

Quarterly Highlights Report

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

Message from the 2016 NLAF Chair, Nassim Arrage

The NLAF Plenary Group December meeting included discussions with representatives from the Commonwealth Attorney Generals Community Legal and Women's Safety section. Sadly there was no positive news about the impending Commonwealth funding shortfalls for CLCs and ATSILS to take effect from 1 July 2017.



Working Group Reports

Prisoners Forum

- [The Inspector of Custodial Services](#) gave an overview of three inquiries they are currently conducting: Clothing and Bedding in Adult Detention Centres (including police cells), Management of Radicalisation in Adult Prisons and Use of Force in Juvenile Detention Centres.
- The [Legal Aid NSW Work and Development Order \(WDO\) Service](#) gave an update on WDOs for prisoners. It was noted that all NSW Correctional Centres are now signed up as WDO sponsors and relevant staff have received training from Legal Aid NSW WDO teams on implementing the new Corrective Services NSW WDO guidelines. The new standard practice is to screen for fines debt on induction as well as at other key points while in custody to assist prisoners to access prison based WDO activities.
- LawAccess NSW and Legal Aid NSW noted significant decreases in prisoner calls since implementing new systems in 2016 to manage these. The Prisoners Legal Service also reported receiving more relevant calls requiring advice rather than requests to be transferred to another service.

Fines and Traffic Law Working Group

- NSW Bicycle Fines data for 2016 will be sourced from the Office of State Revenue (OSR) to monitor the impact of the new fines regime which commenced in 2016, particularly on young people.
- The Licence Disqualification Reforms Implementation Working Group has commenced meeting and is chaired by the Deputy Secretary of Justice Strategy and Policy in the Department of Justice.

Education Act (EA) Prosecutions Working Group

- Attendance at school by children/young people in Out of Home/Residential Care was discussed in line with the recently released Independent Review of Out of Home Care in NSW (David Tune Review) – [Their Futures Matter: A new approach](#). The Department of Education reported they are working closely with FaCS to ensure when decisions are made regarding placement of children in OOHC/setting up of residential care facilities that

enrolment and attendance at school is prioritised, streamlined and supported through education of carers/services and school infrastructure/services.

- The NSW Ombudsman reported that they have a meeting with the new Secretary of the Department of Education in early December to discuss issues raised by the NLAf and President of the Children's Court with them regarding EA prosecutions.
- A new flyer has been developed which will be distributed by Department of Education, Courts and Legal Aid to parties as well as lawyers to ensure all are aware of the availability of Legal Aid for EA matters in both the Children's and Local Courts.

Groups reporting to NLAf

Learning and Development Group - Participants at the meeting shared resources about leadership as well as updates from members.

Legal Information and Referral Forum – Guest speakers were from the Gambling Help project: Alison Handmer, Project Specialist – Justice and Corrections, Liquor and Gaming NSW, and Jodie Rollason, Solicitor, Wesley Community Legal Service - Introducing Alison and Jodie, **Jane noted that Richard Brading, the founder and leader of the Wesley Community Legal Service, was awarded the 2016 Justice Medal at this year's Justice Awards.** This is the world's only free legal service for problem gamblers and their families. The project has six goals:

1. Promoting the application of consistent screening processes and data collection throughout the justice and corrections system.
2. Utilising the data gathered as a consequence of screening to analyse the relationship between problem gambling and crime in NSW and develop further harm minimisation measures in the future.
3. Ensuring that all identified problem gamblers are able to access consistent support, information and/or counselling throughout the justice and corrections system.
4. Ensuring key stakeholders are aware of problem gambling issues, including how to identify affected individuals and utilise referral pathways to help or treatment.
5. Promoting and participating in diversionary programs for problem gamblers in the system, so that treatment becomes a factor in sentencing. Increasing participation of Gambling Help services in these programs is a key factor.
6. Assisting and supporting family members of those who are in the system as a result of problem gambling in a way that both reduces the negative impact on them and provides skills to assist in preventing relapse into problem gambling on release.

Jodie shared a number of stories from the legal service that she and Richard Brading run for gamblers.

- She noted that every client she has seen has suffered from trauma in the past and reports that gambling is a way of escaping that trauma and its effects.
- Jodie and Richard can run training on legal issues for other professionals working with clients who have a gambling addiction, eg training for counsellors on capacity.
- When assisting clients with their legal problems, Jodie is also able to refer clients for a three-pronged counselling approach – financial counselling, trauma counselling and gambling counselling. Since Jodie has been able to offer her clients this service, she hasn't had any repeat customers.
- If you are providing legal assistance to gamblers you are welcome to contact Jodie for advice. Best contact is by email, which is jodie.rollason@wesleymission.org.au.

Cooperative Legal Services Delivery Program (CLSD) - Identified legal needs/emerging and/or systemic issues raised across CLSD Program regions this quarter included:

- Lack of diversion options for offenders with alcohol, detox, drug and mental health issues
- Access to men's behavioural change programs to address breach rates
 - Communities genuinely want to address Domestic and Family Violence, but note lack of perpetrator/men's behaviour change programs in regional and remote NSW.
- Housing
 - High numbers of people are not attending NCAT hearings – can NCAT send SMSs to NCAT users?
 - Link between housing arrears, terminations and mental health (includes not enforcing rights to repairs)
 - Concern over transfer of social housing stock to community/private sector. Will there be the same access to GIPA? Will incarcerated people still be able to access \$5/week rent while inside so they don't lose their tenancies?
 - Even though tenants get orders to repair properties through NCAT, Housing NSW are not complying.
 - Housing not appropriate for people with disabilities – unlawful discrimination
- Disability issues
 - access to NDIS, confusion around packages and appeal rights, particularly for people with mental health issues
 - NDIS clients will become Fair Trading “consumers” who can use fair trading legislation to query NDIS services and contracts. Need to raise awareness on consumer rights.
 - Children/young people with disability being excluded from school education (school attendance days are cut) on the basis of their limited capacity to accommodate their needs
 - Housing not appropriate for people with disabilities – unlawful discrimination
 - Concern about exploitation of vulnerable workers with disability through various government funded programs (FWO investigating)
- Prisoner issues including through-care and release
 - Corrections notify Centrelink when people incarcerated. Clients must reactivate their benefits upon release but some clients, particularly those who are more vulnerable with intellectual disability or mental health problems are not aware of this requirement, and are at risk of getting into financial or other difficulties because of lack of income
 - Prisoners being released into homelessness – told can't apply for housing until released
 - Access to identity documents to support access to Government services
- Birth certificates and identity documents for Aboriginal people – ongoing and unresolved.

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 (www.nlaf.org.au)

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

Kerry Wright

NLAF Project Manager, February 2017