



An Invisible Demographic

Youth and the Law in Melbourne's West

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Wyndham Legal Service Inc.

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Accurate at September 2012

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PREFACE

“Jake’s Story”

Jake’s mother died in tragic circumstances when he was 18 years old. She had been experiencing mental health issues and Jake cared for her and his two younger siblings, often taking on the ‘carer’ responsibility in his family.

Following his mother's suicide, Jake's father, who came in and out of his life, returned to look after Jake and his siblings. Jake had experienced family violence at the hands of his father and did not have a close relationship with him.

Upon Jake's mother's death, Jake's father took over the house that his mother had owned, making it difficult for Jake to live there. After four years of verbal and physical abuse Jake left home.

Jake didn't know what legal rights he had in terms of his mother's house, which had been his home all his life or what housing or other legal options were available to him and his siblings in this very complex situation.

Jake was isolated, homeless and sad when he came to our service looking for somewhere to stay. He told us that he had been to other local services and the local hospital, but no one could help him.

Jake did not know where he would be living from one day to the next and so he could not give the local Centrelink office a fixed address. As a consequence, his Centrelink benefits were cut off. Jake reported to us that no one had informed him that there were ways to address these structural issues.

When we met Jake he was sleeping in a tent by the local river, his clothes were soiled, he hadn't showered for sometime and he was hungry.

Over the next three weeks, Jake followed up on referrals to an inner-city homeless refuge and a suburban rooming house but found neither option safe nor suitable for him as his mental health issues were further aggravated.

We were increasingly concerned about his mental health as he had started to drink. We linked him in with a mental health service where he received one consultation and was prescribed anti-depressants.

Jake returned to us and his makeshift campsite by the river.

We did not hear from Jake for four days. During this time we went to his makeshift campsite twice daily, however we were unable to find him there.

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As a result, we made an assessment to report him as a missing person to the local police. Initially, we found that the police weren't too keen to follow up a 23 year old young man who lived by the river after only four days of no contact.

It was like Jake was invisible.

Two weeks later, our receptionist was advised by local police that Jake had taken his own life by jumping in front of a train. He was identified by the correspondence in his pocket – our agency name and address.

How Could this Tragedy Have Been Prevented?

We often wonder if Jake felt invisible. He was a young man without identification and with no recognition for what he had done for his siblings and his mother, who was forced out of his home without any apparent legal recourse.

Jake's story, of a young man who reached out for help when his family failed him, highlights some significant gaps in service systems and communities. His story is a reminder to us that we all need to do more to help young people like Jake, who are still out there.

**By Housing Support Service, Outer
Western Municipality, Victoria¹**

This tragic story refers to a number of legal problems encountered by Jake as he sought to stabilize his life. This report seeks to examine the extent to which greater access to appropriate legal advice might solve similar problems for other young people in the western region.

¹ Housing Support Service, 'Out of Sight. Young People, the Hidden Homeless', 2010, PARITY, Vol 23, Iss 3

EXECUTIVE SUMMARY

Key Findings

The Wyndham Legal Service Inc. (**WLS**) has provided specialist YouthLaw services to young people, under the age of 25, for over 10 years. The service has also conducted some community education with young people in the community.

WLS noticed that, although there were young people attending the service as a result of referral from their caseworkers, it appeared that people were still reluctant to come directly to the service, especially at earlier stages of their legal problem. Most of the clients had ultimately come to the service through contact with the courts or police once they had already entered the legal system.

The aim of this research was to identify what community awareness and community legal education could be developed and implemented to better assist young people living in the western suburbs. This involved an exploration of the systematic legal problems experienced by young people and identification of the barriers that prevented them from seeking legal assistance.

Most importantly, the research has highlighted the complexities of overcoming barriers faced by young people in both understanding and accessing legal assistance, the difficulties in reaching and engaging with young people and the implications this has for service delivery.

In order to address these problems, the community needs youth-friendly lawyers that are willing to go beyond simply delivering casework education and information, but who also seek to engage with young people to discuss early intervention and preventative strategies to assist in dealings with schools, employers, government agencies and the criminal justice system.

Community education is particularly valuable if it is reinforced by an ongoing capacity for casework, so that if a young person needs assistance they can make an appointment to see a lawyer.

We believe that targeted education can prevent certain legal problems from arising, such as helping to prevent young people from incurring debts by:

- helping them make more informed decisions about consumer contracts, such as mobile phone services;

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- informing them of the consequences of borrowing money, including some of the consequences of debt, such as repossession of cars and bankruptcy; and
- informing them about the benefits of third-party property insurance and the financial risks of driving without insurance.

