

## CLSD Program Quarter 4 2020

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The CLSD Program [website](#) has a dedicated page for each CLSD Program region with links to:

- minutes from the last 4 meetings
- the regional action plan
- the regional profile
- legal advice available in the region
- a printable factsheet; and
- upcoming CLE events.

### ***CLSD Program quarterly meetings***

Most of the Quarter 4 CLSD Program meetings were held on-line.

Planning meetings were held on-line for the Kempsey Nambucca, Central West, Far West and Northern Rivers regions in quarter 3. New regional profiles and action plans for these regions are available on the [CLSD Program website](#).

One of the benefits of holding on-line meetings is the ability for partners to hear from interesting guest speakers who are not located in their region and who could not usually travel to present at CLSD Program meetings. This quarter, CLSD Program meetings have hosted presentations from Sally Cameron of the Welfare Rights Centre, Laura Cottam from the Australian Centre for Disability Law on disability discrimination, Alexis Goodstone from Redfern Legal Centre on illegal strip-searches, Liz Snell from the Women's Legal Centre NSW on criminalising coercive control and Dr Julia Quilter from the University of Wollongong on her research into the impact of fines for the mandatory bicycle helmet laws.

### ***Birth certificate clinics – Walgett and the Moree region***

The Central West and Moree regions are addressing the need of vulnerable community members for identification documents in partnership with the Registry of Births, Deaths and Marriages (BDM) and local partners.

In the Central West we have partnered with Walgett Community College to provide fee-free birth certificates for students at the College in years 9-11. Approximately 97% of students at the College are Aboriginal and Torres Strait Islander and most face intersecting experiences of disadvantage. Staff from Western NSW CLC and Legal Aid NSW Dubbo are facilitating the applications for students during clinics that coincide with planned monthly outreach to Walgett. In addition to providing the fee-free certificates, BDM is supporting the clinics remotely by verifying whether the young people's births were registered. Applications from senior students are being prioritised at the clinics this year and further clinics will be scheduled in 2021 to complete applications for younger students.

For the Moree region Legal Aid NSW, the Aboriginal Legal Service NSW/ACT and the North and Northwest Community Legal Service will work with other local partners to offer up to 50 fee- free birth certificates to vulnerable people. A need for identification documents was recently highlighted for people living in the NSW border communities of Boggabilla and Toomelah who needed to apply for a border permit to access essential services located over the border in Goondiwindi.

### ***Domestic violence and family violence in regional, remote and rural NSW***

The data presented in the CLSD Program regional profiles consistently shows high rates of domestic violence related offences in regional and rural NSW. The rates of domestic violence related assault, intimidation and stalking and breach of apprehended domestic violence orders (ADVOs) are often significantly higher than the NSW state average. For example, in Kempsey the rate for breach of an ADVO is 472 per 100 000, compared to the NSW rate of 231.

The number of ADVOs made in regional courts also appears to be quite significant for the population. At Kempsey Local Court 306 ADVOs were made in the period April 2019 to March 2020 compared to 373 made at Port Macquarie Local Court for the same period.

Over the past 2 years the incidence of breach of ADVOs has increased by 40% in Coonamble LGA, 18% in Dubbo Regional LGA and 33% in Gilgandra LGA. The rate of breach in Coonamble is 11 times the state average, in Dubbo Regional it is 4 times the state average and in Gilgandra it is 6 times the state average. In Broken Hill the rate of incidents of breach of ADVOs has increased by 41%.

Some regions, including the Central Tablelands, Hunter and South Coast, have identified gaps in services for victims of domestic violence, particularly for family law and ADVO legal advice when going through the process of obtaining an ADVO.

Other regions, such as the Far West and Central West, report challenges in relation to conditions that are made in ADVOs. Concerns have been raised that defendants are agreeing with conditions that are not necessary, or unworkable. This is in a context where defendants are generally not represented. In addition, CLSD Program Partners have indicated that in some cases conditions are imposed contrary to the wishes of the person in need of protection. The length of interim and provisional orders also appears to be having a significant impact as parties do not have timely access to a court review of conditions.

### ***How to stick to your order – information for defendants to ADVOs – animated video coming soon***

The pocket guide “How to stick to your order” for defendants to apprehended domestic violence orders was re-printed with generous financial support from the NSW Bar Association and distributed to the CLSD Program Regional Coordinators. The CLSD Program is now developing an animated video version of the resource for YouTube and to share with agencies who can show it on television monitors.

