

Quarterly Highlights Report January to March 2020

COVID-19 and cancellation of Plenary Group meeting

In light of the rapidly changing landscape in response to COVID-19, and with member organisations focussed on providing services remotely, the NLAF Plenary Group meeting scheduled for 25 March 2020 was cancelled.

In the absence of a first quarter meeting, this Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from January to March 2020.

Aboriginal Incarceration Working Group

In February 2020 members of the Aboriginal Incarceration Working Group and their nominees participated in a further workshop with The Behavioural Insights Team. The goal of this workshop was to expand on the creative solutions that had been identified at the first workshop in October 2019, with a view to formulating behaviourally informed interventions to improve, for Aboriginal people, the setting of bail conditions and also increase compliance with bail. At the workshop, participants co-designed interventions which were collated and outlined in a report recommending a pilot program providing Magistrates with input and feedback about the outcomes of their decisions, and the preparation of toolkits to assist solicitors and field workers with advocacy around bail conditions.

At its March 2020 meeting, the Working Group endorsed sharing the key recommendations arising from the workshops with the NSW Attorney-General and the Criminal Justice Board. In the next quarter, the working group will focus on details around implementation and resourcing of the proposed interventions.

Collaborative Service Planning Working Group

In monthly meetings, the Collaborative Service Planning Working Group continued its work on collaborative service planning for proposed new catchments of Sydney South-West, Sydney West and Sydney Central. In March 2020 the Working Group reached in principle agreement to proceed with these metropolitan catchments for collaborative service planning purposes, on the understanding that the boundaries will be reviewed in 12 months and noting that the catchments have been developed for service planning purposes, and not for any future funding purposes.

The four pilot locations of Central Tablelands, South Coast, Northern Rivers and Central Coast Community Legal Centres had their second planning meetings in February 2020. The outcomes and decisions made at the planning meetings have been shared with the participants and the Working Group.

The Working Group also continues its work on a proposed new data digest, with a memorandum of understanding being prepared for discussion amongst working group members.

Doli incapax Working Group

The newly formed Doli incapax Working Group met in January 2020. Members welcomed representatives from the NSW Police Force (NSWPF) Youth and Crime Prevention Command to the meeting. The NSWPF

representatives gave an overview of existing training materials and guidance for police on *doli incapax* and identified opportunities where the working group could provide input to any revisions.

Working Group members agreed to collate questions about police training and the specific youth roles, for consideration by the NSWPF, and also provide additional information and case studies to the NSWPF on issues encountered by solicitors on the issue of police discretion about whether to proceed against a child under 14 years.

NSWPF representatives agreed to seek feedback from police officers on the ground, and from police prosecutions, on their experience of the operation of the presumption of *doli incapax* and provide an update at the next meeting.

Group members from Legal Aid NSW and the Aboriginal Legal Service agreed to work with representatives from the Law Society of NSW and the Bar Association of NSW to prepare a paper for legal practitioners, which could also be accompanied by a CPD session for solicitors on the application of the presumption of *doli incapax*.

Fines and Traffic Law Working Group

The Fines and Traffic Law Working Group met in February 2020 and acknowledged the concerted effort within the sector to address the legal issues arising in the context of the Bushfire Disaster, with Legal Aid NSW and Community Legal Centres having been immersed in the Bushfire Disaster response.

At the quarterly working group meeting Ann King, Director of Fines and Fees, Revenue NSW, gave a comprehensive outline of the changes within Revenue NSW that have flowed from the *Fines Amendment Act 2019* (NSW). There was a useful exchange of feedback and information from members of the Working Group.

Also in this quarter, the Fines and Traffic Law Working Group was invited to comment on the Draft Ministerial Guidelines for the purposes of administering recent amendments to the *Fines Act 1996* (NSW), which provides for the reduction of penalty notice amounts by the Commissioner of Fines Administration and covers matters such as eligibility criteria, demonstrating hardship and supporting evidence required. A subgroup of members prepared detailed comments, on behalf of the Working Group on the draft Ministerial Guidelines. Those comments have been submitted to Revenue NSW and formally accepted.

Prisoners Forum

The members of the Prisoners Forum met in March 2020 and formally accepted the resignation of Camilla Pandolfini of PIAC as Chair of the Prisoners Forum and endorsed the appointment of Nadine Miles of the Aboriginal Legal Service as the new Chair.

The members discussed the significant role the Prisoners Forum plays in sharing information across the sector and agreed that, in addition to endorsing this existing aim, the objectives should be refined to include: addressing the needs of those transitioning out of prison; addressing the process of re-integration on release from prison; and addressing the needs of the remand population. It was agreed that the Terms of Reference would be revised and amended and those amendments will be tabled for discussion and consideration at the next meeting.

Cooperative Legal Services Delivery Program Update

The Cooperative Legal Services Delivery Program continued its work with its partnership regions, with planning meetings held in Wagga Wagga, Albury and Hunter regions in Quarter 1 and a March 2020 workshop taking place in Sydney for all regional coordinators.

The headline legal needs and systemic issues reported across the regions were: young people in contact with the criminal justice system and diversion; support for people leaving prison and reducing the risk of reoffending; and access to drug and alcohol rehabilitation services in regional and remote areas in NSW. The CLSD [webpage](#) now includes a dedicated page for each region.

NLAF website

The NLAF quarterly working group reports 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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