Although legal education alone may not prevent other types of legal problems, such as family violence or homelessness, it can improve a person's ability to access justice and try to resolve issues. For example, legal education can inform young people about:

- the consequences of having a criminal record, re-offending behaviour and the overall ramifications of being involved in the criminal justice system;
- the consequences of minor criminal behaviour, such as not paying fines and appearing at Court or VCAT;
- the legal tools available to assist young people cope with interaction with the criminal justice system; and
- the legal tools available to address family violence and how intervention orders work.

Key Recommendations

1. A community development and legal education program needs to be developed that exclusively targets young people living across the western suburbs. The program needs to be tailored to take into account the special needs of the target group and conducted in partnership with youth and other community organisations. For example, the program needs to be delivered in a format that is open and interactive in order to successfully engage young people.
2. More legal information should be given to young people living across the western suburbs before they enter the adult world. The information provided to them should cover broad aspects of the legal system, such as regulations, systems, rights and responsibilities.

There should also be more detailed information on key recurring issues, such as:

- Safe driving and insurance;

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- Police powers and communicating with police;
 - Cyberbullying and online safety;
 - Intimate relationships (i.e. consent and legal age);
 - Infringement system; and
 - Rights and responsibilities of entering into consumer contracts.
3. Community legal education should be given to youth workers and supporting agencies about the options available for young people with special circumstances (i.e. young people who suffer from an addiction to drugs and alcohol, homelessness or mental illness), particularly in relation to the infringement system.
 4. Youth lawyers need to go beyond delivering casework education and information to young people and be emotionally engaged in the process as a way of building relationships and overcoming barriers that prevent young people from seeking assistance.
 5. Youth lawyers need to focus young people's attention on early intervention and preventative strategies to assist them in dealings with the criminal justice system. For example, more information should be given to young people about the long-term consequences of re-offending and what it means to have a criminal record.
 6. Providing legal information on its own is not overly helpful and is not how we recommend delivering education. At an absolute minimum, legal education needs to be offered together with a problem solving process. The ability to maintain a relationship with the legal service outside of the legal education program is essential for young people, especially for those who are not captured by programs that provide community services.

INTRODUCTION

This report is based on anecdotal evidence, often unproved, however many of the stories were repeated or corroborated by other youth workers and young people.

The common legal problems identified in this report do not apply to all young people living in the western suburbs.

PURPOSE OF THE RESEARCH

Objective

The WLS became aware that most young people living across the western suburbs were unaware of their legal rights and responsibilities and were also reluctant to come directly to the legal centres to seek help.

It was also apparent that traditional community legal education models, particularly the delivery of information sessions, on the whole, failed to engage young people.

In the absence of any empirical evidence, it is difficult to implement any significant change for young people in the western suburbs. The purpose of this research was to explore more effective ways of delivering legal services, which are both engaging and relevant to young people living across the western suburbs. Community Legal Centres (**CLCs**) and other services are commonly funded to work in a single municipality, however this project operated throughout the west in a more coordinated and tailored way.

It appears that CLCs have not developed legal education programs tailored to young people living in the western suburbs in recent years. We believe there is a need to tailor legal education to particular groups in order for it to be successful.

In order to develop a structured and relevant program for young people living in the west, the research also required an inquiry into the common legal problems experienced by youth in the western suburbs and to identify the barriers to seeking legal assistance.

Benefits of Community Legal Education

An education program aims to empower and improve knowledge of the participant's legal rights, to encourage positive action and discourage procrastination and avoidance behaviour.

Many of our Wyndham YouthLaw clients came to us when they were in fairly deep trouble – after a warrant had been made for their arrest for non-payment of fines or the day before a court date. The practical benefit of community legal education is to reach people at a much earlier stage in the progression of their legal problems, when it would be easier to find a solution.

The benefits of community education are indisputable. It is a way of reaching the most socially disadvantaged and vulnerable communities in a setting that is flexible and responsive to the targeted community's needs. Its overall aim

is to increase the education of the wider community, where formal education has been ineffective or does not exist.

Community legal education is particularly valuable if it is also backed up by capacity for casework, so that if people have questions or need assistance they can make an appointment to see a lawyer and get advice.

METHODOLOGY

Drawing on relevant literature and especially on the accounts of young people and youth workers, this research project sought to generate a picture of the common legal issues and barriers faced by youths across the western suburbs. The project focussed on the four major youth hubs located in the cities of Maribrynong, Brimbank, Melton and Wyndham.

