

Quarterly Highlights Report

October to December 2019

*This Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from October to December 2019. The NLAF Plenary Group Meeting was held on **4 December 2019**. It was chaired by Brendan Thomas, Chief Executive Officer of Legal Aid NSW.*

Guest Speaker at the December 2019 Plenary Group meeting

Michael Coutts-Trotter, Secretary NSW Department of Communities & Justice

We welcomed Michael Coutts-Trotter (**the Secretary**) as Guest Speaker at the December 2019 Plenary Group meeting. The Secretary spoke about the combined Department of Communities and Justice in the reconfigured Stronger Communities Cluster and shared valuable insights, particularly in relation to the areas of child protection, social housing and youth justice.

The Secretary discussed the significance of mental illness and its impact on the prison population. He shared with the Plenary Group the focus within the Cluster on improving access to support, for example by increased use of mental health nurses in appearances by those with cognitive disabilities before Magistrates in the Local Court. He also discussed the delivery of a new Enhanced Support Unit within the juvenile justice system which will focus on trauma informed and therapeutic support.

The Secretary spoke about the significant challenge the Government faces in the provision of more social housing, with supply remaining the key issue. In terms of the prison population, there is a new emphasis on addressing housing needs by way of pre-release planning which focusses on available housing, clinical and social support. The Secretary responded to questions from members of the Plenary Group, including informing the Group that inmates are now entitled to a sixty-minute telephone call to apply for social housing before release.

The Secretary encouraged those within the Plenary Group and their members to continue the valuable role of advocacy and identification of issues and problems that arise in the areas of care and protection, social housing, child protection and domestic violence.

In the section below, we highlight some of the issues raised and work being done by groups that report to NLAF.

Aboriginal Incarceration Working Group

The NLAF Aboriginal Incarceration Working Group (**AIWG**) continued its focus on bail and how to reduce the high volume of breaches of bail conditions. Members of the AIWG and nominated practitioners participated in a half day workshop facilitated by The Behavioural Insights Team. The workshop examined approaches to setting and enforcement of bail conditions and offered creative insights into the challenges faced by practitioners. There will be a further workshop in the first quarter of 2020 which will focus the AIWG's attention on specific strategies and steps which will be reported to the Plenary Group.

The AIWG also continued its analysis of Bureau of Crime Statistics and Research (**BOCSAR**) data on the over-representation in the prison population of Aboriginal persons. The Group observed a positive trend of reduced rates in the imprisonment and on remand rates for juveniles and will continue to analyse this data.

Collaborative Service Planning Working Group

In monthly meetings the Collaborative Service Planning Working Group (**CSPWG**) continued its work in relation to catchments for collaborative service planning. Initial consultation has now taken place across the metropolitan legal assistance sector and a map is being prepared to further consult on three proposed metropolitan catchments of Sydney South West, Sydney West and Sydney Central.

The four pilot locations of Central Tablelands, South Coast, Northern Rivers and Central Coast Community Legal Centres have had initial planning meetings focussing on service planning for Community Legal Education services and outreach advice.

The CSPWG has also begun work on a Memorandum of Understanding for data sharing.

Fines and Traffic Law Working Group

The Fines and Traffic Law Working Group (**FTLWG**) continued its work with Dr Julia Quilter, Associate Professor, School of Law, University of Wollongong, on the impact of bicycle fines, particularly on young people. Initial data from the research demonstrates geographical disparity in enforcement, with twelve Local Government Areas accounting for around 50% of fines issued. The research also explores whether there are punitive effects that are disproportionate to offending. It is expected that the FTLWG will report on Dr Quilter's research outcomes in the first quarter of 2020.

The Prisoners and Identification Subcommittee of the FTLWG and the Prisoners Forum reported on the significant outcome of achieving in-principle agreement with the Registrar of Births Deaths and Marriages for the provision of 3000 free birth certificates to vulnerable prisoners who fit identified eligibility requirements.

Doli incapax Working Group

The operation of the presumption of doli incapax has come to the attention of the NSW Legal Assistance Forum and a new working group has been established. The Doli incapax Working Group is chaired by Legal Aid NSW and its members also include the Aboriginal Legal Service NSW/ACT, the Children's Court NSW, Community Legal Centres NSW (represented by Youth Law), the Law Society of NSW, the NSW Bar Association, NSW Police Force and Office of the Director of Public Prosecutions. The working group met for the first time in November 2019 and will focus its attention on practical steps to promote the consistency of the application of the principle of doli incapax across the NSW justice sector, in particular by police, prosecutors and the courts.

Cooperative Legal Services Delivery Program

The Cooperative Legal Services Delivery Program conducted an online survey of CLSD program partners, focussing on the program purpose and assessing suggestions for improvement. The CLSD Program will work with the Regional Coordinators to develop an action plan to address the issues identified in the survey. The CLSD [webpage](#) has been redesigned and now has more detailed information on each region. NLAF members are encouraged to look at the available flyers, regional action plan and place-based information.

The CLSD Program continues its work on young people in contact with the criminal justice system and the issue of diversion.

Other news – a Premier’s Award for the WDO Scheme

The members of the Plenary Group acknowledged and congratulated the Work and Development Order Scheme, a partnership between the Department of Communities and Justice, Revenue NSW and Legal Aid NSW, for winning the Premier’s Award in the category of *Tackling Longstanding Social Challenges*.

The quarterly working group reports tabled at the NLAF meetings and this NLAF Highlights Report are posted on our website, so please visit nlaf.org.au to find out more about the work of NLAF.

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