

Quarterly Highlights Report July to September 2021

This Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from July to September 2021.

The NLAF Plenary Group Meeting was held on 15 September 2021. It was chaired by Geoff Mulherin, Acting Chair of the Forum and Director of the Law and Justice Foundation of NSW, and was attended by representatives of the NLAF Plenary Group.

Guest Speaker at the September 2021 Plenary Group meeting

Scott Johnston, Deputy Secretary, Revenue NSW

Scott presented an overview on the work of Revenue NSW. He spent time discussing the Hardship Support Program, and the efforts to offer flexibility and targeted support to vulnerable customers. He discussed the Fairer Fines Scheme and noted the review that was underway for the Scheme.

The Fines and Traffic Law Working Group Chair, Meredith Osborne requested a consistent mechanism for data sharing between Revenue NSW and the legal assistance sector, and Scott noted a commitment to open and transparent data.

In particular Scott spoke about the impacts of Covid-19 fines and various members of the Forum spoke to their concerns about the deleterious impacts that the fines would have on vulnerable clients and their communities. Concern was expressed that the Covid-19 fines would also create a heavy burden on the justice system, including courts, duty services, and legal assistance services, and given the nature of those fines that they would create issues for the WDO scheme. It was also noted that public health order offences, deemed as 'serious offences' were not eligible for the 50% discount under the Fairer Fines Scheme. Finally, there was a concern that Covid fines would cause a high number of licence suspensions when they reached enforcement stage. Given these issues significant concern was raised that Covid-19 would entrench disadvantage amongst a vulnerable cohort of the community. It was agreed ***that we request the Attorney-General consider decoupling licence disqualification as an enforcement option for Covid-19 fines because it could place vulnerable members of the community into severe disadvantage.***

Covid-19 Legal Services Impact Discussion

The forum held a discussion on the "second generation" Covid-19 response of opening up after lockdown, matters including how to support vulnerable and remote communities, vaccine policies, how the legal assistance services will work, how the courts will function, how stakeholders like volunteers and private practitioners will work.

Legal Aid NSW offered to share what it is learning in developing its Covid-19 Delta response in an informal meeting, which was held on 12 October 2021. Attendance was high and feedback was universally positive, with Legal Aid NSW sharing many of its resources.

Snapshot of the work of groups reporting to NLAF

The NLAF quarterly working group reports tabled at the September Plenary Group meeting are posted on our website, so please visit nlaf.org.au and visit the [Our Work](#) page, to read in detail about the work of these groups from July to September 2021. The following is a snapshot of some of the issues raised and work done by the NLAF working groups in this quarter:

The [Closing the Gap Working Group](#) held its inaugural meeting. Sarah Hopkins from ALS (NSW/ACT) Limited and Just Reinvest presented on the Closing the Gap Process. The Working Group agreed to be led by ALS and the Working Group would play a supporting role in for the organisation's work in process.

The [Doli incapax Working Group](#) is developing a guide for solicitors on doli incapax issues, which will be a document summarising the key doli principles and evidentiary matters, and can be referred to at all stages of the process. Further, the working group has a new representative from the NSW Police Force Education and Training team, who has agreed to provide an overview of any training that is being developed and provided to police on doli incapax, at the next meeting.

The [Fines & Traffic Law Working Group](#) discussed the acute impact of COVID-19 in the regional, remote and hard lock down areas and it was raised as a priority for the Working Group given the increasing number of Public Health Order (PHO) fines issued and the limitations on face-to-face service delivery, in areas of high disadvantage. The focus areas for 2021-22 were confirmed to be: PHO fines, voting and census fines; transport concessions and fare eligibility; unauthorised driving arising from no licence; the Hardship Support Program and WDO guidelines changes and program expansion. Revenue NSW has agreed to provide location and fine type data to assist the group with place-based approaches and advocacy. A representative from the NSW Electoral Commission will be invited to join the group.

The [Prisoners Forum](#) was addressed by Steve Caruana, Convenor of the Optional Protocol on the Convention Against Trauma (OPCAT) Network, to discuss the implementation of OPCAT. He discussed the important work of the protocol, and how critical it was for the Forum to support the implementation of the protocol. The forum also discussed the impact of Covid-19 on the prison population, and the steps that were being taken to ensure there was continuing contact with legal services.

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAF and highlighted issues concerning housing stress and homelessness across regional areas. Failing to vote fines were discussed, with reference to their particular impacts in regional Australia. A cross-border collaboration with Victoria Legal Aid and border communities of Mildura, Dareton and Wentworth regions also commenced in July with the purpose of developing relationships between services, sharing expertise on working in the region and working cooperatively to deliver services in the region.

The [NSW Legal Information and Referral Forum \(LIRF\)](#) met and discussed a number of changes including an update of LawAccess NSW noting that from 1 July 2019 LawAccess NSW joined Legal Aid NSW. Legal Aid NSW also discussed a recent project that evaluated the role of CLE in a health justice partnership between Legal Aid NSW and We Help Ourselves (WHOS). WHOS is a therapeutic program aimed at achieving recovery from drug and alcohol dependence

The next Plenary Group meeting is on 1 December 2021 and remote participation will be available.
If you have any questions about this Quarterly Highlights Report, or the work of NLAF, please email:
nlaf@lawfoundation.net.au

NLAF, 4 November 2021

Meeting attendees

NLAF Plenary Group Meeting 15 September 2021

Name	Organisation
Alexandra Vaughan	NSW Department of Communities & Justice
Amy Schwebel	Justice Connect
Anastasia Krivenkova	Legal Aid NSW (Manager Strategic Law Reform Unit, Chair Doli incapax Working Group)
Arlia Fleming	Community Legal Centres NSW (Chair CLCsNSW)
Geoff Mulherin	NSW Law and Justice Foundation (Director, NLAF Acting Chair) Legal Aid NSW (Director Client Services, Chair of CSP Working Group)
Jane Cipants	
Janet Wagstaff	LawAccess NSW (Director)
Jonathon Hunyor	Public Interest Advocacy Centre (CEO)
Juliana Warner	President NSW Law Society
Kate Halliday	Cooperative Legal Service Delivery, Legal Aid NSW
Katie Green	NSW Bar Association (Legal Assistance Manager)
Meagan Lee	Legal Aid NSW
Meredith Osborne	Legal Aid NSW (Director, Civil & Chair of Fines & Traffic Law Working Group)
Nadine Miles	Aboriginal Legal Service (A/CEO & Chair, Prisoners Forum)
Philippa Scarf	Legal Information Access Centre, State Library of NSW
Richard Wood	NSW Law and Justice Foundation
Sarah Crellin	Aboriginal Legal Service (Acting PLO)
Sarouche Razi	NLAF Project Manager
Sean Robertson	NSW Attorney-General's Department (Policy & Media Advisor)
Thulasi Wigneswaran	NSW Department of Communities and Justice
Tim Leach	Community Legal Centres NSW (Executive Director)
Guests	
Scott Johnston	Revenue NSW (Deputy-Secretary)
Hayley McIntosh	Revenue NSW