youth
LEGAL SERVICE

Annual Report 2023-2024

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

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Youth Legal Service is a not-for-profit organisation providing free legal services to children and young people across Western Australia. Youth Legal Service is accredited by the Community Legal Centres Australia under the National Accreditation Scheme.

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.

We recognise the traditional owners of the land upon which we work, the Whadjuk Noongar nation and pay respect to their connections to the land and sea. We pay respects to elders past and present.

Our Impact to Priority Client Groups

Youth Legal Service has continued to provide advocacy to young people, many of whom come within priority groups as identified by the National Legal Partnership Agreement.

607 Young people we have assisted

317 Had low or no income

244 Were under the age of 18

236 Disclosed Mental Health or Disability

84 Experiencing family violence

48 Disclosed or at risk of Homelessness

43 Identified at Aboriginal or Torres Strait Islander

16 Outer Regional, Rural, and Remote

56 Cultural or Linguistically Diverse (CALD)

Overview

Youth Legal Service is a not-for-profit organization that provides free legal services to children and young people (under 25 years) residing in Western Australia.

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 act in the best interest of young people
Empathy	We strive to comprehend each client's unique situation
Respect	We are considerate of the needs of young people

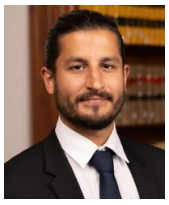
Our Funders

We would like to acknowledge the support of our 2023/24 funders:

- Department of Justice – Legal Assistance Branch
- Public Purposes Trust – The Law Society of WA

Office Hours
Monday – Friday 9-00am - 4-00pm
Telephone: (08) 9202 1688
Email: yls@youthlegalserviceinc.com.au

Board Members



Shaun Wyn-Jones
Chairperson

Andrea McCallum
Deputy Chairperson

Eileen Newby
Treasurer

Andrew Kazim
Board Member

Malcolm Bradley
Board Member

Debora Colvin
Board Member

Her Honour Mara Barone
Board Member

Madeleine Ogilvie
Board Member

His Honour David MacLean
Board Member

Shaun Wyn-Jones
Chairperson

Chairperson's Report

It is with great pleasure that I present the Chairperson's report for the Youth Legal Service Inc. (WA) (YLS) for this financial year. This year has been one of significant progress and achievement for our organisation as we continue to pursue our mission of providing accessible and high-quality legal services to young people throughout Western Australia.

Key Achievements

YLS continues to experience a high demand for services, with a total of 607 young people supported with legal advice and assistance. Criminal, and civil law continue to be the main areas of legal support. Critically, most young people seeking assistance have nil to low income and are predominantly aged between 0-17 years old. These statistics clearly indicate the critical need for the services our organisation provides.

Our People

These achievements would not be possible without the tireless efforts of all those who contribute to YLS's mission. I would like to particularly thank our Director, Francis Lynch, our Principal Solicitor Sally Dechow, and the rest of the team for their unwavering commitment to providing access to justice for young people in Western Australia. Your contributions are vital to the success of our mission.

I would also like to thank the Board for their exceptional leadership and oversight over the last year. We are fortunate to have a diverse board who are all driven by ensuring young people continue to have access to justice.

Challenges

Unsurprisingly, the uncertainty regarding ongoing funding continues to present challenges to strategic direction and service delivery – particularly with the current five-year funding period of the National Legal Assistance Partnership drawing to a close in mid-2025. While we have maintained a stable financial position this year, securing future funding remains a key priority.

YLS is also exploring a potential merger opportunity resulting from the Department of Justice's sustainability review. The merger holds the potential to create a more robust and resilient organisation capable of delivering enhanced services to Western Australian young people.

Looking Ahead

Looking ahead, YLS is dedicated to expanding its reach to underserved communities, ensuring equitable access to justice for all young people. The Board looks forward to continuing to provide strategic guidance focused on expanding reach within communities, innovating service delivery methods, advocating for systemic change that benefits young people, and ensuring YLS's long-term financial sustainability.

Francis Lynch

Directors Report

Over there last year there have been a number of external factors that have been influencing the Youth Legal Service. One of the most significant has been the exploration of a merger opportunity. This merger consideration has been ongoing since mid 2023. We signed an Memorandum of Understanding to allow a Due Diligence process to proceed in 2024. This process has included assessing cultural fit, HR matters, and legal and governance issues. Towards the end of 2024 the YLS Board is considering proceeding to the next stage of merger implementation.

