

## ACTIVITIES AND ACHIEVEMENTS 2008

### Overview

The NSW Legal Assistance Forum (NLAFF) is a coalition promoting collaboration and coordination in the development of legal services for socially and economically disadvantaged people in NSW.

### Member organisations are:

- Legal Aid NSW
- NSW Attorney General's Department
- LawAccess NSW
- Combined Community Legal Centres Group (NSW)
- Aboriginal Legal Service (NSW/ACT)
- Law and Justice Foundation of NSW
- Public Interest Law Clearing House NSW
- NSW Bar Association
- Law Society of NSW

### The aims of NLAFF are:

- To continuously improve service delivery to socially and economically disadvantaged people through better alignment of planning, program design and service delivery by providers of legal assistance services
- To promote cooperative arrangements and collaboration between organisations within the sector for effective service delivery
- To identify and incorporate the best available research
- To promote dialogue and debate
- To consult and respond to emerging issues, policy and law reform
- To be a channel for disseminating ideas and initiatives throughout the sector

In order to achieve its aims, NLAFF focuses its work on three strategic areas:

- Meeting community need
- Policy and law reform
- Co-ordination and communication

NLAF meets quarterly at CEO-level to decide on activities. In addition to planning and co-ordinating services, NLAF convenes Working Groups to address specific issues that relate to access to justice for socially and economically disadvantaged persons in NSW. Working Groups have an average life span of 12 to 18 months. Non-NLAF members are invited to participate in Working Groups as appropriate. NLAF also brings issues to the attention of Government at a State and Federal level.

## **Meeting Community Need**

NLAF's work in 2008 has focused on Aboriginal people, culturally and linguistically diverse communities, older people, remote, rural and regional communities and prisoners.

### **■ Aboriginal People**

The Working Group on Civil Law Services for Aboriginal People aims to develop strategies to address the serious gap in access to civil law services for Aboriginal people in NSW.

- NLAF held consultations with community groups and stakeholders in the Northern Rivers region to identify priority civil law needs. NLAF is now working to identify culturally appropriate strategies and resources to meet those needs.
- NLAF has completed an evaluation of the 2006 Guide to Legal Services for Aboriginal People in NSW/ACT. The Guide is being updated based on this evaluation and the updated version will be distributed in early 2009 through the Aboriginal Legal Service (NSW/ACT). The evaluation and guide will also be placed on the NLAF website ([www.nlaf.org.au](http://www.nlaf.org.au)).

### **■ Culturally and Linguistically Diverse Communities**

The Working Group on Culturally and Linguistically Diverse Communities aims to improve legal services to CALD communities by focusing on engagement between the legal and migrant services sectors.

- The Group has commenced work on the Liverpool Legal Access Project which is aimed at developing an interagency co-operation model, focusing on the Fijian and Iraqi communities. It is also providing input into the Blacktown Sudanese Community Project managed by the NSW Attorney General's Department and Blacktown Local Court.
- NLAF is also consulting with the Department of Immigration and Citizenship to develop increased linkages between Commonwealth and State programs.

### **■ Remote, Rural and Regional Communities**

NLAF has identified that the decline in the availability of public assistance lawyers in remote, rural and regional NSW is impacting on access to justice for people living in those areas.

- NLAF, through the Law and Justice Foundation of NSW, has supported research conducted by the Northern Rivers Community Legal Centre into the decline of lawyer numbers in rural and regional NSW.
- NLAF is developing terms of reference for a Working Group to identify possible actions NLAF and members can take to address the problem. The terms of reference will take into account the range of initiatives that are already in place.

### ■ Public Interest Career Pathways for Law Students

NLAF's objective is to identify ways to improve careers for young lawyers in public legal assistance agencies, including in remote, rural and regional NSW.

- NLAF has developed a range of strategies for selected universities including guest lecturing, input into University publications and career seminars. In 2009 there will be direct engagement with a number of Universities to implement these strategies.

