

Quarterly Highlights Report September to December 2017

This newsletter summarises the activities of the NSW Legal Assistance Forum (NLAF) during the period September to December 2017 including reports to the NLAF Plenary meeting held in December.

Commonwealth Attorney-General's Office Updates

Representatives from the Commonwealth Attorney-General's Office attended the December meeting and provided updates on a number of funding and new initiatives, including:

National Partnership Agreement (NPA) and Indigenous Legal Assistance Program (ILAP) Review

The overall effectiveness of the NPA (expiring 30 June 2020) and the ILAP (2015-2020) will be reviewed during 2018. The outcomes of these reviews will inform future legal assistance arrangements from 1 July 2020. The Attorney-General's Department is at its very initial stages of planning, including considering the terms of reference and mechanism for reviews. Sector representatives will be consulted by the Attorney-General's Department, but initial thoughts are welcomed. The Legal Assistance Review Section team can be contacted by email LegalAssistanceReview@ag.gov.au.

Expansion and Evaluation of the Domestic Violence Unit (DVU) Pilot Program

On 16 October 2017, the Attorney-General announced the locations and service providers for the expansion of the pilot program. These locations include the Central Coast in NSW. A national evaluation of the DVU pilot program has also commenced and is due to be finalised in around August 2018. The evaluation focuses on the outcomes achieved through the service model. It will inform future funding decisions.

Data Gaps Project

On 30 October 2017, the department met with the Australian Bureau of Statistics and Department of Social Services to get an update on the Data Gaps Project. The ABS provided positive feedback on the sector's engagement. The Commonwealth Attorney-General's office thanks all those involved in this

project to date and encourages continued engagement. The next steps for the ABS will be requesting test data from service providers to see if there are any gaps in the collection of family and domestic violence data.

Family Violence Prevention Legal Services (FVPLS)

Prime Minister and Cabinet is undertaking an impact evaluation of FVPLS activity. The desired outcome of the evaluation is to assess if FVPLS activities are achieving outcomes for communities.

Australian Law Reform Commission review of the family law system

On 27 September 2017, the Government released the Terms of Reference for the Australian Law Reform Commission to undertake a comprehensive review of the family law system. Details, including terms of reference, can be found here:

<https://www.alrc.gov.au/inquiries/family-law-system>.

NDIS Appeals

From 1 January 2018 legal services will move from fee-for-service funding via memorandums-of-understanding to block-funding via grant agreements with legal aid commissions. In the context of increased demand, this will allow legal services more flexibility in providing early intervention advice, enabling more people to access legal advice and reducing cases that go to the AAT. Legal aid commissions will also take on responsibility for assessing eligibility for funding assistance against the guidelines.

Guest Speakers at December Meeting

The Registrar of Births, Deaths and Marriages, Amanda Ianna, provided the NLAF with an update of their outreach program which will assist vulnerable communities to access birth certificates and other identification documents.

Penelope Josey and Edwina Crawford from the Aboriginal Services Unit of the Department of Justice presented the details of *What's Your Plan*, an evidence-based Government initiative designed to help reduce reoffending. The NLAF was told that the program is being reviewed. The interim report is expected to be available in the last quarter of 2018.

Working Group Reports

Fines and Traffic Law Working Group

A. Driver Reform Implementation

Commencing 20 October 2017, the new driver reform scheme enables people to make an application to courts to remove disqualification. The key part of the reform is that the new scheme allows eligible persons to apply to the Local Court to have their disqualifications removed (subject to criteria and exceptions). The Working Group heard from Stephen Lasker, Project Lead of Legal Aid NSW's Driver Reform Implementation Team, who explained the work that the team is doing in upskilling solicitors, and working with outreach teams to advise and assist potential applicants under this scheme. Legal Aid NSW has also funded Aboriginal Legal Service for a similar position

B. Bicycle Fines

The Working Group is in the process of finalising a letter to The Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, to raise concerns about bicycle fines. Currently, children and young people are being fined at the same rate as adults. This is contrary to the recommendations of the NSW Law Reform Commission, in its report on Penalty Notices (2012), which provides that offending by children and young people should attract a penalty at 25% of the adult rate.

C. Birth Certificates

In light of the implementation of the NSW outreach program for disadvantaged communities, the Working

Group is looking at options to assist people with storage of replacement birth certificates. One suggestion by the Working Group is storing these documents at courts, particularly at smaller regional courts.

Prisoners Forum

A. Review of Prisoners Legal Service

It was announced at the Prisoners Forum that a Review of Legal Aid NSW's Prisoners Legal Service will be conducted by Emma Keir (in-house civil law solicitor and former LawAccess solicitor), and Dr Garner Clancy (Senior Lecturer, Criminology, Sydney Law School). The object of the review is to develop a Legal Aid NSW service model for prisoners. A copy of the Terms of Reference for the Review can be obtained through nlaf@lawfoundation.net.au.

B. Prisoners and Health

Legal Aid NSW and the Public Interest Advocacy Centre have established a partnership called The Prison Health Project. The aims of the project are to improve access to quality and timely health services for people in custody; to ensure accountability in relation to access to and standard of health services in custody; to identify and make observations to government and relevant independent bodies about systemic issues relating to health care in custody; and to collaborate with Corrective Services NSW and Justice & Forensic Mental Health Network staff to address systemic issues relating to health care in

custody. Issues relating to delay in accessing care, medication and continuity of care are all issues that have been identified through this casework. The project will involve further consultation with relevant stakeholders, including Justice Health and CSNSW.

Meanwhile, Justice Health and Forensic Mental Health Network (JH&FMHN) have been working with the HCCC to develop systems to best manage patient complaints or concerns at an early stage. Patients will be able to contact a JH&FMHN clinician from the integrated care team through the internal CSNSW telephone system. Business rules are being developed to ensure a quick response and overview by the Nurse Managers, with any trends monitored and addressed.

Other Groups reporting to NLAF

Cooperative Legal Services Delivery (CLSD) Program operated by Legal Aid NSW

The following are two priority topics across the 12 CLSD Programs across NSW:

- a. AVOs: APVOs and ADVOs: need for diversion and support services for DV offenders, including AOD rehabilitation and anger management.
- b. Drug and Alcohol rehabilitation facilities: urgent need for drug and alcohol detox and rehabilitation facilities and associated mental health support.

More information about the Cooperative Legal Service Delivery Program and the location of/contacts for regional networks can be found at: <http://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/cooperative-legal-services-delivery-clsd-program>.

NLAF Website (nlaf.org.au)

Quarterly working group reports tabled at the NLAF meetings and NLAF Highlight Reports are posted on our website. In addition the NLAF News page is updated weekly with links to NLAF member updates and news items.

Lillian Leigh
NLAF Project Manager
December 2017

C. Women in Prison

Mary Wade, a maximum-security prison for women, is due to open soon. It is repurposed from the old Juniperina Juvenile Justice Centre at Parramatta, allowing Sydney inmates to be closer to family.

Victims Services NSW approved counselling (22 sessions per inmate) will be implemented at all three HIPU sites that are catered for women. It will begin at Mid-North Coast and Broken Hill Correctional Centres. All staff at HIPU for women sites will undergo one day training on trauma informed practice at Brush Farm Corrective Services Academy.