The current five year funding period of the National Legal Assistance Partnership is drawing to a close in mid 2025. During 2024 there has been consultation of the community legal centre sector by the Department of Justice to commission new service contracts for the next five years. The process has been postponed for now with DOJ offering a two year service contract with the service commissioning process to now be concluded by early 2026.

As part of our commitment to system reform in youth justice we have become formal supporters of the Justice Reform Initiative and Social Reinvestment WA. These organisation have our support in highlighting areas for improvement in youth justice.

As noted in Sally's report we have had a number of staff work with YLS this year. I thank them all for their commitment to the YLS work. The staff of Youth Legal Service do an amazing job with such a small team. I thank Sally Dechow for her continued leadership of the legal practice and her dedication to the support of our clients.

Sally Dechow

Principal Solicitor's Report

The Youth Legal Service has had a lot of staff changes this year. Our Admin Team comprising Sophie Zelina, Kay Esensoy and Mark McCann all left to pursue their career options during the year. Claudia Genovese commenced as our Administrative Assistant but left in May to travel and we welcomed Anthea Lombard as our new Administrative Assistant. The Lawyers are grateful for the work that our Administrative Assistants perform. They work hard to make our work as Lawyers run smoothly.

During this year, Webster Chimanga left Youth Legal Service to move to Victoria, Henry Taylor left to commence work at Legal Aid WA and Simon Da Silva returned to the Aboriginal Legal Service. We thank them for all the assistance they provided to our clients and for their hard work while they were here.

We welcomed Daniel Bruce and Jesse Parker, Lawyers who both commenced in January this year and thank them for their great work to date.

The Lawyers have continued to assist young people on criminal matters in the Children's Court and Magistrates Court. We have continued to assist young people in civil matters mainly Restraining Orders in the Children's Court, Criminal Injuries Compensation and young people involved in Motor Vehicle Accidents.

This year, the Lawyers assisted 607 clients (either by one-off advice or court or other representation). By far the

most common problems related to driving offences with 367 traffic matters, we did 116 Violence Restraining Order services and 51 Family Violence Restraining Order services. The most common criminal law problem type was theft and related offences, that is 65 services for stealing and/or burglary and 62 services for common assault and assault occasioning bodily harm.

We have continued to assist victims of crime and in total our Criminal Injuries Compensation clients received $750,000 in Awards this year.

All our Restraining Order matters were negotiated and resolved without proceeding to a Trial.

The Lawyers have continued to provide a Duty Lawyer service to assist people with Traffic charges once a week in the Rockingham Magistrates Court.

The Lawyers have continued to present the Law Education Program to young people referred to us by the Juvenile Justice Teams each month in both Perth and Rockingham, a total of 22 for the year. We would like to thank Gai Walker and Rhonda Horn from SCALES Community Legal Centre for facilitating our ability to conduct the Law Education Programs in Rockingham at their Centre.

The Lawyers have also continued to present Law Education Programs fortnightly in various areas of criminal law to young people at the Drug and Alcohol Youth Service, Detoxification and Respite Centre and the Drug Rehabilitation Centre.

We have continued to present Law Programs about Consent and the Mature Minor to Post-Graduate Nurses at Curtin University as well as presentation to Schools on request.

I would like to thank to all those that we have continued to collaborate with this year especially the Youth Law Team at Legal Aid WA, Claire Rossi, Deborah Donovan, Ernesto Godinez, Guilia Reale-Fucile and Tegan Wilson. We are very grateful for their willingness to assist when our lawyers are in other courts and to call on their expertise when required.

Case Study – Traffic Matter

Our client was aged 17 at the time (18 at the time of the sentence). He was charged with 1 x Careless Driving causing Death/GBH or Bodily Harm pursuant to s 59BA(1) of the Road Traffic Act 1974 after he was involved in a vehicle collision with another vehicle. He was summonsed to appear in the Children's Court. The driver of the vehicle was taken to hospital for assessment. She reported bruising and tenderness to her abdomen. It was clear our client was at fault for the accident.

