

WEstjustice

Systemic Impact Report

January – June 2022



WEstjustice

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WEstjustice provides free legal help to people in the Western suburbs of Melbourne. We can help with a broad range of everyday problems. Please call (03) 9749 7720 to find out more about our services or to make an appointment.

WEstjustice

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WEstjustice acknowledges the ancestors, Elders and families of the Kulin nations, who are the traditional owners of Western Melbourne, the country we are located on. As we work to achieve a just and fair society we pay our respects to the deep knowledge embedded within the Aboriginal community and Aboriginal custodianship of Country. We acknowledge this land as a place of age-old ceremonies of celebration, initiation and renewal, and that the Kulin peoples' living culture has a fundamental role in the life of this region.

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Westjustice Vision

Westjustice believes in a just and fair society where the law and its processes don't discriminate against people, and where those in need have ready and easy access to legal education, information, advice, casework services, systemic advocacy and reform.

Westjustice Mission

To service the legal needs in the West in a way that addresses the systemic nature of disadvantage.

ABOUT THIS REPORT

In the [Westjustice Strategic Plan 2020-2023](#) Westjustice committed to reporting regularly on our Systemic Impact work. This is the fifth of the reports.

In 2020-2023, we committed to focusing on the following four priority client groups:

- People from culturally and linguistically diverse communities
- People experiencing family violence or gender-based violence
- Young People
- People experiencing economic injustice.

The full text of those priorities is set out in our [Impact Areas 2020-2023](#). Under each impact area, we have set out the priorities we will focus on.

This report addresses the systemic impact work we have undertaken in line with each of those priorities for the January to June 2022. Across these six months, staff continued to deliver strong legal and policy outcomes for the West as the organisation came back to working on site, adjusting well to the "new normal" and achieving some incredible results for the organisation and the community.

ORGANISATION-WIDE DEVELOPMENTS

Westjustice has had an incredibly successful start to the year with some huge policy and advocacy wins, success in the Victorian state budget, and an increased media presence to become an increasingly trusted voice on issues impacting our communities. This has led to some great outcomes for our clients and communities, made all the more impressive as our staff continue to navigate the uncertainties and stress of the third year of the pandemic. In our advocacy, we have honed the narrative of the systemic and interconnected nature of disadvantage, particularly in the Western Suburbs. We have advocated for good outcomes that address not only the symptoms, but the causes of the causes of disadvantage. Outlined below are the whole-of-organisation highlights for the year, followed by our systemic impact work for Q1 and Q2 by impact area.

- **Fines reform:** Perhaps the best example of advocating for broader systemic change in 2022 is in the fines reform space. This began with a huge win with our ongoing fines advocacy, by working with the Cross Bench to successfully amend the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022 to give toll road operators the power to direct police to withdraw a toll fine at any stage of the process, where the toll road operator has identified hardship. Our own Shifrah

Blustein was even quoted in [Hansard](#) by the Leader of the Opposition for her advocacy on the issue. We then leveraged these wins to broaden our fines advocacy to address the causes of people being fined and the criminalisation of poverty (for example, advocating for better public transport options so people aren't forced to drive on toll roads). CEO Melissa Hardham was featured on the [ABC News Online](#) to discuss the issue, and then co hosted the ABC Conversation Hour with Richelle Hunt to discuss the issue in depth. It was then referenced again by Economic Justice Director Joe Nunweek when he featured on the ABC Conversation Hour the following month. We will continue to leverage our policy wins in this space to advocate for better outcomes for our communities.

- **ABC Melbourne Conversation Hour appearances:** Westjustice has now made multiple appearances on the ABC Conversation Hour with Richelle Hunt this year, to share key issues that impact the West and solidify our position as a voice on these issues. This includes Economic Justice Program Manager, Dacia Abela, discussing [Restoring Financial Safety](#); CEO Melissa Hardham discussing [fines reform](#); Legal Director of Economic Justice, Joe Nunweek, and Legal Director of Mortgage Stress Victoria, Matthew Martin, discussing [cost of living pressures](#); and Legal Director of the Youth Law Program, Anoushka Jeronimus, and Program Manager, Angus Woodward, on youth [crime prevention](#).
- **Travel Assistance Program:** We made a comprehensive 2022 Budget Submission, supported by engagement with a suite of government departments and the Attorney General, and a series of social media posts to promote the impact of our programs. We worked with VCOSS to lobby for the Government to fund the DOT to take our successful Travel Assistance Pilot state-wide in the Victorian state budget. This advocacy was successful, with the government committing to program establishment and running costs over three years. This will provide pre-paid public transport to students experiencing financial hardship or crisis such as family violence and homelessness. It is hoped that the provision of pre-paid public transport will support students to improve their school attendance and access important appointments, as occurred in the pilots. Our CEO was featured on [Channel 7 News](#) to discuss the announcement.



- Mortgage Stress Victoria: The Mortgage Stress Victoria (MSV) team has expanded the Mortgage Wellbeing Service into a Victorian-wide mortgage stress service. The service opened its doors on 26 April and in its first month assisted 27 clients with a total of 68 cases. Interestingly, they are seeing many clients with notices to vacate and legal proceedings in chain, but have managed to stop all evictions of clients who were facing eviction into insecure housing. The service has been growing in name and demand, with positive media attention in the face of rate rises and increases in cost of living.



