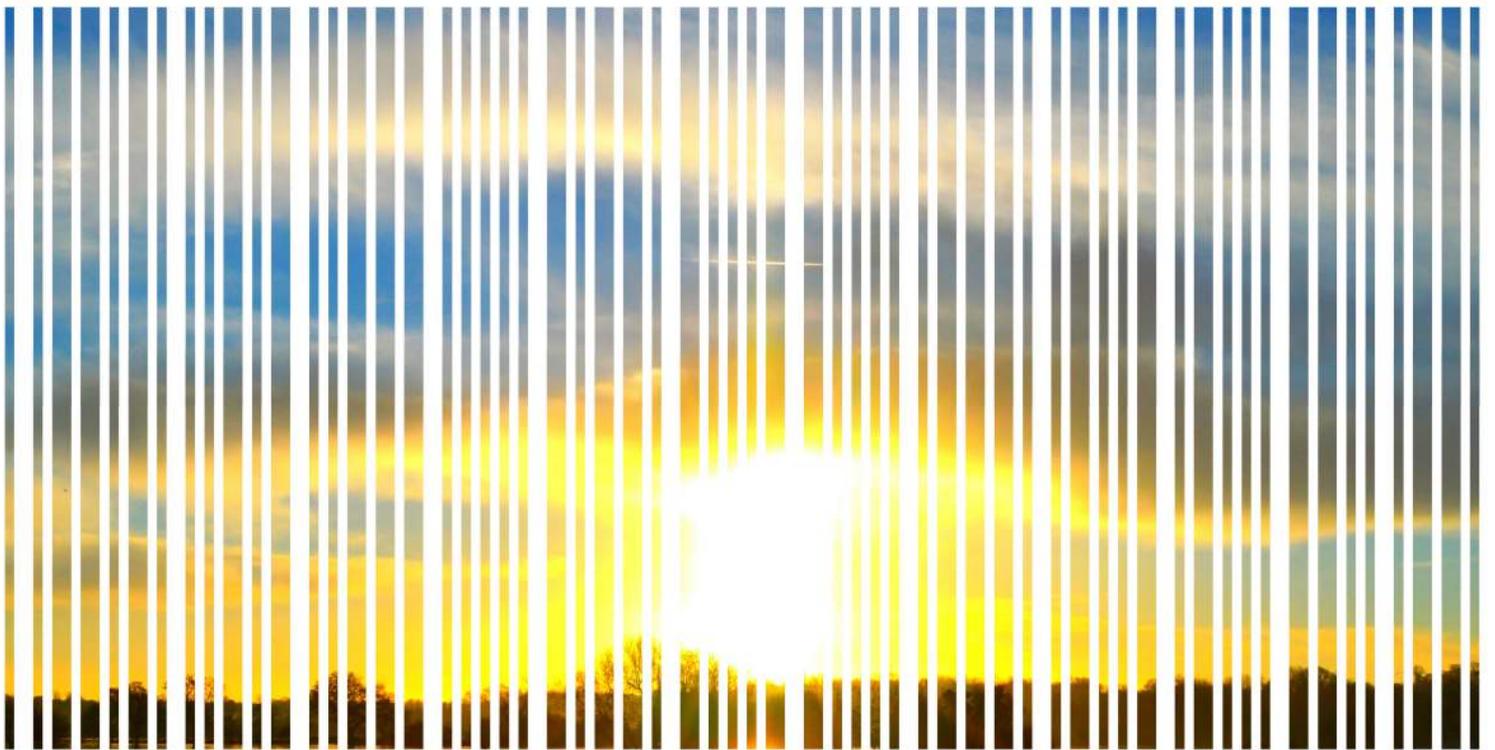


# Clean Slate



Pilot Project

Report

## PROJECT MANAGER & REPORT AUTHOR

Stephanie Tonkin - Managing Lawyer, Brimbank Melton Community Legal Centre

## ACKNOWLEDGEMENTS

BMCLC acknowledges the substantial time, guidance and assistance provided to the Clean Slate Pilot and the Project Manager by the following individuals and organisations:

Community West Board and CEO

Dame Phyllis Frost Centre programs staff

Victoria Legal Aid

Denis Nelthorpe, Manager, Wyndham & Footscray Community Legal Centres

Genevieve Bourke

Peter Gartlan, Financial and Consumer Rights Council

Energy and Water Ombudsman of Victoria

David Coorey, Legal Aid New South Wales

Cindy Dickman, Djerriwarrh Health Services

Andrew Mansour, Pro Bono Partner, K&L Gates

BMCLC Staff:

BMCLC Volunteers:

- |                       |                 |
|-----------------------|-----------------|
| • James Milsom        | • Mai Huynh     |
| • Annika Dimitrijevic | • Irene Lu      |
| • Cristal Micallef    | • Rebekah Hoath |
| • Matt Carrazzo       | • Tonia Neal    |
|                       | • Celeste Galea |

Copyright © 2015

This work in its entirety (all versions) is subject to copyright and may not be reproduced without the express permission of the CEO of Community West (Victoria) Ltd.

For more information contact the Communications & Stakeholder Engagement Coordinator on (03) 8312 2000 or [jwood@communitywest.org.au](mailto:jwood@communitywest.org.au).

