

Quarterly Highlights Report January to March 2022

This Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from January to March 2022.

The NLAF Plenary Group Meeting was held on 23 March 2022. It was chaired by Karly Warner, Chair of the Forum and CEO of the Aboriginal Legal Service (NSW/ACT), and was attended by representatives of the NLAF Plenary Group.

Business of Plenary

We noted the Chair had returned from leave, and that Geoff Mulherin had left his role and accordingly, his NLAF role. We thanked Geoff for his contribution to the sector. Accordingly, we appointed a new Deputy Chair, Chris Povey, from Justice Connect.

We also agreed to commence a survey considering the successes and challenges of NLAF for plenary members, working group members, and executive members.

Guest address by Sarah Hopkins, Aboriginal Legal Service (ALS/NSW)

Sarah Hopkins presented to the Plenary about the NSW Closing the Gap Implementation plan. The National Agreement on Closing the Gap was signed in July 2020 by the Coalition of Peaks and the Australian Government as a 10 year agreement running 2020-2030. It includes 5 priority reforms and 17 socio-economic outcomes in areas including education, employment, health and wellbeing, justice, safety, housing, land and waters, and languages. In particular Sarah noted:

- the specific justice targets 10 (adult incarceration- by 2031, reduce incarceration by at least 15%), 11 (youth incarceration- by 2031, reduce the rate of youth in detention by at least 30%), and 13 (domestic and family violence- by 2031, the rate of all forms of family and domestic violence is reduced by at least 50%), as well as the priority reforms agreed upon.
- Priority reforms: partnerships (developing and strengthening structures to share in decision making with government), community control (building the community controlled sector to close the gap), transform government (ensure mainstream agencies deliver services in a way that closes the gap), share data (ensure there is access to data to implement the reforms), and economic prosperity (ensure empowerment through education, training and employment).
- ALS is exploring the development of local plans around justice initiatives – engaged with communities through CAPO led engagement initially in identified justice re-investment locations. This will support the development of place-based justice networks and Community Centred plans.

Snapshot of the work of groups reporting to NLAf

The NLAf quarterly working group reports tabled at the December Plenary Group meeting are posted on our website, so please visit nlaf.org.au and visit the [Our Work](#) page, to read in detail about the work of these groups from January to March 2022. The following is a snapshot of some of the issues raised and work done by the NLAf working groups in this quarter:

The [Closing the Gap Working Group](#) had a focus on the NSW CTG Implementation Plan Process and several priority proposals developed by the sector.

Also discussed was the Family Violence Advocacy Network as well as the recent formation of an Aboriginal Justice Partnership Committee, formerly called the Officer Level Working Group.

The [Doli incapax Working Group](#) reviewed the working group's progress against actions in 2021, and agreed to a revised set of actions for 2022. The Chair noted the importance of strong and consistent attendance, participation, and involvement from all members, and suggested that members have two organisational representatives to attend meetings and receive emails. These objectives are: to identify measures to support the consistent application of the presumption of doli incapax in NSW, in the exercise of police discretion about whether to proceed against a child under 14 years; to identify measures to support the consistent application of the presumption of doli incapax in NSW, in its application in courts across NSW; and to develop protocols about obtaining evidence to rebut doli incapax.

The [Fines & Traffic Law Working Group](#) had Redfern Legal Centre and the Aboriginal Legal Service both present on the impact of the public health order fines on their services and communities. Geographic data was provided and notably the areas with a higher percentage of Aboriginal population and socio-economic disadvantage, were much higher in the ratio of fines issued against population, than other suburbs. A number of contributing factors were outlined including housing stress, however what remained prevalent was:

- That the fine amounts are not means tested, so they disproportionately impact those on lower incomes and become a punishment for the poor, notwithstanding the offence does not differ for those with financial capacity.
- The complexity of the fines, they were not strict liability offences and the Issuing Authorities needed to navigate complex terms in a rapid changing environment.
- As mentioned, the impact on young people with no cap applied on the fine amounts.
- The limited hardship options

An update was also provided on the Fairer Fines scheme, as well as on the amendments to the WDO Guidelines.

The [Prisoners](#) Forum was addressed by the Health Care Complaints Commission about the complaints system and how it operates for detainees. A presentation was also provided by Legal Aid NSW about the

health issues that detainees were experiencing. Also, a sub-group was created with a focus on health needs for detainees, with representatives from ALS, Legal Aid, and Just Reinvest.

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAF and highlighted issues particularly concerning the public health order fines and housing stress and homelessness across regional areas.

The [NSW Legal Information and Referral Forum \(LIRF\)](#) met and discussed legal referrals for prisoners. The library manager gave a review of how the service works across NSW prisons. The acting project manager of the reduce and reoffending office spoke about in-cell tablets and its rollout in NSW. Finally there was a talk about the Aboriginal women leaving custody project.

The next Plenary Group meeting is on June 2021 and remote participation will be available.

If you have any questions about this Quarterly Highlights Report, or the work of NLAF, please email: nlaf@lawfoundation.net.au

NLAF, May 2022