- **Letters to new Ministers with relevant portfolios:** Following the federal election, we wrote to the new Ministers who cover our systemic impacts areas (the Attorney-General, Minister for Employment, Minister for Multicultural Affairs, Minister for Youth, Minister for Financial Services and Assistant Minister for the Prevention of Family Violence) congratulating them on their appointments, and asking for support for Westjustice's work, advocacy and reform priorities in the Ministers' portfolio areas. We raised key issues including:
 - o In the area of gender-based violence, better assistance for migrant and refugee women, better and more immediate financial assistance for victim-survivors, a more comprehensive response to economic abuse, and a coordinated national approach to state/Commonwealth intersecting issues;
 - o In the area of employment law, preventing exploitation and increasing safety for vulnerable workers, ensuring fair wages and protection from wage theft, and introducing fairer unfair dismissal processes;

- o In the area of financial services, more equitable and culturally accessible financial institution responses for those affected by scams, improvements to the Australian Consumer Law and associated legislation to establish strengthened protections for financial products and services, and stronger regulation of Buy Now Pay Later operators to better protect consumers;
- o In the area of multicultural affairs, better education and protection for those on temporary and permanent visas including for migrants who report exploitation and wage theft, the implementation of initiatives to end racism and discrimination including on the basis of visa status, and better protect migrant worker rights to fair remuneration; and
- o In the area of youth affairs, raising the age of criminal responsibility, abolishing and amending junior rates of pay, development a Youth Employment Strategy, ending the school to prison pipeline, and increasing access to HECS and other schemes for New Zealand citizens.

- We hope to be able to meet with some of these Ministers in the coming months to discuss our recommendations.
- **Letters to newly re-elected local federal members of Parliament:** Following the federal election, we also wrote to the federal members in Westjustice's catchment areas – Tim Watts, Daniel Mulino, Joanne Ryan and Brendan O'Connor – to congratulate them on their re-elections and on Labor's election win. We outlined our advocacy priorities for the community and invited them to meet with us in the coming months. So far, we have a meeting with Daniel Mulino scheduled for July at our Sunshine office.
- **Wyndham Justice Precinct Families and Communities Hub:** Westjustice has begun consultations with communities that are either likely to access the new Wyndham courts complex and or who would likely benefit from the establishment of a community hub. The consultations will test the concept of the hub, seek input on core elements of design and service availability within the hub, and seek advice on how to best incorporate community feedback in any model and/or business case we put to government. We have conducted a number of site visits to assess options and are closely engaging with CSV and with DJPR and DJCS. We have engaged a pro-bono architect to mock up a design for us to use in advocacy with government and with communities to visually share our vision for the Hub. This work will ramp up in the coming months, with the aim of including it on our Victorian Election Budget Bid later this year.

- **Instagram:** Westjustice's Instagram page, 'WestjusticeCLC'. has been created and launched, with an initial focus on engaging young people, and already has over 200 followers.
- **Reconciliation Action Plan:** With support from our new consultant, Bonnie Chew of Mirriyu Consulting, we are compiling a report to inform staff and community on how we have responded to our RAP commitments. We will also liaise with Bonnie, the RAP Working Group, and Reconciliation Australia in the coming months to prepare our next RAP, which we expect will be an 'Innovate' stage RAP heavily grounded in the scheme of work identified by our Cultural Safety Audit, which we carried out with the assistance of VACCA in 2021. Westjustice also celebrated National Reconciliation Week and the 30th Anniversary of the Mabo decision (Mabo Day) this year by hosting a lunch and movie viewing for all staff. We also continue to actively engage with the ASNOW network. We were thrilled to see the launch of the Deadly Western Connections website and Westjustice included as a service provider on this website.
- To support, guide and help prioritise the systemic work of the organisation, the Policy and Innovation Program developed the a Strategic Advocacy Framework, a Media and Communications Plan and a new submissions prioritisation process.
 - o The Strategic Advocacy Framework outlines how to prioritise policy and advocacy work under our Systemic Impact Areas and understand policy priorities for resource allocation in 2022. This was prepared in close consultation with each of the teams.
 - o The Media and Communications Plan underpins the Framework to engage clients and stakeholders, promote our work, and the stories and lived experiences of our clients.
 - o The Submissions Prioritisation Process guides staff as to how to decide whether to make an advocacy submission, which program should lead the work, the process for contributing to a submission process including engaging with inquiry commission members and giving evidence if possible, and guidelines for producing succinct and powerful submissions. We also ran well attended training on this process and how we do this work and speak with a consistent Westjustice voice.





**IMPACT AREA 1: CULTURALLY &
LINGUISTICALLY DIVERSE COMMUNITIES**

IMPACT AREA 1: CULTURALLY & LINGUISTICALLY DIVERSE COMMUNITIES

Statement:

We recognise that culturally and linguistically diverse people experience disadvantage as a result of exclusion and racism.

Aim:

Our aim is to assist and empower these communities to identify and enforce their legal rights and understand their responsibilities through case work, community development and education

Our case work and educational programs inform our reform agenda and systemic impact work.

Key Priorities:

1. Address adverse impacts caused by implied and express racism

- **Wyndham Anti-Racism Support Network:**

We have continued to actively participate in this network, convened by Wyndham CEC in response to Victoria University's 'All in This Together' [report](#) on the experience and prevalence of racism in Melbourne's West and the need for a community-led response. Wyndham CEC have received funding to progress the work envisaged by the report and are continuing to bring together organisations to promote a more coordinated and collective response to preventing and minimising the impacts of racism in the Wyndham area.

- **SJ4YP over-representation sub-group:** This new sub-group of the SJ4YP continues to meet monthly to work at a systemic level on the over-representation of certain groups of young people in the criminal legal system. The group has been working on a policy platform statement that lists our asks to end the overrepresentation of children in residential care, Aboriginal and Torres Strait Islander youth and Australian youth from CALD backgrounds. The policy platform will cover justice, community, family and social inclusion, health and education, and policing. The Working Group has broken off into smaller groups to work on the content in the nominated areas.

- **Anti-Racism Taskforce:** The Legal Directors of EELP and YLP participated in a justice consultation on the Victorian ART and also prepared a follow up [submission](#) which we provided to ART in January 2022.
- We made a [submission](#) on the **Australian Human Rights Commission Anti-Racism Framework** in February 2022.