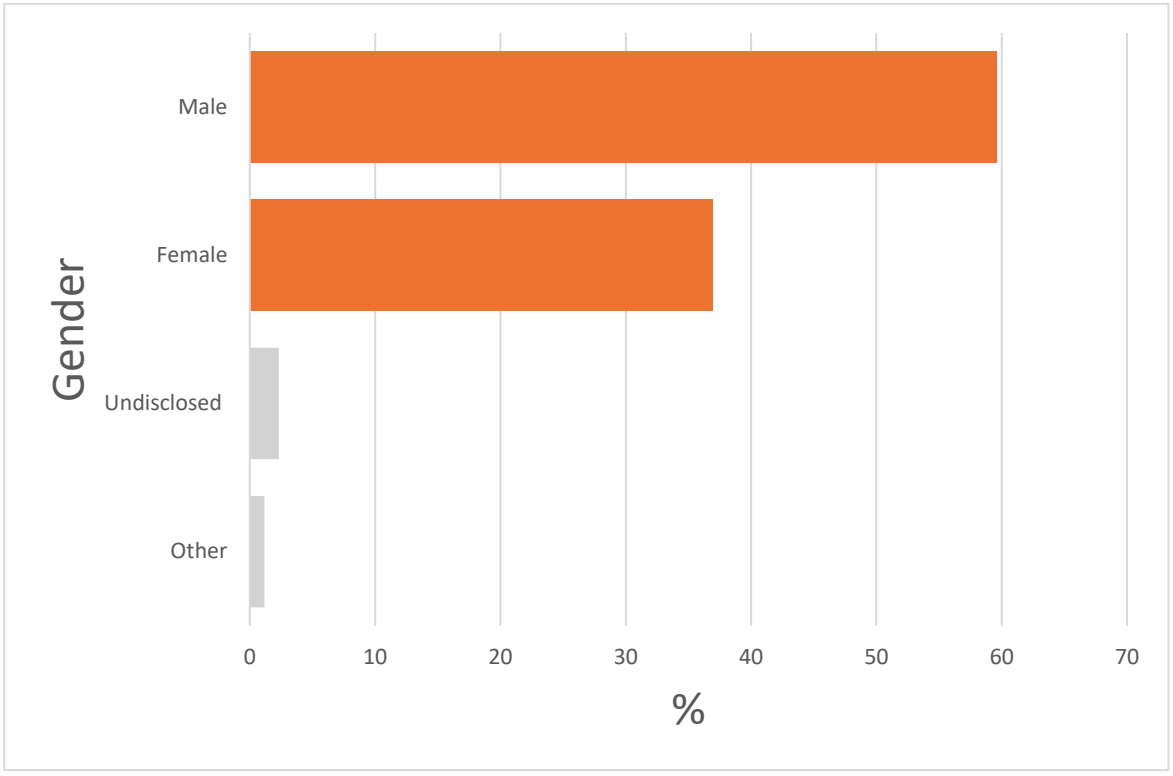
A Careless Driving Causing Death/GBH or Bodily Harm is considered a serious offence that can attract a maximum fine of $36,000, 3 years jail and a minimum disqualification period of 3 months from driving. Although the minimum disqualification period of 3 months is most likely to be increased by the Magistrate with the severity of injury.

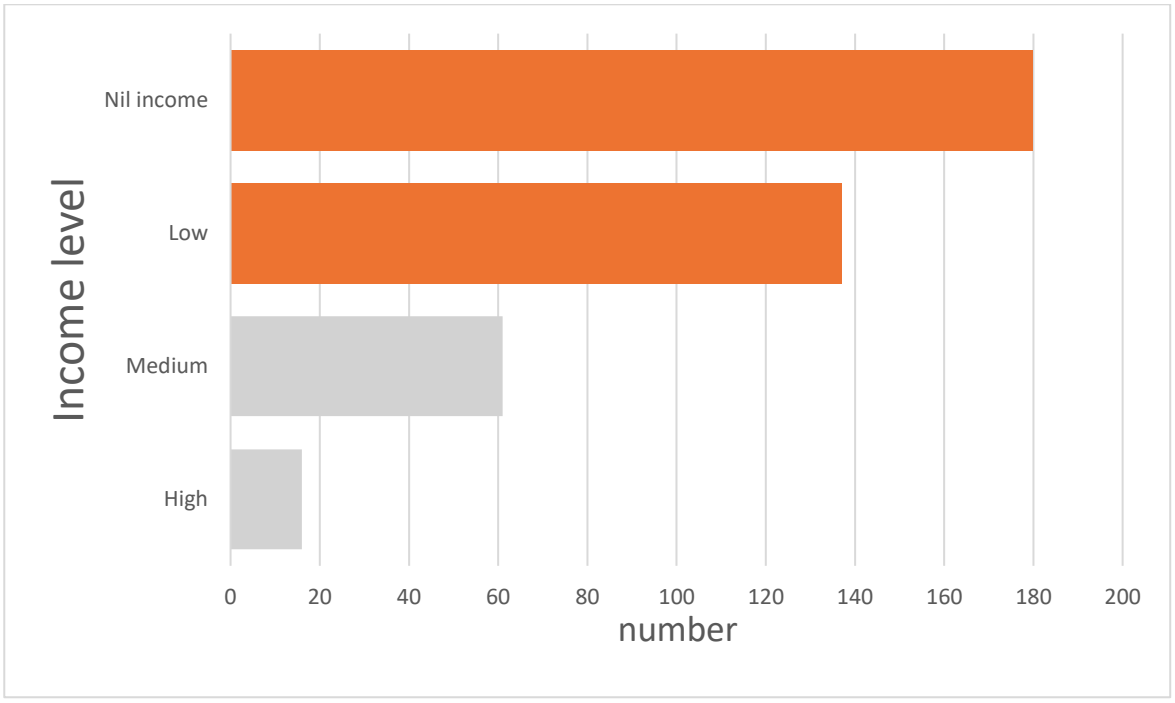
We decided it was important to ask the Police for full disclosure of the evidence against our client and adjourn his matter rather than deal with it quickly. When we received the disclosure, it was ascertained from the medical reports that there was 'no injury' to the other driver.

