



CLSD e-update DECEMBER 2013

CLSD PROGRAM UNIT – NEWS

It's only been a month since the last update but we wanted to send out one final update for 2013 and send our thanks to everyone who participated in CLSD Program meetings, planning days and projects this year. 2014 is already looking busy – with Planning Days happening in the Central West, Far West, South Coast and Northern Rivers in February.

This month the CLSD Program Unit at Legal Aid NSW farewells Rob Cleary who's spent a terrific 6 months with us. Thanks Rob!

Happy festive season to all – and see you in the New Year.

Kids in Care – now available

Just a reminder that the new ***kids in care*** booklets are now available to download or order from Legal Aid website at <http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/kids-in-care>



LEGAL AID NSW NEWS

Working with culturally diverse communities

Legal Aid has developed new resources to assist organisations work more effectively with people from new and emerging communities.

Attorney General Greg Smith SC launched *Working with new and emerging communities: A guide on Thursday, 28 November 2013 at Parramatta Justice Precinct.*

"This practical guide is aimed at government and non government agencies that work with people from these communities. The information will help lawyers and other frontline workers understand the cultural background, traditions and experiences of newly arrived people who seek their help", Mr Smith said.

The guide will help workers who may feel challenged by the complexity and diversity of their clients, to gain an appreciation and understanding of their backgrounds. It will help them to communicate more effectively and provide better services and support to these clients.

"We expect this guide to be particularly useful to frontline workers who are assisting clients deal with everyday problems such as housing, debt, consumer and family law issues" said Mr Smith.

The information sheets provide general information about emerging communities from Afghanistan, Burma, Iran, Iraq and a number of African countries.

Mr Smith said the guide presents a myriad of information in a single collection, making it a very handy resource.

The guide was developed by Legal Aid NSW with assistance from the Community Migrant Resource Centre and African Women Australia Inc as well as Liverpool Migrant Resource Centre, Fairfield Migrant Resource Centre, Macarthur Diversity Services and the Iranian Community Organisation.

The factsheets in the guide may be downloaded from the Legal Aid NSW [website](#) (select Topic *Culturally diverse people*).

New Children's Civil Law Service at Legal Aid NSW

The Children's Civil Law Service is a new service that has been set up in response to the *High Service Users* study (see below) which found that 80% of high users of Legal Aid services were children and young people who were 19 years and under. The study found evidence of young people experiencing complex and multiple needs, with almost all having spent time in juvenile detention, and nearly half having been in out of home care (OoHC). This report can be viewed at www.legalaid.nsw.gov.au/publications/reviews-and-submissions.

The service will be providing a targeted and holistic civil law service to young people (under the age of 18) identified as having complex needs. This service will be delivered specifically through referrals from two partnerships with the Children's Legal Service (Legal Aid's specialist criminal law service for young people) at Parramatta, and the Shopfront Youth Legal Centre in Darlinghurst. Whilst located at Head Office, there will be a lawyer based at the Children's Legal Service and at Shopfront two days a week who will provide this specialist casework service to young people. Some of the goals of this service are also to identify systemic issues at a service provider and policy level that contribute to the criminalization of this group of young people, especially those in OoHC. The service will run until to 30 June 2014.

Money Counts! Legal Aid NSW Aboriginal Consumer Law Project



Legal Aid NSW has recently commenced a project to assist Aboriginal people with consumer law issues. The project, '*Money Counts*', aims to increase advice and casework services to Aboriginal people on consumer law issues and to increase the capacity of consumers and community workers to deal with consumer law problems as they arise.

Money Counts lawyers will assist Aboriginal consumers with a range of consumer law problems relating to:

- debts
- renting or buying household goods and electronics
- paying for funerals
- Centrepay deductions
- problems accessing insurance benefit
- issues arising from door to door sales
- phone and energy bills, and
- superannuation



Legal Aid NSW has 3 dedicated lawyers working on this project who will conduct outreach to deliver advice, casework and community education in specific areas. At this stage the team are looking to work intensively with existing services in Dareton, Mount Druitt, Condobolin, Lake Cargelligo, Taree and surrounding communities. It may also be possible to provide services outside these areas upon request. The *Money Counts* team will be working with local services in these locations including Community Legal Centres, financial counsellors, Aboriginal Community Working Parties and other community organisations.

If you have questions about the *Money Counts* project, call **(02) 9219 5057** or email consumer@legalaid.nsw.gov.au.

SECTOR NEWS

Driver Licence Disqualification Reform – Report from the Parliamentary Committee on Law and Safety

The Parliamentary Committee on Law and Safety has released its report on Driver Licence Disqualification Reform. The CLSD Program along with the Aboriginal Legal Service and Shopfront Legal Service provided a written submission and provided oral evidence as part of the NSW Legal Assistance Forum. The recommendations of the Report, if accepted, will go some way to alleviate some of the disadvantage caused by the current mandatory disqualification regimes. The report, submissions and transcripts can be found under 'Reports and Government Responses' at www.parliament.nsw.gov.au/lawandsafety.