2. Expose the practices of organisations, people and systems taking advantage of newly arrived people and advocate for change

- **Workplace safety for migrant workers:** The EELP have commenced a new partnership with WorkSafe Victoria to investigate needs of multicultural workers in navigating workplace health and safety and workplace injury, as well as identify barriers to accessing tailored and culturally responsive workplace health and safety support. This includes identifying where multicultural workers are being taken advantage of or given incorrect or false information about workplace injury or health and safety. Westjustice is currently leading a public consultation process with participation by stakeholders from government agencies, community services, and multicultural community connectors and influencers. Ultimately the project aims to prevent and reduce workplace harm and improve return to work outcomes for multicultural workers by designing an appropriate service model and make recommendations to WorkSafe Victoria about service system improvements.
- **Scams in Multicultural Communities:** the EJP team continue to work on highlighting the systemic damage that scams are doing to newly arrived communities. An [article](#) in Choice this year interviewing one of our clients and Legal Director of EJP, Joe Nunweek stressed that our clients are disproportionately impacted and affected. Joe also presented at the National Financial Counselling Conference in Cairns in May with Consumer Action CEO Gerard Brody about scams. Our letter to new Minister for Financial Services, Stephen Jones, encourages quick implementation of the Federal Government's pledged scam reform. We are also joining a cross-sector Scams Working Group with other community legal centres and organisations.

- **Lemon Cars and the need for a Car Dispute Ombudsman:** This is another issue that disproportionately affects newly arrived communities. Our cross-organisational campaign with CALC, VALs and others has included a call for an election commitment by the Victorian State Government to implement an ombudsman for motor vehicle disputes (see joint media release with CALC, and related article in the Herald Sun [here](#)). In June, WEStjustice met with senior directors at Consumer Affairs Victoria for a session to discuss the modelling of demand for such a service, where the needs of the recently arrived cohort was emphasised.



3. Correct the systems causing financial exclusion and disadvantage for newly arrived people

- **Addressing the risk of public transport fines for asylum seekers and others:** The pilot designed to alleviate the burden of fines on asylum seekers and disadvantaged young people – established by us along with Department of Transport, Youthlaw and Fitzroy Legal Service – has been running and withdrawing many young people's transport fines, and to a lesser degree those of asylum seekers and temporary visa holders. This is a particularly critical issue for asylum seekers as the enforcement of these fines can potentially lead to negative character assessments and then re-detention or refusal of protection visas. We have provided feedback to the Department on this critical project in the hope they will implement it as a permanent response to hardship of these groups.

- We co-signed open letters sent 9 May 2022 to the (former) [Prime Minister](#) and (former) [Opposition Leader](#) about **migrant worker law reform**, asking them to commit to implementing the Senate Committee's recommendations in "*Systemic, Sustained and Shameful: Unlawful Underpayment of Employee's Remuneration*" in relation to wage theft and exploitation of migrant workers. This letter was prepared by Redfern Legal Centre. We also shared the follow up media on our social media.
- **The EJP team ran a tenancy law and fines law CLE for the Karen community from Burma** in June 2022 and heard many stories about challenges the community has had in each of these areas. Most pressingly, it became apparent that the understanding and take-up of a tag toll debiting is very low, even among community leaders, due to language and technological barriers. We are now exploring ways to get out the word among community on how to save money on tolls, and have encouraged referrals for tenancy and fines issues.

4. Identify and address labour exploitation and unsafe workplace practices

- The EELP lodged the following submissions:
 - o Response to the Fair Work Ombudsman's Stakeholder Satisfaction Survey, providing feedback on the Fair Work Ombudsman's performance including use of interpreters, application of the Assurance Protocol with the Department of Home Affairs, stronger use of compliance, enforcement and litigation powers, and the need for materials in additional languages, June 2022
 - o Response to the Fair Work Ombudsman's Compliance and Enforcement Priorities Survey, suggesting sham contracting, franchisee arrangements, fast food/café/restaurant worker underpayment and exploitation, and corporate supply chains, as key issues for the regulator to focus on, March 2022

- o [Joint Submission](#) on the Victorian Fair Conduct and Accountability Standards for the On-Demand Workforce with South-East Monash Legal Service and JobWatch, and attendance at community stakeholder roundtable consultation, February 2022. In follow up to our submission, we attended an online forum for community sector stakeholders on the standards. The Victorian Government was seeking further information from stakeholders to inform the final form and substance of the Standards and its scope. Parliamentary Secretary Nick Staikos MP chaired the consultation.
- The EELP team met with representatives from the FWO twice in June to discuss issues relating to their compliance and investigation powers, including in relation to international students' legal claims, and the language they often use in their official correspondence which creates confusion about whether the FWO have made findings of liability by the employer for underpayment.



- **Respect@Work:** the EELP team advocated in relation to implementing the remaining Respect@Work recommendations, including joining the [Power2Prevent Joint Statement](#). The former Federal Government ultimately accepted these recommendations and the new Federal Government has continued this commitment. They also attended an online round table hosted by the Federal Attorney General's Office to provide a verbal submission on amendments to the Sex Discrimination Act, focusing on the

importance of removing the burden of enforcement and cultural change in relation to workplace sexual harassment on complainants. We then submitted a [written response](#) as part of the same consultation process (via an online survey), with comprehensive substantive comments included in the response.