### ■ Older People

The Working Group on the legal needs of older people was established to develop a response to the September 2007 House of Representatives' Inquiry into Older People and the Law. The Group also supported the establishment of the older persons program.

- NLAF prepared a detailed submission in response to the recommendations of the Commonwealth Inquiry into Older People and the Law. The NLAF submission also included a description of services and programs in NSW. This document was submitted to the Commonwealth Attorney-General. It has been distributed by the Attorney-General to relevant Commonwealth agencies and is being considered as part of the Commonwealth Government's response to the House of Representatives' Inquiry. It has also been distributed to a range of state bodies.

### ■ Legal Needs of Prisoners

The Working Group on the Legal Needs of Prisoners aims to prioritise and, as appropriate, progress the strategies that have come out of the Law and Justice Foundation of NSW's research report "Taking justice into custody", and a subsequent NLAF Forum.

- The Working Group was established in late 2008 and will meet from February 2009 until February 2010. It will address the broad areas of: lawyer/inmate communication; legal education and prisoners; and pro-bono support for prisoners.

## Policy/ Law Reform

### ■ Conflict of Interest

The Working Group on Conflict of Interest aims to address the barriers to accessing advice and representation caused by the application of legal professional conflict of interest and duty rules in public legal assistance agencies.

- The Working Group has developed a draft Guide and Statement of Principle proposing that a fiduciary relationship is not established between a public legal service and a member of the public who receives a limited advice-only service. This formed the basis of a submission to the Ethics Committee of the Law Society of NSW in 2008, which was not approved. NLAf will hold further negotiations with the Law Society in 2009 to resolve this issue.

### ■ **Stolen Wages**

NLAf has identified through member submissions that many Aboriginal people in NSW were not aware of their rights under the Aboriginal Trust Fund Repayment Scheme. NLAf wrote to the NSW Premier to ask that the 31 December 2008 deadline be extended to enable information concerning the claims process to be more widely disseminated.

- The NSW Government has announced that the claim period would be extended by five months to May 2009. NLAf members are assisting to inform potential claimants about the extended time for submission of claims under the Scheme.

### **Coordination of Legal Assistance**

NLAf has identified that clear legal information, good referral pathways and targeted training lead to better coordinated legal assistance for socially and economically disadvantaged people.

### ■ **Care and Protection of Children**

The Working Group on Care and Protection aims to establish strategies to ensure appropriate referrals in children's care and protection matters.

- The Working Group has prepared a table mapping children's care and protection services which will be published on the NLAf website. Training sessions have been held for NLAf members on care and protection issues. The Group is now preparing referral guidelines for the different stages of care and protection matters.

### ■ **Family Law Assistance**

NLAf aims to improve collaboration and co-operation across NSW public legal assistance agencies in the area of family law.

- NLAf has identified gaps in service delivery for family law assistance, and worked to improve collaboration to address these gaps. A table setting out family law services in NSW has been posted on the NLAf website and is also attached.

- **The Legal Information and Referral Forum (LIRF)** aims to improve referral pathways and access to legal information, and reports to NLAf on a quarterly basis.

**LIRF has focused on the following areas in 2008:**

- Improve legal referrals from GPs to public legal assistance agencies through working with the NSW Divisions of General Practice;

- Develop strategies to improve the legal pathways for people of culturally and linguistically diverse background; and
- Prisoners and older people.

■ The Training Reference Group aims to identify training needs across the sector and improve effectiveness by sharing training where possible. The Group reports to NLAF on a quarterly basis.

**The Training Reference Group has and will continue to:**

- Implement a joint training calendar for NLAF agencies;
- Increase cross-agency access to training provided by member agencies; and
- Develop strategies to address unmet training needs (for example, employment law, using interpreters and Aboriginal cultural awareness).

Geoff Mulherin  
Chair  
NSW Legal Assistance Forum  
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