



# Annual Report 2016.

Youth legal service.

Enhancing futures



## Contents

About us .....	2	Case study three.....	23
Our board.....	4	Financial counselling services.....	26
Our staff .....	5	Community legal education.....	27
Report from our Chairperson.....	7	Policy and law reform.....	30
Report from our Director.....	9	Sustainability .....	33
Our services .....	11	Report from our Treasurer.....	34
Legal services.....	12	Financial statements .....	35
Case study one.....	18		
Case study two.....	20		

# About us

Youth Legal Service exists to prevent young people from entering the justice system, to assist and represent those who find themselves in legal difficulty, and to inform and support our youth to make better choices. We advocate for young people in policy debates and work with our community to improve the youth justice system. **We believe in young people.**

## Our vision

Justice for children and young people.

## Our mission

Promoting access to justice for children and young people through representation, education, support and advocacy.

## Our values

- Justice** We are fair, accessible and equitable.
- Integrity** We are professional.
- Respect** We are considerate of the needs of young people.
- Empathy** We strive to comprehend each client's unique situation.

## What we do

The primary focus of Youth Legal Service is to provide free legal advice and representation to young Western Australians under 25 years of age and their families. We also provide free legal education and proactively engage in policy and law reform debates around youth legal issues.

## Our strategic focus areas

Advocacy	Education	Sustainability
Understanding and advocating for the legal needs of children and young people.	Playing an active role in the development of an awareness of legal rights and responsibilities for children and young people.	Integrating economic and environmental factors, and social opportunity to pursue our mission.

## Office hours

Monday to Friday, 9am to 5pm.

## State-wide legal advice line

Young people living in rural, regional and remote areas can access legal advice via our state-wide legal advice line – 1800 199 006 – for the cost of a local phone call, during office hours.

## Acknowledgements

Youth Legal Service depends on the support of our funders and sponsors to ensure that we can achieve our strategic intentions of providing legal services, financial counselling, community legal education, and policy and law reform for the young people of Western Australia.

Our special thanks go to our valued sponsor: Anglicare WA.

We also gratefully acknowledge the support of our funders: the WA Department of the Attorney-General; the WA Department for Child Protection and Family Support; the Federal Department of the Attorney-General; the Public Purposes Trust; Lotterywest; the Legal Contribution Trust; the State Graffiti Taskforce; and the Ian Potter Foundation.

## Grant income

Our grant income for the 2015/16 financial year is as follows:

Funding source	Funding purpose	2015/16
Recurrent Commonwealth Community Legal Centres funding	Legal operations	\$88,319
Recurrent State Community Legal Centres funding	Legal operations	\$247,015
Recurrent Department of Child Protection and Family Support funding	Financial counselling	\$45,604
Legal Contribution Trust	Education operations	\$71,000
Public Purposes Trust	Outreach operations	\$180,000
Lotterywest	Legal needs research	\$77,202
Lotterywest	Strategic planning	\$8,000
State Graffiti Taskforce	Legal operations	\$3,167
Ian Potter Foundation	Advocacy	\$3,100
Total funding and grants		\$723,407



# Our board

Board members as at 30 June 2016:



## **Kate O'Brien** Chair

B Juris (Hons), LLB

Kate was admitted to legal practice in 1977. She held senior positions as a lawyer and barrister before her appointment as a Judge of the District Court of WA in 1999. She served as President of the Perth Children's Court from 2002 to 2004 and retired from the District Court in 2010. Kate joined the Youth Legal Service Board in 2012.

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## **Robert Marando** Deputy Chair

BES, LLB

Rob holds degrees in Law and Environmental Studies. He worked at the legal firm Jackson McDonald, including several years as a Partner, before setting up his own practice, Momentum Legal, in 2013. Rob joined the Board of Youth Legal Service in 2011.

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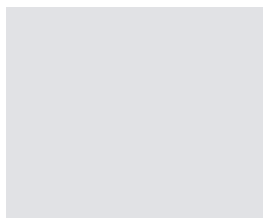


## **Eileen Newby** Treasurer

CA, CPA, MAICD

Eileen is a Chartered Practising Accountant and currently works as an Accountant and Director at Michael Lurie + Associates. She joined the Board of Youth Legal Service in 2013.

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## **Karen Barker** Board member

MSc, Grad Dip (FDR), BSocSc, Dip (Mgmt), M ChildYouthStud

Karen has held a number of management positions in the community sector. She is currently General Manager of Service Development and Compliance at Anglicare WA. Karen joined the Youth Legal Service Board in 2016.

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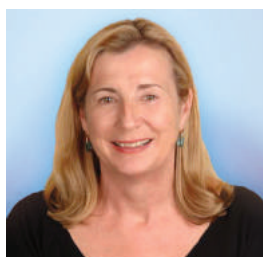


## **Jacqueline Musk** Board member

LLB (Hons), BA (Hons)

Jackie was admitted to legal practice in 1971. She was appointed as a Magistrate in the Children's Court in 1990 and worked as a general Magistrate until 2010. Since then, Jackie has held several senior positions in the legal sector. She joined the Board of Youth Legal Service in 2014.

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## **Linda Savage** Board member

BA (Hons), LLB, MA, GAICD, Cert Bioethics

Linda is a lawyer and also holds a degree in Political Science. Prior to a term as a member of the WA State parliament, she was Director of the Social Security Appeals Tribunal and a member of the Administrative Appeals Tribunal. She is currently convenor of the Valuing Children Initiative. She joined the Board of Youth Legal Service in 2014.

# Our staff

Staff members as at 30 June 2016:

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**Cheryl Cassidy-Vernon** Director

BSocSc, MSA

Cheryl joined Youth Legal Service in 1999. Previously, she was Director of the Social Justice Centre at the University of Notre Dame. Cheryl has many years experience in managing social welfare programs. She has also served as Chair of the Youth Affairs Council of WA and as a Board member for the Western Australian Council of Social Services.

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**Sally Dechow** 2IC/Principal Solicitor

LLB, LLM, Grad Dip ForensicSc

Sally was admitted to legal practice in 1992. She worked in private practice for 5 years before joining Youth Legal Service. In 2008 she left to work at the Mental Health Law Centre as Senior Solicitor and returned to Youth Legal Service in 2012. Sally was appointed Principal Solicitor in 2013.

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**Phillip Kelly** Senior Criminal Solicitor

BA, LLB

Phillip was admitted to legal practice in 1991 and was Principal of his own firm until 1996. He has since worked as Senior Associate in several private law firms and as Senior Solicitor and Counsel at the Mental Health Law Centre. Phillip joined Youth Legal Service in 2013.

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**Helen Butcher** Communications Officer

BA CommStud (Hons), Grad Dip Design

Helen worked in various roles at the University of Western Australia and Edith Cowan University before re-skilling as a Graphic Designer. She worked in communications and design at Nature Play WA and then joined Youth Legal Service in 2013.

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**Sharon Newman** Senior Administration Officer

Cert III Business (LegalAdmin), Cert IV LegalStud

Sharon joined Youth Legal Service in 1992. In addition to her legal administration duties, she supports the Director and coordinates Youth Legal Service's law education program.

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**Krysten Leopardi** Legal Administration Assistant

Assoc Dip BusMgt

Krysten has a background in desktop publishing, administration and support in the legal, accounting, merchant banking and resource industries. She joined Youth Legal Service in 2014.

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**June Singh** Accountant

BAccSci (Hons)

June has worked as an Accountant in the not-for-profit sector since 2000. She has extensive experience in the provision of accounting services. June joined Youth Legal Service in 2014.

**Millar Johns** Office Assistant (Cleaner)

Millar joined Youth Legal Service in March 2014 to provide part-time assistance with office cleaning while he is studying.

# Report from our Chairperson



Since its inception in 1985, Youth Legal Service has provided a specialist legal service to children and to young people under the age of 25 years. Funding has always been tight but YLS has creatively adapted its services and service delivery to ensure that young people are not turned away. In the 2016 financial year things have changed. There have been even more dramatic cuts to funding than I reported last year.