- **Settlement Justice Project:** EELP ran an employment law CLE for case workers in June on pay and entitlements with 23 attendees and heard many stories about employment issues with MiCare and WCEC clients. We ran a second CLE for caseworkers on safety, unfair dismissal and appropriate workplace behaviour with 17 participants. They have strongly encouraged referrals for clients of MiCare and WCEC on any future employment law issues as they arise.
- **WRARLSS:** Since the last report, EELP have delivered seven additional "Getting Ready for Work" (GRFW) community CLE sessions bringing the total to twelve sessions delivered by WEstjustice. Three further sessions were provided by project partner South-East Monash. These 15 sessions were attended by a total of 240 participants. GRFW modules were developed based on the "Train the Trainer" model. WRARLSS trained community employment connectors and Victorian African Community Action Plan Employment Brokers (**Connectors and Brokers**) to deliver GRFW modules. Connectors and Brokers were provided with tools and resources to deliver GRFW modules thereby increasing the dissemination of information within various community groups. The Connectors and Brokers participated in a session where WorkSafe delivered presentation as a guest speaker. WorkSafe also co-presented a session with WEstjustice to a group of participants from the Karen community in Horsham. During this session, a number of participants identified concerning workplace safety standards amongst some of the employers in the region.
- **Workplace psychological health:** EELP are member of the WorkSafe Psychological Health Code Stakeholder Reference Group and attended an initial consultation meeting and provided written feedback on the Code. We then provided a written submission on the proposed Occupational Health and Safety (OHS) Amendment (Psychological Health) Regulations and associated Regulatory Impact Statement. Our submissions focused on ensuring that discrimination and sexual harassment were adequately covered in the guidelines.

- **Restoring Financial Safety:** The EELP team have been working closely with the Economic Justice Program and Family Safety Victoria (FSV) to plan for The Orange Door roll-out of RFS. We have also met with a number of representatives from Orange Door to discuss the opening of the Wyndham Orange Door in late 2022 and the operation within the service of RFS services. Training for RFS caseworkers in economic abuse, financial counselling and work rights is planned for 28 July 2022.
 - **VCAL Module:** EELP have developed a work rights and responsibilities VCAL module (content, assessment, handouts and lesson plans) to be piloted with Tarneit Senior College commencing 11 July. We are partnering with the VCAA so that our materials will be part of the official pilot of the new Victorian Pathways Certificate and have received input and feedback from VCAA curriculum specialists on our lesson plans and activities. This work is on track and the Stakeholder Reference Group has provided feedback on the proposed content, draft lesson plans and activities with a focus on making the content accessible and engaging. We will also work with Wyndham Central College to deliver part of the VCAL module during this period.
 - The **Modern Slavery Act 2010** (Cth) is due for review later in 2022, and EELP have commenced discussions with key stakeholders to identify common concerns and opportunities for systemic impact work. We have met with the Migrant Justice Centre, Red Cross, Salvos, Anti-Slavery Australia and the Human Rights Law Centre to date, to discuss modern slavery as a labour law issue. The Salvos will be providing training to EELP in July on modern slavery indicators.
 - The Legal Director, EELP is responsible for convening and chairing the **Victorian Employment Law Working Group** in 2022, a FCLC Working Group of all community employment lawyers. The first meeting of the year was held on 7 April, on the topic of sexual harassment with a presentation from Victoria Legal Aid's Equality Law Program Manager, and the second is to be held 21 July with a CPD presentation by Anti-Slavery Australia, discussion by Red Cross about their online work rights hub and presentation by SouthSide Justice (formerly St Kilda Legal Service) and Victorian Equal Opportunity and Human Rights Commission on decriminalisation of the sex work industry.
 - We have developed a draft discussion paper on **family violence as a protected attribute** under Equal Opportunity laws and intend to use this in our systemic advocacy in the lead up to the Victorian election.
5. Provide a culturally safe and accessible service for our client groups
- **Priority pathways for Pacific Island/Oceania community members:** Community consultations by the Tangata Wyndham RJAG are continuing, despite the many challenges presented by the pandemic. WEstjustice is very fortunate to have engaged Rita Seumanutafa as our Senior Project Officer, who has come to us with extensive experience in community engagement with Pasefika and other CALD communities. Rita is leading our work in supporting the Tangata Wyndham RJAG to develop a Restorative Justice Action Plan, a grassroots and community-led model with the aim of preventing and reducing justice involvement of young people and families from Oceania communities in the Metro-West of Melbourne.
 - **Settlement Justice Partnership with MiCare and WCEC:** This project, situated in the Consumer and Settlement Justice team, aims to provide direct legal advice and assistance to refugee and recently arrived clients who are engaged with local settlement agencies. The scheme removes the stigma and barriers that these communities may associate with going to see lawyers in Australia by situating us closely with the cultural and settlement workers these community members already know and trust, while letting us warm refer non-legal matters back to workers for a holistic service delivery model. We have delivered further training to our Settlement Justice Project (SJP) partners (Wyndham Community Education Centre and MiCare) on the family violence intervention order process and employment and discrimination rights and remedies. We intend to continue the SJP project into a second financial year, and shortly prepare a report into its findings.

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**IMPACT AREA 2: PEOPLE EXPERIENCING
FAMILY AND GENDER-BASED VIOLENCE**

IMPACT AREA 2: PEOPLE EXPERIENCING FAMILY AND GENDER-BASED VIOLENCE

Statement:

We recognise that family and gender-based violence are serious community concerns that disproportionately affect women, gender diverse people and children.

Aim:

Our aim is to enable and assist these groups to respond strongly to family and gender-based violence and its effects. This includes providing targeted legal services, addressing injustice in systems and institutions, and engaging in evidence based systemic advocacy.

Key Priorities:

1. Advocate for a fairer and more equitable justice system by addressing the current inadequacies and challenges.

- **IVO linguistics research:** Our partnership with La Trobe University academics and Fitzroy Legal Service (funded through a Victoria Law Foundation grant) has commenced with project planning and the university ethics application being approved with a view to commencing research on the linguistic analysis of family violence intervention order applications soon. We are on the home stretch now to recruiting participants, collecting data and starting the research.
- **Early Resolution Service:** FVFL continue to participate in the ERS pilot. This project aims to get in contact with prospective family violence intervention order clients (predominately victim survivors of family violence) in advance of their court hearings at Sunshine and Werribee Magistrates' Courts, to obtain instructions and negotiate on their behalf in an attempt to resolve matters early. This gives lawyers more time to work with clients and aims to alleviate the stress of the previous model of service delivery, where services were only delivered within a compressed timeframe on the day of the hearing.

DJCS released its Interim Evaluation Report for the ERS project in January with key findings including that stakeholders agree that the current resourcing model is insufficient to meet demand and/or to realise the full benefits of the model. This accords with our experience.

