



Fairness Fund Project Report

Taxi Legal Service

June 2017

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1. Project Snapshot

<p>578 telephone or drop-in requests for assistance</p>	<p>230 initial face-to-face appointment slots</p> 	<p> Telephone assistance to 209 people</p>
<p>Follow-up appointments to 111 people</p>	<p> Assistance to 10 people from rural/regional Victoria</p>	<p>214 people with sample and template documents</p> 
<p>\$257,000 in funding received from DEDJTR</p> <p>\$</p>	<p>13 staff members and volunteers were directly involved</p> 	<p>Appointments were available at 2 different locations</p>
<p>39 people were referred to other community organisations for further assistance</p>	<p> The Project ran for 7 months from October 2016 to April 2017</p>	<p>155 applications submitted on behalf of clients</p> 

2. Introduction

The Fairness Fund Project was established by WEstjustice in October 2016 in response to a request by the Victorian State Government Department of Economic Development, Jobs, Transport and Resources ('DEDJTR') that a service be created to assist taxi and hire car licence holders with their applications to the Fairness Fund.

WEstjustice was approached by DEDJTR on the basis of our extensive knowledge of the complexities of the taxi industry following the six year operation of the Taxi Legal Service, as well as in the provision of assistance to applicants to the Taxi Reform Hardship Fund.

In line with WEstjustice's mission, the Project was set up as a holistic service designed to provide emotional support, referrals to other community agencies and to identify other legal issues.

The Project was made possible by funding provided by DEDJTR, and by the support of Victoria Legal Aid, Maurice Blackburn, the Victorian Taxi Association, and a raft of committed and hard-working WEstjustice staff members and volunteers.

The Project ran for 7 months, and formally concluded on 30 April 2017.

3. About WEstjustice

3.1. Overview

Western Community Legal Centre (trading as WEstjustice) is an independent, not-for-profit, community legal centre. It was formed in July 2015 through the amalgamation of the Footscray, Wyndham and Western Suburbs Community Legal Centres.

WEstjustice provides free legal assistance and financial counselling for the benefit of people who live, work or study in Melbourne's western suburbs. We have offices in Werribee and Footscray, as well as a youth legal branch in Sunshine, and numerous outreach locations across the West, including within two major hospitals.

WEstjustice provides a range of legal services including legal information, advice and casework, duty lawyer services, community legal education, law reform, and community projects. In response to the particular legal and social problems being encountered by our community, WEstjustice develops speciality advisory services that address these issues. For example, the Taxi Legal Service is a speciality service that was borne out of a significant amount of taxi drivers seeking assistance in relation to motor vehicle accidents.

3.2. Our mission

WEstjustice works in partnership with our community to:

- provide services and advice for vulnerable people experiencing legal problems;
- build legal capacity in our community;
- address systemic legal issues including administration of the law and associated and linked policy issues that cause and/or compound disadvantage; and
- demonstrate leadership in this and related sectors.

3.3. Taxi Legal Service

WEstjustice currently operates the Taxi Legal Service and has done so for the last six years. The focus of the Taxi Legal Service was primarily to assist taxi drivers by way of providing legal advice and case work advocacy in complex matters. As our involvement in the taxi industry increased, we became aware of issues affecting other stakeholders in the industry including taxi licence owners, and taxi operators. The Service now assists a wide range of individuals particularly in relation to civil law matters such as motor vehicle accidents and insurance matters.

Along with engaging in client casework, the Service also plays a major role in advocacy, law reform projects and engaging with stakeholders to address current issues surrounding the taxi industry.

4. Fairness Fund Project

4.1. Context

In order to operate a taxi or hire car in Victoria, a taxi or hire car licence is required. Such a licence is effectively a government-granted permission to operate a taxi or hire car vehicle in a particular zone. The government had restricted the number of taxi licences available and as a result, many types of licences obtained a scarcity value in the market; of upwards of half a million dollars.

In August 2016, the Victorian government announced significant changes to the existing licencing regime. Effectively, taxi and hire car licences in their current form will cease to exist. A transition package for licence holders was also announced which proposed payments to licence holders. Payments differ according to licence type but by way of example, the current proposal for a metropolitan taxi licence is \$100,000 for one licence, and \$50,000 each for up to three subsequent licences.

The government also announced a support package for licence holders in financial hardship in the form of the Fairness Fund. Applications to the Fairness Fund opened on 30 November 2016 and were made by way of an application form and supporting evidentiary documents including tax returns, bank statements and property valuations.

