

Quarterly Highlights Report January to March 2018

This newsletter summarises the activities of the NSW Legal Assistance Forum (NLAF) during the first quarter of 2018.

Topic Speakers at the NLAF Meeting in March

Diversions Programs

NSW Department of Justice's Philippa Taylor provided to NLAF an overview of the diversionary programs that are currently available in NSW. NLAF has a particular interest in the Magistrates Early Referral Into Treatment (MERIT) Program due to anecdotal reports of its successes, but for the lack of treatment facilities to which magistrates can refer defendants. NLAF members were told that the MERIT Redesign is complete, as a new governance structure is being put in place to commence early April. A MERIT steering group and an evaluation group have been convened. The location of MERIT throughout NSW will be one of the topics under consideration. Funding for this project is currently uncertain, but will not be from the Department of Justice. Details about a new initiative called the Cognitive Impairment Diversion Program (CIDP) was also presented to the NLAF.

2018 Collaborative Planning Resource

Law & Justice Foundation's Executive Director, Geoff Mulherin, presented to the NLAF Plenary Group an overview of the *2018 Collaborative Planning Resource*. The development of the *Collaborative Planning Resource* was funded by the Commonwealth Government to provide information in support of state and territory planning. This planning tool includes a synthesis of research evidence to inform the design of appropriate services for the National Partnership Agreement priority groups, and provides demographic data for priority groups in tables and maps. The *Collaborative Planning Resource* also introduces the Law & Justice Foundation's Need for Legal Assistance (NLAS) indicators. For more information, please visit lawfoundation.net.au.

Working Group Reports

Fines and Traffic Law Working Group

A. Bicycle Fines

NLAF sent a letter, prepared by the Working Group, to the Minister for Roads, Maritime and Freight, to raise concerns about bicycle fines. As foreshadowed in our previous report to the Attorney General, NLAF raised concerns that children are currently being fined at the same rate as adults. A copy of the letter was also sent to the Commissioner of Fines Administration and the Commissioner of the NSW Police Force.

B. Fairer Penalty Notice System

NLAF also wrote a letter to the Commissioner of Fines Administration to provide feedback on the *Fairer Penalty Notice System* review. NLAF also met with representatives of the Department of Finance, Services and Innovation and Revenue NSW about this. NLAF welcomes future formal opportunities to collaborate and provide comments to the government on the implementation of any proposed changes to the penalty notice system.

Prisoners Forum

The theme of the recent meeting was Women in Prison. Members heard from the following distinguished guest speakers: Principal Advisor on Women Offenders, Corrective Services NSW; the Commissioner on Victims Rights; CLO of Aboriginal Legal Service; Director of Miranda Project and representatives of the Inspector of Custodial Services. Key issues discussed include:

A. Women Prisoners in NSW – statistics & issues

Correctional centres for women should ideally be for women only, but many centres house both genders. Currently, there are 1046 women in custody in NSW; 44% of those women are on remand; 32.5% of those women are Aboriginal or Torres Strait Islander. The average time spent on remand for women is 50 days, but it varies from between one to 362 days. Forty-six (46%) of those on remand will end up with no custodial order. There are high rates of mental health interventions and notifications for women in custody. One issue raised was that mental health units within mixed correctional centres are sometimes located in with the general population. Other challenges include the transient nature of the remand population; movement of women across the State, the length of time that Corrective Services must work effectively with the cohort and the complexity of the cohort.

B. Victims Services Counselling for prisoners

Victims Services administers the Approved Counselling Service (ACS), which provides face-to-face counselling to eligible victims of violent crime. The service is one of the responses available to victims of violent crime in NSW to assist them in coping with the adverse

symptoms arising as a direct result of an act of violence and to reduce the impact of the crime on their lives. As part of a partnership between Victims Services and Corrective Services NSW, prisoners who were victims of crime before they entered custody are now able to access counselling through Victims Services.

Counsellors now attend many Correctional Centres to provide face to face counselling to prisoners. While Victims Services' counselling is generally for 22 hours maximum, there are no limits in prison because the idea is to encourage prisoners to keep seeing someone upon release. The only eligibility criterion is that the crime against the prisoner must have occurred prior to going into custody.

The pilot of the counseling service has been evaluated, and a copy of the full evaluation report is available [here](#). Individuals can be referred by psychiatrists and psychologists, as well as the Services and Programs Officers (SAPOs). The service is being rolled out in all women's Correctional Centres (Mid-North Coast and Broken Hill are last to roll out), and there are plans to roll out the program to all men's correctional centres also.

C. Victim Restitution Order (VRO) debts and Work Development Orders (WDOs) in Prisons

Corrective Services NSW has indicated to some Prisoners Forum members that WDOs cannot be undertaken in custody to clear VRO debts. Concerns have been raised by members because VRO debts tend to be high, and access to WDOs in the community to clear large debts is difficult. NLAF intends to write to the Commissioner of Corrective Services NSW to help clarify this issue.

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. Policing and young people: CLSD regions with high Aboriginal populations (such as Moree, Broken Hill, Taree, Kempsey) have prioritised building better partnerships with Police locally to address issues relating to young people. The need for reinstatement and use of previous Police & Aboriginal Consultative Committees (PACC) is being discussed in some locations. Concerns have also been raised about the rate of uptake of diversions for young people. It has been reported that the uptake of the Joint Protocol with residential care providers have not been consistent.
- b. CLSDs have identified an ongoing need for drug and alcohol detoxification and rehabilitation facilities, and associated mental health support. There is also a call for greater availability of MERIT across NSW.

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
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