A Parent's Toolkit – school issues for students with disabilities

The guide 'A parent's toolkit – school issues for students with disabilities' was created by Sonia Powazuk at Disability Advocacy NSW in response to the systemic issues – support funding, discipline, bullying and discrimination at schools. The guide will be launched in the near future however it is already available online. Go to: www.da.org.au/advocacy/systemic-advocacy/

LawAccess NSW launches new videos for self represented litigants

LawAssist is a website provided by LawAccess NSW that is designed to help people who are dealing with legal problems in NSW, without a lawyer. LawAssist provides helpful information on specific areas of law and the legal process. These topics include: Debts – Small Claims, Car Accidents, Fines, Fences, AVOs, Employment Rights and Recovery of Goods.

LawAccess NSW has now expanded these resources and produced 14 videos that show the court user how to represent themselves in a number of courtroom situations, including:

- How to find the right courtroom
- Asking for an adjournment
- Pleading guilty and making submissions
- Pleading not guilty and running a defended hearing
- Going to court in AVO cases
- What to do at court in a small claims case.

The videos are embedded on selected pages throughout LawAssist to ensure the user is provided with detailed information about their legal problem. There is also a new 'Videos' page that has links to each page that a video appears on. You can view the new 'Videos' section at:

http://www.lawassist.lawaccess.nsw.gov.au/lawassist/lawassist_videos.html

How the Fair Work Commission proposes to handle bullying complaints

From 1 January 2014, employees who are being bullied at work will be able to apply to the Fair Work Commission for an order to stop the bullying. Draft rules and procedures have been released for public comment.



Application and initial assessment

The worker lodges the application which is checked and then served on the employer / principal, and, in most cases, the alleged bullies. All will be given an opportunity to be heard, before any substantive hearings. The anti-bullying team gives the Panel Head a report outlining whether the matter involves any potential jurisdictional issues, the nature of the alleged conduct, whether it may be suitable for mediation, factors that might indicate the degree of urgency and other relevant factors that would inform a decision about the assignment of the application. The Panel Head then decides if the matter will be assigned to a Member for mediation or determination.

Mediation

This is confidential and voluntary, and will only be proposed where it is appropriate, having regard to the nature of the parties and the allegations made in the application. The aim will be to resolve the issues so the parties can have constructive and co-operative relationships with each other.

Hearing

If mediation isn't pursued, or it doesn't resolve the complaint, the complaint will go to hearing (which, unlike mediation, will generally be public).

Giving feedback to the Fair Work Commission

There is no set date for comments to be submitted, but the Commission has said it would appreciate any initial feedback by mid to late December in time for the start of the new anti-bullying jurisdiction on 1 January 2013.

The Commission will review the new system in July 2014 and again in early 2015.

Aboriginal Legal Service (ALS) – update on recent cases

Bugmy v The Queen

The High Court handed down the decision in *Bugmy* on Wednesday 2 October 2013. Mr Bugmy's lawyers from the ALS asked the full bench of the High Court to reconsider the application of the Fernando principles', named after a 1992 case in which Justice Wood of the NSW Supreme Court laid out principles on how Aboriginality should be taken into account when sentencing.

In *Bugmy*, the ALS appealed from an earlier decision affecting Mr Bugmy which held that the extent to which Aboriginality and social deprivation could be taken into account in sentencing must diminish over time, particularly when a person has a criminal record. Central to the Aboriginal Legal Service arguments to the High Court was the contention that the effects of social deprivation can worsen over time, particularly for Aboriginal people from remote disadvantaged communities subject to frequent jailing.

The High Court unanimously allowed Mr Bugmy's appeal and ordered the matter be re-heard by the Court of Criminal Appeal. Importantly, the High Court has unanimously rejected the argument advanced by the Crown in the Court of Criminal Appeal that Mr Bugmy's life as an Aboriginal man from Wilcannia had no relevance to the appeal.

Some key extracts from the joint judgment on the Fernando principles and sentencing Aboriginal offenders include:

- There is no warrant, in sentencing an Aboriginal offender in New South Wales, to apply a method of analysis different from that which applies in sentencing a non-Aboriginal offender. Nor is there a warrant to take into account the high rate of incarceration of Aboriginal people when sentencing an Aboriginal offender. Were this a consideration, the sentencing of Aboriginal offenders would cease to involve individualised justice.
- An Aboriginal offender's deprived background may mitigate the sentence that would otherwise be appropriate for the offence in the same way that the deprived background of a non-Aboriginal offender may mitigate that offender's sentence.
- The circumstance that an offender has been raised in a community surrounded by alcohol abuse and violence may mitigate the sentence because his or her moral culpability is likely to be less than the culpability of an offender whose formative years have not been marred in that way.

