



All the Latest from Northern Community Legal Centre

September 2021

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From the team at NCLC

Following the Victorian Government's recent roadmap out of lockdown announcement, we hope our community is feeling encouraged by the new freedoms pending as we race towards our 80% vaccination rate target this springtime. In the meantime, NCLC services continue to be delivered remotely, either by telephone or video conference.

This month our newsletter provides:

- some important information on legal rights for parents juggling work and homeschooling
- information regarding the Worker and Development Permit (WDP) scheme. This scheme allows eligible people to deal with their fines through engagement with a therapeutic practitioner, course or program. We hope to see many of our partner agencies become WDP sponsors, ensuring that their programs are available as an alternative to payment of fines that adds immeasurable stress to already vulnerable people
- recognition of September as Suicide Prevention Awareness month including some important strategies from NCLC's Mental Health Program Lead, Morgan Wright, on keeping a someone safe
- An update on the Victorian Government's response to the Inquiry into Anti-vilification Protections.

Rights when juggling work and kids at home



The impacts of the COVID lockdowns have been reported as significantly gendered with women performing far more unpaid labour and additional educational support in the home during lockdown ([GenVic](#)). It's important to know that employers must not discriminate because an employee has carer responsibilities. Sex and family responsibilities are protected characteristics under the Fair Work Act.

For working parents, the stressors of managing work, caring for children, and assisting with homeschooling are significant. Where possible parents should talk to their employer and negotiate an arrangement that recognises each unique situation. This could include asking for flexible work arrangements (changes to hours, patterns or locations of work). For example, you may ask to work from home while schools and child care centres are closed, and/or request to vary starting and finishing times to assist with homeschooling hours.

You can request flexible working arrangements if you:

- have children who are school-age or younger
- have been employed for at least 12 months with the same employer
- work full-time or part-time.

If you ask for flexible working arrangements, your employer can only refuse if they have reasonable business grounds. What is reasonable depends on the type of work you do, and this will be different from one workplace to another.

There may be different rules about flexible work arrangements, depending on what it says in your employment contract, enterprise agreement or modern award.

Visit the [Fair Work Ombudsman](#) website to find out more about your specific enterprise agreement or modern award in relation to flexible working arrangements.

If working from home is not possible, you may be able to access paid carer's leave if you need to take time off work to care for children. You could also request to take annual leave either on full pay or half pay. If you can't come to a reasonable arrangement with your employer, a lawyer at NCLC may be able to assist.

Interested in becoming a WDP

sponsor?

What is the WDP Scheme?

The Work and Development Permit (WDP) scheme is an initiative to provide vulnerable and disadvantaged people with a non-financial option to address their fine debt. A WDP allows an eligible person to work off their fine debt by participating in certain activities and treatment.

How does it work?

A person must undertake a WDP under the supervision of a sponsor. A sponsor is an organisation or a health practitioner accredited by the Director, Fines Victoria to support the WDP scheme.

How do we become a sponsor?

An organisation or a health practitioner may apply to become a WDP sponsor to assist their clients to deal with their fine debt and to encourage engagement with services. If an eligible person is already engaged with an organisation or a health practitioner that is not yet a WDP sponsor, the organisation or health practitioner can [contact the WDP Team to get information about becoming a sponsor](#).

Only a sponsor may apply for a WDP on behalf of an eligible person.

Eligibility for the WDP scheme

To participate in the WDP scheme a person must be engaged with a sponsor and must either:

- have a mental or intellectual disability, disorder or illness
- have an addiction to drugs, alcohol or a volatile substance
- be experiencing homelessness
- be experiencing acute financial hardship, or
- be the victim of family violence.

There are some circumstances in which a fine cannot be included in a WDP, for example, if a person has been served a seven day notice in relation to the fine and the seven day notice period has expired; or the person has been arrested; if property has been seized in relation to the fine, or if the fine is a court fine. It is important however that a person gets legal advice about large sums of accumulated fines as they may be eligible for alternative remedies.

What type of activities can a person undertake in the WDP scheme?

The types of activities that a person can undertake as part of a WDP include:

- unpaid work
- treatment provided by a doctor, nurse or psychologist
- courses, including educational, vocational or life skills courses
- counselling, including financial or other types of counselling
- drug and alcohol counselling, and
- mentoring (for a person under 25 years of age).

