

NLA Education Act Prosecutions Working Group Report to NLA – August 2015

The NLA Education Act Prosecutions working group was held on 1 August 2015. At that meeting, items on the agenda included:

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

The Department of Justice provided statistics on the numbers of applications for compulsory schooling orders (CSO), interim CSOs, and prosecutions under the Education Act for the years 2011-2014. The working group will map the statistics against the locations of Home School Liaison Officers ('HSLO') to determine whether HSLOs and other outreach services are correlated with the number of EA/CSO applications.

- **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 working group discussed the case studies received from the NSW Law Society and the case studies received from members subsequent to the working group's last meeting. The working group continues to engage with practitioners to collect case studies.

- **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.**

Working group members met with two representatives from the DEC who agreed to provide Legal Aid NSW with email notifications of upcoming EA and CSO court proceedings. Legal Aid is receiving notifications and notifying relevant legal aid duty lawyers and panel practitioners to ensure parents and children are represented during court proceedings.

The working group discussed developing facts sheets about EA/CSO matters for distribution to the Department of Education and Communities, private schools, police stations and other organisations.

The working group promoted the availability of legal services in Legal Aid News, Cooperative Legal Services Delivery (CLSD) e-update, Lyris messages to private practitioners and the Law Society's 'Monday Brief' email.

- **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**

The working group has made significant progress in seeking changes to listing arrangements in the Children's Court.

- b. clarifying practices and jurisdiction in relation to the issuing of bench warrants.**

The practice of issuing of bench warrants may require a policy and law reform response. The working group will consider the appropriateness of this response in future meetings and if necessary will develop a workable solution before approaching the DEC.

The next meeting of the Education Act Prosecutions working group is 2 November 2015.

Annmarie Lumsden

Chair NLA Education Act Prosecutions Working Group, August 2015.