To read the judgment, go to <http://www.austlii.edu.au/au/cases/cth/HCA/2013/37.html>

Ryan Gaudie v Local Court of NSW

The ALS appealed to the Supreme Court on behalf of Ryan Gaudie seeking orders in the nature of certiorari and prohibition that the Magistrate be prohibited from hearing Mr Gaudie's case on the basis of apprehended bias. The ALS also sought a declaration from the Supreme Court that the Magistrate be disqualified from hearing the case on that basis. Johnson J handed down his decision in September 2013 prohibiting the Magistrate from hearing Mr Gaudie's Local Court contravene AVO (DV) hearing at Forbes. The lengthy judgment sets out a number of the important principles and factors to be considered on the question of apprehended bias.

The judgment can be read at: www.caselaw.nsw.gov.au/action/PJUDG?jgmid=167367

Hammond v DPP

This case concerns the question of when a court can convict a person in their absence if they fail to attend court. In July, the appeal was dismissed in the Supreme Court on a technical basis in a way that has left fundamentally unresolved the question of the scope of the power under s196 *Criminal Procedure Act 1986* and whether a court can convict a person in their absence pursuant to that section if they fail to attend court on a mention date. The ALS continues to argue before Magistrates that the scope of the power in s196 is confined to the defended hearing date. The additional power in s190(3) applies on the 'first return date' of the court attendance notice.

The judgment can be read at www.caselaw.nsw.gov.au/action/pjudg?jgmid=165748

Police v Tara McKellar

This case is pending before the Supreme Court of NSW. A hearing date is expected in 2014. This case concerns the right of an accused person to appear in court by a legal practitioner when they (the accused person) are not present at court. Ms McKellar was convicted pursuant to s196 *Criminal Procedure Act 1986* in the Local Court notwithstanding being represented by a legal practitioner on the day of hearing.

RH v Director of Public Prosecutions

This case involved the issue of the proper approach *doli incapax* - the question of when a child aged between 10 and 14 can be found guilty of a criminal offence. The decision was handed down in May and our appeal was dismissed. The ALS is now appealing this matter to the Court of Appeal. A hearing is expected in the new year. The judgment can be read at www.caselaw.nsw.gov.au/action/pjudg?jgmtid=164600

Ratcliff v R

Ratcliff involved an interlocutory appeal against the decision of Freeman DCJ refusing to quash the indictment for two counts of supplying a prohibited drug on the basis that they were offences not known to law. The question for the Court was whether section 109 of the Constitution of Australia means that the NSW offence of supply is inconsistent with the drug law of Australia, and therefore of no legal effect. The appeal was disallowed. The ALS is considering the merits of an appeal to the High Court. The arguments and issues on Appeal are detailed in the judgment for the co-accused Buckman, which can be read at www.caselaw.nsw.gov.au/action/PJUDG?jgmtid=168071

Tenancy dispute service at Fair Trading

There have been recent changes to funding for tenancy services. For information on community based tenancy advice services for tenants, see <http://www.tenants.org.au/>.

From 1 December 2013, NSW tenants, landlords and property managers can use Fair Trading's new dispute resolution service to resolve selected residential tenancy disputes. Fair Trading can assist in resolving disputes about:

- repairs and maintenance
- non-urgent health and safety issues
- alterations and additions
- access to the premises including inspections
- non-compliance with the tenancy agreement
- water saving devices and smoke alarms
- provisions of correct notices
- ending a tenancy
- breaking a lease, and
- condition reports.

If Fair Trading cannot get the parties to agree to a resolution to a dispute, either party may lodge a claim with the CTTT. All other residential tenancy matters not dealt with by Fair Trading will continue to be heard by the CTTT*. For more information go to the [Residential tenancy dispute](#) page on the Fair Trading website. For more information about the free tenancy service you can contact the Fair Trading hotline on 13 32 20.

***Note:** From 1 January 2014, the **NSW Civil and Administrative Tribunal** will be the new one-stop-shop for specialist tribunal services in NSW. The tribunal will take up the work previously dealt with by 23 separate tribunals in NSW, including the CTTT.

Managing Madness

This paper explores the concept of collaborative care, particularly in relation to a range of new models of organisation and service that are emerging in response to one of the most problematic areas of public policy – mental health. These emerging models of coordinated mental health care are testing the limits of the evidence supporting coordinated care, and require critical evaluation.

New organisations and new structures are attempting more holistic management approaches, combining clinical care, community support, housing, employment and other services. This paper considers some of these new models in the light of existing evidence. This review will highlight the key changes that must be made for the benefit of the millions of Australians with a mental illness. Such changes need to empower users of care systems to choose options that actively support coordinated and efficient care delivery systems.

