

2022

ANNUAL REPORT

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ACKNOWLEDGEMENT OF COUNTRY

WAJA pays respect to the past, present and future Traditional Custodians and Elders of Whadjuk Noongar Boodja and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.



WA JUSTICE ASSOCIATION

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HISTORY

The WA Justice Association ('WAJA') was conceived by founders Tom Penglis and Julian Sanders following Tom's release from Acacia Prison in April, 2020. Motivated by the inefficacy and injustice he witnessed in the WA prison system, Tom sought to channel his discontent into positive action. Tom and Julian soon enlisted fellow law students to establish and launch WAJA, an organisation with the aim of reducing incarceration rates and improving outcomes for people coming into contact with WA's criminal justice system.

WAJA's operating model was closely informed by Tom's experiences in WA's prison system. First, he observed that there are already numerous social justice organisations and service providers who are well-positioned to effect meaningful change and support, but are poorly resourced. Secondly, Tom's conversations during prison visits with his father, Steven Penglis SC, made it clear that there are many lawyers who are passionate and supportive of social justice issues, but are unsure of how to provide support to these causes. Thirdly, there is an untapped reservoir of talent and passion in the form of university students, especially law students, within the social justice space. These three groups – social justice organisations, lawyers and students – comprise the core elements of our operating model.



WA JUSTICE ASSOCIATION

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HISTORY

By engaging these groups in collaborative and focused reform efforts, we aim to achieve our purpose by effecting law and policy reform and promoting engagement between students, social justice organisations and the legal community. Our vision is of a fair criminal justice system focussed on rehabilitation, which provides all Western Australians the support they need to turn their lives around, and where imprisonment is a genuine last resort. Critically, we envision an end to the gross overrepresentation of First Nations people in WA's criminal justice system. Moving forward, we hope to further engage academics, students, lawyers and the broader community to help us achieve our mission.

MISSION

WAJA seeks to reduce incarceration rates and improve outcomes for people coming in contact with Western Australia's criminal justice system. We hope to achieve this by effecting law reform and promoting student engagement with non-government organisations and the legal community.

OUR PEOPLE



BOARD OF DIRECTORS

Tony Joyner

Samantha Nadilo

Sophie Stewart

Julian Sanders

Tom Penglis



EXECUTIVE TEAM

Tom Penglis - Executive Director

Tenille Lazenby - Projects Director

Izabelle Bavcevic - Projects Coordinator

Shelby Robinson - Outreach Director

Sara Ozrain - Communications Director

Steven Thiele - Advocacy Director

Luke de Castro - Finance Director

Ailish Dey - Finance Director

Komal Singh - Volunteer Relations Director

Rory O'Sullivan - Operations Director

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STATEMENT FROM THE EXECUTIVE DIRECTOR

Tom Penglis

2022: YEAR IN REVIEW

The past year has seen some of WAJA's most impactful research and advocacy work to date. These activities are set out in some detail in the later sections of this report. I am extremely proud of all of WAJA's student volunteers for their dedication and commitment to WAJA's mission which is translating into meaningful impact. 2022 was also an exciting year of growth for WAJA, which is evident through the various developments and activities outlined below.

EXPANDED TEAM STRUCTURE

Internally, the charity's expansion was evidenced through the separation of Advocacy and Outreach into standalone teams headed by a dedicated Executive Officer, and the creation of a Volunteer Relations Director role to oversee the development and experience of WAJA's volunteers. This organisational restructuring has allowed our Advocacy and Outreach teams to expand the scope of their work and improve the efficacy of their work through better planning and resourcing. Several other key areas highlight WAJA's growth over the past year.

PROFESSIONAL DEVELOPMENT - WORKSHOPS

One of the Executive team's focus areas in 2022 was on improving our workshop offerings to ensure that WAJA's workshops both develop our volunteers' practical skills and also provide engaging and diverse perspectives into WA's criminal justice system. Our teams received various targeted skills-based training from organisations including Bang Digital, Visagio, and Gilbert + Tobin, and were lucky to hear from esteemed individuals including Ben Wyatt (former WA Treasurer), James McMahon (former Commissioner of Corrective Services and former Commander of the SASR) and Lindy Jenkins (former Judge of the WA Supreme Court and Chair of the WA Law Reform Commission). I would like to sincerely thank all of the individuals and organisations who generously volunteered their time to deliver workshops to WAJA's volunteers in 2022.

