

**NLAF Education Act Prosecutions Working Group
Report to NLAF – November 2015
For 2 December 2015 Plenary Meeting**

The NLAF Education Act (EA) Prosecutions working group met on 18 November 2015. At that meeting progress to date was reviewed and further actions determined to meet objectives:

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

Data Analysis - the Department of Justice has 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 Department of Education and Communities (DEC) provided the location of HSLOs and ASLOs throughout NSW and a summary of the role they play in court proceedings to the Working Group. Working Group (WG) members will be comparing this data to determine any correlation between the location of DEC staff working on truancy issues and EA Prosecutions.

The NSW Ombudsman's office has been invited to the March meeting of the WG to discuss EA prosecutions and issues identified by the WG.

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.

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.

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.

There are ongoing meetings between the LANSW Care Practice and DEC legal team following up on agreed actions from first meeting and discussing issues as they arise which are being raised by WG members. A sub-committee of the WG has been formed to meet more frequently involving LANSW members of the WG in Crime, Family/Care, Communication, Policy, Grants, CLSD and Dubbo Regional Office to look at Care and EA Prosecutions.

It was agreed there needs to be more training with LANSW lawyers and private duty lawyers regarding dealing with EA matters in court lists (particularly in regional areas) and availability of grants.

The WG is looking at a process for law reform regarding the issuing of Bench Warrants in EA matters for children and/or parents when they do not attend court.

The next meeting of the working group is 9 March 2016.

Annamarie Lumsden

Director – Strategic Planning and Policy, Legal Aid NSW

Chair NLAF Educations Act Prosecutions Working Group, 19 November 2015.