

Quarterly Highlights Report July to September 2022

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

The NLAF Plenary Group Meeting was held on 14 September 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 ran a focussed plenary session as a follow up to the NLAF Survey workshop, which was held in August 2022.

Special Session discussing the NLAF Survey Workshop

Earlier this year the Executive decided it appropriate to conduct a survey. With the help of the Law and Justice Foundation of NSW NLAF procured a survey for the members of its plenary and working group to reflect on the successes and challenges of the forum.

- There were 25 completed surveys: 64% of respondents were from the legal assistance sector, and 28% from government.
- Most respondents think the NLAF meets its stated aim moderately well (68%).
- Respondents support a review of NLAF aims, objectives and strategies (96%).
- Respondents support advocacy as an activity to achieve its aim (92%).
- Respondents would support including collaborative service planning (84%).
- Respondents would welcome a review of membership appointment (72%) although views on the intention of such a review were highly diverse.

Given these results, at the last plenary it was agreed to hold at least one workshop to consider these issues with more depth. The plenary was held on 8 August 2022 with a mix of government stakeholders, professional groups, and legal assistance stakeholders. Participants considered the aims of NLAF, the strengths, and areas where challenges presented. These findings were delivered to the Plenary and then breakout groups formed to discuss the following questions:

What does good meeting engagement and collaboration look like? Consider this both 'for the next 6 months' as well as 'over the next 3 years.'

How do we determine the effectiveness of the working groups and how do we ensure they are timely, relevant, and achieving outcomes?

The groups discussed:

- More purposeful engagement and collaboration.
- Adopting a formal strategy with end-of-year planning.
- Mindfully selecting guest speakers and determining which meetings should be online and which should be face-to-face.
- Understanding that the plenary and working groups have different strengths for different members and appreciating this.

It was agreed that second meeting should be held, preferably before the end of the year.

Snapshot of the work of groups reporting to NLAF

The NLAF quarterly working group reports 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 July to September 2022. The following is a snapshot of some of the issues raised and work done by the NLAF working groups in this quarter:

The [Doli incapax Working Group](#) discussed police prosecutors' policies and practices around whether a matter proceeds to charge and whether and when a matter is withdrawn. Legal Aid NSW representatives liaised with Victoria Legal Aid regarding its doli incapax resources and research. The working group is also making enquiries about where the doli incapax information hub for defence practitioners can be hosted online. The ALS has also drafted a document on raising [section 18 Evidence Act 1995 \(NSW\)](#) issues early during the court process.

The working group continues to monitor the outcome of the review of the *Young Offenders Act 1997* (NSW), and consideration of raising the age of criminal responsibility by state and territory governments.

The [Fines & Traffic Law Working Group](#) received an update on the Public Health Order Fines court case. Legal Aid also presented to the group on the new WDO Service Model. The presentation highlighted the need for a revision on the way the WDO Service at Legal Aid NSW works to provide a consistent approach across the 6 regional teams. The draft WDO guidelines were sent to the Attorney General in October 2021. In May 2022 there was a change to the fines Act which now include social workers as new approved WDO sponsors. It was decided to withdraw the WDO guidelines from the Attorney General to reflect this change. This update has now been finalised.

The [Prisoners](#) Forum had a presentation given by Justice Action which spoke to its long history and advocacy for people in prison. The Prisoners Legal Service updated the forum- although Covid related work has quietened, the service is still unable to attend physically in prisons. The CLSD Program updated the forum. It is currently in a partnership with corrective services to produce a resource called "how to stick to your order." The Prisoners Health Needs Sub-Group also updated

the Forum and they continue in a research phase of exploring the relationship between Medicare and prison.

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAF and advised us about their work on trying to deal with the issues that continue to manifest from fine debt. The Unit's focus on regional Australia brings to the surface the particular impacts of fine debt on regional communities. The CLSD Program is also working on an evaluation of specialist 3rd party work and development order service which was piloted by Advocacy Law Alliance from April 2021 to August 2022. Limited options for work and development orders is an ongoing challenge in many regional locations where there is high fine debt and economic disadvantage.

The [NSW Legal Information and Referral Forum](#) also reports to NLAF and they had a presentation on the *New sexual consent laws: how to talk about it with our communities*.

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

NLAF, November 2022