

NLAF Prisoners Forum Report to NLAF - December 2014

The NLAF Prisoners Forum met on 13 November 2014. At that meeting, items on the agenda included:

- **Aboriginal Women Leaving Custody**

Outcomes for Aboriginal women leaving custody have steadily improved since the commencement of this project. Funding to this project has been extended until June 2015.

- **Lawyer/Client Communications**

AVL and Telephone Facilities

- i. CSNSW reported that AVL and telephone facilities are now located in both Block H and I at Dawn de Laos Correctional Centre. Legal practitioners will need to know which block their clients are in when making bookings for these facilities. These facilities are secure and located away from other inmates.
- ii. An on-line phone call scheduling system for legal calls is being trialled at Bathurst, Grafton and Goulburn jails. Designated phones are in the video conferencing area of each centre. Calls are not being timed or recorded by CSNSW.
- iii. CSNSW have commenced a project to audit all legal practitioner visiting facilities and identify best practice. A road map for delivery of future services will be developed and presented at the February 2015 Forum meeting.
- iv. A pilot of family visits via AVL is due to commence at Goulburn at the end of November 2014. The service is available from Community Corrections offices, identified courthouses and from homes with appropriate computer technology (and dependent on inmate's classification). This service is expected to improve post-release outcomes for inmates.

- **Legal Literacy in Prisons Project**

The Legal Literacy in Prisons project continues to be a successful program for inmates and is to be rolled-out to Windsor, Broken Hill and Goulburn correctional centres upon completion of 'train the trainer' courses. The Minister for Justice continues to be very supportive of this project.

- **Work and Development Orders (WDO)**

CSNSW are reviewing their WDO policy to increase the uptake of inmates participating in the scheme. During the period April 2012 – Nov 2014, 386 WDOs were approved, with 423 WDOs open and active in prisons.

- **Lack of Contact Between Children and Mothers in Custody**

Mothers in custody are not often being given access to their children by foster parents despite court-ordered contact visits. The reluctance of foster carers to take children into prisons for contact visits stems from their concern that children will be upset at visiting their mothers in prison. Further concern has been raised that parents may lose permanent custody of their children under the fast-track adoption laws. Legal Aid NSW, PIAC, WLS and CSNSW are investigating.

- **Calls from Prisoners to Legal Services**

The implementation of a new protocol to manage telephone calls from prisoners commenced 1 November 2014. Anecdotal evidence from both Legal Aid NSW and LawAccess indicates that calls received from prisoners have dropped by 20-30%. A detailed update will be provided at the next meeting.

- **Handling of Legal Privileged Material**

Legal Aid NSW brought to the attention of the Forum the issue of delayed deliveries of legally privileged mail from prisons to Legal Aid and expressed concern that the regulations governing

legally privileged mail may be holding up its delivery to inmates and Legal Aid NSW. Legal Aid agreed to circulate a discussion paper for comments. CSNSW agreed to investigate the process around delivery of legally privileged mail and report back to the Forum at the February 2015 meeting.

- **Self-Representation in the Local Court**

The Victims Council has expressed concern over the increasing numbers of self-represented litigants in the local court and requested the assistance from the Forum to develop a template/facts sheet for self-represented litigants. The Forum noted that several organisations already provide online resources for self-represented litigants and will form a subgroup to collate available materials.

- **NLAF Fines and Traffic Law Working Group**

This working group provided an update on the inclusion of restitution order debt into the WDO scheme and the alcohol interlock program. The working group will write to RMS (alcohol interlock) about the inclusion of all financially disadvantaged people into the proposed financial hardship scheme, and will seek clarification from Victims Services regarding the method used to select restitution debt to be included into the WDO scheme.

The Forum noted the retirement of Jo McAlpin from Corrective Services and Richard Funston on behalf of the group thanked Jo for her outstanding contribution to the Prisoners Forum and wished her well in retirement.

The next meeting of the Prisoners Forum is 12 February 2015.

Richard Funston

Chair NLAF Prisoners Forum, 28 November 2014