RELATIONSHIPS WITH OTHER ORGANISATIONS

At the heart of WAJA's operating model is collaboration with other organisations. In 2022, this manifested in various ways – the following are just a few of the highlights of how WAJA has worked with and supported other organisations contributing to improving WA's criminal justice system.

At the start of 2022, we entered into our first corporate partnership with our Major Partner, Bennett. I cannot overstate how important Bennett's support has been to ensuring WAJA's stability over the past year.

In December, WAJA became a member of Social Reinvestment WA ('SRWA'). SRWA is an Aboriginal-led coalition of over 30 not-for-profits dedicated to ending the systemic overrepresentation of Aboriginal and Torres Strait Islander people in WA's criminal justice system. Joining SRWA will ensure that our activities meaningfully support the operations of established organisations advocating for criminal justice reform in WA. It will also allow us to better support SRWA coalition members and related organisations through the provision of project teams, advocacy support and event coordination.

In May, WAJA participated in the Law Access' annual Walk for Justice. After being the top fundraising team in 2021, WAJA raised another impressive sum of \$4,410 to support Law Access' activities. We look forward to participating in next year's walk and raising more money for this great cause.

In Semester 2, our project teams were mentored by lawyers from Gilbert + Tobin and Herbert Smith Freehills. Both of these firms had mentored projects in past semesters. The repeat collaboration of lawyers from some of Australia's top law firms and the positive feedback from the individual Project Mentors from these firms highlights the fact that mentoring WAJA projects can be a unique and highly rewarding experience for practising lawyers.

LOOKING AHEAD

2023 will be a year of transition and consolidation. 2023 is the first year the Executive Director and Projects Director roles have turned over to new people, with myself and Tenille Lazenby moving on from our respective roles. This is an exciting period for WAJA, with new faces and fresh ideas in the Executive team.

Despite the change in personnel, WAJA's operating model remains unchanged. We will continue to publicly advocate heavily on WA's ongoing youth justice crisis and undertake public and private advocacy activities in relation to other criminal justice issues. Thanks to Tenille Lazenby's dedication towards the Projects portfolio, we have consolidated our project selection process. As a result, we have identified several exciting projects for 2023 and are at various stages of planning. The Outreach team aims to organise larger and more ambitious events in 2023 and will expand its student engagement activities further into all five WA universities. Finally, in 2023 we are committed to enhancing the development of our Communications team and providing Communications Officers with more creative freedom and opportunities.

We have also finalised a strategic roadmap to implement various strategic initiatives over 2023-2024 which will set WAJA up for medium and long-term organisational stability. We are lucky for this process to be guided and overseen by our professional Board of Directors, who I would like to deeply thank for volunteering their time to WAJA.



THANKS

Finally, I would like to sincerely thank all of WAJA’s past and present student volunteers, partners, stakeholders and supporters.

Being a student-led charity, all of WAJA’s teams are comprised of student volunteers who give up their time towards undertaking WAJA’s various activities. WAJA would not exist without these volunteers, and I am grateful for their dedication and commitment to the organisation and its cause.

After over 2 years as Executive Director, I am pleased to pass the reigns over to someone as dedicated and capable as Rory O’Sullivan, who will be WAJA’s Executive Director in 2023. I wish Rory and all incumbent Executive Officers the best for 2023 and beyond.





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**THANK YOU TO OUR
PARTNERS**

Bennett

LITIGATION AND COMMERCIAL LAW

**FOURTH FLOOR
- CHAMBERS -**



THE UNIVERSITY OF
**WESTERN
AUSTRALIA**

PORTFOLIO REPORTS

PROJECTS

Tenille Lazenby

In 2022, WAJA's Projects teams tackled some of the most complex criminal justice challenges yet. WAJA continued to engage some of the state's most talented law students to apply their research skills and passion for social justice to the challenging questions posed by WA's broken criminal justice system.

Across the course of 2022 WAJA conducted four large research projects into some of the facets of the justice system which are most in need of reform.

Fitness to Stand Trial

[Conducted in partnership with the WA Association for Mental Health (WAAMH), supervised by Liz Connor (Senior Policy Officer, WAAMH) and mentored by Nicholas Versteegen (Solicitor, Mental Health Law Centre) and Magistrate Felicity Zempilas.]