We sought to examine the most effective ways of delivering legal education in a manner that is both engaging and interesting to young people across the western suburbs. In this report the term 'young people' is used to describe any person under the age of 25.

In drawing on the experiences of young people and experienced youth and community workers, we asked the following questions:

- What are the common legal problems faced by young people across the western suburbs?
- Do young people face similar legal problems across the western suburbs or are they different?
- What barriers do young people face to accessing legal assistance and services?
- What type of community education would assist youth to be able to understand how the legal system works in Victoria/Australia?
- If our service was given funding to establish a community legal education program how do you think it should be delivered?

We adopted a qualitative research method, using interviews, focus groups, questionnaires and policy documents as a basis for our analysis.

In total, over 80 youth workers, 45 young people, six lawyers, one police officer and one sheriff from across the four regions were formally interviewed. Informally, many more people working and living in these communities participated in conversations and discussions.

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Through pre-existing networks we were able to access key community workers for this research project, who then put us into contact with other workers, whose experiences were relevant to the study.

Key organisations consulted during our research included the following youth services and networks located throughout the western region:

City of Wyndham

- Wyndham City Council – Youth Resource Centre
- Wyndham Workers with Youth Network
- Wyndham Humanitarian Network (including the Youth Working Group and the Legal and Consumer Working Group)
- Smith Family
- Open Family
- Werribee Support and Housing
- Galvin Park Secondary College
- CREATE
- Anglicare (Youth Drop in Centre)
- Youth Officer – Victoria Police

Shire of Melton

- Melton Shire Council Youth Services
- Melton Youth Advisory Network
- Melton Youth Advisory Committee
- Brimbank/Melton Community Legal Centre

Brimbank

- The Youth Junction Inc.
- The Sunshine Youth Legal Service
- Centre for Multicultural Youth
- YouthLinks (network)
- Harvester Technical College

Maribrynong

- Phoenix Youth Centre
- Maribrynong Workers with Young People Network
- Footscray Community Legal Centre

COMMON LEGAL PROBLEMS

Our research showed that young people experience similar legal problems across the western suburbs, including:

- driving offences;
- incurring large numbers of driving-related and public transport infringements;
- driving without insurance and incurring debts;
- legal issues relating to theft and assault;
- vandalism and graffiti;
- family violence and homelessness;
- addiction to drugs and alcohol;
- issues relating to cyberbullying and online safety;
- problems communicating with police; and
- incurring large debts from mobile phone and credit card contracts.

Through our research and casework, we have identified several common causes of these legal problems, including issues associated with isolation, inadequate public transport, lack of affordable housing, mental health issues, low income and family conflict. The following are some examples of how these common causes affect youth and their interaction with the law:

- Public transport infringements – several young people told us that they couldn't afford to buy public transport tickets everyday. This may reflect the high cost of public transport for young people, especially for those living in more isolated or remote regions. It also reflects the need of young persons for mobility in these areas.
- Driving offences – many young people are living in isolated and outlying suburbs that are not well serviced by public transport. The imperative to drive further distances to shop, work, schools and leisure has led to many unlicensed driving offences. Moreover, people living in the outer western suburbs, such as Wyndham and Melton, face a greater risk of incurring driving infringements as they are expected to be on the road for far longer periods of time.
- Debts arising from motor vehicle accidents – young people were generally aware of insurance but believed it to be a luxury that they could not afford. Many overestimated the cost of insurance and were unaware that they could make periodic payments to break up the cost of an annual premium. In addition, insurance is a foreign concept for

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many newly arrived community members and would not occur to them instantaneously, without explanation.

- Homelessness - Many young people have no capacity for private rental as it is too expensive, accounting for anywhere between 60 to 100 per cent of their Centrelink income. Furthermore, it is virtually impossible to get public housing and there is barely any crisis accommodation options (e.g. shelters or refuges) in the western suburbs regardless of a person's age, gender or family type. People experiencing homelessness are socially excluded from their community if they wish to seek crisis housing options and are forced to leave the area and any supports they have. Moreover, caravan parks rarely take people referred by the homelessness service system as they assume that people want to stay.
- Debts associated with mobile phones - there is a tendency by young people to be attracted to, and subsequently be bound by, long term mobile phone contracts. Many are signing contracts without knowing the full ramifications, such as hidden costs and default. There were also several young people whose contracts were arranged by other family members or friends and the person responsible for the contract has not understood their responsibilities.
- Credit card debts - credit is being offered to young people who are in no position to repay. For example, unemployed youth are offered credit cards whose only source of income is their Centrelink allowance.