YLS had no option but to make a further three positions redundant. At the time of writing only a skeleton staff is valiantly struggling to comply with the terms of existing grants.

YLS no longer has a financial counselling service, which provided hundreds of young people with advice about their financial troubles. This service helped many young people, some of whom felt that bankruptcy was the only solution to their financial problems. It is detailed and time-consuming work.

Thanks to a Lotterywest grant, YLS engaged a fundraising organisation to undertake a feasibility study of potential donors and avenues of donations. Its ultimate recommendation was that YLS should launch a Major Gifts Campaign. However, YLS does not have the staff to support such a resource intensive campaign. The study was useful nonetheless as it highlighted YLS's strengths and its opportunities for development.

The National Partnership Agreement on Legal Assistance Services provides that Commonwealth funding to community legal services will be reduced by 30% from 1 July 2017. So the funding squeeze will become tighter.

The Board is conscious that YLS and other community legal centres cannot sit back and hope that funds will roll in.

YLS is actively seeking consultation and collaboration with like-minded organisations looking for opportunities to share resources and to avoid duplication of services. It may seem a pragmatic thing to do but the danger is that the specialist services provided to children will become subsumed in the overall services which organisations offer to adults.

We hope to engage a cohort of volunteers to assist with administrative duties which currently the Director and two solicitors share due to the redundancies.

YLS is aware of other means to rationalise resources such as webinars and social media to deliver important information to young people. YLS has activated its website which provides web based information on a range of issues confronting and of interest to young people.



However, no matter how successful these initiatives may seem, young people, and especially children, need face-to-face assistance with their problems. A one off interview is unlikely to satisfy the needs of young people.

If young people are involved in the criminal justice system, it is imperative that they receive timely, expert legal advice and representation. Regrettably, it is beyond the resources of YLS to continue providing the range and level of services it has provided in the past. The Director has rationalised some resources, for example, by limiting legal representation to children appearing in the Perth Children's Court and reducing services in other metropolitan courts. Those who miss out are unlikely to find substitute legal services from say, the Legal Aid Commission. If children are unrepresented in court, there is a real risk that they will plead guilty "to get it over and done with". There is a risk that the court will not receive important information about their personal circumstances if they plead guilty or are convicted. I can say from personal experience that judicial officers dread having to conduct a trial if a defendant is unrepresented. A judicial officer must remain neutral in the case and judicial assistance to an unrepresented defendant is necessarily limited. The flow on effects of unrepresented defendants mean that trials take longer, court lists become clogged and the risk of a miscarriage of justice is not fanciful, especially for the unrepresented child.

The Board and staff of YLS worked together to produce the *Strategic Plan 2015-2020*. Our vision is *justice for children and young people*. Our mission is *promoting access to justice for children and young people through representation, education, support and advocacy*.

The vision and mission of YLS have been its driving force over the years. The Board and staff are committed to achieving their objectives. However, it is not unduly pessimistic to observe that without consistent sources of funding, the ongoing viability of YLS is at stake.

I thank YLS staff past and present for their commitment to justice for children. I commend those remaining staff for doing their work in very challenging circumstances and for remaining positive.

I thank members of the YLS Board and also our remaining sponsor, Anglicare WA. Jackson MacDonald, solicitors, have continued to support YLS on a pro bono basis. The Board is extremely grateful for their assistance.

I thank YLS Director, Cheryl Cassidy-Vernon, who has continued to motivate staff and strive for creative solutions to the funding shortfall.

**Kate O'Brien**

# Report from our Director



It has been a tumultuous year for Youth Legal Service. We commenced the year with two unexpected funding decisions. The first was cuts to both the Commonwealth and State Community Legal Service Programs, and the second was the discontinuance of state-funded financial counselling for the metropolitan area as at 30 September 2015.

## Legal service cuts

The cuts to the Community Legal Service Programs were contrary to the recommendation of the Productivity Commission for increased funding, and fly in the face of research by PwC which found that the benefit of funding for legal assistance was between \$1.60 to \$2.25 for every dollar spent by governments. Additionally, PwC identified in 2012 that for every \$1 invested in community legal centres, there is an \$18 benefit to the community. These cuts come at a time when demand for our services is at an all-time high. Unfortunately, the outcome of the cuts is that we were forced to reduce our services to disadvantaged children and young people and downsize our staffing. The situation does not end there, as a further 30% cut to these programs is on track for the 2017/18 financial year.

## Financial counselling discontinuance

The discontinuance of financial counselling has meant those that could have received help through financial counselling, to ride out difficult times, are now cut loose to flounder about on their own, with no support to negotiate with creditors, landlords and the like. More families will face the very real prospect of homelessness and the loss of essential services.

In these tough economic times, it doesn't take much for a family to be sucked into a spiral of mounting debts, which exacerbates family stress, violence, substance misuse and mental health issues in households that are already struggling to make ends meet. Our children and their parents deserve better than this. The decision will also impact our courts, which are already overburdened, as more families face bankruptcy and eviction, not to mention our over-stretched mental health services.

Financial counselling is an essential service to the most vulnerable and disadvantaged people in Western Australia. The 2015-16 WACOSS Pre-Budget Submission indicated that an additional \$1.5 million was needed to assist struggling families. WACOSS analysis in 2014 found that the weekly incomes of single parent families and unemployed single people (the client group we served) remain inadequate to meet basic living costs. A significant increase in the Newstart allowance is desperately needed, yet what we have is a major funding cut which will impact families that are already stressed.

High rises in education and health costs, with more due as a consequence of both the Federal and State budgets for 2015, will impact low income households, reducing access to educational advancement and primary health care, both of which are essential to improving the lot of disadvantaged families (WACOSS 2014 Cost of Living Report).

## **Keep calm and carry on**

The old adage – keep calm and carry on – has been bandied about over the last year, but in some ways that is exactly what we have done, and achieved great things despite our difficulties. However, we simply cannot rest on our laurels and will be feverishly working behind the scenes to preserve our essential services to the youth of Western Australia. In the meantime, we can celebrate sound achievements in the face of adversity as follows:

- Completion of a new strategic plan, Enhancing Futures, for the period from 2015 to 2020. Additionally, we have a comprehensive marketing plan to steer our way forward and a useful feasibility study that provides direction for accessing further funding and fundraising options.
- Review processes have been implemented for all factsheets and education materials, thereby assuring accuracy and currency for our publications.
- New processes were introduced to ensure that we continue to meet our obligations for our accreditation and service standards. Furthermore, we have created a compliance checklist so that all these obligations can be referenced in one document, thereby improving our accountability and governance operations.

We will continue to provide exceptional legal service delivery to our youth whilst we explore social opportunities to pursue our mission and shore up our future sustainability. Rest assured that we will continue to play an active role in the development of awareness of legal rights and responsibilities whilst advocating for the legal needs of children and young people.

Our advocacy, education and sustainability is made possible by the hard work of Youth Legal Service staff and by the strong commitment of our Board members. I thank them all for their service over the past year during these difficult times and I single out our outgoing Chairperson Kate O'Brien for her wisdom and perseverance.

**Cheryl Cassidy-Vernon**



## Our services

### **Legal services**

Statewide legal information and legal advice, advocacy and legal representation within metropolitan courts for young people under 25 years of age.

### **Financial counselling services**

Free and confidential services to young people under 25 years of age who are experiencing financial hardship and reside within the Perth metropolitan area. Discontinued at 30 September 2015.

### **Community legal education**

A quality community legal education program that increases awareness amongst young people, and those that work with young people, of their rights and responsibilities.

### **Policy and law reform**

Participation in public policy discussion on youth legal issues and access to justice for young people in Western Australia.

### **Program administration and management**

Infrastructure to enable administration and management of service delivery, including planning for new programs, management of financial, human and office resources.

# Legal services

Youth Legal Service provides free legal advice to young people under 25 years of age residing in Western Australia.