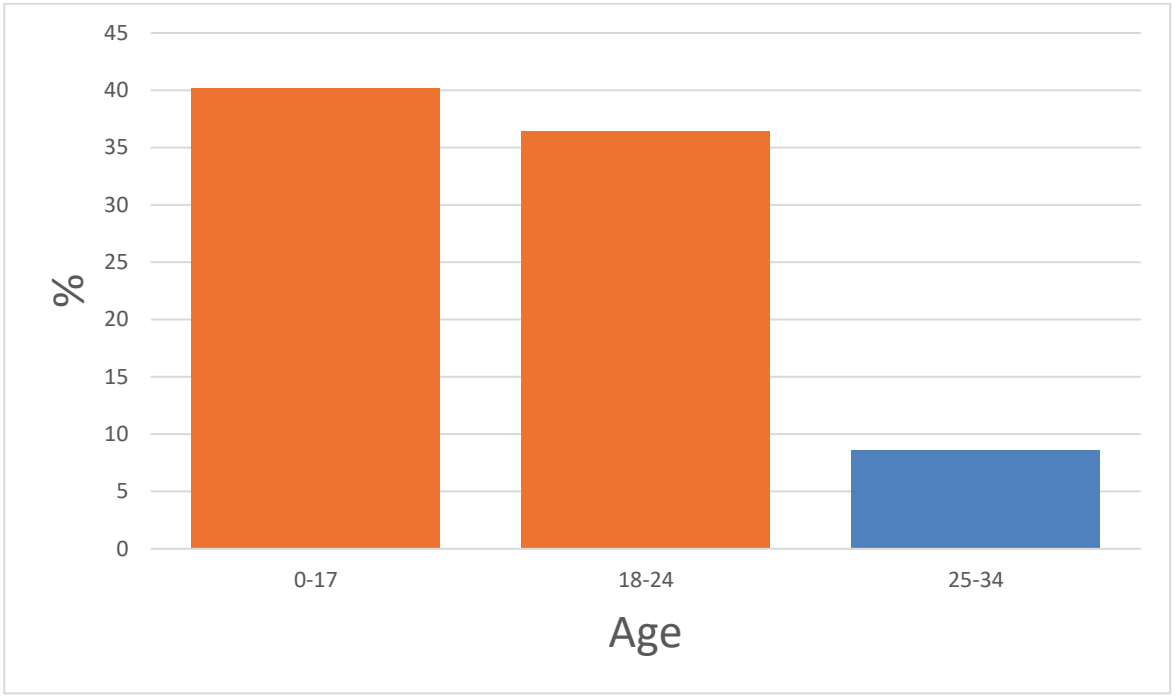
We then made a submission to the prosecution for a substituted charge of 1 x Careless Driving (s 62 of the Road Traffic Act 1974) as we submitted that the element of bodily harm could not be met.

