

Quarterly Highlights Report August 2016

This newsletter summarises the activities of the NSW Legal Assistance Forum (NLAF) during the period April to June 2016 including reports to the NLAF Plenary meeting held in June.

Message from the NLAF Chair, Nassim Arrage

The NLAF was very pleased to welcome the NSW Attorney General, The Hon. Gabrielle Upton MP, to our June meeting. The Attorney was interested in learning more about the NLAF and acknowledged our important role since 2005 in encouraging cooperative and collaborative relationships amongst NSW legal assistance services. We plan for this relationship with the Attorney General to continue and develop into the future.



Website

Following each quarterly meeting of NLAF members all reports tabled are posted on the NLAF website (www.nlaf.org.au). Each week the NLAF News page is updated with links to NLAF member updates and news items.

Working Group Reports from their May meetings

Prisoners Forum

- [First Peoples Disability Network](#) spoke about their work in determining the extent, causes of and experiences of Aboriginal people with a disability in the justice system, particularly prisons. A recent [Submission](#) (No 39) to the Senate Inquiry on the Indefinite Detention of People with Cognitive and Psychiatric Impairment outlines their 16 recommendations.
- Justice Health spoke about their Aboriginal Court Diversion Program at Campbelltown Local Court working with individuals and family members undertaking assessments to connect clients with relevant services over a 14 week period. Regular reports are provided to the Magistrate at regular intervals before final sentencing.
- Legal Aid NSW has a new Interactive Voice System for triaging prisoner calls which commenced on 30 May.
- Law Access has a separate team dealing with prisoner calls which has reduced waiting time for calls from the general public.
- Corrective Services are undertaking a review of their Pre Release Planning Procedures including post release transport issues. The new Corrective Services Work and Development Order guidelines are now being implemented across all Correctional Centres, resulting in more prisoners paying off their NSW fines debt whilst in custody.

Fines and Traffic Law Working Group

- An update was provided on the NSW Civil Law Strategy Project and their current four main focuses: obtaining data about civil law matters in the local court and NCAT; designing simple pathways for people to get to the right service for their civil law needs; establishing early dispute resolution options for civil law matters; and reviewing civil law procedures within courts/tribunals regarding their accessibility.
- The NSW Roads Minister has been written to regarding new Bicycle Laws and Fines - requesting a review of the regulations in order to make a differentiation between the prescribed penalties for adults and children.
- State Debt Recovery is reviewing progress with their Youth Engagement strategy.
- The impact of Police Mobile Drug Testing (MDT) and Cross Border Traffic Law Issues will be discussed at their next meeting.

Education Act (EA) Prosecutions Working Group

- The NSW Ombudsman's Office has been written to requesting assistance in addressing issues identified by the WG including aiding the development of inter-agency principles or protocols to address truancy and school non-attendance across NSW; evaluating whether the current programs and procedures are effective in improving school attendance; and considering whether agencies might be able to more effectively work together to achieve better outcomes for children and young people with chronic truancy or low school attendance.
- The Chief Magistrate has been written to asking that an information flyer developed by the WG be circulated to Magistrates reminding them that legal assistance is available for Education Act matters and that parents/children should be referred to the duty lawyer if they attend unrepresented.
- An article is to be prepared for the Judicial Commission's monthly Judicial Officers Bulletin as well as contributing to a planned update of their Children's Court Handbook.

Groups reporting to NLA

No meetings of the **Learning and Development Group** or the **Legal Information and Referral Forum** were held this quarter.

The identified legal needs, emerging and/or systemic issues raised across Legal Aid NSW **Cooperative Legal Services Delivery Program (CLSD)** regions in the quarter April to June 2016 included:

- **Alcohol, detox, drug and mental health support services:**
 - lack of diversionary options for people with Alcohol and Other Drug and dual diagnosis issues for Courts in regional areas characterised by the highest disadvantage in NSW. No access to practitioners to assist with preparing section 32 reports.
 - few rehabilitation facilities in regional and remote NSW, even fewer detox facilities
 - limited access to emergency accommodation and support services including psychological/psychiatric assistance
 - link to violent offending, DV, family breakdown and debt.
- **Birth certificates for Aboriginal people in remote communities:**
 - ongoing access for people – note exclusions from IAS Pathfinders project. Given their importance, why aren't they free, more readily available, and stored virtually? Storage is a significant practical problem

- correcting certificates where seeking to change name, remove names
- difficulty in getting sufficient identification required to support BDM applications
- often incomplete birth registration (and therefore no birth certificate) of children from communities where children not born on country (eg Bourke, Brewarrina, Walgett).
- **Schools/Education Department issues:**
 - exclusion of Aboriginal kinship carers from school by invoking *Inclosed Lands Protection Act*
 - truancy and difficulty getting school exemptions from attendance in exceptional circumstances
 - children with disability being excluded, given limited school access and/or not getting support
 - use of APVOs by schools against students, or encouraging student on student APVOs.
- **Housing**
 - shortage of public and emergency housing
 - in AVO matters shortage for both victims (and their families) and perpetrators
 - anti-social behaviour (ASB) strikes and repercussions: once someone is homeless, FaCS may intervene. Noted instances of Housing proceeding to termination under ASB provisions even when a Police charge is dropped.
 - Housing already using 'neighbourhood impact statements'
 - transfer of water usage costs from Local Councils (LGAs) to Aboriginal social housing providers leading to bill shock
 - problems accessing private market for women in refuges and people on Centrelink
 - TICA 'blacklists': tenants who are successful in NCAT retained on a "virtual" TICA list.
- **Care & protection**
 - FaCS not using early intervention mechanisms available to them such as Parental Responsibility Contracts
 - unclear what services are deemed suitable by FaCS as appropriate services for safety plans: perceptions of bias
 - Working with Children Checks for grandparents/carers having disproportionate impact on Aboriginal families
 - shortage of lawyers doing care work in regional and remote communities.
- **Ongoing demand for wills in Aboriginal communities.**
- **Financial hardship:**
 - Gambling, utility debt, fines debt leading to license sanctions
 - inappropriate financial products, consumer products and junk insurance
 - how/when to work with vulnerable people before they get into too much trouble?
- **Complexity: our clients' legal issues are rarely isolated.**
 - Clients have complex needs and increasingly complex and changing service systems make it difficult for them to navigate solutions.
 - Uncertain funding climate for legal and related non-legal services exacerbates inability to engage.

More information about the Legal Aid 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>.

Kerry Wright
NLAF Project Manager, August 2016