

## Quarterly Highlights Report October to December 2021

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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 2021.*

*The NLAF Plenary Group Meeting was held on 1 December 2021. It was chaired by Geoff Mulherin, Acting Chair of the Forum and Director of the Law and Justice Foundation of NSW, and was attended by representatives of the NLAF Plenary Group.*

### Your Guest address at the December 2021 Plenary Group meeting

Thank you for your attendance and address. We valued your comments about the Government's anticipated agenda for 2022 and we appreciated you listening to a range of our priorities, but in particular our concerns with the Covid-19 Public Health Order fines, and the NSW Government Closing the Gap Implementation Plan. We note:

- We sent you a letter on 15 December 2021 regarding the public health order fines and their impacts. We continue to seek an outcome in response to this letter.
- We draw your attention to the importance of the MERIT program and justice health nurses;
- We draw your attention to the observations of our practitioners regarding the ongoing inconsistent application of *Doli Incapax* across the jurisdiction. Our anecdotal experience is that some matters are appearing before the Courts where it appears that an accused between 10 to 14 is not being afforded a presumption that they lack capacity. Our working group is engaging with NSW Police on this issue, but we would also see benefit in engaging with the Magistrates court and considering a multi-institutional forum to discuss the issue;
- We continue to focus on the NSW Government's Closing the Gap Implementation plan and seek to support all agencies to realise the plan to advance the interests of First Nations' peoples in NSW.

### 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 2021. The following is a snapshot of some of the issues raised and work done by the NLAF working groups in this quarter:

The [Closing the Gap Working Group](#) had a focus on the NSW CTG Implementation Process and several priority proposals developed by the Aboriginal Legal Service (ALS) as part of this process for submission to the NSW Government 2022-23 budget. The top four funding proposals were: (1) Justice Partnership Framework (2) Bail Advocacy and Support Service (3) Throughcare Package (4) Review and Design of Alternatives for Children aged 10 to 14.

The working group discussed updating its terms of reference to reflect what the group has identified as the way in which it can best aid the ALS in their work with the Department of Communities and Justice and the NSW Government on justice targets.

The working group met in November as a special session after five of their priority budget proposals were selected to advance for further development. These were the four listed above, in addition to: ALS Child & Family Advocacy & Support Service. The group provided feedback to ALS on each of the proposals.

The [Doli incapax Working Group](#) continues to develop a guide/checklist for solicitors on *doli incapax* issues, which will be a document summarising the key *doli* principles and evidentiary matters, and can be referred to at all stages of the process. A sub-group, consisting of Legal Aid NSW, the NSW Bar Association and the Law Society of NSW is providing feedback on a draft checklist for defence practitioners. Members of the working group from Legal Aid NSW and the Law Society of NSW met with the Department of Education and NSWPF in late September 2021 to discuss some of the issues raised by members about information-sharing between schools and police and its impact on children in *doli incapax* matters, and any related information-sharing protocols or policies. Legal Aid NSW is preparing a summary of the issues and collating relevant case studies, to be shared with NSWPF and Education to progress their internal discussions.

The [Fines & Traffic Law Working Group](#) had Cameron Whalan from the NSW Electoral Commission and Nick Chan from BOCSAR present at the last meeting. Cameron spoke to voting fines particularly with the council elections coming up as well as the increase of auto-enrolment. Cameron explained the education resources available, as well as clarifying that ID will not be required prior to voting. Nick spoke about Driving Offence data for Aboriginal and Torres Strait Islanders. Nick noted some improvements relating to driving related offences for Aboriginal people. The group also discussed the public health order fines and pressing advocacy to seek a stay on the fines.

The [Prisoners](#) Forum was addressed by a representative from Youth Justice. Priorities for 2022 were also discussed, which include looking at the issues of delays in detainees receiving medical attention, and the implementation of OPCAT.

The [Cooperative Legal Services Delivery Program \(CLSD\) Unit](#) also reports to NLAF and highlighted issues concerning housing stress and homelessness across regional areas. For example, they noted 6 of the top 10 public health order fine LGA regions are in the Central West and Moree regions, and these are areas with diminished legal service outreach because of the pandemic. Awareness material is being prepared by the CLSD program. Separately housing stress was discussed, which is having a big impact in regional NSW. Matters such as no grounds evictions were placing a particular burden on regional communities.

The [NSW Legal Information and Referral Forum \(LIRF\)](#) met and discussed disaster response services in particular.

*The next Plenary Group meeting is on 23 March 2021 and remote participation will 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)

**NLAF, 9 March 2021**

## Meeting attendees

NLAF Plenary Group Meeting 1 December 2021

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<b>Name</b>	<b>Organisation</b>
<b><i>Members of the Plenary Group</i></b>	
<b>Alexandra Vaughan</b>	NSW Department of Communities & Justice
<b>Amy Schwebel</b>	Justice Connect
<b>Geoff Mulherin</b>	NSW Law and Justice Foundation (Director, NLAF Acting Chair)
<b>Jane Cipants</b>	Legal Aid NSW (Director Client Services, Legal Aid NSW)
<b>Janet Wagstaff</b>	LawAccess NSW (Director)
<b>Jonathon Hunyor</b>	Public Interest Advocacy Centre (CEO, Chair, Closing the Gap Working Group)
<b>Juliana Warner</b>	President NSW Law Society
<b>Kate Halliday</b>	Cooperative Legal Service Delivery, Legal Aid NSW
<b>Katie Green</b>	NSW Bar Association (Legal Assistance Manager) Legal Aid NSW (Interim Manager Strategic Law Reform Unit, Interim Chair Doli incapax Working Group)
<b>Meagan Lee</b>	
<b>Meredith Osborne</b>	Legal Aid NSW (Director, Civil & Chair of Fines & Traffic Law Working Group)
<b>Nadine Miles</b>	Aboriginal Legal Service (A/CEO & Chair, Prisoners Forum)
<b>Richard Wood</b>	NSW Law and Justice Foundation
<b>Sarah Crellin</b>	Aboriginal Legal Service (Acting Principal Legal Officer)
<b>Sarouche Razi</b>	NLAF Project Manager
<b>Sylvia Mendelssohn</b>	NSW Department of Communities & Justice
<b>Sean Robertson</b>	NSW Attorney-General's Department (Policy & Media Advisor)
<b>Thulasi Wigneswaran</b>	NSW Department of Communities and Justice
<b>Tim Leach</b>	Community Legal Centres NSW (Executive Director)
<b><i>Guests</i></b>	
<b>Mark Speakman</b>	NSW Attorney-General