The Project Team developed a research paper and designed a model which suggested improvements in the criminal justice system response to accused persons who are deemed unfit to stand trial under the *Criminal Law (Mentally Impaired Accused) Act 1996* (WA). The project deliverable provided recommendations for a proposed new system which overcomes the existing deficiencies and discusses the opportunities and challenges of its integration into the WA criminal justice system. The final report, 'Justice Delayed is Justice Denied' was published in late 2022 and was the subject of an insightful panel event coordinated by the WAJA Outreach Team.



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PROJECTS

First Nations Data Sovereignty

[Conducted in partnership with Wungening Aboriginal Corporation, supervised by Louise Southalan (Project Manager for the Homelessness Research Project, Wungening) and Lindey Andrews (Specialist Manager Research, Evaluation and Engagement, Wungening) and mentored by Dalveen Belyea (Consultant, Gilbert + Tobin) and Amelia Arndt (Lawyer, Gilbert + Tobin).]

The Project Team developed a research report exploring the application of First Nations Data Sovereignty (FNDS) principles to WA's criminal justice system. The report aims to assist Wungening in their advocacy for FNDS and to provide Wungening with a roadmap of how FNDS may be achieved in a criminal justice context.

Individual Placement and Support (IPS)

[Conducted in partnership with the WA Association for Mental Health (WAAMH), supervised by Roshani Shrestha (IPS Acting Program Manager, WAAMH) and mentored by Libby Plajzer and Julian Sanders (Solicitors, Herbert Smith Freehills).]

Following on from an initial Project between WAJA and WAAMH in late 2021, the 2022 Project Team took the findings of the previous report to demonstrate how the IPS model, which supports people with mental health conditions to gain employment, could be used in a criminal justice context. The Project Team produced a detailed consultation report which discusses the most appropriate avenues for integrating the IPS model into existing services. The deliverable will assist the Partner Organisation, WAAMH, to improve mental health recovery and contribute to reduced rates of recidivism in the WA community.



PROJECTS

Spent Convictions

[Conducted in partnership with Gilbert + Tobin Pro Bono Practice, supervised by Marshall McKenna (Partner, G+T) and Jim Power (Lawyer, G+T) and mentored by April Barton (Lawyer & Pro Bono Coordinator, G+T).]

The Project Team developed the Spent Convictions Guide, a deliverable which outlines the complicated process for obtaining a spent conviction in WA. The report and accompanying literature review provided fundamental research into the spent convictions process and highlights the urgent need for reform in this space.

The Project's deliverables will reduce accessibility barriers for both laypersons and practitioners to engage in applying for a spent conviction, either for themselves or acting in a pro bono capacity.

In light of a successful 12 months of development in the Projects portfolio following its establishment after the 2020 Pilot Project, this year we committed to finetuning the Projects model by making a number of changes in pursuit of continuous improvement – aiming towards creating the most valuable experience for our students and partners alike. This included a number of initiatives such as implementing internal WAJA training in addition to external workshops, introducing Final Presentations as a compulsory output of each project and designing case analysis exercises to improve the recruitment process. As a result, we have seen an increase in repeat Project Partners and the production of even higher quality, professional work from WAJA's Projects teams.

ADVOCACY

Steven Thiele

In 2022, the Advocacy Team underwent rapid expansion in both size and scope. Through a variety of strategies, the Advocacy Team focused on several key project-backed campaigns and delivered exceptional results. The Team engaged seven Advocacy Officers from January to November 2022, and focused on three major campaigns which have been supported by WAJA's projects.

Over the course of the year, the Advocacy Team met with key policymakers and stakeholders, including Members of the WA Parliament.

A key goal of the Advocacy Team is to make criminal justice issues accessible. The Team fulfils that by providing social media content to assist community education on key criminal justice issues.

A key achievement was an article co-authored by Advocacy Officers Helen Do and Paris McNeil advocating to Raise the Age, which was published in the Blackstone Society's *Ignite* journal in October 2022.



