

Education Act Prosecutions Working Group Report to NLAf – March 2017

The Education Act (EA) Prosecutions working group met on 1 March 2017. Key issues discussed included:

Work with the NSW Ombudsman

The NSW Ombudsman reported that they have been focusing on their Inquiry into behaviour intervention and support in schools across the government and non-government school sectors. Particular consideration has been given to students with a disability to feed into the current NSW Inquiry into Students with a disability or special needs in New South Wales schools. Earlier representations from the President of the Children's Court, Legal Aid NSW and the NLAf Working Group to the Ombudsmans office regarding EA prosecution issues are also being considered in their Inquiry. They asked if the letter from NLAf could be referenced in their Inquiry. This was agreed. The Ombudsman also asked if time could be allocated in the next Working Group meeting for them to run a consultation with the group regarding the key issues that have arisen from their Inquiry and solutions that could be considered to include in the final report due for publication in June 2017.

Lawyer attendance at EA Act s22C Conferences (Conference of relevant parties to deal with unsatisfactory school attendance)

Legal Aid NSW will be meeting with the Department of Education legal team to discuss options for allowing lawyers to attend these Conferences to support the student being heard in the proceedings.

Training for Legal Assistance Services regarding Education Act matters

Legal Aid NSW developed and delivered a lunch time training session on Education Act matters in December at the Broadmeadow Children's Court. This was on a list day and about 25 lawyers attended - both in house and panel. Based on the success of this session a series of sessions have been planned to be run over the next 12 months at all of the Children's Courts and local courts where a Specialist Magistrate sits on circuit. Legal Aid Grants section are also delivering a series of training sessions in regional areas with panel lawyers and will include information about EA matters.

Promotion of Legal Aid assistance available for EA matters

It was agreed that a poster was also needed to put up in all relevant courts to assist with promotions. This will be followed up with Legal Aid publications. Hard copies of the flyers will be distributed over the next few weeks to Legal Aid offices, Department of Education Home School Liaison Officers, CLC Care Partners and the Courts.

Law Reform

The Legal Aid NSW legal policy section are currently researching the legislative amendment which would be required to remove provisions for issuing warrants to children or young people who do not attend court for EA matters. Once the research is complete, the next step will be to consult with the President of the Children's Court to ascertain his support.

The next meeting of the Education Act Prosecutions Working Group is on Wednesday 31 May 2017.

Annamarie Lumsden

Acting Deputy CEO, Legal Aid NSW

Chair NLAf Educations Act Prosecutions Working Group, March 2017.