### **Access to drug and alcohol rehabilitation services in regional areas – Central West to get new alcohol and drug detoxification and residential rehabilitation facility**

The NSW government has just announced \$7.5 million in funding for a detoxification and residential rehabilitation facility in Dubbo. This is in addition to one off funding of \$3million from the Commonwealth government for construction of the facility.

## **CLSD PROGRAM REGIONAL PARTNERSHIPS**

### **ALBURY**

*Quarter 4 meeting – 9 December*

Veronica Hall from the Community Justice Centres (CJCs) spoke in response to enquiries from partners about apprehended personal violence orders (APVOs) and mediation options for family disputes. Veronica covered a brief history of CJCs, referrals to and from CJCs, the dispute types that can be mediated and the benefits of referring people to CJCs. The presentation sparked an interesting conversation about whether CJCs can help where one party is located in NSW and the other in Vic. The regional coordinator suggested holding a separate meeting between legal services and the CJC only, which will take place in 2021.

CJC services are still being delivered via email and telephone only. Interestingly, Veronica reported that switching to remote working has increased the flexibility of service delivery with many mediations now taking place outside of regular business hours at the request of clients.

Partners also discussed some completed and ongoing projects:

- A Cut it Out workshop for salon professionals about domestic and family violence was held on 9 November and a second workshop is booked for February 2021.
- A service map for Deniliquin will be completed by the quarter 1 meeting in 2021.
- In early 2021 Wesley Mission Community Legal Service will travel to Albury to deliver in-person training to local financial counsellors about available supports for problem gambling.
- The CLSD coordinator and Interreach are still in conversation about holding a 'covid recovery day' tailored to community needs in 2021. The idea is to link community members with financial counsellors, domestic and family violence services, lawyers and mental health practitioners.

### **CENTRAL COAST**

*Quarter 4 meeting – 18 November*

Sally Cameron from the Welfare Rights Centre spoke about the role of the Centre and ran through 'top ten tips' on Centrelink income support. There have been a lot of changes in this area over the last 6 months, partners were encouraged to consider that Centrelink problems as legal problems particularly as people may now be facing debt that has accumulated over the moratorium period that has now come to an end.

Partners also discussed issues in connection with some ongoing projects:

- Training for potential support people for young people/vulnerable people who are in police custody. This training will now be offered in 2021.
- Cut it out – workshop for salon professionals. This workshop will be held in the first half of 2021.
- Civil law support and referral for young people at Baxter Youth Centre. A working group has met to consider law check-up training for staff at the centre and strengthening referrals from lawyers who provide criminal law assistance to detainees at the centre.

### **CENTRAL TABLELANDS**

*Quarter 4 meeting – 17 November*

- The new fortnightly ROCP clinic at Lithgow Information and Neighbourhood Centre opened on 14 October; 7 clients were seen in the first 2 weeks. Bookings are available between 9am-12pm by calling LINC directly.
- With funding allocated to support people recovering from the 2019-2020 bushfires, EECLC has hired a new solicitor who specialises in civil law
- The education unit of the IDRS is developing a training resource for people with disability about appropriate use of mobile technologies and sexting. Connections were made between the IDRS and Legal Aid's Community Legal Education unit as a result of this meeting.
- Legal Aid Orange and the WDVCS met on 17/11 to discuss how to meet the demand for family law advice west of Orange.

#### *Action plan updates*

- *Increasing access to legal support for young people:* Legal Aid's WDO service and a civil lawyer from the Orange office are delivering training to young people involved with Headspace on 25/11/20.
- *Employment law for advice for migrants:* the Migrant Employment Legal Service (MELS) plans to conduct CLE events in Lithgow, Bathurst and Orange in 2021 in collaboration with Central Tablelands CLSD partners.
- *Access to legal advice for people with disabilities:* Disability Advocacy has funding to support people to make submissions to the Disability Royal Commission and asked for assistance from partners to promote this service. Partners also discussed the need to educate
- *Better engagement with Aboriginal services and clients:* EECLC has recently started auspicing a suicide prevention service in Bathurst that supports Aboriginal and Torres Strait Islander people. The Justice Advocacy Service has a relationship with local Aboriginal Medical Services and suggested connecting them with the CLSD partnership.
- *Fines and related issues:* the regional coordinator, CLSD Program Unit and WDO team are working together on producing some targeted communication assets about fine debt that are specific to the top penalty notices by location, and that educate people that legal help is available for fine debt.