It is worth noting that many young people, both engaged and disengaged are unaware of their legal rights and responsibilities under Victorian laws. For example, most interviewees admitted that they did not take any steps to deal with their fines as they were unaware of their options (e.g. instalment plans and revocation based on special circumstances).

In addition, many young people do not understand the consequences of having a criminal record and what that may mean for their future (i.e. employment options or ability to obtain visas). Many young people also struggle to understand the complexity of certain systems such as the infringement system.

We are aware that the common causes discussed above do not necessarily apply to all young people living in the western suburbs.

BARRIERS TO ACCESSING LEGAL SERVICES

Historically CLCs had a much more interactive relationship with young people in the western suburbs however these days interaction outside the courtroom between lawyers and young people appears to be close to zero. With the exception of the Sunshine Youth Legal Service, operating three days per week, and YouthLaw in Braybrook one day per week, our research suggests that there are no community legal services interacting with any of the youth services across the western suburbs. Furthermore, there are no well-known private lawyers in the west known for working exclusively with young people.

Representation is mostly provided by Victoria Legal Aid (**VLA**) duty lawyers. Duty lawyers in the western suburbs are based at the Sunshine Legal Aid office with no outreach available at either Werribee or Melton. This lack of access is regarded by youth workers as a tremendous disincentive to clients seeking timely advice before hearings.

Our research suggests that the majority of youth legal services provided in the western suburbs are provided at the door of the court, usually involving a 10 minute interview with a duty lawyer, five minutes before a hearing. Meetings with a duty lawyer at court are generally rushed and it is often the case that a young person is unaware of the outcome of their matter including their legal responsibilities. Many young people for example would have no idea that they were breaching their bail conditions, as they were not aware they were on bail. Some may receive a letter from their duty lawyer at some point after their hearing however many do not receive any correspondence at all. The idea that there is virtually no assistance or preparation for lower income cases before the day of hearing is not in our view acceptable.

Most participants commonly cited young people's lack of trust in authority, which includes lawyers, as a barrier for young people accessing legal assistance, often referring to an 'us' versus 'them' mentality. Other main reasons why young people did not seek legal assistance or advice when they had a problem included:

- fear and suspicion of lawyers and the legal system;
- unaware of what services were available in the community or how to access them;
- unaware of what confidentiality means;
- financial concerns and the assuming that all legal services are costly;
- unaware of their legal rights and responsibilities;
- geographical isolation;
- concern for their reputation and that their family will find out;
- issues with mental health;
- accessing services means acknowledging there is a problem.

COMMUNITY LEGAL EDUCATION

A community development and legal education program needs to be developed that exclusively targets young people living across the western region. The program needs to be tailored in a way to take into account the special needs of the target group, working in partnership with youth workers and centres. Youth workers have made it clear that the structured provision of legal services that they have seen does not meet their requirements as they do not engage young people.

Although our research shows that engaged and disengaged youth may experience different legal problems (i.e. contractual disagreements or say crime), the basic method of delivery of legal education is the same for all young people.

There is also a pretty clear suggestion that in certain areas of the west, there are particular populations that may have special legal needs that are different from the broader population. There are a diverse range of young people living in the western suburbs and we have noticed there are more specific problems in certain cultural groups. The difficulty which then arises is that there is a danger of all resourcing being put into a relatively small group at the expense of the broader youth. We do not want to explore that further in this report as we are still of the opinion that there is a need to develop generic services for all young people living in the west.

What is needed to help address the various legal problems faced by youth, identified in our report, are youth friendly lawyers that go beyond delivering casework services, education and information to engaging with youth about long term consequences, should they continue to break the law.

In order to successfully deliver community legal education to youth, especially those disengaged youth with complex needs, it is imperative that the lawyer who delivers such information is able to emotionally engage the young person. The lawyer must be able to get down on the level of a young person and find out what is actually happening in their life. Why has the young person been arrested for possession? Well because they have been using drugs for over five years. According to our research, it is important not to have a 'stiff' lawyer in a suit, who will find it almost impossible to engage with young people. Our research has shown that young people respond well to people investing time in them, to have an honest conversation.