When applying for a WDP, a sponsor will help a person to choose the activities that are best suited to their needs.

Suicide Prevention Awareness Month



The article below includes content about suicide and self-harm. If you are feeling suicidal please contact 13 11 14, if your life is in danger please call 000.

The month of September is suicide prevention awareness month incorporating World Suicide Prevention Day as well as 'R U Ok?' Day. Mental Health has been at the forefront of the latest reporting around COVID-19's lockdown impact, specifically the increased isolation from loved ones and community as well as the economic uncertainty for many industries.

World Suicide Prevention day and 'R U OK?' Day gives us a chance to raise awareness of the prevalence of suicide in our community and to discuss ways in which we can assist people that need our support. At NCLC, we see first hand the consequences legal issues have on people's wellbeing and mental health as well as the incapacity poor mental health has on a person's ability to advocate for themselves to remedy these legal issues.

In 2019, just over 3,000 people died from suicide in Australia. Of this 2,502 were male, 816 were female and 169 were Indigenous Australians. Alarmingly 40% of Transgender Adults report having made a suicide attempt.

The reasons that people take their own lives are complex. The factors that increase the likelihood of suicidal behaviour include: previous suicide attempts, history of substance abuse, history of mental health conditions,

relationship problems, legal problems, access to weapons, recent death of a loved one, ongoing exposure to bullying and physical illness.

Talking about suicidal feelings/thoughts (either your own or someone else's) is an extremely helpful way to keep yourself or a loved one safe. If you are feeling suicidal share your feelings and thoughts with someone you trust and feel comfortable with - this could be a friend, family member, doctor, health professional, or a hotline such as Lifeline. If you are concerned about someone else there is no 'comfortable' way to ask about suicide. Instead, speak to the person you are concerned about candidly and with compassion, acknowledge this is a difficult conversation for both of you. Ask them if they are feeling suicidal and the reasons for your concern. An example could be that they're not their usual humorous self, engaging in reckless behaviour or abusing alcohol/gambling more often.

The above is by no means a comprehensive guide for supporting yourself or a loved one experiencing suicide but is a good start to get yourself and your loved ones the support they need.

Links for comprehensive guides are as follows:

[https://www.beyondblue.org.au/...;](https://www.beyondblue.org.au/...)

[https://www.sprc.org/about-sui...;](https://www.sprc.org/about-sui...)

[https://www.lifeline.org.au/re...;](https://www.lifeline.org.au/re...)

Links to statistics on Suicide in Australia

[https://www.aihw.gov.au/report...;](https://www.aihw.gov.au/report...)

[https://www.blackdoginstitute....;](https://www.blackdoginstitute....)

Anti-vilification protections in Victoria



NCLC welcomes the Victorian Government response to the Inquiry into Anti-vilification Protections.

Vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule because of a person's race or religion. It can be against a person or a group of people.

Examples of vilification could include:

- making racist comments online that could make other people hate or ridicule a person

- making statements at a public meeting or rally that encourage contempt of a group of people based on their race or religion
- writing graffiti that encourages people to hate a racial or religious group.

The Inquiry received 62 written submissions and 11 subsequent submissions, leading to the report on Anti-vilification Protections which was released in March 2021.

The report found that vilification is common for many Victorians, including people:

- from culturally and linguistically diverse backgrounds
- from particular faith groups
- who are Aboriginal and Torres Strait Islander
- who identify as LGBTIQ+
- with a disability.

The report makes 36 recommendations to strengthen Victoria's protections against anti-vilification. Some of the main recommendations include:

- extending anti-vilification protections beyond race and religion (for example to prevent vilification on the basis of gender and/or sex, sexual orientation, gender identity and/or gender expression, sex characteristics and/or intersex status, disability, HIV/AIDS status or personal association)
- lowering the thresholds for what amounts to civil and criminal vilification
- banning the public display of Nazi symbols.

The Victorian Government has responded to the report's recommendations. The Government supports or supports-in-principle 34 of the report's 36 recommendations.

Help is available for people experiencing vilification: A list of support services is available at: <https://www.vic.gov.au/inquiry...>

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

Level 3, Building 2, 1100 Pascoe Vale Road,
Broadmeadows
Australia

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