### CENTRAL WEST

#### *Quarter 4 meeting 10 December in person in Dubbo*

Partners reflected on the collaborative work done since 2012 in the region to address a gap in services for people with drug and alcohol addiction. The state government has committed \$2.5 million for construction, and \$2.5 million for operations for two years. This complements \$3 million in Federal funding and a commitment from the Dubbo Regional Council to provide land for the new facility.

The next step is for all stakeholders to contribute their views about governance of the new rehabilitation facility.

The CLSD Program supported project, the domestic violence on-line services directory, has been completed and will be published soon by Western NSW Community Legal Centre.

#### *2020 – 2022 Action Plan priorities*

- Legal outreach events in Cobar, Coonamble and Nyngan. Legal outreach events that coincide with court list days planned for Coonamble and Coonabarabran in March/April, and for Cobar, Nyngan and Warren in the second half of the year.

- Support for vulnerable young people to obtain identify documents in Walgett.
- More appropriate ADVOs: advocate for law reform so that PINOPs have standing in ADVO proceedings and build relationship with local police around the need for ADVO conditions that both protect and meet the needs of PINOPs.
- Investigate and advocate on access to mental health diagnostic and treatment services for people having contact with the criminal justice system.
- Monitor challenges facing applicants for victim support services.
- Focus on alternative pathways in the criminal justice system, including Wallama Court proposal, Youth Koori Court and circle sentencing.

## FAR WEST

### *Quarter 4 meeting 19 November*

Legal Aid NSW presented information to the partnership about family law services offered by Legal Aid NSW, including the property mediation pilot program.

The legal services subcommittee also met in December to discuss and plan outreach to Wilcannia.

### *Far West Action plan 2020 - 2022*

#### *How we work, strengthening the partnership*

- Establish a legal services sub-committee.
- Principal and senior lawyers from legal services to meet to develop consistent messages about how conflict is addressed locally.
- Promote the availability of family law advice and assistance throughout the region.
- Work with non-legal service providers to improve referrals to legal services.

#### *Community legal education*

- Offer CLE on making referrals to services that can help men with violence.
- Offer crime CLE to young people in the region
- Offer training for community workers who can support young people at the police station.

#### *Strategic advocacy issues*

- Assess the need for help for vulnerable people to obtain identification documents in the region.
- Monitor the operation of the changes to victims' services locally and record experiences for submission to the statutory review.
- ADVOs; ensure that the conditions in place to protect the PINOP meet the needs of all parties.
- unit, social workers, maternal child nurses and health nurses. One respondent noted the importance of keeping up to date with services to ensure that referrals are appropriate.
- Revenue NSW data shows that a significant amount of fine debt owing in the Far West is for failing to vote, possessing a prohibited drug, using an unregistered or uninsured vehicle on the road, contravening an ADVO, failing to comply with bail conditions, common assault (DV related) and not wearing a bike helmet.
- Lack of access to mental health services for clients to obtain an initial diagnosis and for ongoing support, and access to rehab facilities.

## HUNTER

### *Quarter 4 Meeting – 4 November (online)*

The meeting started with another referral check-in exercise whereby partners were put into small groups and asked to discuss how they would respond to case studies. The responses of each group were then discussed in the plenary. This time, the case studies touched on:

- Behavioural supports and behavioural management strategies at school
- Employment
- Tenancy and utility bills
- Statutory out-of-home-care
- Domestic and family violence
- Homelessness, and
- Fine debt

Laura Cottam, a solicitor from the Australian Centre for Disability Law, spoke to partners about the available legal avenues under disability discrimination law regarding issues arising from school suspensions and expulsions, and failures to make reasonable adjustments. Laura also wanted to let partners know about the new Education Tool Kit that ACDL has designed to help families to advocate for their children about these issues directly. Laura's recent presentations to CLSD meetings has been timely in anticipation of the implementation of the Department of Education's new Behaviour Management Strategy in term 1 2021.

### *Project updates*

- The Hunter Housing Forum was attended by Hunter CLC, Legal Aid NSW, Hume Housing, Compass Housing and The Department of Communities and Justice Housing. The idea behind the forum was to build relationships between the services and to have an open discussion about the policies of each with a view to encouraging warm referrals. The forum was successful, and the services have made a commitment to continue working together and developing stronger communication pathways.
- A *Cut it Out* workshop for salon professionals was held in Cessnock on October 19. The workshop was delivered to 30 participants in partnership with the Cessnock Family and Domestic Violence network. Overall, the feedback was very positive and the Domestic Violence Network is looking at offering further training next year.