Eligibility for the Fairness Fund required any or all of the following:

- A lack of current income or the loss of a future income stream that is significantly impacting on household spending capacity
- Significant difficulty in meeting ongoing debt obligations related to the licence(s) held
- A lack of available funds to meet financial commitments
- Extenuating circumstances resulting in financial hardship of a different nature to that set out above.

Given that many licence holders had purchased their licences relatively recently (when prices were exceptionally high) and had incurred significant debt in order to do so, satisfying the eligibility criteria was relatively straightforward. In many cases, the family home and the licence are jointly listed as securities for the loan used to purchase the licence, meaning the family home is at risk.

Further, some licences were assignable providing the opportunity for licence holders to obtain essentially what amounts to rental income, and such rent has been relied on as a main, or one of the main sources of income.

In any case, most licence holders viewed their licence as their most significant asset, and had intended for the rent from the lease of the taxi licence to serve as a type of superannuation in their retirement.

4.2. Aims

The aims of the Project were to:

- Assist taxi and hire car licence holders with information, support and guidance to complete their application to the Fairness Fund by way of:
 - A telephone helpline;
 - Providing template and sample documents; and/or
 - Face-to-face appointments wherein the application form was completed on behalf of the applicant by WEstjustice
- Provide other support services to taxi and hire car licence holders by way of social work services and financial counselling
- Identify other legal or social issues and offer referrals to other organisations.

4.3. Model

A typical client meeting features the client and the relevant staff member. Due to the complexities of our clients' situations and the great emotional distress being experienced by most of our clients, we established a panel model. This panel consisted of a lawyer, financial counsellor and social worker. All three of these professionals were present in the initial client interview.

Although all clients were forewarned of the structure of the initial interview, most were initially surprised to find three people armed with an array of paperwork, computers and questions. However, the panel operated as a cohesive entity that was able to deal efficiently with the wide range of issues being experienced by clients including mortgage defaults, relationship breakdown, mental health issues, overdue utility bills, housing insecurity etc.

4.4. Implementation

4.4.1. Phases

In order to maximise the amount of clients that could be assisted, the Project commenced seeing clients on 3 October 2016; well prior to the release of the application form 30 November 2016. During this period, nine appointments were made available each week.

Following the release of the form, and in response to the increased demand for our services, we commenced the second phase of the Project which included:

- a telephone helpline;
- an increase in appointment length (from 1.5 to 2 hours)
- an increase in face-to-face appointments (from nine to 12 per week);
- an increase in staffing; and
- an additional after-hours clinic for applicants seeking their application be reviewed by our service before being submitted.

4.4.2. Face-to-face appointments (initial)

Prior to their initial appointment, brief details about an applicant's situation were taken over the telephone. They were then sent a letter which set out the purpose of the appointment as well as a checklist of documents they would be required to collate and bring to their appointment.

Appointments were initially 1.5 hours in duration, and this was increased to 2 hours in phase two of the Project. During the appointment, the application form

was completed as much as possible, and copies of relevant documents were made. Applicants were queried about matters that would form their basis of claim letter, and were given an opportunity to ask questions and voice their concerns about the Fairness Fund and change to the industry more generally.

4.4.3. Follow up appointments

While the goal was to complete the application in the initial appointment, many clients presented without all the required documents, or with incorrect documents. Other clients presented with immensely complicated financial affairs that required more time to untangle. In some cases, further social work support was required. For applicants who spoke English as a second language, or required the services of an interpreter, more time with the applicant was required and a follow up appointment was scheduled.

Overall, most clients felt the amount of information required for the Fairness Fund to be overwhelming and had difficulty collating their supporting documents.

4.4.4. Locations

In order to ensure the Project's services were accessible to as many licence holders as possible, two appointment locations were offered to clients. Around 60% of initial appointments were undertaken at a central CBD location thanks to the support and generosity of Victoria Legal Aid. The remaining 40% of initial appointments were undertaken at WEStjustice's Footscray office.

4.4.5. Telephone helpline

In response to an increased demand for our services, a telephone helpline service was added. This helpline aimed to:

- Triage enquiries more thoroughly to determine what assistance an applicant required;
- Reduce wait times for applicants;
- Provide guidance over the telephone for applicants who wanted to complete their own form;
- Provide template and sample documents for applicants enquiring about how to complete section 2.1 (basis of claim) on the application form; and
- Increase the capacity of the Project by offering assistance to complete the form over the telephone.

