



## Quarterly Highlights Report – January to March 2017

This newsletter summarises the activities of the NSW Legal Assistance Forum (NLAF) during the period January to March 2017 including reports to the NLAF Plenary meeting held in March.

### March Meeting

- The NLAF Plenary Group thanked the outgoing chair, Nassim Arrage, for his leadership in 2016 and congratulated him on his appointment as CEO of the National Association of Community Legal Centres (NACLC).
- Nominations for the 2017 Chair and Vice-Chair positions from Richard Funston (Acting CEO Legal Aid NSW) and Geoff Mulherin (Director, Law and Justice Foundation of NSW) were accepted and endorsed.
- Carol Carter from the Department of Justice Audio Visual Link (AVL) Project gave a brief presentation about the achievements of this Project since commencing in 2014. A time line was also provided regarding those enhancements still to be finalised in 2017.
- The NLAF agreed to explore new ideas for Working Groups at the next meeting and to facilitate a meeting of key members and associated agencies to discuss Aboriginal Housing issues identified by the CLSD Program.

### Working Group Reports

#### Prisoners Forum

- The **Inspector of Custodial Services** provided an overview of the findings and recommendations within their 2015 [Old and inside: Managing aged offenders in custody](#) report.
- The Clinical Nurse Consultant with the **Justice Health Specialist Mental Health Services for Older People** (SMHSOP) provided an overview of their service including the special needs of older people in correctional settings and the units available to support their special needs. A case study was presented demonstrating how the Service assists older people whilst in custody and on release through referrals into suitable care arrangements.
- Whilst Legal Aid NSW and LawAccess NSW have seen a decrease in **prisoner calls** due to new systems implemented in 2016, the Aboriginal Legal Service continues to have a significant number of calls each month (9,000 in the first 3 months of 2017). All calls currently come to their Redfern office and are then directed out to the relevant office. In 2017 they are planning on addressing the volume through introducing a new telephone system and internal procedures.

#### Fines and Traffic Law Working Group

- **Births, Deaths and Marriages** reported they are finalising a pilot project proposal to work with six identified high schools in Western NSW to provide free birth certificates for young people without identity documents who are applying for their learner driver licence. This project will work alongside other agencies currently working in Western NSW assisting young people to learn to drive.

- **OSR Fines Collection** Section reported they are currently finalising a Social Justice strategy. Initially this strategy plans to meet and work with fine issuing agents, including NSW Police, to consider ways to work better with vulnerable and disadvantaged people when issuing penalty notices.
- **Transport for NSW** reported that the government interagency working group responsible for implementing Traffic Reforms was meeting regularly and it is anticipated that the Reform Bill will be introduced into Parliament in the first half of the year. A public announcement about the reforms and implementation strategies being put in place will follow.

### **Education Act (EA) Prosecutions Working Group**

- Legal Aid NSW has developed and delivered a lunch time training session for lawyers and court staff on EA matters. This was first delivered in December at the Broadmeadow Children’s Court. Based on the success of this session a series of sessions have been planned to be run over the next 12 months at all Children’s Courts and local courts where a Specialist Children’s Court Magistrate sits on circuit. The Legal Aid NSW Grants Division are also delivering a series of training sessions in regional areas with panel lawyers and will include information about EA matters.
- Legal Aid NSW Strategic Planning and Policy Division is currently researching the legislative amendment which would be required to remove provisions for issuing warrants to children or young people who do not attend court for EA matters . Once the research is complete, the next step will be to consult with the President of the Children’s Court to ascertain support.

### **Groups reporting to NLA**

#### **Learning and Development Group convened by CLCNSW**

Zachary Armytage, Aboriginal Legal Access Program Coordinator at CLCNSW, was the guest speaker at the meeting. Zach provided an overview of his work in the CLC sector over the past 6 years: supporting Aboriginal workers in CLCs, developing relationships with Aboriginal Legal Services and supporting the development of sector wide cultural safety practices.

Three relevant resources were tabled at the meeting by Zach:

- CLCNSW (2016) Aboriginal Cultural Safety Workbook – available at [http://www.clcnsw.org.au/cb\\_pages/clcnsw\\_publications.php](http://www.clcnsw.org.au/cb_pages/clcnsw_publications.php)
- NALC (2017) Recruiting and Supporting Aboriginal and Torres Strait Islander Communities, Organisations and Clients: A Guide for Community Legal Centres.
- NALC (2017) Connecting and working with Aboriginal and Torres Strait Islander Employees: A Guide for Community Legal Centres.

#### **Legal Information and Referral Forum (LIRF) convened by the Law and Justice Foundation of NSW**

Kerry Marshall, Senior Coordinator at the Elder Abuse Hotline Resource Unit (EAHRU) spoke about elder abuse, the work of the Unit and how they assist the mix of callers to the Helpline. Her presentation was interspersed with clips from a video created by the EAHRU in which a caller to the Helpline was interviewed. He spoke about his motivation for calling the Helpline on several occasions over a period of time because of his concern for an elderly neighbour. In closing, Kerry made the point that no one agency in NSW has responsibility for elder abuse anymore – it is everyone’s role now and requires organisations, departments and agencies to work together.

## **Cooperative Legal Services Delivery (CLSD) Program operated by Legal Aid NSW**

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.**

- Ongoing and across NSW. Particularly an issue in areas of high disadvantage, as well as areas where there are high Aboriginal populations. ALS reports that this is one of their biggest challenges.
- Absence of MERIT in many Local Courts being widely discussed across NSW

### **Aboriginal Housing**

- Housing issues in Aboriginal communities is ongoing and systemic. Issues include:
  - o Legacy Local Aboriginal Land Council (LALC) housing in poor repair and LALC's capacity to repair
  - o Role of Aboriginal Housing Office and FACS, including head-lease and sub-lease arrangements to Aboriginal housing providers
  - o Tenants' repairs & maintenance not actioned and link to rental arrears
  - o Housing not fit for purpose for people with disabilities
  - o Use/over-use of NCAT to resolve disputes and remote tenants' capacity to enforce their rights
  - o Water arrears

### **Disability**

- Children/young people with disability being excluded from school education (school attendance days are cut, or they are suspended for poor behaviour) on the basis of their limited capacity to accommodate their special needs.
- NDIS packages: concern about unconscionable conduct/consumer law and protection issues around NDIS packages – particularly for people with mental health, intellectual disability or cognitive impairment.
- Accessing Disability Support Pension
- AVOs and breaches, orders not appropriate
- Need for consistent perpetrator programs

### **Debt/financial hardship**

- Gambling: regional poker machine expenditure statistics are troubling
- Local Council rates/water debt – Councils quick to seek judgment debt
- Access to Courts and Tribunals
- Restricted Local Court Registry hours in regional and remote areas
- Restricted NCAT sittings and NCAT hearings by phone: vulnerable litigants have trouble with “attendance” by phone – and tenants' advocates can't help if they don't know a matter is listed.

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](http://www.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.

**Kerry Wright, NLAF Project Manager, April 2017**