Young people living in rural, regional and remote areas can access legal advice via our state-wide legal advice line – 1800 199 006 – for the cost of a local phone call, during office hours.

Youth Legal Service provides a legal advice and casework service to young people living in the Perth metropolitan area.

Youth Legal Service provides advice and casework as follows:

- Criminal matters
- Credit and debt matters
- Civil law matters (minor claims only, up to \$10,000)
- Motor vehicle accidents
- Contract law
- Criminal injuries compensation
- Violence and misconduct restraining orders
- Leaving home
- Spent convictions
- Appealing criminal convictions

## Specific priorities

Our priorities for the 2015/16 financial year revolved around adapting our service delivery to correspond to cuts in the Federal and State Community Legal Service Programs:

1. Revising our legal service scope.
2. Developing a model for pro bono legal service delivery.
3. Providing exceptional legal service delivery.
4. Documenting the costs per closed legal casework file.
5. Ensuring our service mix includes test/significant cases, education and policy initiatives.

## Revising our legal service scope

Unexpected funding cuts to the Commonwealth and State Community Legal Service Programs necessitated a revision of our service scope to align service delivery with current resources and service agreement outcomes. Consequently, our priority focus for our criminal practice became representation in Children's Court matters, save for matters that were already in progress in the adult courts.

Additionally, the notification from the State Government that financial counselling was to be discontinued as at 30 September 2015 created a change of focus in our civil law practice, with legal advice no longer being offered for credit and debt matters.





Resource constraints impacted significantly on our capacity to provide court representation for Violence and Misconduct Restraining Orders.

### **Developing a model for pro bono legal service delivery**

As Commonwealth funding for legal aid has declined significantly since 1996, the number of people presenting for legal assistance at community legal centres (such as Youth Legal Service) has risen, thus creating a chronically underfunded legal assistance sector, which struggles to fulfil an enormous unmet need for legal services. Community legal centres have experienced years of underfunding and have largely been unable to secure a funding boost from general government revenue.

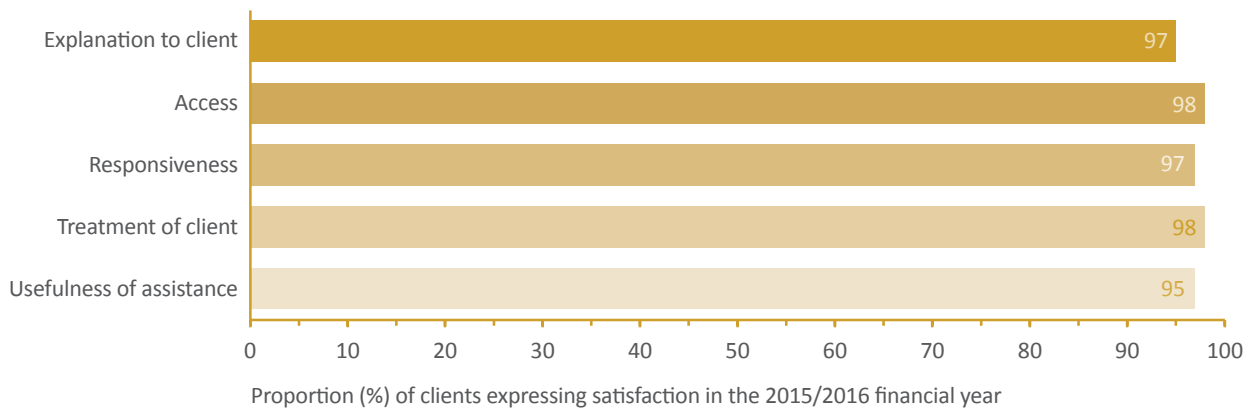
Like most community legal centres, Youth Legal Service has a long tradition of working collaboratively with lawyers from the private profession, however, in order to grow the future of Youth Legal Service, we must reconsider how we collaborate with the private profession in respect to pro bono services.

Announcements of funding cuts to Legal Aid and community legal centres have created more pressure for us as we seek to pursue access to justice for young people, thus making the consideration of pro bono services a priority at this time. We have previously experimented with a range of pro bono strategies, with some success and some failures. In the 2016/17 financial year we will be seeking to establish two pro bono options: secondments from the private profession; and, representation at criminal trials and defended restraining order matters.

## Providing exceptional legal service delivery.

We measure our success in providing exceptional legal service delivery by sourcing client feedback to determine satisfaction levels. Our benchmark is set at more than 65% of clients being extremely satisfied.

### Legal service client satisfaction



## Documenting the costs per closed legal casework file

Costs are determined on an hourly rate using the Legal Costs Committee's determinations as published in the Government Gazette 20 June 2014.

The Committee determined the rates as follows:

	District Court	Magistrates Court	Children's Court (Magistrate)	Children's Court (President)
Senior Practitioner (admitted 5+ years)	\$473	\$473	\$473	\$473
Junior Practitioner	\$330	\$330	\$330	\$330

## Closed legal file statistics

For cases finalised during the period 1 July 2015 to 30 June 2016

Criminal cases			District Court	Magistrates Court	Children's Court
Total number of cases			1	68	39
Total court appearances			3	343	138
Court appearances by type	Mention		1	227	66
	Plea		1	57	37
	Sentence		1	50	29
	Trial		0	9	6
	Appeal		0	0	0
Total face to face advice sessions			4	239	162
Total telephone advice sessions			7	389	156
Total cost of all cases			\$4,237	\$762,715	\$255,532
Average cost per case			\$4,237	\$11,216	\$6,552

## Civil cases

Civil cases			Civil matters
Total number of cases			32
Total court appearances			6
	Court appearances by type	Mention	3
		Trial	2
		Appeal	1
Total face to face advice sessions			95
Total telephone advice sessions			442
Total documents prepared			322
Total cost of all cases			\$400,820
Average cost per case			\$12,525



## Consolidated data

Consolidated data			All matters
Total number of cases			140
Total court appearances			490
	Court appearances by type	Mention	297
		Plea	95
		Sentence	80
		Trial	17
		Appeal	1
Total face to face advice sessions			500
Total telephone advice sessions			994
Total cost of all cases			\$1,423,304

## Ensuring our service mix includes test/significant cases, education and policy initiatives

Successfully appealed a Criminal Injuries Compensation Award.

Additionally, we have 2 other significant cases that are ongoing:

- One involves a 15 year old charged with 1 x indecent dealing and 1 x Sexual penetration of a child under 13 years of age. This boy has been exposed to many bad situations including in-utero exposure to heroin. Our client has trouble staying on tasks and continually changes the subject and /or becomes agitated making it very difficult to get instructions, we questioned his capacity to understand the criminal proceedings and whether he was fit to plea. Client has been psychologically assessed, has an IQ of 71 (cut off point for intellectual disability is 69). Concluded that by the narrowest of margins he was fit to plea.
- We are representing a young man, with mental health issues and methamphetamine use. The Reckless Pursuit legislation states that intention is an element of the offence. s23A of the Criminal Code states that a person is not criminally responsible for an act which occurs independently of the exercise of the person's will. s28(3) intoxication may be regarded for the purpose of ascertaining whether the intention existed. The offence requires specific intent, after a long and protracted case the prosecution has accepted that we have arguable grounds and have agreed to downgrade the charge from reckless to dangerous.



## Criminal Injuries Compensation

There is a high expectation placed on teenagers about their ability to look after themselves. The law considers that at the age of 10, a child is criminally responsible. Generally by the age of 12, young people can consent to their own medical treatment and by the age of 16 can consent to sex, terminate a pregnancy, go to an adult prison and get a Learner's permit to drive a motor vehicle. Young people are seen as being able to leave home at any age, despite the fact that they cannot claim Youth Allowance until they turn 16, and are able to make choices about who they want to live with from about 12 or 13.