- **Submission to the Draft National Plan to End Violence Against Women and Children:** We made an extensive whole-of-organisation [submission](#) to the development of this Plan, which addressed strategies around four pillars of prevention, early intervention, response and recovery. Our recommendations focused on a stronger response to economic abuse, greater support for refugee and migrant women, a wide-ranging education campaign in many community languages, better training for police and courts, dedicated federal funding for federal ERS and Specialist Family Violence Courts, a series of recommendation for making long-term housing more easily available for victim survivors, their children and their pets, and changes to Commonwealth financial support for victim survivors that include broadening access to support and waiving debts incurred through economic abuse.

2. Address misidentification and criminalisation of victims as perpetrators

- **Collaborating on MisID cases:** Over the last six months, Westjustice's Criminal Law Practice and Family Violence Practice have continued to work on MisID cases – where police misidentify women as the 'primary aggressor' in family violence incidents, resulting in criminal charges being laid against women or intervention orders being sought against women. We have achieved some terrific results including often having charges withdrawn or less punitive dispositions agreed to, such as Diversion Plans. We are hopeful the body of case work we are creating and statistics we are collecting will position us well to explore advocacy work in this space (e.g. leverage off existing relationships with police through YCPEIP and other projects to support a better approach to policing FV in possible misID matters).

3. Remove economic abuse and restore financial safety and independence for those experiencing family and gender-based violence.

- **Restoring Financial Safety:** the RFS continues from strength to strength and is set to be scaled to increased delivery later in the year to operate as part of the Orange Door Wyndham.

- **VicRoads transfer of registration processes:** We had a successful meeting with VicRoads who assured us the transfer of registration processes for victim-survivors of family violence, which Westjustice was instrumental in establishing, will not be lost as VicRoads transitions to partial privatisation. However, since then, VicRoads changed the policy without consultation in response to an incident of fraud. We are continuing to work with VicRoads to ensure that the transfer of registration process remains accessible and robust, to rectify economic abuse perpetrated against victim-survivors through the accrual of fines in a victim-survivor's name, and limitations on a victim survivor's ability to re-register a vehicle and therefore enjoy freedom of movement.
- **Family Law Clinic:** FVFL continue to assist people experiencing gender-based violence to gain financial independence after leaving the relationship. This is achieved by negotiating and/or litigating family law property settlements to assist victim-survivors' financial safety.

4. Provide early intervention opportunities

- **Health Justice Partnerships**
 - **Mercy Family Violence Early Intervention Maternity Service:** The service continues to receive referrals from Mercy and deliver services to clients of the Mercy Hospital. FVFL had a training session with Mercy Hospital staff at the end of June and were successful in two grant applications which will see us expand our reach in this important partnership, including early intervention child protection advice (subject to Mercy Board approval which is in progress) and has been identified as key ancillary legal need alongside family violence and family law for women receiving maternity services at Mercy Hospital. We are also exploring targeted referral pathways with other key agencies such as Tweddle Child and Family Health Services in Footscray.
 - **Wyndham Child and Family Hub Clinic:** The Child and Family Hubs at IPC Health, Wyndham Vale and Marrickville Community Health Centre are multidisciplinary service Hubs focused on families with children aged 0-8 years living in adversity. Each is co-designed with local services and community. Westjustice and VLA (Family Law) are providing legal assistance as part of the IPC Wyndham Vale Hub. This project is progressing well with our lawyers attending onsite at the Clinic and receiving referrals to assist clients.

5. Identify and address causes of family and gender-based violence

- **WIFVC Governance Committee:** Annette represents Westjustice as a governance committee member of the WIFVC a regional committee comprised of key stakeholders in the Western suburbs of Melbourne working in different aspects of the family violence response system. Through this committee, Annette shares the casework and policy findings of Westjustice and connects with other organisations to identify and address key drivers of family and gender based violence in the Western suburbs of Melbourne.
- **Family violence networks:** Cleona represents Westjustice in the ERS Working Group, Sunshine Magistrates' Court Specialist Family Violence Implementation Working Group, Wyndham Family Violence Network meetings, VicPathways Western Collaboration Group meetings and is a member of the Federation of CLC Family Violence Working Group and Family Violence Reform Implementation Monitor group.



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IMPACT AREA 3: YOUNG PEOPLE

IMPACT AREA 3: YOUNG PEOPLE

Statement:

We recognise that young people (10 to 25 years inclusive) are marginalised and often excluded from the legal system and youth support services.

Aim:

We aim to offer holistic, youth centred, multidisciplinary services as a response to a legal system that is often not appropriately designed for our youth

We support young people to exercise their agency and legal rights in their family life, community, and society

Our case work and educational programs provide the evidence for our reform agenda and systemic impact advocacy

Key Priorities:

1. Divert children and young people away from the criminal justice system, including raising the age.

- **Criminal Justice System Parliamentary Inquiry:** In a follow up to the work of the Parliamentary Inquiry, the CEO and Director, YLP were asked to appear in a video to highlight our evidence. The Final Report of the Inquiry into Victoria's Criminal Justice System was released at the end of February 2022 and Westjustice featured prominently. We are now commencing working with Government on implementing the recommendations.
- **Raise the Age:** We continue to actively participate in the SJ4YP Working Group advocating to #Raise the Age. Westjustice and Jesuit Social Services met with former Minister for Police, The Hon. Lisa Neville's Strategic Advisor on the issue and wrote to the head of the Police Union to request meeting to explore the issue and the Working Group continues to meet and devise a strategy for next steps.
- **YCPEIP:** In breaking news, YLP received confirmation that they had been successful in our crime prevention grant application for \$300,000 on 31 May 2022! They have been working with Victoria Police on the evaluation and have now selected an agency to undertake the work. It is hoped they will be on board in July. The grant will cover the creation of two new service coordinator roles which is a great start.

