

Central West CLSD Meeting Minutes

11 May 2023 at Connecting Community Services Dubbo

MINUTES

Present: Josh Harvey (Youth Justice), Jimmy Forrest (Connecting Community Services), Jarah Maraschio (Western NSW Community Legal Centre), Kendy Beasley (Mission Australia), Carmen Just (ALS), Gargi Ganguly (Department of Prime Minister & Cabinet), Tori Mines (Western Women’s Legal Support), Jess Allan (Legal Aid NSW), Donna May (Youth Justice), Kate Halliday (Legal Aid NSW), Sharon Tomas (ALS)

Apologies: Patrick O’Callaghan (Western NSW Community Legal Centre), Bill Dickens (Legal Aid NSW), Donna Bruce (ALS), Megan Raines (Legal Aid NSW), Bobbie-Jane Jackson (Youth Koori Court), Jenny Bevan (Disability Advocacy NSW), Lindy Grady (NEWTAAS), Dominic Holles (ALS), Ellen Newton (Housing Plus), Winnie Baker (Legal Aid NSW), Kim Richardson (Youth Law Australia), Alison Elliot (Ashurst), Rebecca Camilleri (Orana Mid-Western Police District), Rachael Robertson (Western Women’s Legal Support), Harmon Dennis (Legal Aid NSW), Scott Fox (Legal Aid NSW), Emily Shanks (Legal Aid NSW),

Agenda item	Discussion	Action/Outcome
1. Welcome and Acknowledgement of Country	<p>The meeting was opened with an Acknowledgement of Country by Jimmy Forrest.</p> <p>Purpose of meeting is to:</p> <ul style="list-style-type: none"> • The purpose of the meeting is to progress the Action Plan priority, to develop a resource about bail conditions for young people, their parents, carers, and support people. 	
2.	<p>Introduction of Theme of meeting and Guest Speakers</p> <ul style="list-style-type: none"> • Josh Harvey and Jason Coyle from Youth Justice and • Jarah Maraschio, from the Western NSW Community Legal Centre. <p>Josh Harvey from Youth Justice gave the following background regarding the issue. When a young person comes into custody, Youth Justice sees them at court, they are also supported by their lawyer. Over the last 2 and half years that Josh has been in the role, he has seen a lot of young people coming through Children’s Court for a technical breach of their bail, for</p>	Kate and Sharon to speak further with TACSI about how they can help.

	<p>example a residential condition or a curfew condition. Many of the young people have an intellectual disability/cognitive impairment/FASD, diagnosed or suspected, and don't know or understand their bail conditions. For example, he worked recently with a young person who could not understand their curfew condition, who has had 26 admissions in the last 12 months, mostly technical breaches. These are young people who can't read, don't understand how to tell the time.</p> <p>Further challenges occur where bail is changed at a court appearance. The wording of bail conditions is very challenging, parents often don't understand bail conditions. The challenge is to mitigate the impact of multiple short-term remand. Repeated detention contributes to institutionalisation of YP.</p> <p>Part of our job is to explain bail conditions, but we have limited time available at court to do this. Also, there is a need to make bail conditions simpler. Normally parents or carers don't attend court, so they don't know the bail conditions. Lots of bail conditions are tricky to understand, there can be different bail conditions across different sets of offences. One assumption made is, that there is an adult at home who can read and understand the conditions. Conditions can be complex and/or abstract, for example, don't go within 500 metres of a specified place.</p> <p>Sharon gave some background about the Children and Prison Program (CAPP), which was supported by the Vincent Fairfax Foundation and Dusseldorp Forum from 2015-2019. CAPP started to do some work on bail conditions. That project found it useful to obtain data on breaches of bail. Carmen says that it appears that young people in Dubbo Children's Court has increased over the last 12 to 6 months. In many cases charges against very young children are defended because of doli incapax, which means that welfare conditions are included in the bail for these young people, and they are on bail for a significant period while waiting for their hearing. For example, an 11-year-old may have a bail condition that says they have to be home by 9pm. Sharon says that during the work of CAPP, stakeholders met with police about simplification of bail conditions.</p> <p>Carmen notes that the Children's Court lawyers are doing their best to explain bail conditions, but usually it is not possible to spend any time with a client after bail granted because of workload. The Aboriginal Client and Community Service Officer is available to explain bail conditions to adults.</p>	<p>Sharon to set up meeting with magistrates, police prosecutor, ALS and Youth Justice to introduce the project.</p> <p>CLSD Unit to obtain data</p>
--	--	--

Youth Koori Court (YKC) has different approaches. Noted that it is a sentencing court, where a young person is on bail for extended time, supported through a circle approach as well as an action and support plan over 6 to 9 months. There are regular review and check-ins with the young person. YKC in Dubbo started in March 2023, and currently has 5 participants, it sits fortnightly and has capacity for 10 young people. YKC has more resources available to ensure that the young person understands bail.

Question -should the goal be simplification of bail conditions or the development of a new resource? Would better bail conditions be the solution?

