

Quarterly Highlights Report April to June 2020

This Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from April to June 2020.

*The NLAF Plenary Group Meeting was held on **17 June 2020**. It was chaired by Brendan Thomas, Chief Executive Officer of Legal Aid NSW and was attended by representatives of the NLAF Plenary Group. It was also attended by representatives of the Commonwealth Attorney-General's Department, who provided an update to the Plenary Group.*

Guest Speaker at the June 2020 Plenary Group meeting

We welcomed Dr Julia Quilter, Associate Professor, School of Law, University of Wollongong, as Guest Speaker at the June 2020 Plenary Group meeting. Dr Quilter gave a presentation on her research project¹ on Policing mandatory bicycle helmet (MHL) laws in NSW. Since 2019, Dr Quilter has been collaborating with the [Fines & Traffic Law Working Group](#) on the impact of the MHL in NSW on vulnerable groups, particularly young people, including its role in exacerbating accumulation of fine debt on those facing socio-economic disadvantage.

In her presentation to the Plenary Group, Dr Quilter outlined the history of the MHL, which has moved away from its original intent as a safety measure to become an offence dealt with by Penalty Notice, bringing the criminal law to the forefront. The amount of the Penalty Notice is currently \$344, which Dr Quilter considers excessive, out of kilter with other states and disproportionate to other road safety offences.

Dr Quilter spoke about her research project, which demonstrates geographical difference and suggested possible uneven enforcement across NSW, with 12 Local Government Areas (LGAs) accounting for more than 50% of fines and Blacktown LGA recording by far the greatest Penalty Notices. Dr Quilter's research considers the impact of the Penalty Notices on young people, in particular, and identifies the failure of police to use diversion and also unintended and ancillary harms such as over-policing and targeted policing, with escalation effects including multiple bicycle fines being issued and police searches.

Dr Quilter addressed the Plenary Group on her recommendations for reform. These include: returning the focus to road safety, expanding programs (such as 'helmet instead of fine') trialled by NSW RMS, reducing the fine amount (to a level 1 offence), improving integration of juvenile justice diversionary principles, revising police guidelines and policies for enforcement, reviewing police practices in enforcement 'hot spots' and removing the option of issuing a Court Attendance Notice (CAN).

At the meeting, the Plenary Group members agreed that NLAF should correspond with the NSW Attorney-General, Minister for Roads and Transport and NSW Commissioner of Police outlining concerns about the MHL and making recommendations for reform.

¹ In collaboration with Professor Russell Hogg, Queensland University of Technology

Snapshot of the work of groups reporting to NLAF

There are currently five working groups reporting to NLAF - the Aboriginal Incarceration Working Group, the Collaborative Service Planning Working Group, the Doli incapax Working Group, the Fines & Traffic Law Working Group and the Prisoners Forum. Following is a snapshot of some of the issues raised and work done by the NLAF working groups in this quarter:

- The [Collaborative Service Planning Working Group](#) is conducting an evaluation of the Collaborative Service Planning Pilots and exploring a prototype, developed by the Law and Justice Foundation, for a new collaborative service planning resource.
- The [Doli incapax](#) Working Group is putting together an information hub for defence practitioners on doli incapax. The website will provide a guide for practitioners on how and when to raise doli incapax, and collate summaries of recent cases, case studies, template submissions and other useful resources.
- In addition to its ongoing collaboration with Dr Quilter, the [Fines & Traffic Law Working Group](#) provided comments on the Draft Ministerial Guidelines for administering reforms to the *Fines Amendment Act 2019*.
- The [Prisoners Forum](#) welcomed new Chair, Nadine Miles of the Aboriginal Legal Service, and is conducting a review of its Terms of Reference. Jeremy Tucker, Director Corrections Strategy and Executive Services, Corrective Services NSW, spoke at the quarterly meeting and gave an overview of the response to COVID-19 in NSW prisons.

The NLAF quarterly working group reports tabled at the June Plenary Group meeting are posted on our website, so please visit nlaf.org.au and visit the [Our Work](#) page, to read in detail about the work of these groups from April to June 2020.

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAF and one of its highlights from this quarter is its adaption, for state-wide use, of a pocket guide “How to stick to your order”, which is targeted to defendants to ADVOs. This pocket guide has been re-printed with generous financial support from the NSW Bar Association and will be available through the CLSD Regional Coordinators. The CLSD Program Unit is also working on an adaption of the guide into a short video reference.

Collaboration during COVID-19

With the ongoing impact of COVID-19 and social distancing requirements, the June 2020 Plenary Group meeting was held using a video platform and was attended by 21 participants. Adjustments have been made to the meeting schedules for each of the NLAF working groups and meetings have also proceeded using remote access platforms. It is envisaged that working group meetings will continue by this method in the next quarter. The next Plenary Group meeting is on **2 September 2020** and remote participation will again be available.

If you have any questions about this Quarterly Highlights Report, or the work of NLAF, please email: nlaf@lawfoundation.net.au

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