4.4.6. Template documents

Many of the clients contacting our service were enquiring only about how to complete section 2.1 on the form which required an application to:

‘briefly describe the circumstances of your financial hardship, explain how you consider this to be a direct result of the announced Victorian taxi and hire car industry reforms. Where relevant, please describe any actions you may have taken to address your financial situation (e.g. sale of assets, refinancing of debt)’

In response, the Project developed a sample response to this section, as well as a template document that could be used by applicants. These documents could be provided to applicants who could then use them to complete their own applications.

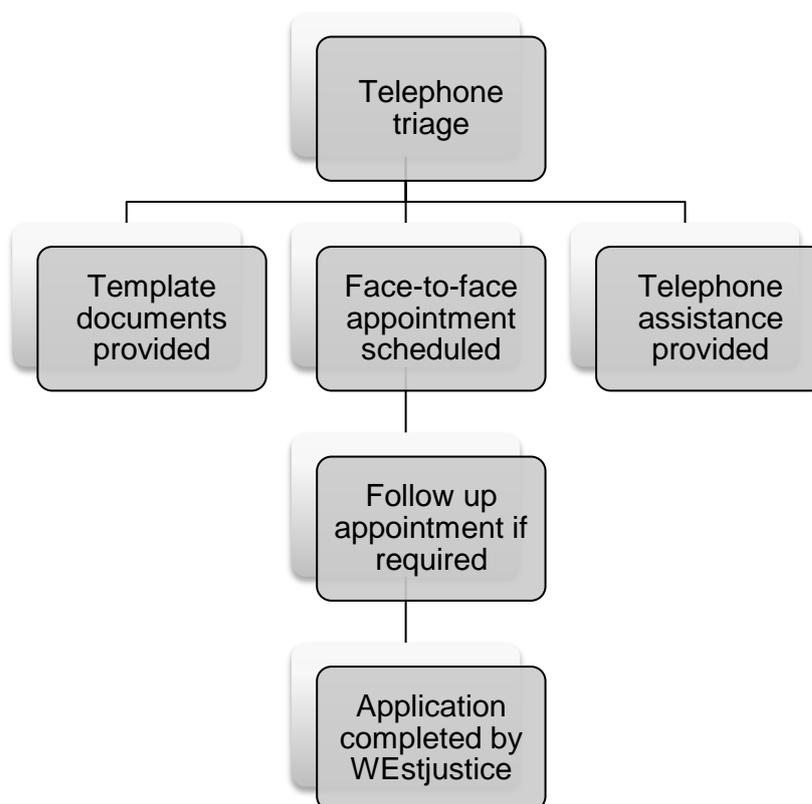
4.4.7. Staffing

In total, the Project engaged a total of 13 staff and volunteers. The team consisted of:

- 5 Financial Counsellors;
- 1 Social Worker;
- 3 Lawyers; and
- 4 paralegals.

Many members of the team were bilingual, and were able to converse with clients in Vietnamese, Turkish, Greek, and Croatian. The Project utilised the services of the Telephone Interpreting Services for other languages.

Diagram 1: Project implementation



5. Project outcomes

5.1. Statistics

In total, the Project received 578 requests for assistance. These requests were made either by telephone or by drop-in to WEstjustice's offices in Footscray and Werribee. The requests were primarily taken by WEstjustice reception staff and then forwarded to the Project team.

Approximately 30% of these requests for assistance were general in nature and related to the industry transition payments, fee rebates and the legislative changes. These requests were dealt with over the telephone and no further assistance was requested.

32 people were assisted to complete their whole application form over the telephone. This type of assistance was used in cases where the applicant was unable to, or did not want to attend a face-to-face appointment. It involved a member of the Project team going through each question on the application form with the client and explaining what information and supporting documents was required.

A further 30% of requests related specifically, and only to the basis of claim question on the application form (refer to section 4.4.6 above). These requests were dealt with

via explanation over the telephone, plus the provision of a sample response, and a template document prepared by the Project. These documents were sent electronically, or via post to applicants. They were also made available for pick up from our Footscray office.

A small number of requests for assistance were unable to be responded to due to the client not answering their phone or email. The Project team would attempt to contact a client up to four times over a series of days (and sometimes weeks) before accepting that the client was not contactable. In many cases, the client would call the service again a number of months later and explain that they had been overseas or had changed their phone number. These clients were then able to be triaged and were able to receive the assistance they had initially sought.