# CONTENTS

INTRODUCTION .....	1
CONTEXT .....	3
Victoria’s prison population and recidivism rates .....	3
Prisons in Melbourne’s West .....	3
Brimbank Melton Community Legal Centre .....	4
Why a debt and fines project? .....	4
Learnings from the National Bulk Debt Project.....	5
AIM OF CLEAN SLATE .....	7
Methodology .....	7
Discussion with creditors .....	7
Stakeholder relationship building.....	7
Clean Slate promotion and advertising at DPFC .....	8
Community Legal Education and post-session follow up .....	8
Data collection .....	9
Credit reports .....	9
Linkages with the Deemed Served Program .....	10
Creditor negotiations.....	10
Limitations.....	11
Project timeframe.....	11
Clients released during project .....	11
Debt identification and credit reports .....	12
Miscellaneous lenders and companies.....	12
Small debt amounts .....	12
Future supply with companies .....	12
FINDINGS .....	13
Clean Slate client demographics .....	13
Prisoner debt .....	13
Prisoner fines.....	13
Other information collected.....	14
RECOMMENDATIONS .....	15
FOOTNOTES .....	16
ATTACHMENTS .....	17
BIBLIOGRAPHY .....	20



# 1. INTRODUCTION

***The Clean Slate Pilot Project aims to lower recidivism rates by reducing prisoner debt and fines. By relieving the financial pressure experienced by prisoners on release into the community, we hope that they will be less likely to return to crime to fulfil their financial obligations.***

Clean Slate was developed in response to the high level of unmet civil legal need of Victorian prisoners and utilised Brimbank Melton Community Legal Centre (BMCLC) lawyers' expertise in debt and fines. Funded by Community West, the Project was piloted at the Dame Phyllis Frost Centre (DPFC) between June 2014 and March 2015, with work continuing.

The Clean Slate Pilot Project assisted 122 female prisoners in only five visits over four months. As at 1 May 2015, the Project has resulted in:

- the waiver of more than \$150,000 of prisoner debt, with indications that a further \$80,000.00 will be waived;
- participation of 20 companies (banks, telecommunications, water, energy companies, debt collection and credit reporting agencies and the Energy and Water Ombudsman of Victoria);
- all clients having an additional opportunity to call outstanding infringement warrants into the Deemed Served Program, allowing the infringement penalty to be converted to a custodial sentence and served concurrently with clients' existing sentences;

- 15 clients concurrently serving additional infringement warrants as part of the Deemed Served Program; and
- The development of a new energy and water provider notification system that enables prisoners to avoid further energy and water debt.

Clean Slate uses an innovative and efficient model that maximizes participant numbers and the outcomes achieved, a model that has the potential to effect significant systemic reform.



## 2. CONTEXT

### 2.1 VICTORIA'S PRISONER POPULATION AND RECIDIVISM RATES

In recent years Victoria's prison population and recidivism rates have experienced considerable growth. Accompanying the overcrowding of Victoria's prisons are a range of complex issues and demands that are placed on Corrections Victoria, the court system, community services, families and the prisoners themselves.<sup>1</sup>

Currently 13 prisons operate in Victoria, with a new 1,300 prisoner capacity medium-security prison under construction in Ravenhall expected to open late 2017.<sup>2</sup> In June 2009, Victoria's prison population reached 4,350 inmates and this number is expected to reach 7,169 in June 2015.<sup>3</sup> Recidivist offenders will make up more than 50 percent of this population.<sup>4</sup>

Prisoner issues are currently in the public eye, demonstrated by the Victorian Ombudsman's investigation into the provision of rehabilitation programs and transitional services for offenders in Victoria.<sup>5</sup> That investigation covers issues including: whether services provided to prisoners are effective in reducing reoffending; the impact of increasing prisoner numbers on those services; whether there are any particular groups within the prisoner population that are not being adequately supported; the consistency of programs delivered to Aboriginal and Torres Strait Islander prisoners; and whether programs for women prisoners were sufficiently tailored to their needs.<sup>6</sup>

Female prisoners face unique and complex disadvantages that place high demand on the services available within and outside the prison system. Offences committed by women are commonly associated with disadvantage, such as the non-payment of fines, shoplifting and welfare fraud, as well as driving and alcohol related offences.<sup>7</sup> The impact of incarceration on family relationships is a further compounding disadvantage. Approximately 85 percent of incarcerated women are mothers or primary carers.<sup>8</sup> When the mother, as the primary caregiver is incarcerated, the impact is likely to be greater on her children than the impact of their father's incarceration.<sup>9</sup>

### 2.2 PRISONS IN MELBOURNE'S WEST

DPFC, the Metropolitan Remand Centre (MRC) and Ravenhall Prison (under construction) are located within BMCLC's catchment areas of Brimbank, Melton and Bacchus Marsh. 1,095 prisoners are currently housed at DPFC and MRC,<sup>10</sup> an 8.1% increase since 2013.<sup>11</sup> Clean Slate client data indicates that 13% of clients involved in Clean Slate lived in the Brimbank, Melton and Bacchus Marsh area prior to entering the justice system.

## CONTEXT

### 2.3 BRIMBANK MELTON COMMUNITY LEGAL CENTRE

BMCLC assists the Brimbank, Melton and Bacchus Marsh communities. BMCLC is a generalist legal service providing free legal help in the following areas of law:

- credit/debt;
- infringements;
- family law;
- family violence and related legal issues arising in this context;
- criminal law;
- mortgage stress; and
- victims of crime assistance.

BMCLC is the legal program of Community West (Victoria) Ltd. Community West delivers a range of early intervention and prevention programs that focus on informing and engaging with our communities. Community West also provides Adult Community Education, Neighbourhood House and Family Support programs.

### 2.4 WHY A DEBT AND FINES PROJECT?

Clean Slate capitalises on BMCLC lawyers' expertise in debt and fines to target a key priority group in its catchment population, with the aim of reducing the risk of reoffending.