ADVOCACY

Raise the Age

Raise the Age is WAJA's longest-running campaign since the publication of the Raise the Age Pilot Project in 2020. In conjunction with Social Reinvestment WA, Advocacy Officers met with Members of State and Federal Parliaments to advocate for youth justice reform and raising the minimum age of criminal responsibility to fourteen years old. Foremost among WAJA's allies is Ms Kate Chaney MP, Member for Curtin, who has strongly advocated in the Federal Parliament for raising the age.

Youth Justice is a key focus of media attention and WAJA looks to the WA Government to implement crucial reform at this time.

Individual Placement and Support (IPS) Model

In 2021, members of WAJA's IPS Project Team completed a report on the IPS model to assist people recently released from incarceration who are struggling with mental health complications. The IPS model will assist them with finding employment, a key factor in reducing recidivism. In conjunction with WAAMH, WAJA is in the preliminary stages of campaigning for a pilot of the IPS model in the criminal justice system.

Criminal Law (Mentally Impaired Accused) Act 1996 (WA)

In 2022, WAJA published the report *Justice Delayed is Justice Denied*, evaluating the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)*. Along with Magistrate Felicity Zempilas, representatives from the Advocacy Team met with policymakers from the Department of Justice to outline key asks from the report and advocate for reform of this legislation. WAJA is assisting WAAMH in analysing new legislation presented in this policy area.



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ADVOCACY





OUTREACH

Shelby Robinson

2022 has been a year of great growth, learning and actions for WAJA's Outreach Team.

We started 2022 off saying goodbye to outgoing 2021 Outreach members Georgia Babun and Marnie McKenna, welcoming five new members, Nicole Johnson, Romany Bailey Brown, Sofia Basso, Yusra Kirsten and Alicia Thornbury, supervised by Outreach Director Shelby Robinson.

The Outreach Team is responsible for all student and community engagement which educates on WAJA's mission. To achieve this, we partly focus on community facing public events, with the theme linked to either a WAJA Projects topic or Advocacy campaign, or around the concept of building community awareness of systemic criminal justice issues in WA.

Second to this, Outreach interacts closely with WA university law schools, law societies and other representative student bodies and academics from a range of disciplines. This not only affords us great working relationships and creates a community of professionals who champion WAJA to their students and peers, but also allows us opportunities to interact directly with those students in a personalised approach according to their field of study.

OUTREACH

Events

In Semester 1, Outreach hosted a documentary screening of *Incarceration Nation*, which raised awareness of the damaging effects of WA's criminal justice system, as told by the experiences of Aboriginal and Torres Strait Islander peoples. This event was attended by a makeup of 80 legal professionals, students, academics, community services sector employees and community members. WAJA would like to thank Ronald Bin Swani, Lulkbudia McLean and Mason Rothwell from Social Reinvestment WA, who lead a facilitated discussion after the viewing. This discussion focused on the Raise the Age campaign but also engaged with various topics from justice reinvestment, to social and youth work, to how to create impactful advocacy.

In Semester 2, Outreach hosted a panel event spotlighting the recently published WAJA Project paper regarding the *Criminal Law (Mentally Impaired Accused) Act 1996 (WA)*. We were fortunate to have Magistrate Felicity Zempilas, Luke Cassidy (Senior Lawyer at the Mental Health Law Centre), and Margaret Doherty (Founder of Mental Health Matters 2) as panellists. This panel was hosted by Chelsea McKinney (CEO of Community Legal WA), and attended by 65 individuals.

The Outreach Team would like to thank Bennett – Litigation and Commercial Law, for sponsoring both of these events.

OUTREACH

Outreach Student Engagement Highlights

- Attended the Murdoch Student Law Society Careers Fair, which had an attendance of over 20 private, government and not-for-profit organisations.
- Attended Blackstone Society Beyond Commercial Careers Fair, a collaboration event between WAJA and all five WA universities.
- Presented lectures to two UWA undergraduate law and society units.
- Participated in the inaugural Inter-varsity Quiz Night, hosted by Curtin Student Law Society, which raised funds for Law Access' Walk for Justice.
- Participated in Law Access' Walk for Justice, raising \$4,410.
- Gave 10 presentations across university classes promoting WAJA's mission and engaging university students.
- Presented to Curtin Law Clinic students, as well as introductory JD students on the access to volunteering in the criminal justice and community services space whilst being a student.

Outreach is looking forward to building on the great work achieved from semester to semester, with an exciting 2023 on the horizon.