At Youth Legal Service, we are reminded every day that teenagers are very vulnerable members of our community. If a young person has at least one adult who is concerned about them enough to look out for them and support them, then their journey into adulthood will tend to be safe. However, when a parent puts a new relationship first, or is not present in the young person's life through other circumstances, and there is no-one left looking out for them, those young people are put at serious risk of harm by others.

### Case study one

James\* was 12 years old when his mother was sent to jail for three years. He was placed in the care of his maternal grandfather, who he had never met before. His mother thought he would be okay as he was close to his grandfather's carer, who he called 'Nanna'. Nanna moved out soon after James arrived and left the state.

James' grandfather was physically and emotionally abusive towards him. He forced James to work every afternoon and weekend for his gardening business. His grandfather beat him regularly around the head, face and legs if things were not done right. He would also pull and twist on James' ears until they tore and bled, twist his toes and grab him around the throat. His grandfather threatened to hurt James if he told anyone what was happening. He also prevented James from visiting his mother in jail and, when she was released, prevented James and his mother from contacting each other.

Early on there was an interaction report to the Department for Child Protection and Family Support about James' grandfather repeatedly punching him in the face. The Department responded that James was old enough to influence where he lived and should report the matter to the Police. No further action was taken.

One day, 14 months after he went to live with his grandfather, James was packing away his grandfather's gardening tools when he accidentally spilt some fuel. His grandfather pushed him to the ground, covering his clothes in fuel, and then set him alight with a cigarette lighter. James received significant burns to 22 per cent of his body. He was 14 years old at the time.



\* Not his real name  
or image

James' grandfather was charged with two counts of aggravated assault occasioning bodily harm and one count of grievous bodily harm, but committed suicide before he was due to appear in court.

James endured over 6 weeks in hospital, including surgical procedures, intensive burns management, acute pain management and painful physiotherapy. Despite the pain medication, he would cry from pain when his dressings were being changed. After being released from hospital he had to go back every day to have his dressings changed and then wore a burns suit for another year. James found it difficult to attend school because of medical appointments, kids teasing him and feeling embarrassed about his body.

James has permanent scarring all over the left side of his body. This limits his movement and makes his skin very itchy and hot. He wears long sleeve shirts all year around because he is embarrassed of his body and his skin is very sensitive to the sun. It is difficult for James to work because he can't work outdoors, has limited movement and missed out on a lot of education. He avoids any activities that involve exposing his scars and doesn't know how he would manage if he were to get a girlfriend.

We prepared James' application for Criminal Injuries Compensation and James received the maximum of \$150,000 for his injuries. There was no one looking out for James when it was needed. Had there been, he would never have been placed with his grandfather, or he would have been removed soon after.

## Case study two

Eliza\* was 13 years old and brought up in another state when she was sent to live with her grandmother in a small town in the north of Western Australia. Her mother was in a new relationship and Eliza did not get along with her step-father so, for the sake of the new relationship, she was sent away. Her father had a new bride and did not want Eliza around. Eliza's grandmother did not really want her living there either and they barely knew each other. Initially, Eliza was excited, as she saw it as a new start and was enrolled in the local high school.



\* Not her real name or image

Eliza met a boy who asked her to go to a movie with him. He called her about ten times one night, asking her to meet him in the park. Eliza met up with him at 11pm and was surprised to find about six 15-year-old boys there, all drinking alcohol. She was given alcohol to drink. The group then went back to one of the boy's homes and continued drinking. His parents were asleep in the home. Eliza, who was a virgin, was then raped by three of the boys in a particularly degrading and humiliating way. This was filmed by another on his mobile. The footage was sent to other students, who then sent it on to others. One student put the footage on YouTube with a vulgar title. It soon went viral.

The matter came to light some weeks later because a teacher found out about the footage and reported it to Police. The boys were charged with various offences, including sexual penetration of a child between 13 and 16 years old, indecently recording a child and possessing child pornography. In addition, charges could have been laid (but were not) for distribution and possession of child exploitation material for all the students involved in looking at the material and passing it on to friends.

Eliza could no longer remain at the school after this. She was called a 'slut' and was blamed for what occurred to her. She dropped out of school, started to self-harm and stopped eating, which resulted in her being admitted to a psychiatric hospital. When she was discharged, her grandmother sent her away from Western Australia to live with her father. This did not last long and, by the age of 14, Eliza was living on the streets. She has met people in Queensland and New South Wales who recognised her as the girl on the YouTube footage.

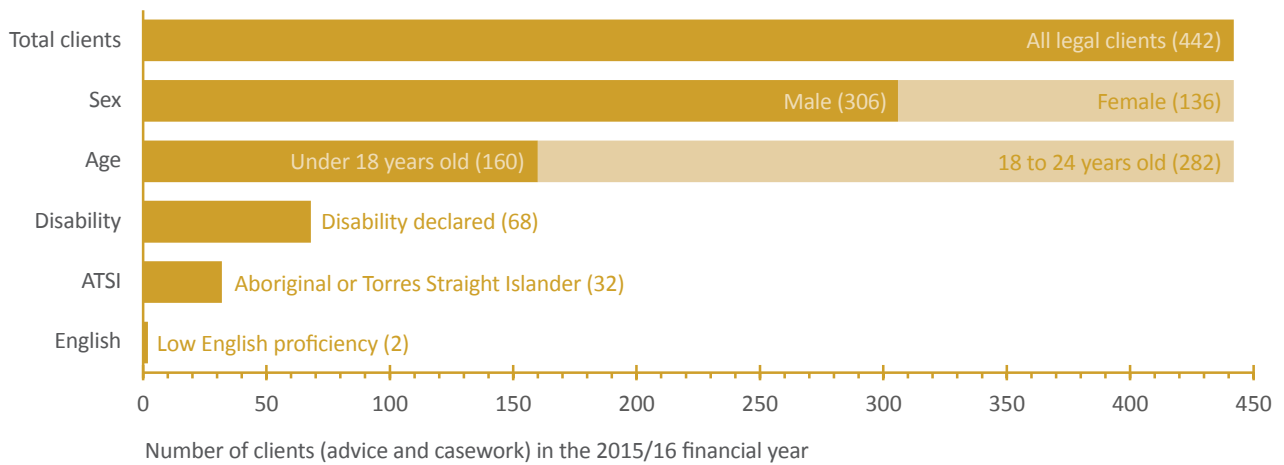
We prepared Eliza's application for Criminal Injuries Compensation and she received the maximum of \$150,000 for her injuries. There was no-one looking out for Eliza when it was needed. Had there been, she would not have found herself in a position where her safety was jeopardised.

## Top legal problem types

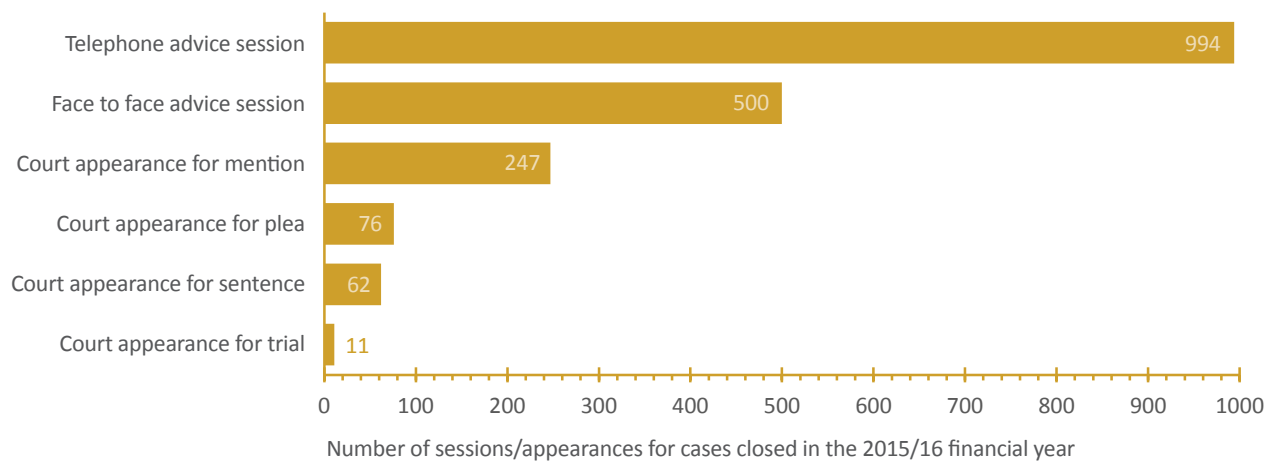
The top legal problem types we responded to by way of information, advice or casework in the 2015/16 financial year are as follows:

Problem type	Number	Proportion (%)
Miscellaneous offences	100	13.6
Acts intended to cause injury	75	10.2
Injuries compensation	74	10.1
Road traffic matters	67	9.1
Theft and related offences	63	8.6
Property damage	35	4.8
Other civil	31	4.2
Unlawful entry / burglary / break and enter	31	4.2
Illicit drug offences minor	31	4.2
Sexual assault and related offences	30	4.1
Violence restraining orders	29	3.9
Motor vehicle accidents	26	3.5
Deception / fraud	24	3.3
Credit and debt matters	19	2.6
Justice system procedure	16	2.2
Civil contracts	11	1.5
Illicit drug offences major	9	1.2
Robbery / extortion	8	1.1
Fines enforcement	6	0.8
Motor vehicle other	6	0.8
All other problem types	45	6.1

## Legal service client demographics



## Legal service casework activity





Bradley\* has a long history of social anxiety. In his mid-teens he began to smoke cannabis regularly in an attempt to manage his anxiety as well as make friends. When he was 21 he suffered pronounced depression as a result of a relationship breakdown and began using methamphetamine on a regular basis to lift his mood.

In early 2014, at age 23, Bradley was 'high' on methamphetamine when a friend asked him to drive a motorcycle to another address. Bradley suspected the motorcycle may have been stolen and asked his friend, who said it was not. Bradley agreed to drive the motorcycle even though he did not possess a motorcycle licence. Noting his erratic driving, Police followed Bradley for a short distance before activating their emergency lights. Bradley panicked and accelerated, and the Police pursued him down a couple of streets before he voluntarily pulled over. Bradley was described by Police as shaking and flustered. They instructed him to calm down and breathe. When they asked him why he didn't stop, he responded: "Because I was in a panic attack, I don't know, I was freaking out."



\* Not his real name or image

Bradley was charged with several offences relating to driving without a motorcycle licence, possession of prohibited drugs, stealing a motor vehicle and, most significantly, Reckless Driving to escape Police pursuit, which carries a mandatory term of imprisonment if convicted. Bradley's friend was also charged with stealing a motor vehicle.

Our lawyer arranged for Bradley to see a psychiatrist specialising in forensic psychiatry as well as child and adolescent psychiatry, to obtain a psychiatric opinion regarding Bradley's mental state at the time of the incident. The psychiatrist reported that it was likely, on the balance of probabilities, that Bradley was having a panic attack at the time, consistent with his social anxiety and methamphetamine use. Submissions were made to Police Prosecution based on the psychiatrist's report and assessment of our client's mental health, in particular at the time of the offences.

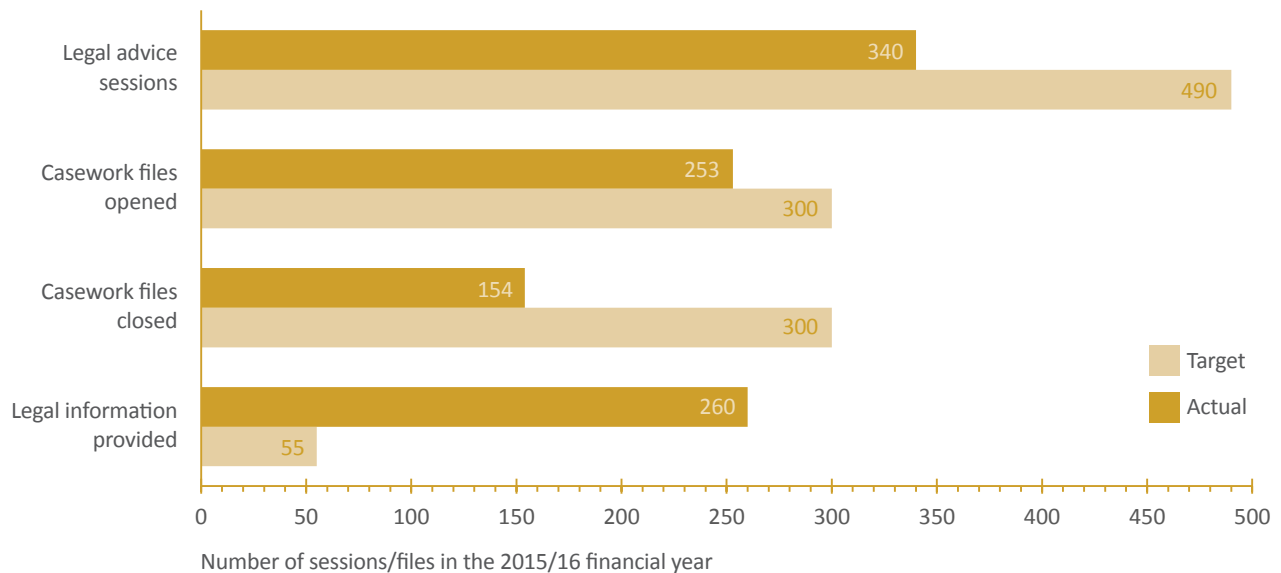
In response, Police Prosecutions agreed to amend the charge of Reckless Driving to escape Police pursuit, by removing the circumstance of aggravation and thereby the condition of mandatory imprisonment. Bradley then pleaded guilty to all charges. He received multiple fines and suspensions which, in total, resulted in suspension from holding or obtaining a motor driver's licence for two years, \$7,600 of fines and \$77 of costs.

During the course of criminal proceedings, Bradley managed to get his life back on track. He engaged with a drug counselling service provided by the Court and ceased using drugs. He also began working with his father, became a father himself and purchased a house for his new family. He is grateful to have a second chance and determined to do the best he possibly can for his son.

## Commonwealth and State Community Legal Service funding

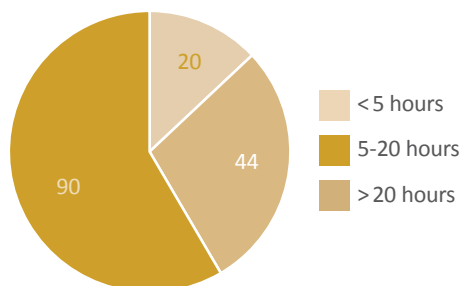
Youth Legal Service delivered the following legal services in the 2015/16 financial year via Commonwealth and State Community Legal Service funding:

### Legal services provided



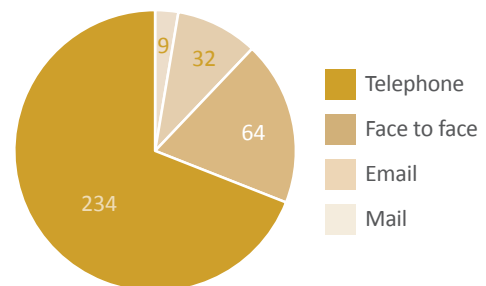
### Casework duration

By number of closed files

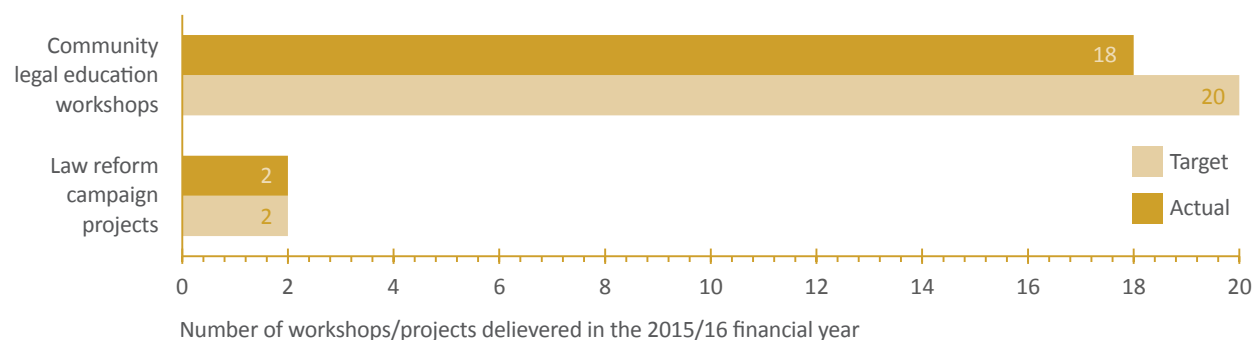


### Legal advice type

By number of advice sessions



### Non-casework delivered



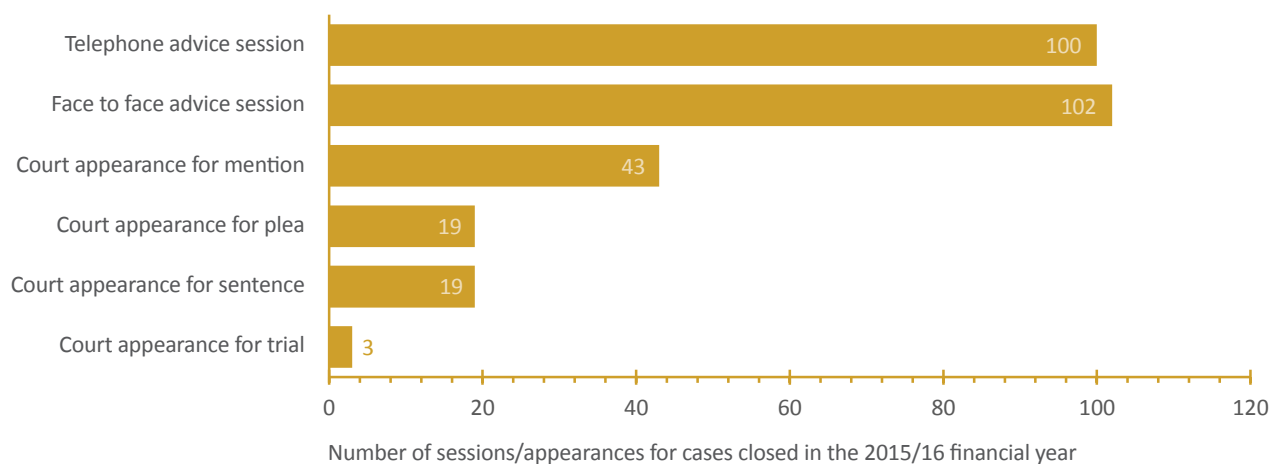
## Public Purposes Trust funding

Youth Legal Service was funded by the Public Purposes Trust (administered through the Law Society of Western Australia) to provide the following important outreach projects.

### North East Metropolitan Project

Provide a community legal service including legal advice sessions, court representation and community legal education to young people in the local government areas of Joondalup, Wanneroo, Swan, Bassendean, Mundaring and Kalamunda.

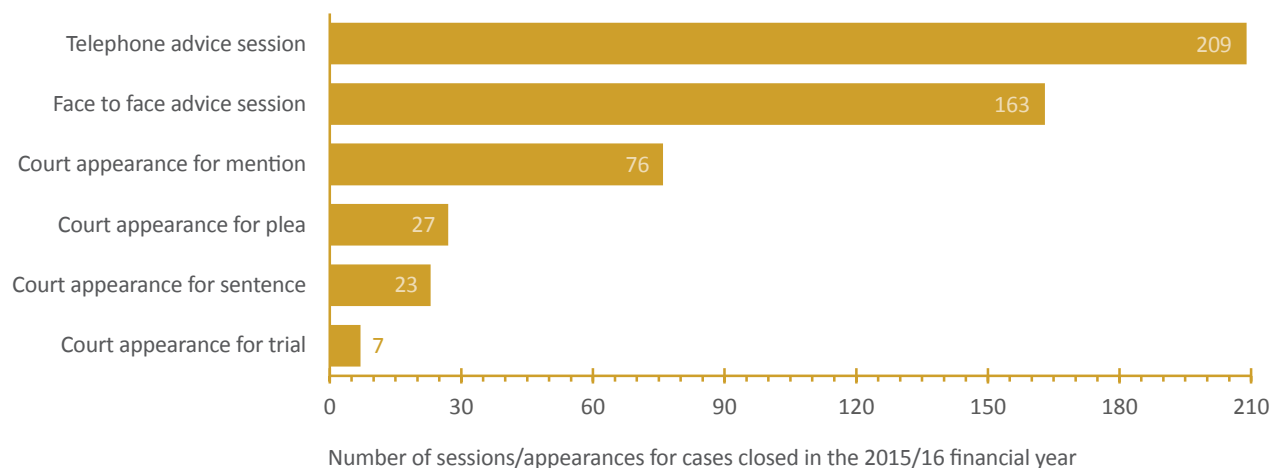
#### Casework activities



### South East Metropolitan Project

Provide a community legal service including legal advice sessions, court representation and community legal education to young people in the local government areas of Armadale, Gosnells, Canning, Belmont, East Fremantle, Fremantle, Melville, Cockburn and Rockingham.

#### Casework activities



## Financial counselling services

In June 2015 we were notified that state funded financial counselling services for the Perth Metropolitan area were to cease from 30 September 2015. Given the late-ness of this not notification and the vulnerability of our clients we used the period 1 July 2015 to 30 September 2015 to enact an exit strategy that sought to connect clients to other service providers. During this period 19 clients were satisfactorily exited from the program.

We are satisfied that during the 10 year period that we hosted a financial counselling program we made a difference to the lives of thousands of young people in the Perth Metropolitan area.



# Community legal education

## Specific priorities

In a quest to play an active role in the development of an awareness of the legal rights and responsibilities for children and young people we sought to:

1. Utilise our resources to reach as many children and young people as possible through our education initiatives.
2. Establish a system for documenting and revising education materials.
3. Provide relevant and readily accessible publications that address common enquiries we receive from our clients.

## Utilise our resources to reach as many children and young people as possible through our education initiatives

We have developed a new education workshop as part of our Graffiti Diversion Program, and revised our Law Education Program.

We delivered 18 community legal education workshops during the year. We wanted to provide many more, however, the fallout from redundancies in October 2015 meant that we simply did not have enough staff to deliver workshops. Hopefully, our e-learning initiative will be funded sometime in the future, which will dramatically change how we deliver community legal education.

Our client satisfaction levels for community legal education workshops are extremely high.