## KEMPSEY/NAMBUCCA

### *Quarter 4 meeting - 1 December (online)*

Professor Julia Quilter presented the findings of her research into the issuing of bicycle related fines and discussed her next steps, which could include releasing a survey through the CLSD network about fines related to mobility, including travelling without a valid ticket and driving uninsured or unregistered vehicles. The presentation led partners to connect about delivering further community legal education to young people about police powers and fines in 2021 and a discussion about the breadth of rules and fines related to riding a bicycle, for example, when parents are allowed to ride on the footpath with their children.

Ma'ata Solofino and Pauline Chau from Legal Aid NSW and Madi Taylor from Mid North Coast CLC spoke about the ongoing availability of legal services for communities impacted by the devastating 2019-202 bushfire season. Having previously worked at the Financial Rights Legal Centre, Ma'ata also

provided an overview of what people need to be aware of when purchasing insurance and the most important documents to make electronic versions of. Madi shared where face-to-face legal outreach is still available in bushfire affected areas.

In April the CLSD coordinator was successful in their application for a \$1,000 grant from Charles Sturt University to distribute care packages for rough sleepers that include personal protective equipment (hand sanitiser, disposable gloves, antiseptic wipes, tissues, soap, detergent), supermarket vouchers for essential items and information about local support services. All of the care packages have now been delivered.

The first meeting of the Kempsey/Nambucca partnership in 2021 will be in-person.

## MOREE

### *Quarter 4 meeting - 4 December (online)*

Professor Julia Quilter presented the findings of her research into the issuing of bicycle related fines at the Moree meeting. The number of fines issued for these offences in Moree is noteworthy given the low level of traffic and the generous width of roads and footpaths compared to urban centres, particularly given that the original motivation for introducing the legislation was child safety on roads. The CLSD Unit will meeting with Professor Quilter early on in 2021 to discuss how the proposed survey could operate in Moree and other CLSD regions.

### *Project/advocacy updates and issues*

- The Moree CLSD partnership is updating its joint service flyer with help from the CLSD Unit. This should be ready to share and print in early 2021.
- An out of session meeting between local legal services and Gilbert and Tobin has been organised to discuss making referrals to their pro-bono division.
- The CLSD coordinator continues to raise community awareness about the strip search class action underway from Slater and Gordon lawyers and Redfern Legal Centre.
- Work is underway to deliver a birth certificate clinic in the region shortly, following approval from Births, Deaths and Marriages for a number of fee-free certificates.
- One partner raised concerns about the lack of access to accommodation for families wanting to visit a member of their family at the new Clarence Correctional Centre. The CLSD Unit undertook to raise this at the first meeting of the NLAFF Prisoner's forum in February 2021.

## NORTHERN RIVERS

### *Quarter 4 meeting - 24 November (in person in Lismore)*

At the planning meeting in quarter 3, partners decided to introduce the following as standing items on the agenda of their CLSD meetings:

- Legal service delivery in the wake of covid-19
- Transformative justice, and
- Opportunities to work with our most disadvantaged communities

The conversation around these topics led to partners to agree to invite a number of relevant service providers to future meetings, to hold a meeting in 2021 that focusses domestic and family violence and court processes and the Indigenous pilot court project, and to add a planned wills clinic in Tabulam to the action plan.

### *Project updates*

*Joint legal health check:* initially developed between NRCLC and Legal Aid NSW, the tool is now being shared with the ALS to determine how they can be included. The training will then be advertised to community services, including all local WDO providers

*Legal topics for young people, CLE in schools:* at the first CLSD meeting in 2021 partners will consider converting this training to an online format.

*Early intervention referral project:* planned face-to-face sessions with community services that were postponed due to covid will be delivered in the new year. Before the end of the year 2 online sessions will be delivered to members of Grandmothers Against Removals (GMARs). These sessions will be recorded and converted into an online module that can be watched at any time.

*Joint service brochures:* the CLSD coordinator will arrange printing before the end of the year as the design has been finalised.

*Cut it Out:* the first workshop will take place in Kyogle in March 2021 and will be facilitated by the WDVCS and Kyogle Family Support.

