

NLAF Education Act Prosecutions Working Group Report to NLAF - May 2015

The NLAF Education Act Prosecutions working group held its first meeting on 23 March 2015. At that meeting, items on the agenda included:

- **Objective 1 – Map programs and service providers addressing truancy and school attendance in NSW**

The working group identified several programs across the Federal and State governments, and the NSW Police Force that seek to address truancy and school attendance in NSW. The working group is investigating and mapping each program.

- **Objective 2 – Collect and collate case studies illustrating the need for improved practices, processes, and collaboration around Compulsory School Orders (CSO) proceedings and Education Act prosecutions.**

The Education Act requires the Department of Education and Communities (DEC) to make inquiries with agencies and any relevant institutions before instigating legal proceedings. However, the working group believes the DEC is not making these inquiries, nor is there proper engagement with agencies when warrants are issued to bring parents to court. Without the proper inquiries the DEC and the courts are not taking into account individual circumstances that may affect a student or parent's ability to attend school or court.

The working group also noted Children's Court Practice Note No. 7 requires the appointment of a legal representative to act for a child in proceedings for compulsory schooling orders before the first listing of the matter. It appears that magistrates in the Local Court are not aware of the practice note. The working group will contact the Chief Magistrates Office and request the PN 7 be drawn to the attention of magistrates.

The working group has commenced collecting case studies and will approach the DEC with case studies that demonstrate that CSO proceedings are not being conducted according to PN 7 and legal representation is not being provided to young people and parents in EA prosecutions.

- **Objective 3 - Clarify and promote the availability of legal services in CSO proceedings and EA prosecutions – including raising awareness with the legal profession, courts, schools, community workers and the DEC and NSW Police Force.**

The meeting agreed to develop a communications strategy after investigation of objectives 1 & 2.

- **Objective 4 - Engage with the DEC and the courts to settle agreed procedures for conducting litigation in relation to CSO proceedings and EA prosecutions, including:**
 - a. **exploring practical and workable procedures in relation to listing arrangements**
 - b. **clarifying practices and jurisdiction in relation to the issuing of bench warrants.**

The working group will engage with the DEC once sufficient case studies are available to demonstrate the problems with the current system.

The next meeting of the Education Act Prosecutions working group is 1 June 2015.

Annamarie Lumsden

Chair NLAF Educations Act Prosecutions Working Group, 26 May 2015.