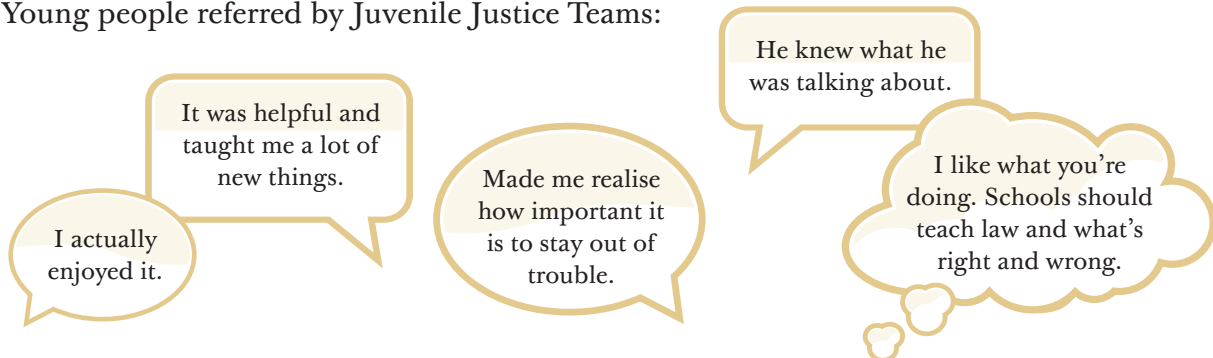
## Evaluations for 2015/16 financial year



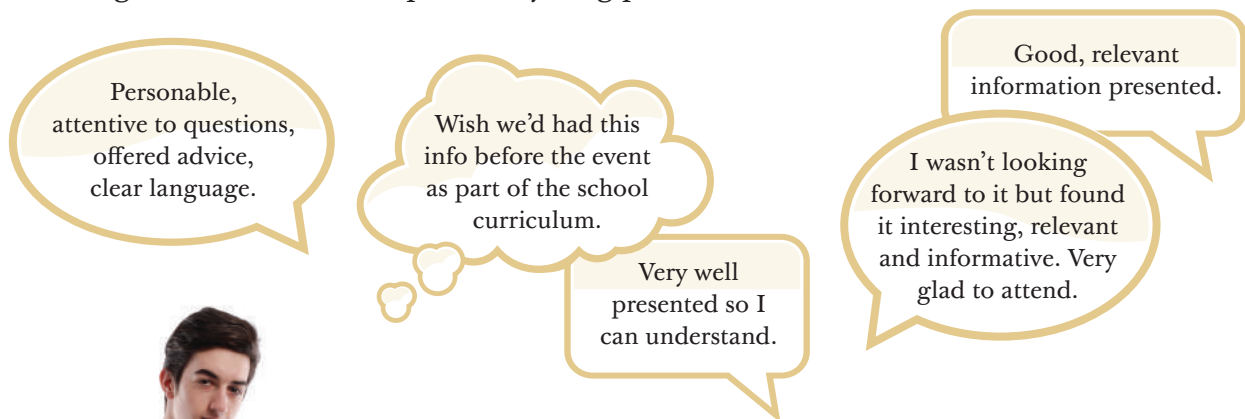


## Comments for 2015/16 financial year

Young people referred by Juvenile Justice Teams:



Parents/guardians who accompanied a young person:



## Establish a system for documenting and revising education materials

A publications review system has been introduced and all factsheet and education materials are now housed centrally. The Communications Officer has set up a review schedule for all training and factsheet materials.

## Provide relevant and readily accessible publications that address common enquiries we receive from our clients

Last year we focused on developing and uploading factsheets, we continued this through 2015/16 and we now have 47 factsheets available on line.

Our factsheets continue to receive a high level of traffic.

Most viewed fact sheets	Views/downloads	Average time on page*
Fact sheet index page	3,780	0:56 (minutes:seconds)
All individual fact sheets	13,841 (average of 38 per day)	2:35
1. What age can I leave home?	3,227	3:28
2. Age of consent and sexual behaviour	1,815	2:59
3. What age can I consent to my own medical treatment?	1,248	2:29
4. What age can I go to prison?	897	2:22
5. What age can I buy cigarettes or cigars?	636	1:58
6. Alcohol laws	490	2:10
7. School: Bullying	401	3:49
8. What age can I terminate a pregnancy?	381	1:59
9. Living together & de facto relationships	380	2:19
10. Victims of violent crime	364	4:40
11. What age can I get a body piercing?	357	1:26
12. School: Attendance	339	3:14
13. What age can I get a tattoo or brand?	289	1:32
14. Consequences for sex offences	282	3:14
15. What age can I get a passport?	241	2:39

\* The time a visitor spends on each page is calculated by measuring the time between clicking on one page and another. If the visitor only visits one page it will be recorded as 0:00, regardless of the actual duration of their visit. This affects the statistics above.

# Policy and law reform

## Specific priorities

In the 2015/16 financial year we sought to:

1. Complete two law reform policy projects/campaigns.
2. Provide regular submissions to government and media on youth legal issues.
3. Complete the Youth Legal Needs research.

## Complete two law reform policy projects/campaigns

Two projects were completed during the year.

## Provide regular submissions to government and media on youth legal issues

### Submissions

Date	Inquiry	Organisation
7 November 2015	Interview with Mary Sukey regarding assessment of the START Court program and LINKS pilot program. Discussion of current scheme's progress, future needs and suggestions for improvement.	Department of the Attorney General (Western Australia)
2 February 2016	Reform submission to Out of Home Care legislative amendments consultation paper	Department for Child Protection and Family Support

### Media activities

Date	Topic	Publication
13 July 2015	10 year olds in the legal system	State-wide ABC TV
22 February 2016	Investigating whether Police are using the Turning Point program	ABC Journalist: Anthony Stewart

## Complete the Youth Legal Needs research

We thank Lotterywest for funding this important piece of research, and our researcher, Dr Dot Goulding of Curtin University, who was able to engage young people in the study. Thanks also to the members of the Research Reference Group who greatly assisted the research with their expertise. The Group was comprised of representatives from the Legal Aid Commission WA, the Department of the Attorney-General (WA), the Youth Affairs Council of WA, the Law Society WA and the Community Legal Centre Association (WA).

The research report is available from our website, [www.youthlegalserviceinc.com.au](http://www.youthlegalserviceinc.com.au).

The report posits some challenges for Youth Legal Service and legal assistance services in general. Namely:

- Responding to the finding that young people are not aware of and do not know how to access legal assistance services, which serve as the nexus of access to justice for those on limited or no incomes.
- For those that indicate an awareness of legal assistance services, there is a presumption that they can't be accessed due to waiting lists for over-subscribed services. Whilst there is a degree of truth to this, there is still the opportunity to access initial legal advice in the first instance but no guarantees of ongoing legal assistance such as court representation and case work.
- Raising the awareness of young people about the law and legal processes, so as to circumvent the inaccurate legal knowledge that young people garner from word of mouth and television shows that do not reflect the realities of the law in Western Australia.
- Addressing in some meaningful way the over-representation of indigenous young people in the criminal justice system, as well as developing an awareness of the machinations of law and order politics.
- Finally, answering the demand for legal assistance for specific legal issues arising from consumer debt issues, employment matters, cyber law matters, increased criminal law services, family violence matters, and tenancy disputes.

In respect to the challenges raised in the report, we must be mindful of presenting our education programs in a format that young people understand (without “long words and legal shit”), and that the information is accessible to every young Western Australian person.



We are progressing a number of new education initiatives, including an eLearning community, which will have education resources that can be accessed by everyone. There are specific topics to be developed such as cyber laws and police powers, which will roll out in 2016. We are also exploring some board game ideas and other learning tools to engage young people with literacy difficulties.

Furthermore, our current strategic plan provides direction to us to provide credible commentary on youth legal issues and influencing institutions and systems to ensure that they are aware of the special legal needs of children and young people, thus enabling increased awareness of the extra disadvantages our indigenous young people are experiencing, as well as countering the myth that such children already know the system.

The report outlines some new areas of service delivery which we need to give some serious consideration as to how we might provide such services:

- Cyber laws are already on our agenda and we will be rolling out fact sheets and education activities to deal with this type of matter.
- Consumer debt issues are highlighted in the report and, given the demise of our financial counselling program, we can no longer respond in a concrete way and will need to seek other ways of providing this type of information to young people.



# Sustainability

In our quest to integrate economic and environmental factors and social opportunity to pursue our mission, we undertook strategic planning activities including a comprehensive marketing plan which aims to actively involve and engage stakeholders in Youth Legal Service, thereby growing the profile of the Service.

We worked with a fundraising consultant to develop a Feasibility Report and Major Gifts Campaign, however, at year's end the Major Gifts Campaign was deemed too risky for a small organisation such as Youth Legal Service and efforts are now directed to diversifying our funding sources.

The Board has been regularly reviewing the Rules of Youth Legal Service and is on track to meet the new compliance regime outlined in the Associations Incorporation Act 2015.