Surveys of available legal assistance to Victorian prisoners reveal that only limited and ad hoc civil legal assistance is available to the prison population.<sup>12</sup> Research indicates that civil law issues, especially related to credit and debt, are among the most significant and under-addressed legal problems among Australia's prisoner population.<sup>13 14 15</sup>

Many prisoners' level of debt and fines impact their ability to reintegrate with the community post-release and their likelihood of reoffending.<sup>16</sup> For example, the *Taking Justice into Custody* report found that of 67 prisoners and ex-prisoners, most had outstanding debt ranging from \$175-\$15,000.<sup>17</sup> In response to a NSW consultation paper into penalty notices, Justice Action NSW contended that debt increases the rate of recidivism and hinders prisoners' "search for a job, housing, credit card or loan, and receiving their driving license."

Illustrated by a Clean Slate client:

***"If I don't need to pay these debts,  
I won't have to steal or get in  
trouble again as soon as I'm out...  
I might actually stay out this time."***

## CONTEXT

### 2.5 LEARNINGS FROM THE NATIONAL BULK DEBT PROJECT

The National Bulk Debt Project, a partnership between Legal Aid NSW, Victoria Legal Aid and West Heidelberg Community Legal Service, ran across Australia in 2012-13. The project saw significant achievements as set out in the *Alternative Law Journal*:

*“In 2010, West Heidelberg Community Legal Service successfully conducted the first ‘bulk debt negotiation’ on behalf of 425 disadvantaged and vulnerable clients, who were referred by legal aid offices, legal centres and financial counselling agencies across Australia.*

*In 2011, Legal Aid NSW and Victoria Legal Aid joined with West Heidelberg Community Legal Service for the National Bulk Debt Project. The Project negotiated waiver or closure of debts worth over \$7.1 million with creditors such as major banks, insurance companies, credit providers, debt collectors and utility providers.”<sup>18</sup>*

Key learnings from the National Bulk Debt Project were incorporated into the Clean Slate model. These included:

- Historically, communication between financial counsellors, lawyers, financial institutions and debt collectors has not always been consistent and pragmatic. Addressing this issue would assist in reaching pragmatic resolutions for clients;

- More education is needed to inform financial institutions and debt collectors of the social circumstances surrounding debt; and

- Greater community participation in projects such as bulk debt projects provides a stronger negotiating position and maximises impact.

Application of the National Bulk Debt Project learnings and model in the prison context supports prisoners before the crucial transition back into the community. As set out in Justice Connect’s Prisoners Scoping Study:

*“There is a growing body of evidence and academic commentary on the importance of the resolution of legal and non-legal problems prior to release from prison for successful re-entry into the community.”<sup>19</sup>*



# 3. AIM OF CLEAN SLATE

***The Clean Slate Pilot Project aimed to lower recidivism rates by reducing prisoner debt and fines.***

## 3.1 METHODOLOGY

Clean Slate's methodology process is set out in Attachment 1.

### 3.1.1 DISCUSSION WITH CREDITORS

High level discussions about Clean Slate, its aims and process were held with a small number of key contacts at major banks. The interest gauged determined that the Clean Slate Pilot Project would proceed.

#### Key Learning - Knowledge of key contacts

Determining key organisational contacts was made easier by a strong relationships with the Financial and Consumer Rights Council. Reaching staff with the ability to make or on-refer decisions reduced organisations' turnaround time for considering and determining waiver applications.

#### Key Learning - Openness to assist prisoners

Most companies accepted and supported the commercial and public interest arguments presented for waiving prisoner debt. Attachment 2 highlights the very common personal and financial circumstances of a de-identified sample of clients, provided to companies. Company representatives stated that, when read as a whole, the impact of the client stories was significant and compelling.

### 3.1.2 STAKEHOLDER RELATIONSHIP BUILDING

BMCLC approached DPFC and discussions about Clean Slate progressed quickly. DPFC program staff were extremely supportive and provided significant assistance in Clean Slate's development and delivery. Timely and direct communication with DPFC and straightforward access to the prison ensured Clean Slate's success.

#### Key Learning - Relationship with DPFC staff

The strong and supportive relationship with DPFC staff was critical to Clean Slate's success. Staff responsible for prisoner orientation promoted Clean Slate to new prisoners and communicated client questions and concerns to BMCLC. Access to the prison, use of rooms and coordination of times and clients was arranged by DPFC staff.

## 3. AIM OF CLEAN SLATE

### 3.1.3 CLEAN SLATE PROMOTION AND ADVERTISING AT DPFC

BMCLC and DPFC developed basic promotional information for prisoners to generate interest in the Clean Slate and talking points were supplied to staff delivering prisoner orientation. Importantly, staff members delivering prisoner orientation were involved in the development of the Clean Slate model and understood the project, its aims and process.

This model ensured that over 50 women expressed interest in participating in Clean Slate after only two weeks.

### 3.1.4 COMMUNITY LEGAL INFORMATION AND POST-SESSION FOLLOW UP

Clean Slate's Community Legal Education (CLE) sessions were developed to include key talking points and fact sheets. The information was simple and sessions were also delivered in Vietnamese due to the significant number of Vietnamese prisoners at DPFC.

A client questionnaire was developed in consultation with a financial counsellor from Djerriwarrh Health Services and former project officers from the National Bulk Debt Project.

The questionnaire collected client information to help identify clients':

- outstanding debts and fines;
- social circumstances that may influence a creditor's decision to waive a debt (e.g. previous family violence or homelessness); and
- views on civil law assistance needed at DPFC.

The Clean Slate CLE was the first 'bulk' element of the project. In July 2014, BMCLC lawyers saw a total of 27 women in three groups (in the one afternoon):

1. Vietnamese clients (10);
2. general clients (12); and
3. clients from the protected unit (5).

CLE sessions covered: the Clean Slate process; credit reports; the Deemed Served Program; debts, fines, and how to contact BMCLC on release.

