



# All the Latest from Northern Community Legal Centre

May 2021

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## From the Team at NCLC



*Pictured: Our CEO Jenni Smith with United Imans and Duat Victoria representatives and event speakers at a recent family violence awareness event (right); our Community Lawyer Oscar Cantieni with workers at a recent Kangan wrap around services meeting (left).*

### **Welcome to the May edition of the NCLC newsletter**

In the past weeks we have seen important announcements from both the Federal and State Governments in relation to their budget spending. This year's Federal budget extends funding for health justice partnerships, work which NCLC has been doing unfunded for many years. It is unclear at this stage whether this funding will be distributed to Melbourne's northern region which has some of the highest rates of disadvantage in the state.

We also welcome initiatives to address family violence in the Victorian budget, particularly the announcement that Broadmeadows Magistrate's Court will be upgraded as a specialist family violence court. NCLC has been strongly

advocating for this to take place, considering that Hume has the second highest rate of family violence in the Melbourne Metropolitan area. It is also encouraging to see \$14 million committed to strengthening the justice system's response to family violence, including establishing legal services in the Orange Door Network, counselling and trauma programs to support women in prison and tailored intervention programs to help break the cycle of family violence.

In this month's newsletter, we provide some service updates and report back on a number of our projects. We also provide a legal update on the new tenancy laws.

## NCLC Service Updates

Our office is now open for limited access to the public.

We continue to provide legal advice primarily by telephone appointment.

Some in-person appointments are now available.

Bookings: 03 9310 4675 / [admin@northernclc.org.au](mailto:admin@northernclc.org.au)

## Legal Update



## Blog Post

### Changes to Tenancy Laws in Victoria

Cassandra Meade, Community Lawyer



*Please note the below is information only and is general in nature. Legal advice should be obtained in relation to specific circumstances.*

On 29 March 2021 changes were made to the *Residential Tenancies Act 1997* (Vic) (the **Act**). Please note that not all changes come into force at the same time. Some changes will come into force in 2022 and 2023. It is also important to note that some changes will only impact tenancies entered into after 29 March 2021.

### Damage

The meaning of damage has changed slightly. It now includes damage caused intentionally “or recklessly”. This means that the threshold for damage caused by a renter or a renter’s visitor is lower. There is also a focus of damage caused to safety equipment. Safety equipment includes gas, fire and electricity safety mechanisms, such as fire alarms.

### Notice to vacate

The 120-day notice to vacate that could be issued for no reason no longer exists. All notices to vacate must now have a reason attached. However, note that there is an exception for the end of an initial fixed term tenancy.

There are also new grounds under which a notice to vacate can be issued. These are:

1. Threats and intimidation; and
2. Pet kept without consent.

### Possession orders

If the grounds of a notice to vacate are made out, the Victorian Civil and Administrative Tribunal (**VCAT**) is required to make a possession order. The changes to the law now require VCAT to be satisfied that it is “reasonable and proportionate” in the circumstances of the particular application and taking into account the impact on all parties.

### Bonds

The bond limits have now changed. They are now:

1. Maximum bond limit is now \$900 per week if you are paying more than \$3,910.71 per month; and
2. A rental provider cannot ask for more than one month’s rent as bond.

This is with the exception of a VCAT order being made regarding the bond amount.

The process for a renter getting their bond back has also changed. The renter can now apply directly to the Residential Tenancies Bond Authority (**RTBA**) for release of the bond. The RTBA notifies the rental provider and / or other renters that the renter has made the claim for the bond. The rental provider must lodge an application to VCAT objecting to the release of the bond within 14 days of being notified about the renter’s request that the bond be released. Otherwise, the RTBA will release the bond.

### Discrimination

The Act now requires that rental providers do not unlawfully discriminate. There is also the ability to claim compensation for discrimination.

### Family violence

There have been changes in relation to tenancy and family violence matters. A final Family Violence Intervention Order is no longer required by the Act. Family violence matters must be heard within three (3) days.

## TEALS Project Grant



*Pictured: Our Family Violence Lawyer Ella Dunstan with a community member at Law Week 2019*

**Watch this space for our Technology-Enhanced Access to Legal Services project.**

We are delighted to be a recipient of one of this year's Community Legal Grants from the Victoria Law Foundation for our Technology-Enhanced Access to Legal Services (TEALS) Project. Our Teals Project will assist people accessing our legal service to safely disclose legal and non-legal issues they are experiencing through a self-assessed triage tool. This information will be used to ensure those most in need will receive legal help, and that appropriate referrals are made to other services.

Stay tuned for updates on this exciting project.

## Meet our Refugee and Newly Arrived Clinic Lawyer Oscar Cantieni

# Refugee and Newly Arrived Clinic



Free and confidential legal advice every Tuesday  
on matters such as:

- Family violence
- Tenancy
- Employment
- Debts
- Summary crime
- Family law
- VOCAT
- Motor Vehicle Accidents



Oscar Cantieni,  
Refugee and Newly Arrived Clinic Lawyer

## Tell us a bit about yourself

I have always had an internal drive to assist, listen and try to understand anyone who is struggling, experiencing hardship or exposed to traumatic circumstances. It wasn't until later in my life that I discovered a career in the legal industry was the right move for me as it would continue to fuel my passion to work with some of the community's most vulnerable population groups.

I first began volunteering for NCLC in 2016. I did this while I studied and worked at another Private Family Law firm whose primary focus was Legal Aid clientele. I then began working as a lawyer for NCLC at the beginning of 2020.