The remaining requests resulted in face-to-face appointments. The Project offered 230 initial face-to-face appointments across two locations. The drop-out rate for appointments (caused by clients cancelling their appointment within 24 hours of their allotted time, or failing to attend their appointment without notice) was around 10%. Where possible, these appointments slots were filled by other clients.

Clients who cancelled their appointment or failed to attend were generally offered a further appointment if there was a valid reason for the cancellation, or a genuine error had been made in relation to the date and/or time of the appointment. Such allowances were important given the emotional and financial stress being experienced by clients.

Some appointment slots were unable to be filled due to client availability, and/or client readiness for appointments. The volume of documents required for the application form meant that many clients required up to a month to collate their documents from a variety of sources including their accountant, their bank/s, their local council, and their creditor/s.

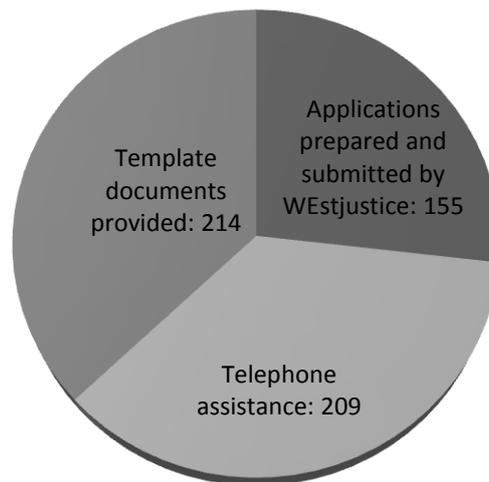
Of the clients seen at a face-to-face appointment (approximately 184, which does not include couples/joint licence owners), 161 received ongoing assistance to prepare their applications. The remainder either did not require ongoing assistance, or had arranged their affairs in a manner which meant assistance by the Project was inappropriate (for example where the licence was owned by a family trust). In these cases, the client was referred back to their accountant or private lawyer for further assistance.

Of the 161 applicants who received ongoing assistance, around 65% required a second and/or third additional face-to-face appointment. Further appointments were typically required in order for the client to provide additional documents. See section 4.4.3 above for further information.

Overall, the Project completed and submitted 155 applications on behalf of clients. The average application was 120 pages long. The average number of supporting

and/or evidentiary attachments on each application was 13, with each attachment having to be separately labelled and identified.

Diagram 2: Scope of assistance provided



5.2. Observations

An overwhelming number of clients presented to our service in moderate to severe emotional distress. Applicants were extremely concerned about their declining incomes, their future employment prospects, their capacity to meet debt repayments and the loss of what most considered to be their most significant asset.

The emotional distress caused by these financial issues was having a negative impact on most family relationships with many clients reporting tension in their relationship with their spouse.

Some applicants were facing the prospect of losing their family home as a result of their inability to meet mortgage repayments. Many had already sold their home in an attempt to salvage their financial situation and were living in rental accommodation. At least one applicant was homeless. Many were relying on the loans from family and friends to meet basic living expenses, and some had accessed food packages and/or vouchers from charities or their local church.

Most applicants who were seen at a face-to-face appointment expressed confusion at the form and disclosed that if not for the assistance provided by WEstjustice, they would not have made an application to the Fairness Fund.