DPFC continued to advertise Clean Slate through its orientation program, leading to additional CLE sessions in August and September 2014. Legal information was delivered and questionnaire responses were gathered from a further 95 participants. Participant numbers increased due to word-of-mouth referrals from previous participants.

122 questionnaires were collected from participants attending the CLE sessions over five visits. Clean Slate originally included two CLE sessions at DPFC, however due to the significant interest from staff and prisoners, requests for CLE sessions continued.

### 3. AIM OF CLEAN SLATE

#### Key Learning - Efficient information sessions

DPFC staff suggested the CLE session and questionnaire model, as they anticipated significant interest. This enabled BMCLC lawyers to see 122 clients in only five visits, highlighting the efficiency of the first 'bulk' element of Clean Slate.

As awareness grew, so did the number of CLE participants. Back-to-back CLE sessions were held at each visit and ten Vietnamese clients were reached by delivering one information session in Vietnamese.

#### 3.1.5 DATA COLLECTION

Coordination and review of the client questionnaire data required substantial staff resources. Clean Slate benefitted from the knowledge and experience of a volunteer who worked on the National Bulk Debt Project in the development of the Clean Slate database. Without additional project funding for dedicated data entry and maintenance, it was very challenging for BMCLC staff to find the required time to enter, review and compile data.

#### Key Learning - Precedent set by National Bulk Debt Project

The knowledge and experience of gained in the National Bulk Debt Project helped determine the format and content of the client database provided to creditors to determine debt waivers.

The National Bulk Debt Project also set a precedent for creditors to consider the public interest and commercial arguments for waiving debt in bulk.

#### 3.1.6 CREDIT REPORTS

The second 'bulk' element of Clean Slate was to request client credit reports from a credit reporting agency. This allowed gaps in the details of outstanding debts and fines (e.g. account numbers) supplied by clients to be filled.

#### Key Learning - Credit reports

Obtaining clients' credit reports was a key feature of Clean Slate. The development of a positive relationship with a credit reporting agency allowed the required information to be sent to the agency in bulk, reducing turnaround and collation time.

Discussions with companies suggest that outstanding debts that do not appear on clients' credit reports may not warrant pursuing through Clean Slate. Outstanding debts or defaults that do not appear on credit reports do not prevent clients from obtaining credit (except where a client seeks to obtain credit from the same company to which they have an outstanding debt). A credit report indicating a debt has been waived (e.g. through Clean Slate) may lead some companies to decline credit, as the purpose of the credit reporting system is to protect creditors and go some way to limiting borrowers' ability to incur unmanageable debt.

### 3. AIM OF CLEAN SLATE

#### 3.1.7 LINKAGES WITH THE DEEMED SERVED PROGRAM

Approximately half of the Clean Slate clients requested assistance to confirm any outstanding fines in their name that had progressed to warrants since sentencing. A list of clients was provided to DPFC staff responsible for arranging the Deemed Served Program applications. 15 clients served additional infringement warrants as part of the Deemed Served Program, as a result of Clean Slate.

#### Opportunity for systemic reform - Deemed Served Program

Clean Slate provides the platform, information and insights for systemic reform of how companies and government agencies deal with prisoner debt and fines. The recently enacted *Fines Reform Act 2014* (Vic) will repeal the Deemed Served Program. Clean Slate indicates that this planned repeal will ultimately prove costly as it has potential to drive up Victoria's recidivism rates, with outstanding infringement warrants awaiting ex-prisoners on their return to the community.

Ex-prisoners will be forced to pay, otherwise satisfy the outstanding infringement penalty, or face a further subsequent custodial sentence all of which is expensive to the community and does little to rehabilitate ex-offenders. BMCLC will use the information collected through Clean Slate to urge the Victorian Government to maintain this valuable program.

#### 3.1.8 CREDITOR NEGOTIATIONS

Clean Slate categorized the debts identified by clients or their credit report as:

- Banks / major lenders;
- Debt collection companies;
- Telecommunications companies;
- Energy and Water companies; and
- Other / miscellaneous (e.g. payday lenders and small energy or telecommunications companies).

Correspondence was sent to key contacts highlighting the public policy arguments for waiving prisoner debt. The response from most organisations was supportive, and all debts identified were waived.

#### Key Learning - Small number of debts

Clean Slate was limited to a sample of 122 clients. Clients identified more than \$766,914.93 in outstanding debt.<sup>20</sup> Clean Slate asked companies to waive between 5 to 15 debts and energy and telecommunications companies around 30 debts. Compared to the National Bulk Debt Project this was thus a comparatively easy task for creditors to identify the debts and consider waiver of a limited amount of money.

### 3. AIM OF CLEAN SLATE

#### Energy and water roundtable

Mobile telephone and energy debt were among the most common reported by clients. Following discussions with Legal Aid NSW, an additional 'bulk' element was trialled by inviting water supply companies and energy providers to a roundtable discussion about Clean Slate, the benefit of reducing prisoner debt and the positive impact energy and water companies can have on ex-prisoners' reintegration to the community through supply and connection.

An action developed from the roundtable was the creation of an energy and water supplier notification system. The system will help identify clients on arrival to DPFC and enable suppliers to disconnect or redirect supply, as well as streamline hardship arrangements upon clients' release. This simple system has the potential to have an enormous impact on the outcomes of ex-prisoners, as well as their ability to contract energy and water services.

BMCLC will continue to pursue the systemic outcomes and opportunities arising out of the energy and water roundtable.

