

## Quarterly Highlights Report October to December 2020

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

*The NLAF Plenary Group Meeting was held on **2 December 2020**. It was chaired by Brendan Thomas, Chief Executive Officer of Legal Aid NSW and was attended by representatives of the NLAF Plenary Group.*

### Guest Speakers at the December 2020 Plenary Group meeting

*Dr Jane Bolitho & Thea Deakin-Greenwood*

*We welcomed* Dr Jane Bolitho, Senior Lecturer in Criminology at the UNSW & Thea Deakin-Greenwood, a Solicitor at Central Tablelands and Blue Mountains Community Legal Centre (CTBMCLC). Thea and Jane spoke to the group about their research, collaboration, and their view that Restorative Justice (RJ) conferencing can and should be expanded in NSW, as the current criminal justice system and justice remedies are unsatisfactory for responding to victim/survivor rights and needs. Thea and Jane's collaboration has resulted in the establishment of [The Cicada Project](#), which is a joint initiative of CTBMCLC and the UNSW. An aim of The Cicada Program is to start a demonstration project for matters that are deemed eligible and suitable, that is a survivor oriented restorative response to sexual and family violence.

The presentation summarised the definition of the RJ process as defined by the United Nations in 2002 and Thea and Jane then talked to the differing values between RJ and the Legal system. This discussion highlighted that RJ requires an admission of harm from the perpetrator before undertaking a guided process for reconciliation including problem solving skills and a voice from the victim.

Thea and Jane advised there are currently four key studies: Project Restore, Auckland NZ; RESTORE in Arizona; a South Australian youth conferencing program and an Australian Defence Abuse Taskforce Restorative Engagement Program.

Discussions were then had amongst the group on areas of implementation including Aboriginal Communities, Children's Court and Family Court scenarios and who might be involved and how the process is about understanding not accountability which is the aim of the criminal and civil legal processes.

### Snapshot of the work of groups reporting to NLAF

The NLAF quarterly working group reports tabled at the December Plenary Group meeting are posted on our website, so please visit [nlaf.org.au](http://nlaf.org.au) and visit the [Our Work](#) page, to read in detail about the work of these groups from October to December 2020. The following is a snapshot of some of the issues raised and work done by the NLAF working groups in this quarter:

The [Aboriginal Incarceration Working Group](#) confirmed that recommendations and interventions designed by working group members in the bail workshops that took place in late 2019 and early 2020 have been endorsed by the Criminal Justice Board. However, due to the significant impact that

COVID-19 has had on the bail system, planning and implementation of those recommendations is on hold. Members who participated in the bail workshops will be consulted on steps to resource, plan and implement those recommendations when they occur.

The [Doli incapax Working Group](#) is in the process of reviewing the Terms of Reference for the group. The working group reported that progress is being made on developing an information hub for defence practitioners on *doli incapax*. The working group also continues to engage with the NSW Police Force to explore opportunities for collaborating on police training and development materials as they relate to *doli incapax*. The working group is also monitoring flagged legislative changes to the *Young Offenders Act 1997* (NSW).

The [Fines & Traffic Law Working Group](#) prepared a letter to the NSW Attorney General, copying the NSW Police Commissioner and the Minister for Transport and Roads, raising concerns about the unintended impact of mandatory bicycle helmet fines in NSW and making recommendations for reform. The working group also continues to receive updates from Revenue NSW regarding the Fairer Fines Amendments.

The [Prisoners Forum](#) received an update from Director Corrections Strategy and Executive Services and Director Strategy & Engagement, Youth Justice NSW, regarding preparations for the resumption of in person visits from 23 November 2020. Confirmed detailed COVID-Safe measures have been put in place for the resumption of in person visits. Video visits will continue to be available and will still be encouraged. The working group also had further discussion of the policies and procedures around separation of prisoners and the role of s78A of the Crimes (Administration of Sentences) Act 1999 (NSW).

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAf and highlighted the need in remote Central West and Western Regions for vulnerable community members to obtain identification documents, partnering with the Registry of Births, Deaths and Marriages (BDM) and local partners to address the issue.

The [NSW Legal Information and Referral Forum \(LIRF\)](#) met online in July 2020. At the meeting there was a presentation by the Justice Advocacy Service, which aims to provide access and support to people with cognitive impairment in their interactions with the criminal justice system. To read about the presentation, follow the link to the [LIRF page](#) on our website.

*The next Plenary Group meeting is on **24 March 2021** 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](mailto:nlaf@lawfoundation.net.au)

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