A new Compliance Checklist was introduced during 2015/16 and this included quarterly reports to the Board on completion of compliance obligations.



## Report from our Treasurer

This year presented significant financial challenges for the organisation. A reduction in funding necessitated a paring back of costs. However, there was a timing difference between the funding and cost reductions. Overall a loss in excess of \$150,000 was incurred.

Fortunately, the organisation had sufficient cash reserves to fund the loss, but clearly this situation is not sustainable. Emphasis on maximising 'front line' services within available funding will be a priority for the 2016/17 financial year. All costs have been reviewed and wherever possible only items directly related to the provision of client services retained.

We have a small capital buffer still available and this is required to fund working capital, especially if there are delays in the receipt of funding revenues. In the longer term, it will be necessary to consider other more stable measures to fund the work of the organisation.

**Eileen Newby**



# Financial statements

## Income statement for the year ended 30 June 2016

	2016	2015
	\$	\$
<b>Revenue</b>		
Funding and grants	700,474	992,434
Other income	42,635	44,614
Capital grant for IT equipment	—	63,454
Interest earned	2,410	7,948
<b>Total revenue</b>	<b>745,519</b>	<b>1,108,450</b>
<b>Expenditure</b>		
Audit	3,110	3,030
Bank charges	611	444
Consultancy	82,203	9,869
Depreciation	23,209	26,923
Disbursements	243	2,077
Equipment	479	608
Insurance	9,019	9,461
Library and memberships	24,098	28,741
Office overhead	35,194	35,983
Rent	71,892	74,928
Repairs and maintenance	583	3,408
Salaries	574,106	710,553
Telephone	8,097	11,165
Training	10,424	10,371
Travel and accommodation	45,543	46,594
Loss on disposal of assets	—	5,506
Lotterywest expenditure	—	75,697
<b>Total expenditure</b>	<b>897,311</b>	<b>1,055,358</b>
<b>Net (deficit) / surplus for the year</b>	<b>(151,792)</b>	<b>53,092</b>

**Balance sheet**  
as at 30 June 2016

		2016	2015
	Note	\$	\$
<b>Current assets</b>			
Cash and cash equivalents		187,662	282,805
Accrued income		—	21,084
Prepayments		2,708	2,462
<b>Total current assets</b>		<b>190,370</b>	<b>306,351</b>
<b>Non-current assets</b>			
Property, plant and equipment		46,422	69,631
<b>Total non-current assets</b>		<b>46,422</b>	<b>69,631</b>
<b>Total assets</b>		<b>236,792</b>	<b>375,982</b>
<b>Current liabilities</b>			
Trade and other payables		20,624	14,887
Grant in advance		16,666	—
Provision for annual leave	2	13,738	23,579
Provision for long service leave	2	20,684	21,148
<b>Total current liabilities</b>		<b>71,712</b>	<b>59,614</b>
<b>Non-current liabilities</b>			
Provision for long service leave	2	12,769	12,265
<b>Total non-current liabilities</b>		<b>12,769</b>	<b>12,265</b>
<b>Total liabilities</b>		<b>84,481</b>	<b>71,879</b>
<b>Net assets</b>		<b>152,311</b>	<b>304,103</b>

**Statement of cash flows**  
for the year ended 30 June 2016

	2016	2015
	\$	\$
<b>Cash flows from operating activities</b>		
Receipts from grants and funding agreements	743,109	1,079,420
Payments to suppliers and employees	(840,662)	(998,396)
<b>Net cash flows (used in) / provided by operating activities</b>	<b>(97,553)</b>	<b>81,024</b>
<b>Cash flows from investing activities</b>		
Interest received	2,410	6,347
Acquisition of property, plant and equipment	—	(65,049)
<b>Net cash flows (used in) / provided by investing activities</b>	<b>2,410</b>	<b>(58,702)</b>
<b>Net (decrease) / increase in cash and cash equivalents</b>	<b>(95,143)</b>	<b>22,322</b>
Cash and cash equivalents at beginning of financial year	282,805	260,483
<b>Cash and cash equivalents at end of financial year</b>	<b>187,662</b>	<b>282,805</b>
<b>Reconciliation to cash flows from operations</b>		
Operating surplus / (deficit)	(151,792)	53,092
<b>Non-operating cash flows in net profit (loss)</b>		
Depreciation	23,209	27,701
Interest received	(2,410)	(6,347)
<b>Change in assets and liabilities</b>		
(Increase) / decrease in prepayments	(246)	13,383
(Increase) / decrease in accrued income	21,084	(4,771)
Increase / (decrease) in provisions	(9,801)	19,292
Increase / (decrease) in payables	22,403	(21,326)
<b>Net cash provided by operating activities</b>	<b>(97,553)</b>	<b>81,024</b>



## Statement of changes in equity for the year ended 30 June 2016

	2016	2015
	\$	\$
<b>Accumulated funds</b>		
Balance at the beginning of the year	304,103	251,011
Add surplus / (deficit) for the year	(151,792)	53,092
<b>Total members' funds</b>	<b>152,311</b>	<b>304,103</b>

## Notes to and forming part of the financial statements for the year ended 30 June 2016

### Note 1

#### Statement of significant accounting policies

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act (WA) 1987 and the Australian Charities and Not for Profits Commission Act 2012. The Board of Management has determined that the association is not a reporting entity.

The financial statements have been prepared in accordance with the following mandatory Australian Accounting Standards applicable to entities reporting under the Australian Charities and Not for Profits Commission Act 2012 and the significant accounting policies disclosed below, which the directors have determined are appropriate to meet the needs of members. Such accounting policies are consistent with those of previous periods unless stated otherwise.

AASB 101	Presentation of Financial Statements
AASB107	Cash Flow Statements
AASB108	Accounting Policies, Changes in Accounting Estimates and Errors
AASB 1031	Materiality
AASB1048	Interpretation of Standards
AASB 1054	Australian Additional Disclosures

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

#### Going concern

The financial statements have been prepared on a going concern basis, which contemplates continuity of normal activities of the organisation. The ability of the organisation to continue as a going concern will be dependent upon the continued receipt of grants from the State Government of Western Australia.

**Income tax**

The Association is exempt from income tax under the provisions of Section 50-5 of the Income Tax Assessment Act 1997.

**Property, plant and equipment (PPE)**

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all PPE is depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

**Impairment of Assets**

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is recognised in the income and expenditure statement.

**Employee Benefits**

Provision is made for the association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

**Provisions**

Provisions are recognised when the association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

**Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

**Revenue and Other Income**

Grant revenue is recognised in the statement of comprehensive income when the entity obtains control of the grant and it is probable that the economic benefits gained from the grant will flow to the entity and the amount of the grant can be measured reliably.

If conditions are attached to the grant which must be satisfied before it is eligible to receive the contribution, the recognition of the grant as revenue will be deferred until those conditions are satisfied.

When grant revenue is received whereby the entity incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant

revenue is recognised in the statement of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

Donations and bequests are recognised as revenue when received.

Interest revenue is recognised as it accrues using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customers.

All revenue is stated net of the amount of goods and services tax (GST).

### **Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the statement of financial position.

### **Funding / Grants in Advance**

All grants are brought to account as income when received, unless they relate to future years in which case they are recognised as income in the year expended.

They appear in the Balance Sheet as a liability – Funding/Grants in Advance.

	2016	2015
Funding / grants in advance	16,666	nil

## **Note 2**

### **Employee Entitlements**

The amounts expected to be paid to employees for their pro-rata entitlement to annual leave and long service leave are accrued annually at current pay rates, having regard to period of service.

The amounts provided for as a current liability at 30 June 2016 are as follows:

Provision for annual leave	\$13,738
Provision for long service leave	\$20,684

The amounts provided for as a non-current liability at 30 June 2016 are as follows:

Provision for long service leave	\$12,769
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The amount owing for sick leave at 30 June 2016, which is not accrued in the accounts is \$26,823.



**Youth** legal service.

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