#### Opportunity for systemic reform - connection and supply for ex-prisoners

Clean Slate highlights the need for systemic collaboration and reform to ensure debt waiver does not preclude clients from reconnection to energy, water and telecommunications services (comprising the majority of prisoner debt).<sup>21</sup> Clean Slate also highlights that many difficult issues are resolved relatively easily by connecting the right people at the relevant organisations.

### 3.2 LIMITATIONS

The Clean Slate Pilot Project provides important insight into the planning and scoping of a future expanded Clean Slate Project.

#### 3.2.1 PROJECT TIMEFRAME

Clean Slate necessarily took some time to complete due to the establishment of relationships, database creation and maintenance and the in-depth preparation and argument of the public interest case to companies to waive prisoner debt. Any future Clean Slate Project would be built on the foundations of the pilot, improving an already efficient model.

#### 3.2.2 CLIENTS RELEASED DURING PROJECT

It was unavoidable that some prisoners were released before outcomes were reached with companies, so clients were no longer technically prisoners. However, release did not impact companies' attitudes to debt waiver and this issue would be minimised should Clean Slate continue. A more complete view of the timeframe associated with negotiating outcomes with companies will be better understood, as well as more established processes and relationships.

### 3. AIM OF CLEAN SLATE

#### 3.2.3 DEBT IDENTIFICATION AND CREDIT REPORTS

Inaccurate identification of debt by prisoners was considerable.<sup>22</sup> Clients have limited access to their personal information and found it difficult to recall details of debts incurred years prior. Searching for non-existent debts wastes companies' time and BMCLC anticipated this problem would be solved through the provision of clients' credit reports, however this was not always the case.<sup>23</sup>

#### 3.2.4 MISCELLANEOUS LENDERS AND COMPANIES

A considerable number of debts were held with small or miscellaneous companies with whom it was difficult or inefficient to negotiate waivers. While this issue was outlined to clients, Clean Slate continues to negotiate with as many companies as possible.

#### 3.2.5 SMALL DEBT AMOUNTS

Clients and/or their credit reports identified many debts of less than \$200, particularly for energy suppliers. While a minimum debt threshold was not implemented, any future Clean Slate Project should reconsider the implementation of a threshold.

#### 3.2.6 FUTURE SUPPLY WITH COMPANIES

Clients were encouraged to carefully consider the debts they included in Clean Slate, as some companies might choose to cut off supply, repossess security or decline to supply or loan in future. Clean Slate hopes to address this issue through policy and advocacy work arising out of the energy and water roundtable.

#### 3.2.7 FUTURE PROOFING THROUGH EDUCATION

Clean Slate gives clients a fresh start, however, debt waiver only helps these clients at one point in time. Targeted CLE and financial counselling will enhance the outcomes of Clean Slate and give them the tools to avoid the debt cycle in the future.

## 4. FINDINGS

***To date the Clean Slate Pilot Project has secured the waiver of more than \$150,000. It also provided all clients with the opportunity to serve additional outstanding fines concurrently with their sentences, resulting in 15 clients concurrently serving additional infringement warrants. Negotiations with companies to secure debt waivers and the development of new strategies with DPFC and energy and water companies is ongoing.***

### 4.1 CLEAN SLATE CLIENT DEMOGRAPHICS

The demographic of clients participating in Clean Slate was consistent with the pattern of disadvantage found in Victoria's female prisoner population.

Of the 122 Clean Slate clients:

- 114 received Centrelink prior to DPFC (1 not stated)
- 64 did not expect to find work after DPFC (21 not stated)
- 49 experienced homelessness before DPFC (3 not stated)
- 98 experienced drug and alcohol addiction before DPFC
- 74 experience mental health issues (11 not stated)
- 66 were the victim of family violence (9 not stated)
- 53 were the victim of other assault (7 not stated)
- clients were on average aged between 20-25 years old

- 28 were born overseas (2 not stated)
- 72 did not complete Year 12 (13 not stated)
- 13 completed further study after high school
- 11 owned vehicles worth more than \$5000

### 4.2 PRISONER DEBT

The total prisoner debt identified by clients and/or through credit reports was greater than \$766,914.

A small proportion of this amount was statute barred, or would be statute barred by the time the client was released.

### 4.3 PRISONER FINES

More than half of the Clean Slate clients requested confirmation of any new infringement warrants able to be served concurrently through the Deemed Served Program.

## 4. FINDINGS

### 4.4 OTHER INFORMATION COLLECTED

Clients' opinions as to additional legal services BMCLC could provide to DPFC and to the general prison population were surveyed. Approximately 70% of clients responded:

- The overwhelming majority of responses (51 clients) indicated that help with fines and debt was needed most, followed by family law concerning children (30) and housing/tenancy (29).
- Clients identified that they would prefer to receive the information through information sessions (41) as opposed to in person (29), via telephone (17) or by mail (2).
- The biggest legal issue for clients at DPFC was identified as debt (19), child custody (12), crime (9) and housing (9).

A full extract of the results is set out in Attachment 3.

# 5. RECOMMENDATIONS

1. Expansion of Clean Slate to other Victorian prisons in collaboration with Victorian community legal centres and/or Victoria Legal Aid;
2. Retention of projects such as Clean Slate in prisons to facilitate prisoner rehabilitation and reduction of recidivism rates;
3. Increased provision of civil legal assistance to Victoria's prison population; and
4. Additional collaborations and partnerships between prison services and the wider sector, including banks, debt collection agencies, energy, water and telecommunication providers, and other service providers.

