation and implementation of CLSIS – new client database and information system used by community legal centres across Australia.
- Increase in Youthlaw's active membership.
- Continued work towards obtaining adequate recurrent funding from the government for our core services.
- Ongoing collaboration with Blake Dawson Waldron through active involvement of BDW lawyers (as secondees and evening legal clinic and Footpatrol volunteers) and administrative staff, to ensure a sustainable and productive relationship with Youthlaw. This relationship also provides BDW with an opportunity to participate meaningfully in the work of community legal centres.

Youthlaw Financial Reports

Audit Report





Annual Report

2003 - 2004

Statement of Financial Position As at 30 June 2004

	2004 \$	2003 \$
EQUITY		
Committed Fund	82,195	79,943
TOTAL EQUITY	<u>82,195</u>	<u>79,943</u>
Represented By:		
CURRENT ASSETS		
Petty Cash	11	—
Macaulay Credit Co-op S1 A/C	1,024	975
Macaulay Credit Co-op S30 A/C	<u>98,501</u>	<u>85,325</u>
	99,536	86,300
NON CURRENT ASSETS		
Office Furniture & Equipment	13,143	13,143
Less Accumulated Depreciation	<u>5,630</u>	<u>2,532</u>
	7,513	10,611
	<u>7,513</u>	<u>10,611</u>
INVESTMENTS		
Shareholdings	<u>5</u>	<u>5</u>
	5	5
TOTAL ASSETS	<u>107,055</u>	<u>96,916</u>
CURRENT LIABILITIES		
Provision for Annual Leave	12,293	8,752
Provision for Long Service Leave	5,037	2,925
GST Payable	1,365	1,346
PAYG Payable	5,246	3,376
Superannuation Payable	<u>918</u>	<u>574</u>
	24,860	16,973
TOTAL LIABILITIES	<u>24,860</u>	<u>16,973</u>
NET ASSETS	<u><u>82,195</u></u>	<u><u>79,943</u></u>



Annual Report

2003 - 2004

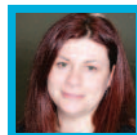
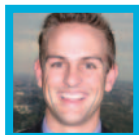
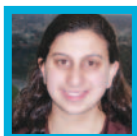
Statement of Financial Performance for the Year ended 30 June 2004

	2004	2003
	\$	\$
INCOME		
Interest Received	3,881	2,099
Blakes' Donation	70,000	70,000
Fundraising/Donation	–	100
Costs Recovery & Retained	2,480	3,659
Community Legal Education	1,588	381
Other Revenue	–	38,653
Government Subsidies	94,567	69,139
	<u>172,515</u>	<u>184,031</u>
EXPENDITURE		
Accountancy Fees	1,254	1,425
AGM Expenses	771	–
ASC Lodgement Fees	35	63
Audit Fees	1,148	122
Bank Charges	180	37
Client Disbursements	115	1,354
Depreciation	3,098	2,532
Employees' Amenities	249	203
Equipment Purchases	1,162	–
Leave Provision Adjustments	5,653	5,223
Insurance	1,772	1,006
Library	1,289	462
Light & Power	–	153
Moving Expenses	–	438
Memberships	386	1,524
Projects	500	–
Practicing Certificate	714	400
Postage	583	570
Printing	3,369	999
Publicity	–	609
Rent	5,650	31,200
Repairs & Maintenance	851	345
Salaries	121,277	96,141
Security Costs	–	4
Staff Recruitment	315	91
Staff Training	958	2,007
Stationery/Photocopying	641	1,256
Sundry Expenses	541	676
Superannuation Contributions	12,112	7,547
Telecommunications	4,826	9,681
Travelling Expenses	144	863
Workcover	671	476
	<u>170,263</u>	<u>167,405</u>
OPERATING PROFIT	<u>2,252</u>	<u>16,626</u>

Committee

Youthlaw Committee of Management

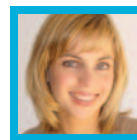
- Gavin Green, Chair
- Andrew Dodds
- John Finlayson
- Michael Apout
- Zeinab Fakih
- Georgie Ferrari
- Victoria Graham, Treasurer, (appointed by Blake Dawson Waldron)
- Rob Craig (appointed by Blake Dawson Waldron)
- Belinda Lo (appointed by Federation of Community Legal Centres)
- Carol Ransley, to September 2003
- Robyn Hamilton, to September 2003
- Natalie Bannister (appointed by Blake Dawson Waldron), to March 2004
- Phil McKeiver, Treasurer, (appointed by Blake Dawson Waldron), to September 2003



Staff

Youthlaw Staff

- Sarah Nicholson, Director
- Anna Radonic, Principal Solicitor
- Naomi Brown, Advocacy & Human Rights Officer from September 2003
- Beth Dolan, project worker Educators Kit from January 2004
- Maree Vaughan, Reception/Administration worker, September 2003 – March 2004
- Simon Ellis, BDW secondee solicitor to October 2003
- Will Crawford, BDW secondee solicitor from October 2002 to March 2004
- Amelia Macknay, BDW secondee solicitor from March 2004
- Kristen Hilton, Locum Solicitor, 2004



Volunteers

Youthlaw Volunteers

- Meghan McBain, BDW, desktop publishing
- Elaine Brown, BDW, IT support
- *Legal volunteers (BDW)* – Will Crawford, Fiona Hammond, Phil Sharp, Amelia Tooher, Alec White, Nik Dragojlovic, Kimberley Pritchard, Tom Cordiner, Michael Paphazy, Merinda Logie, Cathy Pappas, Sophie Osborn, Robyn Sweet, Niti Gupta, Jeremy Tan, Chelsea Gore, Victoria Graham
- *Administration volunteers (BDW)* – Michele Kinder, Amanda Shaw, Caroline Beaumaris, Suzanne Panton, Carmen Debono, Kate Harris, Ros Loveday, Kate Williams, Kate Bartlett

External Support

External Support

- In-kind administration support provided by staff and volunteers at Blake Dawson Waldron
- IT support provided by FINREA Computing Services and in-kind by Blake Dawson Waldron
- In-kind desktop publishing and related marketing support provided by Blake Dawson Waldron
- In-kind stationery supplied by Blake Dawson Waldron
- In-kind casework and policy research support provided by Blake Dawson Waldron

Designed by Meghan McBain,
Blake Dawson Waldron

BLAKE DAWSON WALDRON
L A W Y E R S

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Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230

www.youthlaw.asn.au

Tel 9611 2412 Fax 9620 3622
Email info@youthlaw.asn.au
At Frontyard, 19 King Street, Melbourne VIC 3000