## Why is there a need for a clinic devoted to refugee and newly arrived communities?

Accessing legal information and navigating the legal system can be hard even for those who have lived in Australia their whole lives. This highlights the absolute need for a clinic devoted to those persons who are refugees or who have recently migrated from overseas to Melbourne's North West. A devoted clinic means that we can further empower this population group and arm them with education and confidence which will ultimately assist them in becoming independent and hopefully flourishing.

## What kind of support can the Refugee and Newly Arrived clinic provide?

NCLC's Refugee and Newly Arrived clinic provides free and confidential legal advice to community members in Hume, Moreland or Mitchell Shire who are either on a visa or have arrived in Australia within the past 8 years.

We take a holistic approach to providing legal advice, with a focus on both mental health and legal health.

Since the start of COVID-19, the most common issues I've seen in the clinic range from tenancy, working rights and motor vehicle accidents, but we also provide advice on consumer law, criminal law, family law and family violence. Unfortunately we are unable to provide migration advice but we can provide referrals for migration advice if needed.

*If you are a refugee or newly arrived migrant and are experiencing legal issues, call [03 9310 4376](tel:0393104376) or email [admin@northernclc.org.au](mailto:admin@northernclc.org.au) to book a Refugee and*

## Refugee and Newly Arrived Clinic – Client Story

***Mustapha\* is one of the many clients Oscar has assisted through our Refugee and Newly Arrived Clinic.***

Mustapha arrived by boat in 2013 and was in immigration detention until he was released into the community. Mustapha's exposure to persecution, extreme violence and oppression in Iraq significantly impacted his physical and physiological wellbeing. Mustapha suffers from acute brain injury, PTSD, anxiety, depression, severe memory loss and headaches.

Mustapha applied for an unsecured personal loan and credit card loan with one of the big four banks. Despite Mustapha's lack of income and limited work rights, he was approved for loans totaling \$40,000.

Mustapha's protection visa was denied, resulting in him losing his work rights and eligibility for government income support. Unable to maintain employment, he defaulted on his bank loans. The bank then threatened legal action and sought to recover \$40,000 plus \$7,000 interest.

NCLC assisted Mustapha by applying for a debt waiver on the basis that he was suffering from severe financial hardship. We submitted that the bank knew about the uncertainty around Mustapha's work rights when the bank approved the loan – which went against the principles of responsible lending.

The bank accepted our application and agreed to waive the full amount. Mustapha said this outcome gave him a sense of relief and freedom he had not felt in a number of years.

*\*Name and identifying factors have been changed.*

## Vacancies

# We're hiring!

POSITION :

## Policy and Evaluation Lead

**We're hiring a Policy and Evaluation Lead to contribute to our program development with a particular emphasis on monitoring legal needs in our community.**

The Policy and Evaluation Lead will utilise data to identify legal needs including the impacts of COVID on legal needs, systemic issues and applying evaluation frameworks across internal programs to ensure that our interventions are evidence-based and demonstrating intended outcomes.

This position will contribute to policy development, law reform, advocacy, research, monitoring and evaluation, submission writing and consultation to inform public policy and address systemic barriers that impact upon justice equity.

The Policy and Evaluation Lead will represent NCLC on reference and/or advisory groups and provide expert advice in line with NCLC strategic priorities.

Applications close 5.00pm Monday 7 June 2021.

For full position descriptions and information on how to apply, check out the listing on our [website](#).

## NCLC Project Updates

### Hope Invitation – a song by El Amal Women's Group



Our El Amal Women's Group has recently released a video for "Hope Invitation", a song they recorded for International Women's Day.

Our El Amal Women's Group is for newly arrived women from Iraq, Syria and neighbouring countries. The El Amal Women's Group is part of our Communities for Children project, which takes a grassroots approach to identifying and developing family violence prevention strategies that are culturally appropriate and effective.

Hope Invitation is a song about family violence prevention, and aims to increase awareness of factors that contribute to violence against women and children. It was written by Nagham Yousif, an Arabic-speaking group facilitator, and the title comes from the group's name – "El Amal" translates to "Hope".

An excerpt of the lyrics is translated below:

*"We come from different countries  
from Syria, Jordan, Kuwait, Iraq  
and we exclaim and share together today  
and with a loving voice we strongly say  
No to violence, no to violence,  
for our children and youth we will keep saying  
No to violence, you are with us and be with us,  
it is a Hope Invitation."*

If you would like to join the El Amal Women' Group contact [admin@northernclc.org.au](mailto:admin@northernclc.org.au)

## Legally Minded Project Report Launch

# Legally Minded: understanding how legal intervention can improve the lives of people with mental ill-health

Final Research Report



## Stay tuned for the Launch of our Legally Minded Project Report.

The Legally Minded Project is a joint project of Northern Community Legal Centre and Mind Australia. The Legally Minded Project aimed to explore and understand the impact of legal intervention on the lives of people with mental health issues, and to understand how legal intervention can improve the well-being and quality of life of people with mental ill-health.

NCLC clients with a range of mental health experiences were interviewed as part of the research, and de-identified findings from these interviews are included in the report.

We will launch the report during an online event in the coming weeks - details to be announced.

## Summary of our Indian Women's Family Violence Project Report

# The Indian Women's Family Violence Project 2019 - 2021



**We have just released a 4-page summary of the Findings and Recommendations on [our website](#).**

In case you missed it - our Indian Women's Family Violence project concluded in April 2021. This two-year project, funded by the Victorian Legal Services Board, provided NCLC with the opportunity to employ a Migration Lawyer alongside our team of Family Violence Lawyers to provide wrap-around services to over 150 Indian women.

Findings and recommendations were provided in our 31-page Final Report, released in March 2021. We have recently released a 4-page summary of this Report, available on our website:

[Report Summary](#)

*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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