Any future Clean Slate Project models should incorporate:

- Centralised point for data collation, company relationships and negotiations;
- Obtaining credit reports for all clients, and giving consideration to only pursuing waiver of debts listed on credit reports. This will reduce the resource-intensity of companies searching for non-existent debts or waiving debts that do not negatively impact clients;
- Evaluation of outcomes and impacts for clients and changes in practice for creditors;
- Additional financial counselling and CLE to clients transitioning out of prison on civil law issues including debt, fines, housing, tenancy rights, Centrelink, discrimination and family law;
- Pursuing systemic changes with telecommunications, energy and water companies to develop a better way to manage connection and supply with regard to ex-prisoners;
- Pursuing retention of the Deemed Served Program; and
- Expansion of the CLE bulk delivery model to include other community legal centres and Victoria Legal Aid regional offices.

## 6. FOOTNOTES

<sup>1</sup> Deborah Glass, Investigation into the rehabilitation and reintegration of prisoners in Victoria (2014), 3 <<https://www.ombudsman.vic.gov.au/Investigations/Investigation-into-the-rehabilitation-and-reintegr>>, Victorian Ombudsman.

<sup>2</sup> Department of Treasury and Finance, Ravenhall Prison Project, (14 February 2015) <<http://www.dtf.vic.gov.au/Infrastructure-Delivery/Public-private-partnerships/Projects/Ravenhall-Prison-Project>>, Department of Treasury and Finance.

<sup>3</sup> Deborah Glass, Investigation into the rehabilitation and reintegration of prisoners in Victoria (2014), 2 <<https://www.ombudsman.vic.gov.au/Investigations/Investigation-into-the-rehabilitation-and-reintegr>>, Victorian Ombudsman.

<sup>4</sup> Ibid 8.

<sup>5</sup> Ibid.

<sup>6</sup> Victorian Ombudsman's Office, 'Prisoner rehabilitation: is it working?', (Media release, 29 October 2014) 1 <<https://www.ombudsman.vic.gov.au/News/Media-Releases/Media-Alerts/Media-Release-Prisoner-rehabilitation-is-it-workin>>.

<sup>7</sup> Victorian Council of Social Services, Submission to Victorian Ombudsman, Investigation into the rehabilitation and reintegration of prisoners in Victoria, December 2014, [4].

<sup>8</sup> Ibid 5.

<sup>9</sup> Research has also found that "the children of female prisoners are unlikely to be cared for by their non-incarcerated father." Rosemary Woodward, Families of Prisoners: Literature review of issues and difficulties (Occasional Paper No. 10, Australian Government Department of Family and Community Services, Parliament of Australia, 2003), 21.

<sup>10</sup> 342 at DPFC and 753 at MRC; Prisoners in Australia (December 11 2014) Australian Bureau of Statistics <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4517.0Main+Features12014?OpenDocument>>.

<sup>11</sup> 316 at DPFC and 700 at MRC; Prisoners in Australia (December 11 2014) Australian Bureau of Statistics <<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4517.0main+features402013>>.

<sup>12</sup> For example, Victoria Legal Aid's regular legal services to Victorian prisons, Mental Health Legal Centre's Inside Access Program at DPFC and Justice Connect's Homeless Law runs a prisoners project at Port Phillip Prison.

<sup>13</sup> Anne Grunseit, Suzie Forell and Emily McCarron, 'Taking justice into custody: the legal needs of prisoners – summary report' (Justice Issues Paper No 2, Law and Justice Foundation of NSW, Sydney, 2008) 1-16.

<sup>14</sup> New South Wales Law Reform Commission, Penalty Notices, Consultation Paper 10, (2008).

<sup>15</sup> Justice Connect Homeless Law 'Prisoners Scoping Study: Investigating the feasibility of a PILCH civil law program for prisoners' (Report, Justice Connect Homeless Law, 2012) 1-27.

<sup>16</sup> Ibid.

<sup>17</sup> Justice Action, Submission to the Law Reform Commission, Debts of Prisoners and the Mentally Ill/Cognitively Impaired, February 2011, [2].

<sup>18</sup> Julie Maron, 'The National Bulk Debt Project', Alternative Law Journal, (2012) 37(3).

<sup>19</sup> Justice Connect Homeless Law 'Prisoners Scoping Study: Investigating the feasibility of a PILCH civil law program for prisoners' (Report, Justice Connect Homeless Law, 2012) 22.

<sup>20</sup> It must be noted some clients were unaware of the amount of their debt, while others reported amounts inconsistent with their credit reports. This demonstrates that the tally of the reported debts is unlikely to exactly reflect prisoners' overall debt situation.