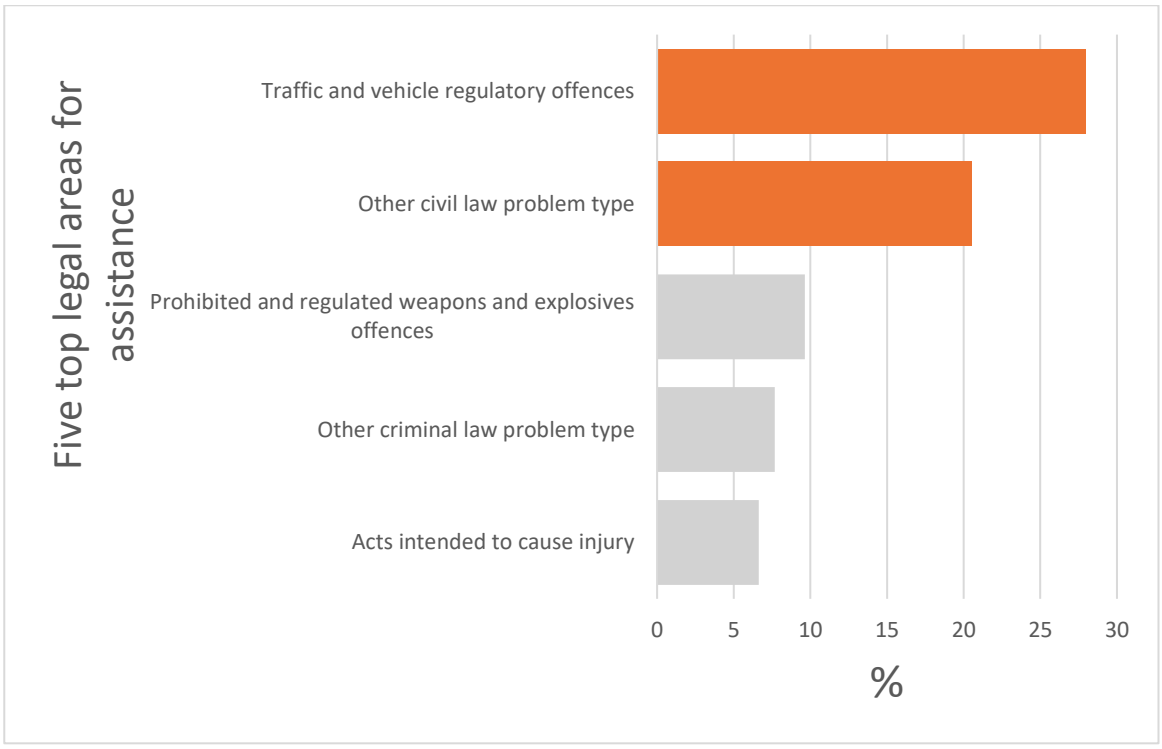
Our submission was accepted by the Prosecution after conferral with the other driver and the charge was amended to simple careless driving. Our client was very happy with this outcome receiving a fine of $250 and 3 months disqualification from driving.

