



# All the Latest from Northern Community Legal Centre

October 2021

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## From the Team at NCLC

### Welcome to the October Edition of the NCLC Newsletter

As lockdowns finally lift in Victoria, we hope our community enjoys reconnecting with loved ones and embracing some well-earned freedoms.

So, what have we been up to this past month at NCLC? We were delighted to welcome our new Family Violence Lawyers, Tichava, (read more about her below) as well as Alice, to the team. We also participated in some important awareness-raising campaigns, including Gambling Harm Awareness Week and Week Without Violence.

Included in this month's newsletter are also some important tips on preventing financial abuse, and information regarding COVID fines issued to children.

If you need support with a legal issue, remember our lawyers are here to provide free legal help.

## COVID Fines and Young People

COVID-19 breaches can elevate stress, anxiety, and depression in young people. They can also place extra pressure on families who are already struggling to make ends meet due to lockdown. In our community, young people aged under 18 have also

received COVID fines since restrictions were implemented last year.



When police believe a breach of the COVID guidelines has occurred by a young person, they have discretion regarding the type of enforcement action taken. They might:

- Take no action;
- Issue an informal warning;
- Issue a caution (for a child aged 10–17);
- Issue an infringement notice; or
- Interview the person (summons/bail).

When taking action against children, police are instructed to exercise the minimum (least severe) action that achieves the purpose of taking action. Importantly, police have been instructed not to issue COVID infringements to persons below the age of 14.

When deciding on the most appropriate course of action, police must consider:

- The age of the person
- Whether or not the person's behaviour was a blatant, obvious, and deliberate breach
- Whether the person had a reasonable excuse for refusing or failing to comply with the direction or requirement (Public Health and Wellbeing Act 2008)
- Prior to issuing a fine for COVID-19 breach, police are required to determine if an offence has been committed, verify identity of the person, and check that there is sufficient admissible evidence

### **How can young people challenge a fine?**

Power imbalances between minors and the police can result in young people feeling powerless and overwhelmed. Many young people are not aware of their right to ask for a review of their fines.

A young person can apply for a review of their fines with Victoria Police. It is recommended that young people get legal advice to assist with this process. If their fines are not withdrawn after review by Victoria Police, then a young person can elect to have their fine heard in the Children's Court. It is important to get legal advice before referring a fine to court.

Young people should not ignore COVID-19 fines as unpaid fines will progress and the amount owing will increase. If fines remain unpaid, fines may eventually be referred to the Children's Court. All young people should get legal advice if this happens.

### **Where to get help**

NCLC runs a free and confidential Youth Clinic for young people under 25 years who reside in the local government areas of Hume, Moreland and Mitchell Shire. We can also refer young people to counselling and mental health support, temporary accommodation, and family violence support.

## Unpacking Financial Abuse



### What is financial abuse?

Financial abuse is a form of family violence that is often poorly understood. Financial abuse is when someone takes away your access to money, manipulates your financial decisions, or uses your money without consent. Once you know this, there are ways to get help and regain your independence.

Financial abuse can happen to anyone. The abuser could be a partner, family member, carer, or friend.

Some examples of financial abuse include when someone restricts access to bank accounts, credit, or cash; uses the money of a family member without consent; signs legal documents on behalf of a family member without their knowledge; or threatens or punishes a family member for not handing over money.

### Tips for protecting yourself from financial abuse

- Regularly check bank and credit card statements for unauthorised transactions
- Don't let anyone else open or have access to your mail
- Store documents, account logins and passwords in a safe and secure place
- If you lend money to someone, put it in writing and document a plan with them for repayment
- Never sign documents you don't understand
- Where possible, get independent and confidential legal or financial advice
- Ask someone you trust to check that the person who manages your money is doing it in your best interests

## Meet our new Family Violence Lawyer, Tichava Batiya

Tell us about your background.

I hold a Bachelor of Laws and Bachelor of Public Policy and am currently studying a Master's in Social Work (Professional Qualifying). I have six years of experience in migration law where I assisted women to apply for alternative visa pathways after relationships ended due to family violence. I look forward to contributing to NCLC's commitment to systemic advocacy, participation in law reform and social policy within the area of family violence.