## SOUTH COAST

### *Quarter 4 meeting – 17 November*

Presenters at the quarter 4 meeting:

- Alexis Goodstone spoke about the work that Redfern Legal Centre is doing, including the investigation into a possible class action, on unlawful strip searches by NSW Police.
- Kerry Wright, Work and Development Order solicitor from Legal Aid NSW and Bud Lawrence from Revenue NSW spoke about the hardship support program that is being implemented by Revenue NSW, including the changes to licence sanctions that came into effect from 28 September, and a focus on the Nowra region by Revenue NSW to develop and implement an action plan around fine debt. Kerry will also be meeting with the Legal Aid NSW Nowra office and Shoalcoast CLC to look at more closely at high fine debt in some key locations in the region.
- Sally Cameron from the Welfare Rights Centre also gave a presentation updating partners on changes to Centrelink payments and robodebt.

Partners raised concerns around homelessness and changes implemented by the NSW Civil and Administrative Tribunal (NCAT) affecting tenants who are involved in defended matters. Tenants now have a very short time frame to prepare and submit evidence. Vacancy rates in the region are very low, around 1%, and social housing tenants are experiencing challenges in connection with repairs and maintenance. The impact of the bushfires last summer are continuing to impact on access to housing in the region. Tenants who are being evicted inevitably face homelessness. The CLSD Program regional coordinator will ensure that partners get up to date information about homelessness services in the region.

The *Cut it Out* workshop was held in October in Nowra and received good feedback.

Shoalcoast CLC and Legal Aid NSW are mapping legal needs in the region connected with the bushfires and disaster recovery and are holding community legal education on housing, tenancy and the end of insurer provided accommodation.

## TAREE/FORSTER

### *Quarter 4 Meeting – 11 November*

Presenters at the quarter 4 meeting:

- Liz Snell, Women's Legal Service NSW spoke about the issue of coercive control and domestic and family violence, and the joint select committee recently established by the NSW Parliament to investigate this issue.
- Associate Professor Julia Quilter, University of Wollongong, presented her research on fines for breach of the mandatory bicycle helmet law, and the next phase of research that will consider transport related fines more broadly.

The partnership has sent a letter to Mid-Coast Council seeking an update on the status of its draft financial hardship policy. No response has yet been provided, although noted that there is a Covid-19 hardship policy in place.

Mid North Coast Financial Counselling raised concerns about of the Commonwealth governments flagged changes to responsible lending laws. They will be raising this the local Federal MP.

Legal Aid NSW raised the issue of social housing tenants having to wait for significant periods of time for repairs to be done – while responsibility for some social housing has transferred in the region to Compass they are not yet responsible for maintenance of housing stock.

The partnership will hold a domestic and family violence services catch up in person event on 8 December focusing in Taree to foster collaboration and networking between services working with people affected by domestic and family violence.

## WAGGA WAGGA

### *Quarter 4 meeting - 26 November (online)*

Liani Stockdale from Transport NSW spoke to partners about her work on the availability of transport concession cards. The difficulties that people who experience disadvantage face in accessing transport concession cards has been an ongoing concern in this region. Partners are also interested in exploring whether more ticketing options could be made available, like pre-paid ticket books, which services could purchase on behalf of their clients.

Earlier this year, Legal Aid NSW made a submission to the Independent Pricing and Regulatory Tribunal (IPART) inquiry into the pricing of regional and rural bus fares that people who have a Commonwealth Health Care Card should automatically be eligible for a transport concession. IPART has tentatively recommended making this change and its final report is due in December. This would remove the need for HCC holders to apply for a separate concession card from transport NSW.

Liani's presentation led to a representative from Services Australia agreeing to investigate the possibility of implementing a process between Transport NSW and Services Australia so that prisoners could access a concession card prior to their release. Liani also agreed to speak to the ticketing and contracting teams within Transport NSW about the possibility of introducing additional ticket types on the local bus network.

### *Action plan/project updates*

1. *Fine debt and work and development orders:* the WDO team plans to hold a regional WDO sponsor forum in 2021 to coincide with the release of the new WDO guidelines. The CLSD unit

will provide specific information to partners about the changes to licence sanctions that Revenue NSW introduced this year, particularly for those doing outreach to Naranderra where this is a big issue.

2. *Domestic and family violence: Cut it Out* workshop for salon professionals was held in November and the presenters will provide an update to partners at the quarter 1 meeting in 2021. A second event may be held in 2021 depending on demand.
3. *CLE and outreach:* the CLSD Unit, CLE team and CLSD coordinator will collaborate to deliver CLE for young people and adults in Naranderra about police powers in 2021. The CLSD coordinator is also liaising with Wagga Wagga council about whether it would be appropriate for legal service to participate in any planned community events in 2021.