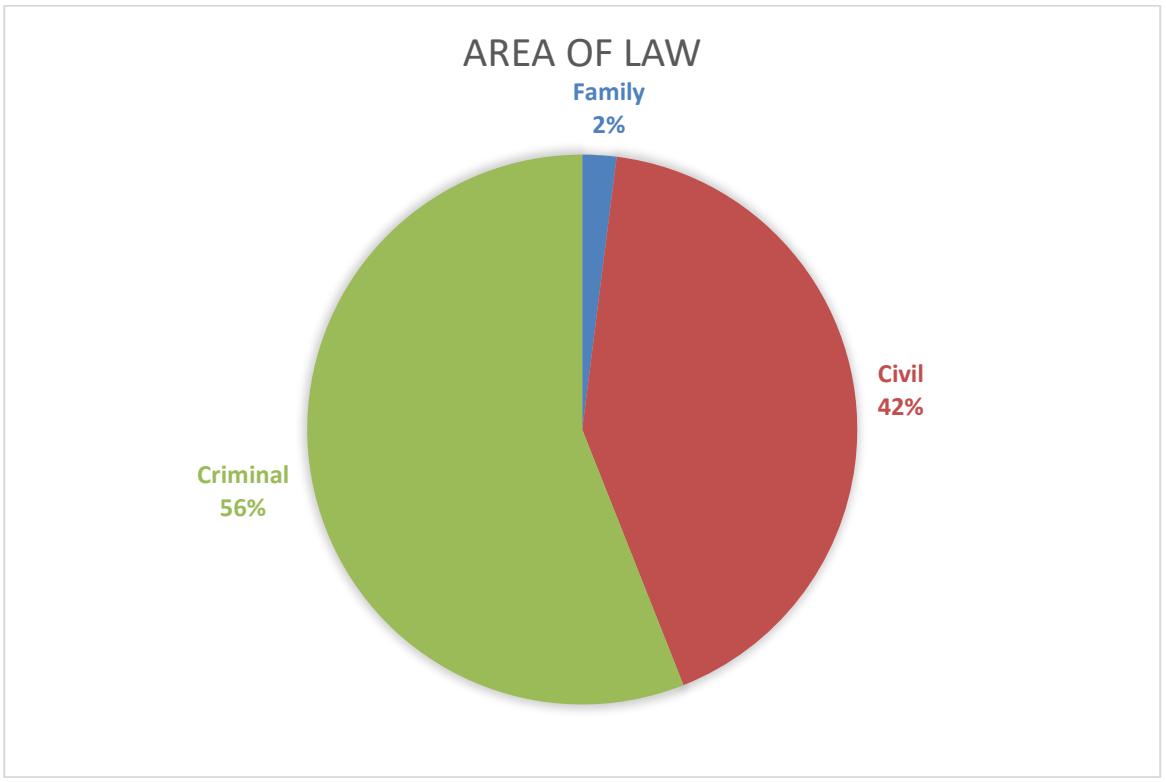
Detailed Client Demographics






45
40
35
30
25
20
15
10
5
0
%
0-17
18-24
25-34
Age


Five top legal areas for assistance
Traffic and vehicle regulatory offences
Other civil law problem type
Prohibited and regulated weapons and explosives offences
Other criminal law problem type
Acts intended to cause injury
0
5
10
15
20
25
30
%


AREA OF LAW
Family
2%
Civil
42%
Criminal
56%

Community Legal Education

Community Legal Education (CLE) is an integral part of our service delivery and our strategic plan.

Our goal is to provide and produce clear, accurate and practical community legal education resources and workshops to help young people to understand and exercise their legal rights.

Youth Legal Service conducts a monthly Law Education Program for young people who have been referred to the Juvenile Justice Team, by the Children's Court or police. The young person is given an action plan which may involve attending one of our Law Education sessions.

Continuing from the previous year, our Law Education Program to continues to include a session in Rockingham once a month in addition to the one hosted monthly in Perth.

The Youth Legal service has continued to conduct Law Education Programs at the Drug & Alcohol Service for Young People, now on a fortnightly basis.

This year we conducted a combined total of 58 Law Education Programs

Sustainability

Accreditation

Youth Legal Service has remained a member of the National Association of Community Legal Centres.

Stakeholder Engagement

The lawyers and staff at Youth Legal Service participated in workshops and relevant forums to improve the coordination and delivery of legal assistance services for young people. This year we engaged in 10 stakeholder events including:

1. Attending meetings with Principal Solicitors from all CLCs in Western Australia about current risk management issues and the NACLC Risk management guide
2. Attending meetings with community organisations
3. Attending meetings with Managers from all CLCs in Western Australia with the goal of maintaining a sustainable and successful Community Legal Sector.

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Case Study – Civil Law

YLS provided legal advice and representation to a 25-year old Culturally and Linguistically Diverse woman working in Australia on a temporary visa. She was provided with advice following her dismissal from her employment as a cleaner and provided representation in the Fair Work Commission (FWC) for her conciliation conference.

Our client had arrived in Australia from South-East Asia in 2019 initially to engage in tertiary education. Once completed, our client worked in a number of hospitality roles in a large hotel group.

Our client had been dismissed from her employment due to alleged performance issues and the failure to improve performance. Our client had then lodged an Unfair Dismissal claim in the FWC and when she contacted YLS, she was preparing for a conciliation conference later in the week. She was unsure how to approach this and had been unable to get legal advice or representation elsewhere.

YLS was able to send a letter on behalf of the client to potentially settle the matter without the need for the conference and better articulate the claim she was seeking to make. YLS was also able to provide the client with merit advice on the strength of the claim and that looking for an opportunity to settle at the conference may be her best option. The client indicated that she did not want to pursue the claim beyond the conference and that she had very little understanding of the Australian industrial relations system.

Despite the proposed settlement offer ultimately the matter progressed to the conference and at the conference, YLS was able to secure the client a negotiated settlement offer of two weeks' wages and documentation that would assist her in seeking future employment. Importantly, the termination was re-classified as a resignation.

The client was grateful for Youth Legal Service's assistance. After several weeks of stress, resolving the matter allowed her to focus on seeking new employment and move on with her life. It also assisted the FWC by ensuring the client better understood the process and the claim was finalised through a negotiated settlement.

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