

# Quarterly Highlights Report July to September 2019

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*This Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from July to September 2019. The NLAF Plenary Group Meeting was held on **11 September 2019**. It was chaired by Brendan Thomas, Chief Executive Officer of Legal Aid NSW.*

## Guest Speakers at the Meeting

Attorney General of NSW, The Hon Mark Speakman SC, MP

We welcomed the NSW Attorney-General as Guest Speaker at the Plenary Group Meeting. The Attorney spoke about the reorganisation of departments which has taken place in NSW since the election of the Berejiklian Government. He outlined the composition of the newly named Department of Communities and Justice, the lead agency in the new 'Stronger Communities Cluster'. The reorganisation is aimed at avoiding government departments operating in silos and seeks to continue the emphasis on early intervention in the justice sector.

The Attorney also addressed questions submitted by members of NLAF. In doing so, he:

- Welcomed hearing from stakeholders about any issues that may arise resulting from the merger of the Department of Justice and the Department of Community Services;
- Reported that a review of the *Young Offenders Act 1997* will take place and the Terms of Reference are almost settled;
- Observed that there is an unacceptably high rate of incarceration of Indigenous people and outlined steps being taken to address this concern, including appointing more District Court judges, reviewing the *Bail Act 2013*, and continuing an integrated approach with early intervention.

## Commonwealth Attorney General's Department

We welcomed Ariane Hermann and Tamsyn Harvey from the Legal Services Policy Division of the Commonwealth Attorney-General's Department. Our guests provided some context in relation to the issue of future funding arrangements for legal assistance services, talking about the proposed Single National Mechanism. They conveyed their understanding of frustrations from the sector about the delays regarding new funding arrangements and reported that conversations with state officials have been progressing. The Department is committed to having the National Legal Assistance Partnership (**NLAP**), which will provide quarantined and guaranteed funding for legal assistance services, in place by December 2019.

*Below are some of the issues raised by groups that report to NLAF.*

## Aboriginal Incarceration Working Group

The NLAF Aboriginal Incarceration Working Group (**AIWG**) heard that the Chair had a successful meeting with the Police Commissioner about the disproportionate growth in the number of Aboriginal people being remanded on bail and the related issues around increased enforcement of bail conditions.

The AIWG discussed the need to seek commitment from police and courts to increase the use of diversion under the *Young Offenders Act 1997*. The Chair raised this issue with the NSW Attorney General at the Plenary and passed on the Group's recommendation that referrals for young offenders to diversionary programs be invigorated and increased.

The AIWG also continued its focus on bail and how to reduce the high volume of breaches of bail conditions, including focusing on different ways to manage bail and addressing the practices around the conditions set across all involved, from the client, police, lawyers and magistrates. In the next quarter, the AIWG will participate in a half day workshop with Behavioural Insights to examine different approaches to enforcement of bail conditions.

### Collaborative Service Planning Working Group

The Collaborative Service Planning Working Group (**CSPWG**) met three times this quarter and continued their work on the proposed catchments for collaborative service planning. The CSPWG incorporated changes suggested in the final round of consultation and approved the revised regional catchments map which is now available on the NLAF website. Having sought expressions of interest, the CSPWG also significantly progressed its work with pilot locations, selecting the following locations for the period September 2019 to June 2020: Central Tablelands; South Coast; Northern Rivers and Central Coast Community Legal Centres. The focus of these pilots will be on service planning for Community Legal Education services and outreach advice.

The CSPWG has also begun work on a framework for data sharing among legal assistance sector bodies, similar to, but covering more data than the former Legal Assistance Services Data Digest.

### Prisoners Forum

The Prisoners Forum welcomed as guest speakers Berindah Aicken, Statewide Manager Specific Needs and Kathy Saul, Manager Statewide Disability Services, who presented on Corrective Services' Statewide Disability Service (**SDS**). The presentation canvassed the numbers and profiles of individuals in custody with a disability and SDS spoke about their role in assisting with reintegration and pre-release planning, and in making applications to and liaising with the National Disability Insurance Agency (**NDIA**).

The Prisoners Forum also received an update from the Prisoners and Identification Subcommittee, which has been reviewing the steps involved in persons in custody obtaining free birth certificates from the NSW Registry of Births Deaths and Marriages (**BDM**). The Subcommittee have been able to access initial data and have also successfully organised for an update of the information provided on the BDM website to include details of the fee waiver policy for prisoners. This important work will continue in the next quarter.

There was also an update on the delays in bail hearings at Surry Hills Police Station, with the positive news that, with the introduction of improved work flow practices, there has been a dramatic reduction in the number of police bail refused individuals in custody in the cells. The Forum will continue to monitor this issue.

### Fines and Traffic Law Working Group

The Fines and Traffic Law Working Group (**FTLWG**) had as their guest Dr Julia Quilter, Associate Professor, School of Law, University of Wollongong, who gave a presentation to the FTLWG on her bicycle fines research project. The project aims to understand how, when and why bicycle fines are imposed by police, evaluate the impact of fines on individuals and assess whether there are punitive effects that are disproportionate to offending. By way of

background, the offence of riding a bicycle without an approved helmet was introduced in NSW in 1991. In March 2016, the fine amount for riding a bike without a helmet was raised from \$71 to \$325 (currently \$344, without indexation). Early findings from Dr Quilter's research indicate that these fines may be disproportionately impacting young people and Aboriginal communities and the issuing of the fines may lead to the exercise of other police powers. Dr Quilter has obtained ethics approval to conduct interviews and will conduct further research. The FTLWG will continue to engage with Dr Quilter on this very important issue.

The FTLWG also received updates on the Fines Amendment Bill, the operation of the performance of the Work and Development Order Scheme and the work of the Prisoners and Identification Subcommittee. These are detailed in the FTLWG Report.

### Collaborative Legal Services Delivery (CLSD) Unit

There were quarterly meetings held in all partnership regions between August and September 2019. Four of the Program Regional Coordination Services have been engaged to participate in the Collaborative Service Planning Pilot (as briefly outlined in the CSPWG summary, above).

A number of regions continue to consistently raise the need for enhanced services for people with addiction issues who are having contact with the criminal justice system. For example, the Central West Region has identified the need for expansion of the Drug Court to Dubbo and the Taree region has identified the need for expansion of the Magistrates Early Referral Into Treatment (**MERIT**) program to the Local Court in that region.

The CLSD regions keenly await recommendations arising from the Special Commission of Inquiry into the Drug Ice, which reports in January 2020.

Legal clinics have been held for Aboriginal people in Orange and Deniliquin to prepare wills and a police powers community legal education event was held in the Taree Region.

### Other News

The quarterly working group reports tabled at the NLAF meetings and this NLAF Highlights Report are posted on our website, so please visit [nlaf.org.au](http://nlaf.org.au) to find out more about the work of NLAF.

**Sinéad Eastman**  
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**October 2019**