

Education Act Prosecutions Working Group Report to NLA – March 2016

The Education Act (EA) Prosecutions working group met on 9 March 2016. Key issues discussed included:

Meeting with NSW Ombudsmans Office

Julianna Demetrius and Rebecca Curran from the NSW Ombudsmans office attended the March meeting to discuss potential collaborative projects with the Working Group focusing on the impact of Education Act Compulsory School Attendance Orders (CSOs) and Prosecutions on child school attendance.

Request to NLA Plenary Group

It was agreed by the Working Group to seek support from the NLA Plenary to prepare a joint letter with Legal Aid to the NSW Ombudsmans Office outlining the issues identified by the Working Group to date and suggestions regarding collaborative projects to address these.

Data Analysis

The Working Group undertook an analysis of 2014 data comparing the location of Home School Liaison Officers with the number of EA CSO matters listed in the Courts closest to their location. This highlighted the fact that where there is a specialist Children's Court in the area, matters are being listed there; otherwise they are listed in the closest Local Court.

Sub-Committee Report

A sub-committee has been formed to meet in between WG meetings to focus on practical issues around working with the Department of Education, Courts and Lawyers to ensure children and parents receive legal assistance in EA matters. The Sub-Committee has met in January and February 2016.

Department of Education is now sending through information regarding CSO and Prosecution matters when listed to Legal Aid. Legal Aid then passes on the details to the relevant Legal Aid office or Panel Lawyer rostered on that day to ensure they make contact with the parents/children at Court.

A letter is being drafted to be sent to the Chief Magistrate from Legal Aid to inform Magistrates of the availability of Legal Aid in EA matters.

A plain English resource is being produced by Legal Aid on EA matters which will encourage parents and their children to attend Court and to contact the Duty Solicitor for legal assistance.

A meeting with the Department of Education is being organised to discuss amending their Court Attendance Notices to include information about free legal assistance available for these matters and including the Legal Aid publication regarding EA matters in letters to parents.

Two Legal Aid webinars are being produced for in house and external lawyer training, focusing on running EA CSO and Prosecution matters.

Contact is planned with the Judicial Commission Education Director to discuss including EA matter information in the Bench Book and Magistrates Conference.

The next meeting of the working group is 26 May 2016.

Annmarie Lumsden

Director – Strategic Planning and Policy, Legal Aid NSW
Chair NLA Educations Act Prosecutions Working Group, 9 March 2016.