5.3. Social worker engagement

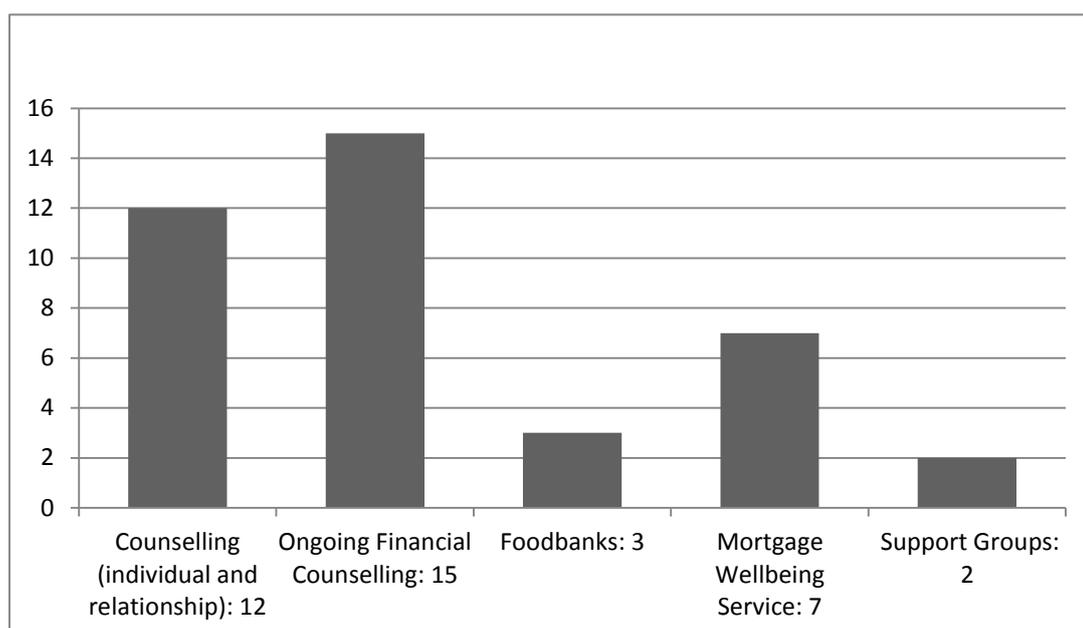
The inclusion of a social worker in the Project was invaluable. The social worker aided the operation of face-to-face interviews by supporting clients emotionally. The social worker also facilitated referrals for applicants back to their own GP, to counselling, and to support programs and networks (including for a client whose child was suffering from an eating disorder). See Diagram 3 below.

In addition to the clients seen directly by the social worker, other members of the Project team were able to refer applicants directly to our social worker. 16 applicants were referred in this way due to serious concerns about their welfare.

Our social worker reported the most common issues among applicants as follows:

- Many applicants were suffering from identity issues and a loss of a sense of self as they faced no longer working in the taxi or hire car industry which may have been their only source of employment for most of their life;
- Relationship conflict or breakdown was rife among owner-operators who had dedicated their life to their taxi business with a view to support themselves and their partner in a comfortable retirement;
- Stress, anxiety and depression directly related to financial hardship;
- Insomnia and sleeplessness causing irritability and having an impact on family relationships;
- Grave concerns for the future as well as uncertainty around housing, income and managing household expenses.

Diagram 3: Social worker referrals



5.4. Client feedback

The feedback from our clients has been overwhelmingly positive. Even during a time of great emotional and financial turmoil, virtually every client took the time to express their gratitude for the assistance, support and empathy shown by the Project team.

The most common comment from clients was their appreciation at having their voice heard and listened to, and then transcribed into a clear and concise letter which constituted their response to the 'basis of claim' question on the application form.

Some of the written feedback provided by our clients in email form is extracted below:

'We cannot thank you enough for your expertise and genuine compassion!'

'I thank you from the bottom of my heart for your support and assistance. You are a great person. God bless you.'

'I appreciate much for your understanding and help.'

'Thank you very much I really appreciate all you have done for me. Once again cheers!!!'

6. Conclusion of Project

Applications to the Fairness Fund closed on 30 April 2017 and as the purpose of the Project was to assist applicants to complete their applications, the Project has also concluded.

WEstjustice continues to support applicants referred internally to other areas of the organisation including the Mortgage Wellbeing Service, the Taxi Legal Service, generalist financial counselling and the Motor Vehicle Accident clinic.

7. Next steps

7.1. Submission to parliamentary inquiry

WEstjustice CEO, Denis Nelthorpe, made an oral submission to the parliamentary inquiry into the Commercial Passenger Vehicle Industry Bill on 24 May 2017. Mr Nelthorpe's submission included an overview of the Project and the assistance provided to applicants. Based on the data collated throughout the duration of the Project, and the experiences of the Project's clients, Mr Nelthorpe made a number of recommendations including that:

- Industry transition payments be made on a sliding scale, with reference to the date of purchase of the licence (and associated price); and
- The legislation should be passed as soon as possible to provide certainty to licence holders, and to ensure personal and family relationships are not worsened by the lack of uncertainty about the future.

7.2. Debt negotiation project

As a result of the data collated during the Project, WEstjustice is making enquiries as to the viability of a further project related to the Fairness Fund – to assist particular licence holders who may receive funds from the Fairness Fund and Industry Transition Package that may be equal or less than the amounts they owe to various financial institutions in relation to the licence itself. Further details will be provided once more information is known.

8. Acknowledgements

WEstjustice is very grateful to the following individuals and organisations for their support of this Project:

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