

Quarterly Highlights Report January to March 2021

This Quarterly Highlights Report provides a summary of the work of the New South Wales Legal Assistance Forum (NLAF) from January to March 2021.

The NLAF Plenary Group Meeting was held on 24 March 2021. 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 March 2021 Plenary Group meeting

Edwina Crawford, Director ASU, Department of Communities and Justice and Karly Warner, CEO Aboriginal Legal Service

We welcomed Edwina Crawford and Karly Warner.

Edwina presented the timeline of the new National Agreement on 'Closing the Gap', which was signed off by the NSW Premier on 27 July 2020, with 16 socio economic targets plus priority reforms. Edwina provided details on the target areas and the four (4) priority reforms and confirmed these essentially underpin the National Agreement. A 17th target area around access to digital technologies has since been added and a fifth priority around partnerships and decision making, which is NSW centric. Edwina confirmed that the Department of Communities and Justice (DCJ) would be taking responsibility along with the Coalition of Aboriginal Peak Organisations (CAPO) for the targets on adult incarceration, youth detention, out of home care and violence and abuse.

Karly explained the hierarchy and the three (3) tiers of governance involved in the jurisdictional planning, which is led by the NSW Joint Council with a Partnership Working Group underlying them and an Officer Level Working Group across the government department and community level.

Both Edwina and Karly commented on the tight timeframes to submit the Implementation plan, being 3 May 2021 and the Jurisdictional plan by July 2021, however commented that DCJ and CAPO are committed to ensuring the data is representative of how the targets are going to be achieved and that the quality of the plan is not compromised. An emphasis was made on the importance of community consultation in the decision making and implementation of these reforms along with the ideas across government being pivotal to ensure real progress can be made to close the gap.

Edwina highlighted the significance of data recently provided by Jackie Fitzgerald from BOSCAR which unpacks a lot around the justice reforms and targets with a substantial lens on closing the gap. Discussions were had within the group with Edwina about the associated impacts across the four (4) DCJ targets of adult incarceration, youth detention, out of home care and violence and abuse and whether a holistic approach was going to be taken. Edwina confirmed that the DCJ representative on the Partnership working group would be looking to make the targets seamless.

The Plenary Group discussed and agreed to the formation of a sub-committee of the Aboriginal Working Group to contribute to the closing the gap work and to monitor and receive updates on the progress.

Snapshot of the work of groups reporting to NLAF

The NLAF quarterly working group reports tabled at the March 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 January to March 2021. 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](#) is now finalised having achieved endorsement of the working groups recommendations and interventions by the Criminal Justice Board.

The [Doli incapax Working Group](#) meeting was delayed this quarter and finalisation of the Terms of Reference (TOR) for the group is pending. The working group has reported that there are four (4) objectives under the TOR that have been identified for consideration in the 2021 period. These include: 1) measures to support the consistent application of the presumption of doli incapax in NSW, in the exercise of police discretion and; 2) in its application in courts across NSW; 3) to develop protocols about obtaining evidence to rebut doli incapax and; 4) possible legislative reforms (including to the *Young Offenders Act 1997* (NSW)) to assist the diversion of young people under 14 years from the criminal justice system.

The [Fines & Traffic Law Working Group](#) invited Dr Julia Quilter and Prof. Russell Hogg to present their proposed research into transport-related fines and disadvantage. This research is an extension of the Mandatory Bike Helmet Laws project and will present a broader overview of 'non-serious' transport offences, addressing the wider social impact on mobility and financial disadvantage.

Legal Aid NSW shared the analytics for Fine Fixer and the Traffic Offences guided pathways. Fine Fixer continues to get steady traffic, with the 3000 Fine Fixer users to date, comprising of 92.5% that have never visited the site before. The working group also continues to receive updates from Revenue NSW regarding the Fairer Fines and Hardship Support programs.

A reply was also received from the Parliamentary Secretary for the Minister of Transport dated 9 March 2021, and the NSW Police Commissioner, regarding mandatory bicycle helmet laws in NSW and were tabled with the Plenary Group. The working group will await further correspondence from the NSW Police Commissioner before deciding on the next steps.

The [Prisoners Forum](#) did not convene on the scheduled date of 11 February 2021, as a result of an administrative oversight. Calendar invites have now been sent for the remainder of 2021. The Prisoners Legal Information Team (PLIT) confirmed the continued work of this group with CSNSW on the in-cell technology pilots and confirmed completion of the update of the Legal Information Portal; which included the upload of the Sentencing Bench Book, after approval by the Judicial Commission.

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAF and highlighted issues concerning the challenges for people in regional communities in obtaining a travel concession card (50% fare). CLSD presented a discussion paper to the FTLWG and will have further discussions with Transport NSW, with specific reference to the NSW Independent Pricing and Regulatory

Tribunal (IPART) reviews published in 2020. CLSD also highlighted the importance of early intervention and advice for social housing tenants and are developing ways to assist in the targeting of services in the regions.

The [NSW Legal Information and Referral Forum \(LIRF\)](#) met online in March 2021. At the meeting there was a presentation by Justice Connect, providing information on ways to better understand and connect to people, through online self-help tools. The Law and Justice Foundation also presented on the value of telephone legal information services. To read about the presentations, follow the link to the [LIRF page](#) on our website.

*The next Plenary Group meeting is on **16 June 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

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