A resource for young people on bail can't be more writing.

On the issue of simplification of bail conditions - police and courts are responsible for setting bail conditions. Noted that in the case of technical or minor breaches of bail police have discretion to give a warning and/or vary the bail.

Overall context is the 'increase' in youth crime.

Engagement with police on the issue would have to occur in that context.

Jarah shared some information and resources on the Blurred Borders Project in Western Australia and Northern Territory.

Question- Whether the Blurred Borders Project had been evaluated?

Jarah to follow up on evaluation of project.

What do we still need to learn about this?

- Service gaps
- How do young people get detected for bail support from Youth Justice
- Why breaches happen?
- Evaluation of Blurred Borders WA/NT program and resources
- Plans for Project Walwaay
- Information from other areas, why are some locations hotspots for technical breaches for some periods of time?
- Youth on Track – what role could this program play?
- Data on young people coming before Dubbo Children's Court?

	<ul style="list-style-type: none"> • What does bail support look like from Youth Justice? • Bail supervision in only for guilty plea, Why? <p>What is missing from this so far?</p> <ul style="list-style-type: none"> • Options and resources • Young people views • Recent data/stats <p>What are assumptions do we need to test or challenge? Where do we need more clarity?</p> <ul style="list-style-type: none"> • Young people /families understanding of court proceedings • Motivation of young people to understand and comply • That young people will read and interested in the bail resource • Young person's actual understanding • Assumption to be tested- that young people have support services. <p>What are the messages that need to be explained?</p> <ul style="list-style-type: none"> • Consequences of breaches • What you can do • What you can do • Why do we have conditions • Bail conditions and consequences • Associating • Curfews <p>How might these messages be delivered?</p> <ul style="list-style-type: none"> • Clear, concise verbal/visual • Clear easy to understand • An APP. Electronic means • Visual 	
--	---	--

	<ul style="list-style-type: none"> • Verbal • Plain language • Respectful • Simple English for young people with cognitive impaired, for those who don't read or speak English well or at all. • Visual Aids • In person • Digital breakdown conditions explained • App • Web based App <p>Who is missing from this conversation?</p> <ul style="list-style-type: none"> • Magistrates • Courts • Police • Police Youth Team • Aboriginal Court Services team • Youth Koori Court Caseworker • Youth Detention Workers • Educations (Schools) • Young people • Young People's Families • Carers of young people <p>Suggested Next Steps</p> <ol style="list-style-type: none"> 1. Kate and Sharon to speak further with TACSI about how they can help. 2. CLSD Unit to obtain data 3. Sharon to explore possible meeting with police prosecutors, police, ALS, Legal Aid and Youth Justice to introduce the project. 	
--	---	--

<p>3. Update on CLSD projects and priorities</p>	<p>Project and priorities update Central West Legal Outreach Events for region Harmoni Dennis at Legal aid Walgett Office is coordinating these events. If you would like more information, please contact Harmoni on E: Harmoni.Dennis@legalaid.nsw.gov.au</p> <ul style="list-style-type: none"> • Tuesday 29 August – Walgett Court House • Wednesday 30 August – Lightning Ridge Court House • Thursday 31 August – Collarenebri (venue TBC) • Friday 1 September – Goodooga (venue TBC) <p>Outcomes from Coonamble Legal Outreach Event Two outcomes from our interaction with local community sector organisations were:</p> <ol style="list-style-type: none"> 1. A commitment to produce a legal referral guide for community services in Coonamble. Drafting of this resource has commenced. 2. Legal services will develop a referral pathway for people to get help with parenting plans (to be coordinated by the Central West CLSD regional coordinator and the CLSD Unit at Legal Aid NSW). <p>Birth certificate Request The Local Facilitator at Schools as Community Centres at Dubbo West Public School has contacted the CLSD unit requesting Birth Certificates for their students. Partners agreed to support it. Sharon is following up with the Local Facilitator.</p> <p>Consultation on the publication ‘How to Stick to Your Order’ Kate Halliday, Program Manager at the CLSD unit is seeking feedback on the revised content of the publication of ‘How to Stick to Your Order’, a resource to help people understand their AVO orders. The revised publication will be for an Aboriginal and Torres Strait Islander audience. Draft scenarios for this audience have been developed with Offender Services and Programs/Corrective Services/DCJ and the Legal Aid NSW Domestic Violence Unit. Kate is keen to meet with any relevant local groups and to talk with people to gain feedback for the revised text for this publication. Please contact Kate directly on E: Kate.Halliday@legalaid.nsw.gov.au</p>	<p>Kate and Sharon are drafting this document and will share with community sector organisations in Coonamble.</p> <p>Sharon to follow up.</p>
---	--	--

	Jimmy Forrest suggested contacting the Bush Tucker participants at the Dubbo Local Aboriginal Lands Council.	
4. Next meeting	2pm, Thursday 10 August 2023, at Connecting Community Services	