Victoria Police reported an increase in the number of cautions in both Wyndham and Brimbank for 10-17 year olds (from the pre-launch baseline) each month, and fewer remands and bails in favour of straight intent to summons for the same period.

- **OOHC Legal Clinic Project:** A number of successful Advisory Committee meetings have been held, and our first referrals were received. YLP have been able to visit most houses and meet house coordinators face-to-face as well as young people and residential carers. One interesting observation is that none of the carers were aware of the *Framework to End Criminalisation of Children In Out Of Home Care*. We have held two further workshops with our project evaluator to settle our updated Theory of Change.

2. Advocate for a fairer and more equitable system which includes better access to services.

- **Wyndham Justice Precinct Families and Communities Hub:** PI have been working hard on getting the Hub on the government's agenda, and consulting with court users and communities who could benefit from the hub. We have had good engagement with the Department of Jobs, Precincts and Regions and Court Services Victoria on the Hub, including assessing a potential heritage site and other site options. In June, CDEE began consultations with the Pasefika community and will continue with other relevant communities. We have engaged the services of a pro bono architect who is in the process of mocking up a design that we can use in advocacy with government and with communities we consult with. This work will ramp up in the coming months, with the aim of including it on our Victorian Election Budget Bid.

3. Address discrimination, workplace exploitation and inequality affecting children and young people with a focus on the systemic drivers of disproportionate involvement with the justice system.

- **Policing:** We contributed to the sector response to Stage 2 of the DJCS's current review into police accountability as well as contributing to the broader advocacy goals of the Police Accountability Project.

4. Amplify the voice of children and young people and enhance agency through education and engagement.

- **Youth Engagement Strategy:** Westjustice has seen how systems fail to recognise young people's agency and the unique problems they face, with lasting social consequences. The Directors of CDEE, PI, and YLP met to discuss how we can activate the YES within our current resourcing. The YES involves the establishment of a Youth Advisory Group (YAG), as well as the creation of an Instagram page, focusing on engaging youth initially. In terms of establishing the YAG, the most viable and impactful approach may be to utilise the expertise of existing external YAGs as opposed to creating our own. We will spend 2022 testing this idea. Westjustice's Instagram page has been created and launched, and currently has over 200 followers.

5. Collaborate with and influence stakeholders to maximise potential for positive life outcomes for young people.

- **School Lawyer Program:** YLP continued to work closely with school wellbeing teams and deliver CLE face-to-face. We also met with Parkville College to progress the SLP proposal. We provided in-person employment law services at The Grange throughout February. We also began delivering SLP services at HHA in Sunshine. We are working in collaboration with IMCLC on this particular SLP. IMCLC service CBD and Prahran campuses and we service the Sunshine Campus. HHA is a non-mainstream flexible school for vulnerable students who are at risk of disengagement from education. This is a 2-day a week program; we are onsite one day and offsite the other day.
- **TARGET ZERO Project:** The project is gathering steam. Interim working group meetings have continued monthly. Currently, we are working on the following five key activities:
 1. Encouraging members of the IWG and co-founders to host an internal workshop to assist and collating the data from each workshop (five signed up so far);
 2. Identifying opportunities for quick wins to showcase the proof of concept and highlight the benefits of collective impact work;

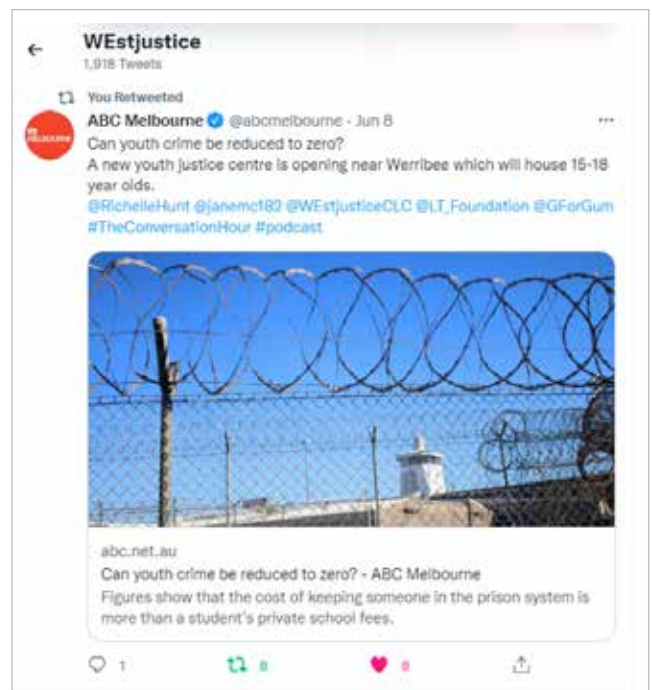
3. Enlisting new members (we received confirmation that Orygen will sign on soon);

4. Identifying funding opportunities for project communications, data collection and analysis and secretariat support;

5. Settle communications about the project for prospective partners and what the ask is.

YLP and CMY also held workshops that brought together the CEOs and senior leaders from Centre for Multicultural Youth (CMY) and Westjustice to discuss the root causes of overrepresentation of Aboriginal youth, multicultural youth and youth in residential care in Brimbank, Wyndham and Melton. The intention is for all members of the interim working group that have signed on to TARGET ZERO to schedule similar workshops within their organisations this year. We will collect and collate the data gathered along the way to inform how we integrate TARGET ZERO's objectives into our work.

- **YCPEIP:** We coordinated AVITH training to Victoria Police that included Youthlaw and the Children's Court Youth Diversion Service. We have also started conversations with Brimbank City Council and Youth Justice regarding the service coordination gap and enlisting their support to identify what infrastructure is required. We also met with Judge Vandersteen of the Children's Court who reiterated concerns about the large backlog of matters at Sunshine and Werribee. They discussed the potential for a review of the backlogged matters through the fresh pre-caution and diversion perspective of YCPEIP and she undertook to discuss it with the Steering Committee.