### **Why are you passionate about working in the family violence space?**

I believe knowledge and information is power, which is why I am passionate about empowering women to find their voice through self-advocacy. Family violence has traditionally been perceived as an individual issue; only recently has its impact on broader society been recognised. While family violence affects women from all walks of life, there are additional vulnerabilities experienced by women from CALD communities due to their migration status, cultural beliefs, language barriers, financial dependency and lack of knowledge of Australian laws.

### **What key message would you give to a young woman experiencing family violence for the first time?**

There is no shame in seeking help. It is normal to feel overwhelmed. Discuss a safety plan with a friend or family member, and if you are concerned about your immediate safety, call the police.

At NCLC we provide free, confidential, and non-judgemental legal advice, such as how to apply for a family intervention order. We can also provide advice around migration status, and connect you with other agencies that can provide support in relation to housing or counselling.

## **Gambling Harm Awareness Week**



Gambling Harm Awareness Week took place in the third week of October. The campaign encourages open discussions to reduce stigma, which can be a barrier to help-seeking. Gambling is often a contributing cause to the legal problems we see people presenting with at NCLC.

While we often hear the term gamble responsibly thrown about (usually in

advertising by gambling companies), the reality is that for people on limited incomes, there is almost no form of regular gambling that doesn't also impact the well-being of the individual and the wellbeing of the people that rely upon that person.

### How can you address gambling harm?

If you're worried about your gambling or the gambling of someone around you, you can use the 'Problem Gambling Severity Index' to assess the situation (click [here](#).) The next step is talking to a professional: contact [1800 858 858](tel:1800858858) for counselling, support, or financial counselling.

People with gambling concerns often experience a multitude of legal issues related to fines, debts, employment and housing. At NCLC, we can help.

### Client Story: How NCLC can help

\*Amrun is a refugee who suffers from post-traumatic stress disorder and a gambling problem. His gambling had escalated to the point where his relationship had ended, and he had lost his full-time job, so was doing intermittent casual work. As a result of these things, he was homeless and living in his car. He'd often attend pokies venues and had accumulated several toll fines, as he couldn't afford an e-TAG.

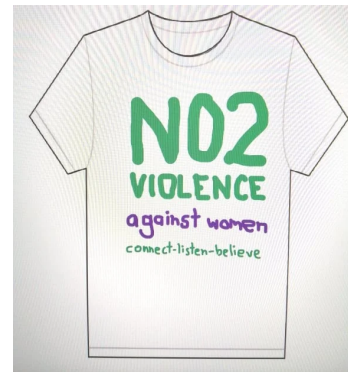
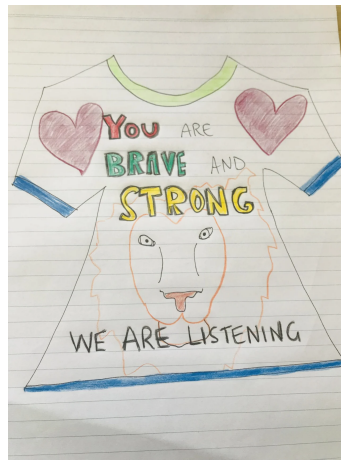
Police referred Amrun to NCLC after he was assaulted while sleeping in his car. Our lawyer assisted him with an Application to the Victims of Crime Assistance Tribunal, and our Mental Health Support Coordinator (MHSC) also provided support. They are currently looking into the toll fines issue and will seek a revocation. Our MHSC will provide follow-up support to ensure Amrun is linked in with gambling, mental health, and homeless services.

*\*Name and details changed for confidentiality*

## Week Without Violence 2021

Week Without Violence is a reminder to connect, listen and believe people who talk about their experience of family violence. At NCLC we are aware of the devastating impacts of violence against women and children, as more than half of all our clients are women who are victims/survivors. Below are some messages created by our staff to raise awareness about family violence.





*Northern Community Legal Centre acknowledges and respects the traditional custodians whose lands we are fortunate to live and work on, and we pay our respects to all Elders past, present, and future.*

### **Northern Community Legal Centre**

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