Youth lawyers need to focus young people's attention on the short and long term consequences and impact of being involved in the criminal justice system as a young person, not only as a method of early intervention but also prevention. We have been told by most youth workers that young people,

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even as young as 12 years old, need more information about the long-term consequences of re-offending and what it means to have a criminal record. Young people need to appreciate that getting involved in the criminal justice system means having a criminal record and what a stigma that is for the rest of their lives. For example, having a criminal record could have negative consequences if you are asked questions about your record when applying for a job, insurance or a visa. Most young people believe that their criminal records are totally wiped once they turn 18, which is not the case. As many young people lack the insight for any long term planning it is vital that they understand what charges actually mean and how it affects their aspirations.

A youth worker at the Centre for Multicultural Youth, working with African young men in Sunshine said that 'for many of the newly arrivals, they have no idea about the law and how it works. Most of them have the perception that once you turn 18, everything you have done before will be cancelled, but that is not the case. Therefore it is essential this idea of early intervention.'

Youth workers also noted that many young people have no idea what it means to go to court or the processes involved. For example, they said that young people need to be educated about the role of the lawyer, the prosecutor and the magistrate.

Our research has also found an overwhelming need to educate young people in the west about their rights and responsibilities, certain regulations and systems, such as driving offences and insurance, police powers, cyberbullying, intimate relationships, the Infringement system and entering into consumer contracts.

Community education is particularly valuable if it is also backed up by capacity for casework, so that if the young person needs assistance they can make an appointment to see a lawyer. Broadly speaking, at an absolute minimum, we would only offer legal education if we offer a problem solving process. The ability to maintain some sort of linkage outside of the legal education program so that young people have a next step is particularly important for those who are not captured by programs that provide community services.

Any new services will need to be linked in with VLA to ensure that there is a recognized path through the CLC service to the duty lawyers appearing in the local courts.

CONCLUSION

The research has shown that the youth in the western suburbs are largely unaware of their legal rights and have poor access to legal information. Access to legal information and assistance promotes early intervention and prevents the escalation of problems.

Most importantly, the research has highlighted the complexities of overcoming barriers faced by youth in accessing legal assistance, the difficulties in reaching and engaging with youth and the implications this has for service delivery.

In order to address these problems, the community needs a legal education program which is tailored to the needs of young people. In particular, the western community needs youth-friendly lawyers who are willing to go beyond merely delivering casework and information, but who also seek to engage with young people to discuss early intervention and preventative strategies to assist in dealings with the criminal justice system.

APPENDIX 1

YOUTH RESEARCH QUESTIONNAIRE:

Name:
(Optional)_____ Title:_____

Organisation:_____

Time working with Youth:_____

Other information that is relevant:_____

1. What are the main legal problems that you have encountered?

- Fines – Public transport
- Fines - Traffic
- Police
- Contracts
- Telephone
- Driving without a licence
- Drink driving
- Motor vehicle accidents
- Tenancy/accommodation
- Memberships
- Discrimination
- Vandalism/graffiti
- Others (please outline)_____

2. What main concerns arise from these issues?

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3.

What type of information do you feel would assist youth?

4. What type of community education would assist youth to be able to understand how the legal system works in Australia?

5. If our service was given funding to establish a community legal education program how do you think it should be delivered (i.e. in what format).

6. Do you have one or more cases which you have seen which could be used as an example in this research to illustrate the lack of knowledge of the Australian legal system? Details will be changed so the person cannot be identified.

7. Do you have any other comments or information that would assist with this research project?

We thank you kindly for completing the Questionnaire

**Please return to Shorna Moore @ Wyndham Legal Service
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APPENDIX 11

WESTERN SUBURBS YOUTH RESEARCH PROJECT

Focus Group Discussion

Organisation name(s):

In summary, this research project aims to identify specific legal issues and experiences of young women and men, living within the western suburbs. Furthermore, the project aims to ascertain the level of understanding, of the younger members of the community, of the Victorian legal system.

It is hoped that the findings will provide a framework for facilitating community legal education aimed at youth in the western suburbs, improve access to the Victorian legal system services for younger members of the community and provide our organisation with the opportunity to work closely with other Western suburb community legal centres and youth organisations.

1. What do you believe to be the common legal problems (possibly legal) faced by the youth in the City of Wyndham? Please provide 3 examples and briefly discuss i.e. fines, motor vehicle accidents, police issues & crime

a)

b)

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c)

2. Do you think youth face barriers to accessing legal help or services? If so, please provide examples and discuss.

a)

b)

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3. Please provide any suggestions you may have regarding implementation of CLE sessions. I.e. how the sessions may be conducted?

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