- **Tangata Wyndham Restorative Justice Advisory Group:** The TWRJAG have successfully hosted multiple Talanoa community consultations during March and April, which have been well-attended by community and included an introductory session and women's only and men's only sessions. The TWRJAG will begin to formulate a Restorative Justice Action Plan based on community input from each of these sessions to present back to participants at a later session for further feedback and approval. The next phase of work for the TWRJAG involved service providers, justice sector and other government-related stakeholders in the consultation process to share the learnings of the

Talanoa sessions and how the Restorative Justice Action Plan can be put into effect as a community-led solution to support Oceania young people, families and community members who are justice-involved or at risk of becoming justice-involved. The group will also consult with key service providers and decision-makers as part of this process and has already met with senior members of Victoria Police including our local superintendent Craig Peel and Natalie Hutchins, the then Victorian Minister of Youth Justice, Corrections, Crime Prevention and Victim Support to discuss its objectives and issues facing the community.





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**IMPACT AREA 4: ECONOMIC
INJUSTICE**

IMPACT AREA 4: ECONOMIC INJUSTICE

Statement:

We recognise that we have an intrinsically inequitable economic and legal system, a consequence of which includes the criminalisation of poverty

Aim:

Our aim is to assist people to navigate and enforce their rights within the justice system and effect fundamental and necessary improvements. Our case work and educational programs provide the evidence for our reform agenda and systemic impact advocacy.

Key Priorities:

1. Challenge organisations that take advantage of people experiencing hardship or barriers to accessing economic justice.

- **Lemon cars campaign:** EJP are working closely with CALC on lemon car reform issues and campaigning expressly for a new external dispute resolution service for lemon cars. In May 2022, Westjustice and CALC participated in a CAV workshop where CAV sought to understand models for possible dispute resolution, heard our feedback on the extent of the problem, and tried to generate early demand modelling. We are also writing to Consumer Affairs Minister Melissa Horne requesting a formal election commitment from the State Government to alternative dispute resolution for consumer car matters. In the coming months, we will add to this pressure by writing to MPs in Melbourne's West/Westjustice's catchment. We also released a [joint statement](#) with CALC, calling for a lemon car ombudsman, and featured in the [Herald Sun](#) on the issue.
- **Scams campaign:** Following our meeting last year with Stephen Jones MP and Tim Watts MP, EJP met with the ABA to discuss the resolution of its almost 12-month investigation into the Hope and Wonderful World scams. For any accounts that could be frozen before the scammers withdrew all funds, victims will be paid out from what remains available on a pro-rata basis. The banks have indicated that they will continue to entertain compassionate ex gratia remedies for clients from the Burma refugee community.

We have also been successful in advocating that the Big Four Banks provide clear guides on how to access their services to report scams, including facilitating access to an interpreter. We have delivered scams training to 40 settlement and community workers with Wyndham Community and Education Centre and MiCare as part of our Settlement Justice Partnership, as part of an attempt to prevent scams recurring and spreading in Melbourne's Western refugee communities.



- **Financial counselling conference:** A number of staff attended the 2022 Financial Counselling Conference in Cairns. We joined other members/partners of the Thriving Communities Partnership on stage on Day 2 of the Conference to mark the past year's initial operations of the One Stop/One Story Hub and encourage higher industry participation, and we also presented with CALC on scams.
- MSV met with executive managers at NAB to discuss systemic issues identified in our casework, including aggressively pursuing repossessions of homes, using law firms who act without instructions, moving to repossess clients' principal place of residence before taking smaller blocks of vacant land to repay arrears, and not accepting serviceability tests when clients show evidence of serviceability of mortgage repayments. We advocated for more compassionate responses by NAB to hardship requests from its customers when there are alternative and better solutions.
- EJP joined CHOICE and Financial Counselling Australia in the Buy Now Pay Later (BNPL) Debt Trap Campaign. Currently BNPL is exempt from the credit laws, allowing it to bypass important consumer protections that apply to credit cards. We are calling on government to better regulate BNPL, by removing harmful exemptions in our National Credit Law that allows products like BNPL to be unregulated.

2. Improve the systems, policies and procedures of government, industry and other parties which create economic injustice.

- **Local Government Bill:** following sustained advocacy from Westjustice on the need to embed more robust financial hardship measures into local government rates collection processes, the state Parliament is currently debating the Local Government Bill which will:
 - o introduce payment plans as an option under legislation;
 - o prevent local councils commencing proceedings for unpaid rates debt unless they have complied with notice requirements and it has been 24 months since a payment plan or other arrangement was cancelled and no action to pay has been taken by the ratepayer;
 - o enable the Minister to issue guidelines on hardship and the content of hardship policies and regarding waivers; and
 - o require the Minister to fix a maximum amount of interest on advice from the Essential Services Commission.



- **Campaign for binding enforcement review:** The Infringements Working Group, which Westjustice co-chairs, continues to push hard for fines enforcement review decisions to become final and binding, meaning that police and other enforcement agencies couldn't prosecute the underlying criminal charges in court following Fines Victoria's determination that special circumstances exist. We have met with the Attorney-General's advisor and Victoria Police, and written to the Chief Magistrate.