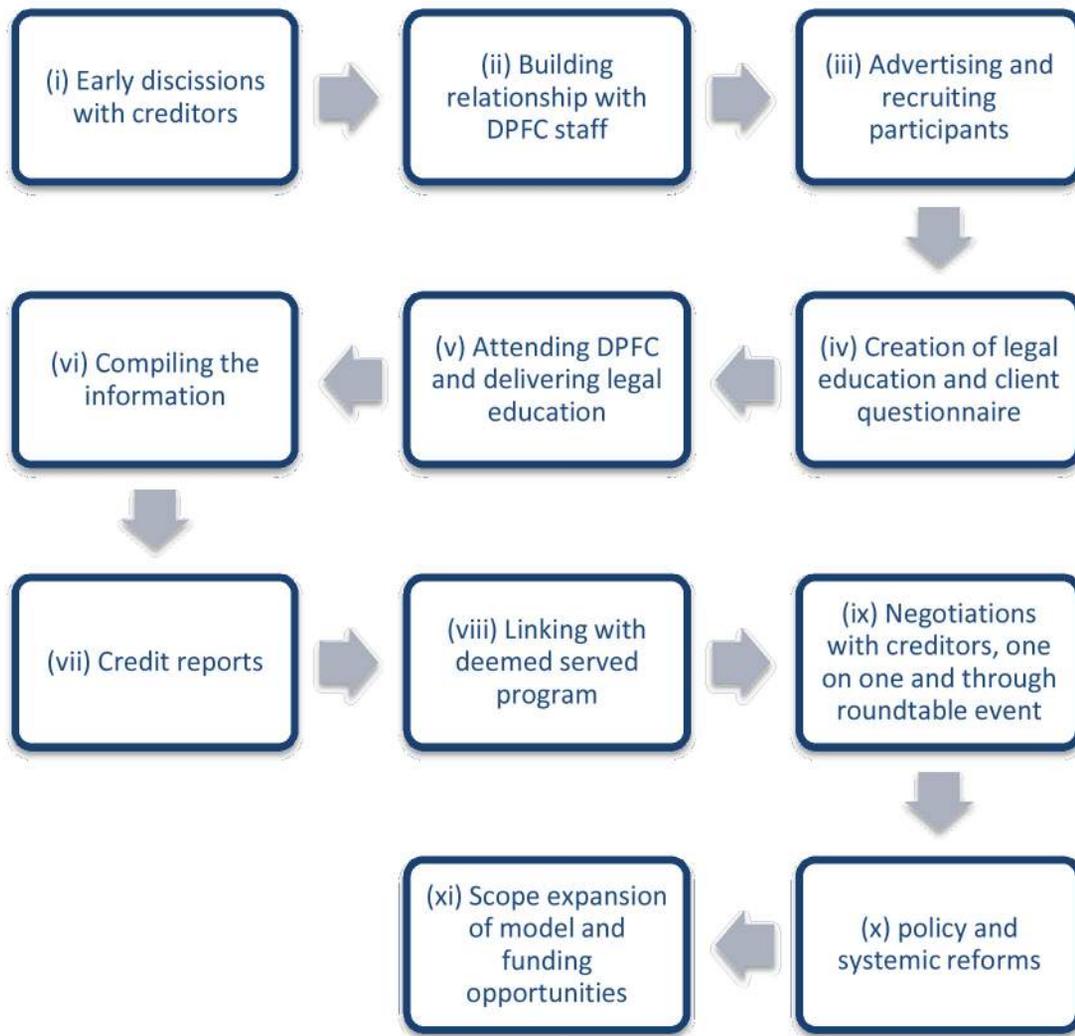
<sup>21</sup> According to section 15 of the Energy Retail Code, where an unpaid bill is paid, put on a payment plan or satisfied by way of a Utility Relief Grant, a provider must reconnect supply. This does not expressly provide that reconnection should take place as of right in the case of a waiver of debt.

<sup>22</sup> Negotiations were not carried out with all companies so an exact debt amount cannot be determined.

<sup>23</sup> Credit reports confirmed many debts as identified by clients, however reported additional debts not listed by clients. Significantly, credit reports did not reveal many of the debts identified by clients due to companies not using credit reporting systems, or writing off the debts internally. This raises the question whether unlisted debts warrant pursuing.

# 7. ATTACHMENTS

## ATTACHMENT 1 - CLEAN SLATE METHODOLOGY



ATTACHMENT 2 - HYPOTHETICAL SAMPLE OF TYPICAL

FINANCIAL AND SOCIAL CIRCUMSTANCES

The following is a hypothetical sample of the social and financial circumstances of a small number of clients within the Clean Slate program, based on a number of criteria for which data was collected. This is the format provided to companies, many of which remarked at the similarities in client stories and the impact of reading the stories en masse.

Credit Provider Company										
No.	Name	D.O.B.	Type	Est. debt amount	Date of loan/ last payment	Sentenced/ Remanded	Length of sentence	Release Date	About the client	Property
Still in custody at DPFC										
1	CLIENT A	XXX	Credit	more than \$600	X	sentenced	3.5 years	## date	Client A was unemployed before coming to DPFC and does not expect to find work on release. She has no formal education and English is her second language. Client A has been the victim of family violence and assault and suffered drug and alcohol addiction before coming to DPFC. Client A has no property, assets or savings of any value in her name.	none
2	CLIENT B	XXX	Credit	X (credit report states \$1,234)	X (credit report states 1 January 2012))	both	2 years	unsure	Client B was unemployed and receiving Centrelink benefits before coming to DPFC. Client B does expect to find work once released. Client B has been the victim of family violence and suffers from mental illness. Client B says she has minimal savings in a bank account.	none
3	CLIENT C	XXX	Credit	\$350	4 years ago	remanded	unsure	unsure	Client C suffers from post-traumatic stress disorder. She was previously employed but does not expect to work on release. Before coming to DPFC Client C was homeless, using drugs and alcohol and the victim of family violence. Client C has no formal education, and has no property, assets or savings in her name.	none
4	CLIENT D	XXX	Credit	\$2,000	unsure - 3 years ago?	sentenced	6 months	## date	Client D was unemployed and received Centrelink benefits prior to coming to DPFC. She has issues with drugs, and has been a victim of family violence. Client D had no formal education. She has no property, assets or savings of any value. She instructs that her ex-partner used the phone and incurred the debt.	none
5	CLIENT E	XXX	Credit	unsure	January 2014	sentenced	5 years	## date	Client E was homeless, unemployed and received Centrelink payments before coming to DPFC. Client E was a victim of assault and family violence, suffers bipolar disorder and does not expect to work on release. Client E has no property, assets or savings of any value to her name. As her sentence is for a minimum of 5 years, it will likely be statute barred by the time of release.	none
6	CLIENT F	XXX	Credit	unsure (credit report states \$1,520)	unsure	sentenced	10 weeks	## date	Client F was unemployed and received Centrelink before coming to DPFC. She did not complete secondary school and does not expect to work on release. She owns no property, assets or savings of any value. Before coming to DPFC Client F was admitted to a psychiatric ward for a lengthy period meaning she could not arrange her affairs or disconnect services, and thus incurred significant debts.	none
7	CLIENT G	XXX	Credit	\$5,400	2011	sentenced	11 months	## date	Client G was unemployed and receiving Centrelink benefits before being remanded at DPFC. She was homeless and the victim of family violence before coming to DPFC. Client G suffers from anxiety and depression. She does not have any property, assets or savings with the exception of a vehicle she owned before coming to DPFC, which she instructs was valued at \$8,000.	car - \$8,000
Recently released from custody at DPFC										
8	CLIENT H	XXX	Credit	unsure (credit report states \$3,945)	August 2013	sentenced	9 months	## date	Client H was unemployed and in receipt of Centrelink benefits before coming to DPFC. Client H did not complete high school and English is her second language, although she has undertaken some other study. Client H was the victim of physical violence and suffered drug and alcohol addiction before coming to DPFC. Client H lives with significant mental illnesses.	none
9	CLIENT I	XXX	Credit	unsure	Between 2 and 4 years ago	sentenced	3 years	unsure	Client I was unemployed and received Centrelink benefits before coming to DPFC, although she believes she will work on release. Client I has been the victim of family violence, physical assault and suffered drug and alcohol addiction prior to DPFC. Client I also suffers from borderline personality disorder. She owns no property, assets or savings and instructs that her partner stole the phones and incurred the debt.	none

