

## Quarterly Highlights Report – April to June 2017

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

**The June meeting was attended by representatives from the Commonwealth Attorney-General's office who provided the following updates regarding funding and new initiatives:**

- Additional \$55.7 million for Community Legal Centres and Indigenous Legal Assistance Providers:
  - The *National Partnership Agreement on Legal Assistance Services 2015-2020* (NPA) negotiations are progressing well, with senior officers from the department having met with every state and territory over the week of 5-9 June 2017.
  - The process to varying the NPA is now in its final stages with the draft variation now with the Prime Minister for consideration before going to State and Territory first ministers for signature.
  - The Commonwealth is also working with Aboriginal and Torres Strait Islander Legal Services to amend current funding agreements to incorporate the additional funding.
- Family Advocacy and Support Services (FASS) under the Third Action Plan of *the National Plan to Reduce Violence against Women and their Children 2010-2022*:
  - Services are now operational in all permanent (non-circuit) locations across Australia.
  - The current focus is on setting up the independent evaluation of the new services. The department has contracted a consultant to establish an evaluation framework and conduct the evaluation.
  - Jurisdictions will be kept informed through the nominated Steering Committee and the department will be working with an Advisory Group of representatives from legal aid commissions, the courts, and social support services.
  - Richard Funston noted that a summary regarding the Legal Aid NSW FASS was available on their [website](#).
- Parent Management Hearings
  - The Government will invest \$12.7 million to establish [Parenting Management Hearings](#)—an accessible low cost forum for resolving family law disputes between self-represented litigants.
  - Unlike the traditional system, where two opposing sides present their cases, those managing the hearings will run inquiries and gather evidence to inform their decisions.
  - This new approach will be initially rolled out in Parramatta, with a second site to be identified in consultation with stakeholders shortly.
- Additional Family Consultants
  - The Budget included an additional \$10.7 million for the family law courts, allowing them to engage up to 17 additional family consultants nationally. This funding is ongoing.
  - The engagement of additional family consultants is a cost effective and targeted measure to assist the courts to manage complex cases involving allegations of family violence and child abuse.

## Working Group Reports

### Prisoners Forum

#### Presentations were provided by:

- **Weave Youth & Community Services – Creating Futures Justice Program** which provides bail, pre and post prison release intensive case management support to Aboriginal and non-Aboriginal men and women, aged 18-30 years living in or with a strong connection to the City of Sydney LGA or La Perouse. A range of supports are provided directly by Weave programs as well as links to services which can assist with housing, training and employment.
- **Inspector of Custodial Services regarding their Women in Remand Inspection** which is currently underway. See terms of reference [here](#). Consultations are currently occurring with relevant government and non-government agencies to prepare for 5 prison visits scheduled from June to September. Staff and prisoners will be interviewed during prison visits.

### Fines and Traffic Law Working Group

The WDO guideline changes have been approved and took effect from 19 May 2017. Some of the main changes include:

- Under 18 year olds will automatically qualify for a WDO
- Mental Health treatment and activities included in Section 32 orders can be included in a WDO
- Definition of mental illness now includes gambling disorders.
- For profit organisations can be approved as WDO sponsors in special circumstances eg: Job Active Providers in remote areas where there no other sponsors. They have to apply annually to maintain their approval.
- Clear guidelines on how sponsors are to manage referrals to third parties providing activities being counted towards WDOs
- New guidelines around declaring conflicts of interest and ensuring there are no personal benefits to staff/volunteers within the sponsor organisation from WDOs

Victims Restitution Order (VRO) debts have now been transferred to OSR (classified as Court Fines) for enforcement. Legal Aid NSW WDO Service is working with OSR to develop communications for WDO sponsors and internal business rules regarding VRO debts before these will be allowed to be worked off by a WDO.

### Education Act (EA) Prosecutions Working Group

The working group members reviewed the terms of reference at it's meeting in June and it was agreed that the objectives set by the NLAf had been met. A final report was prepared detailing the working groups operations, activities and outcomes. A copy of the final report and attachments can be found on the NLAf website [here](#).

### Groups reporting to NLAf

#### 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:

#### ADVOs

- Confusion/lack of consistency in relation to whether person/s in need of protection need to attend Court
- Continuing issue with some (non-mandatory) AVO conditions not appropriate for family circumstances, and consequential breaches. Note commencement of the "Make a Plan" process for Aboriginal defendants in Courts where there is an Aboriginal Client and Community Liaison Officer to administer.

- High breach rates for texting/intimidation.

#### **Prisoners, through-care and support on release**

- View that some inmates are released from prison, Court or parole without appropriate support to comply with conditions. Instances of breaches/recidivism may have been avoided with appropriate support. Absence of or inadequate medication or mental health plan noted.
- Services have difficulty accessing inmates to provide legal and related non-legal assistance pre-release. Services would like to be more involved in through-care programs.
- People can wait for lengthy periods in remand with no access to Programs: missed opportunity.

#### **Diversions, rehab and detox.**

- Lack of AOD diversions/beds is still an ongoing issue across NSW, particularly in remote, highly disadvantaged areas.
- Absence of MERIT in many Local Courts being widely discussed across NSW. Justice has convened two meetings with representatives from Corrections, Police, ALS, DOJ, Ministry of Health and MERIT.
- Barriers to get into rehabilitation: cost of a criminal record check (\$54), and need for original identity documents to support the criminal record check.

#### **Housing**

- Big increases in no-grounds terminations, rental arrears terminations and abandonment of tenancies on the rise in a number of locations.
- Tenants don't turn up for NCAT hearings in person or by phone.
- No local TAAS for face to face tenancy assistance, advocacy or representation in Broken Hill: Far West tenants are being serviced over the phone from Armidale.
- Issues particular to Aboriginal housing continue (poor quality legacy housing stock and repairs/maintenance issues, arrears, terminations for arrears, AHO head leasing arrangements).

#### **Disability and NDIS**

- NDIS packages and scams: concern about unconscionable traders targeting vulnerable consumers with poor/inappropriate NDIS packages and clients' capacity to review/debate. Office of Fair Trading doing work here.
- Potentially big impact in regional and remote NSW, especially for people with intellectual, cognitive or mental health issues and comparatively limited capacity or opportunity to review.

#### **Education**

- Concern about school children with disability being offered only partial enrolment, excluded or suspended.
- Disabilities not being recognised by school.
- Kids suspended/sent to 'behavioural' schools. Parents are aggrieved and unclear about process, perception that Aboriginal kids are being targeted or at least disproportionately represented in these schools

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, June 2017**