- **COVID-19 fines concessional scheme:** As part of the Infringements Working Group, Westjustice has been instrumental in advocating for a concessional fines scheme, which the Fines Reform Advisory Board picked up and recommended. We have provided input to the Department of Health and the DJCS who have been developing the Regulations that will determine access to the concessional fines scheme for COVID-19 fines. We have been successful in lobbying for the inclusion of certain visa types as fitting in the eligibility criteria, beyond just social security status, because people on certain visas particularly temporary visas and humanitarian visas are less likely to have work rights and be able to pay the full amount of a COVID-19 fine.
- We continue to hold a seat at the **Essential Services Commission** community sector roundtable. We raise the stories of our clients directly within this forum and continue to push for high-level, strategic changes to the way that essential service industry operators treat consumers experiencing vulnerability
- Continuing to lead **Fines reform:** Westjustice continue to advocate on fines reform through its co-chairing of the IWG of the FCLC and Financial Counselling Victoria. Regular operational and policy updates are obtained from the Director of Fines Victoria and operational and policy directors, including on WDPs, special circumstances processes, Family Violence Scheme statutory review and implementation of the FRAB recommendations.
- **Telecommunications industry:** EJP engaged with the Telecommunications Industry Ombudsman's external review into its own operations. We met with a reviewer from Queen Margaret University, Scotland to provide our clients' feedback on its complaints handling procedure and accessibility. We consulted with ACCAN on ACMA requirements to prevent identity theft for telco users, with an eye to ensuring this did not further disadvantage CALD communities or victim-survivors of family violence. We attended a Telecommunications Industry Ombudsman workshop on developing a fairness jurisdiction approach, similar to that being developed at AFCA.

- We have collaborated with CHOICE to submit to Federal Treasury's proposed reform to the Australian Consumer Law which would create **civil penalties for traders who unreasonably refuse to honour consumer guarantees**.
- MSV attended the AFCA Consumer Advocate Liaison meeting to advocate for improvement to AFCA's processes, including its approach to assessing loss in responsible lending complaints and its complaint registration and timeframe procedures.
- Westjustice were asked to present to the Victorian Commissioner for Residential Tenancies in June 2022 on our 2021 campaign with Choice to get insurers to stop pursuing renters. The emphasis on the presentation included our concerns regarding the lack of recorded commitment by insurers through codes and policies to the implicit agreements made last year, and the extent to which insurers are beginning to deny claims in share-housing arrangements in a way that would be detrimental to renters and people in mortgage stress. The Commissioner has asked other partners in the sector to monitor the situation for recurring cases.

3. Investigate pathways to promote and protect fundamental human rights including the right to safe housing, access to food and utilities

- We submitted to the Victorian Commissioner for Residential Tenancies' inquiry into **current living conditions and regulatory compliance in Victorian rooming houses**. This draws extensively from our casework and continued systemic advocacy into international student accommodation.
- The **Tenancy Coordination Group** (a peak group of legal agencies working in the tenancy space) has convened and it has been agreed that the core commitments it will go to the State Election will include a number of Westjustice's shared priorities, including improvements to VCAT for faster responses, improved enforcement by CAV, and more funding for legal services (including a guaranteed right to representation when facing eviction).

4. Enhance agency to improve people's ability to navigate, legal, housing and financial systems.

- The **Settlement Justice Partnership** delivered further training to our partners (Wyndham Community Education Centre and MiCare) on employment law rights, and the SJP team also presented to community members in the Wyndham area on tenancy and fines rights.
- We continue to be involved as pilot participants and on the steering committee and strategic advisory group for the **Thriving Communities Partnership One Stop One Story Hub**. The Hub is a world-first cross-sector digital platform connecting people in our community to support programs simply and easily through a single-entry point in a safe and secure way. Currently the Hub is exploring expansion of the platform post the pilot period.

5. Explore methods by which to advocate for a fair and generous safety net.

- In our letters to the new Assistant Minister for the Prevention of Family Violence, we advocated strongly for a fairer social security safety net, which would assist victim-survivors of family violence and go some way to preventing economic abuse. We also advocated for access to social security for refugee and migrant victim-survivors.

ABBREVIATIONS USED:

CDEE – Community Development, Education and Engagement

EELP – Employment and Equality Law Program

EJP – Economic Justice Program

FLFVP – Family Law Family Violence Program

MSV – Mortgage Stress Victoria

PI – Policy and Innovation

YLP – Youth Law Program

ABA – Australian Banking Association

AVITH – Adolescents Who Use Violence In The Home

ACCAN – Australian Communications and Consumer Action Network

ACMA – Australian Communications and Media Authority

ASN^oW – Aboriginal Services Network of Wyndham-Hobsons Bay

AFCA – Australian Financial Complaints Authority

CALC – Consumer Action Law Centre

CALD – Culturally and Linguistically Diverse

CAV – Consumer Affairs Victoria

CMY – Centre for Multicultural Youth

CSV – Court Services Victoria

DJCS – Department of Justice and Community Safety

DJPR – Department of Jobs, Precincts and Regions

DOT – Department of Transport

ERS – Early Resolution Service

FCLC – Federation of Community Legal Centres

FLS – Fitzroy Legal Service

FRAB – Fines Review Advisory Board

FWO – Fair Work Ombudsman

HHA – Hester Hornbrook Academy

IMCLC – Inner Melbourne Community Legal Centre

ISWRLS – International Students Work Rights Legal Service

IVO – Intervention Order

IWG – Infringements Working Group

OOHC – Out of Home Care

RAP – Reconciliation Action Plan

RFS – Restoring Financial Safety

RJAG – Restorative Justice Advisory Group

SJ4YP – Smart Justice for Young People

SLP – School Lawyer Program

SMLS – South-East Monash Legal Service

TAAP – Tenancy Assistance and Advocacy Program

TWRJAG - The Tangata Wyndham Restorative Justice Advisory Group

TIO – Telecommunications Industry Ombudsman

VALS – Victorian Aboriginal Legal Service

Victorian ART – Anti Racism Taskforce

VLA – Victoria Legal Aid

VCAL – Victorian Certificate of Applied Learning

VCAA – Victorian Curriculum and Assessment Authority

VELWG – Victorian Employment Law Working Group

VEOHRC – Victorian Equal Opportunity and Human Rights Commission

YEP – Youth Employment Justice Project

WASN – Wyndham Anti-Racism Support Network

WIFVC – Western Integrated Family Violence Committee

WRARLSS – Work Rights and Responsibilities Legal Service

YACVIC – Youth Affairs Council Victoria

YCPEIP – Youth Crime Prevention Early Intervention Program

YES – Youth Engagement Strategy



WEstjustice