## ATTACHMENT 3 - RESULTS FROM CLIENT QUESTIONNAIRE ON LEGAL NEED AND ADDITIONAL HELP

NB: Clients were asked to tick responses to questions 1-3 and write a response to question 4 (no guidance provided)

### **Question 1: What areas of law would you like help with?**

Legal Issue	Number of clients wanting assistance
Family Law (children)	30
Family Law (property)	3
Child Support	7
Criminal Law	22
Fines and Debt	51
Centrelink	25
Housing	29
VOCAT	26
Immigration/Visa	2
Family Violence	12
Other: Complaint against Psychologist	1
Other: VCAT	1
Other: Freedom of Information	1
Other: Deceased Estate	1
Other: TAC	1
<i>Not stated</i>	34

### **Question 2: How would you like the help?**

Method	Number of clients
Information/Education session	41
Advice over the phone	17
Advice in person	29
Other: Mail	2
<i>Not Stated</i>	60
<i>No</i>	4

### **Question 3: What is your biggest legal problem or issue at the moment?**

Legal Issue	Number of clients
Family court	3
VOCAT	3
Drug Trafficking	1
Police chase appeal	1
Housing	9
Criminal	9
Child Custody/Residency	12
Debts	19
Centrelink	8
Family Violence	5
DHS	2
Children's Court	1
Restitution order	1
Court Fines	1
Deportation	1
<i>Not Stated</i>	35

### **Question 4: Is there any other legal help or information you would like to access?**

Issue	Number of clients
Finding a lawyer to assist with a case	1
Finding a lawyer that has previously assisted	1
Freedom of Information	1
Applying for drivers licence	1
Assistance in getting back on their feet to avoid going back to DPFC	2
<i>Not stated</i>	116

## 8. BIBLIOGRAPHY

Anne Grunseit, Suzie Forell and Emily McCarron, 'Taking justice into custody: the legal needs of prisoners – summary report' (Justice Issues Paper No 2, Law and Justice Foundation of NSW, Sydney, 2008) 1-16.

Australian Bureau of Statistics, Prisoners in Australia (2010), <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4517.0Main+Features12014?OpenDocument>, Australian Bureau of Statistics.

Australian Bureau of Statistics, Prisoners in Australia (2014), <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4517.0main+features402013>, Australian Bureau of Statistics.

Department of Treasury and Finance, Ravenhall Prison Project, (14 February 2015) <http://www.dtf.vic.gov.au/Infrastructure-Delivery/Public-private-partnerships/Projects/Ravenhall-Prison-Project>, Department of Treasury and Finance.

Deborah Glass, Investigation into the rehabilitation and reintegration of prisoners in Victoria (2014), <https://www.ombudsman.vic.gov.au/Investigations/Investigation-into-the-rehabilitation-and-reintegr>, Victorian Ombudsman.

Julie Maron, 'The National Bulk Debt Project', *Alternative Law Journal*, (2012) 37(3).

Justice Action, Submission to the Law Reform Commission, Debts of Prisoners and the Mentally Ill/Cognitively Impaired, February 2011.

New South Wales Law Reform Commission, Penalty Notices, Consultation Paper 10, (2008).

Justice Connect Homeless Law 'Prisoners Scoping Study: Investigating the feasibility of a PILCH civil law program for prisoners' (Report, Justice Connect Homeless Law, 2012) 1-27.

Rosemary Woodward, Families of Prisoners: Literature review of issues and difficulties (Occasional Paper No. 10, Australian Government Department of Family and Community Services, Parliament of Australia, 2003).

Victorian Council of Social Services, Submission to Victorian Ombudsman, Investigation into the rehabilitation and reintegration of prisoners in Victoria, December 2014.

Victorian Ombudsman's Office, 'Prisoner rehabilitation: is it working?', (Media release, 29 October 2014) <https://www.ombudsman.vic.gov.au/News/Media-Releases/Media-Alerts/Media-Release-Prisoner-rehabilitation-is-it-workin>.