The report can be found at www.journal.anzsog.edu.au/publications/6/EvidenceBase2013Issue3.pdf



Sentencing Council interim report on child sexual assault offenders provided to Parliament

The interim report of the Sentencing Council on standard non parole periods has been delivered to the joint Parliamentary Committee on sentencing of child sexual assault offenders. According to Attorney-General Greg Smith MP, the Committee was established in August to inquire into and report on “whether current sentencing options for perpetrators of child sexual assault remain effective, and whether greater consistency in sentencing and improving public confidence in the judicial system could be achieved through alternative sentencing options”. To view the interim report, go to 'Publications' at www.sentencingcouncil.lawlink.nsw.gov.au

Help us to better understand the needs of women in rural and remote NSW communities by completing this short questionnaire. Responses close 3 January 2014.

Rural Women's Network's new Rural Women Connect (RWConnect) initiative was established earlier this year to create a platform for rural and regional women to voice their needs and concerns to government

An issue of concern to RWConnect is violence against women. They are gathering feedback from women living in rural and remote communities in NSW to help them better understand their needs in relation to services and support in this area. If you're a woman living in rural, regional and remote NSW, they ask you to spend a few minutes completing a short [questionnaire](#). **Access to the survey will close Friday 3 January.** The questionnaire can be found at www.dpi.nsw.gov.au/rwn/rwconnect

Get it in Black and White campaign

The Trustee and Guardian have launched the Black and White Campaign - below are some details about it. The NSW Ageing Strategy aims to help our ageing population to live healthy, active and socially connected lives. A highlight of the strategy is *My life, my decisions* aimed at delivering community education activities to raise awareness and increase the number of people completing Wills, Power of Attorneys and Enduring Guardianships.

The *Get it in Black and White Campaign* has been developed in joint partnership between the Office for Ageing and NSW Trustee and Guardian. The aim of the campaign is designed to start conversations and promote action around the importance of pre-planning by encouraging people to prepare these legal instruments.

The creative feature that will be advertised from November 2013 – March 2014 will spark questions such as:

[Who will speak for you if you can't speak for yourself?](#)

[Who will take care of your kids if something happened to you?](#)

[Who will take care of your finances if you weren't able to?](#)

[Who will inherit your property?](#)

For more information, see www.planningaheadtools.com.au

New unlawful assault laws proposal

The NSW Government is proposing to introduce a new offence to cover situations where an unlawful assault causes death, Attorney General Greg Smith SC said.

“The proposed bill will be based on a Western Australian so-called “one punch law” which carries a maximum penalty of 10 years – the laws I am proposing for NSW will carry a maximum penalty of 20 years imprisonment,” Mr Smith said.

The proposed offence will be similar to that in section 281 of the Western Australian Criminal Code, which states:

- (1) If a person unlawfully assaults another who dies as a direct or indirect result of the assault, the person is guilty of a crime and is liable to imprisonment for 10 years.
- (2) A person is criminally responsible under subsection (1) even if the person does not intend or foresee the death of the other person and even if the death was not reasonably foreseeable.

The offence of manslaughter remains available for assaults where there is a foreseeable risk of serious injury, while the proposed new offence will apply to any assault which results in death.

Supporting Working Parents: Pregnancy and Return to Work National Review

The closing date for online submissions has been extended to **Friday 31 January 2014**. The Commission invites submissions from:

- women who have experienced discrimination while pregnant, and women and men who experienced discrimination while on parental leave, and/or upon their return to work following parental leave;

- organisations that work with women who have experienced discrimination while pregnant, and women and men who experienced discrimination while on parental leave, and/or upon their return to work following parental leave; and
- employers and business and industry associations with experience in managing pregnancy in the workplace, and employees taking parental leave or returning to work after parental leave.

Submissions can be made at the following website: <http://www.humanrights.gov.au/pregnancy-discrimination>

Garnishee Orders

The NSW Ombudsman is currently looking into the operation of s62 of the *Social Security (Administration) Act* which sets out a formula for garnishee orders (GOs) on Centrelink payments.

Where a GO is issued to an employer, under section 122 of the *Civil Procedure Act 2005* (NSW) the debtor must be left with a minimum amount which is currently \$447.70 per week. Where a bank holds an individual's account or accounts they will deduct the money from the debtors account or accounts and pay it to the SDRO. The bank retains a \$13 admin fee for this. There is no legislative equivalent for a minimum amount to be retained.

The SDRO has advised this office that the banks are responsible for calculating the "saved amount" which the GO does not apply to where the individual is a Centrelink recipient. The formula for calculating this amount is set out in section 62 of the *Social Security (Administration) Act 1999* (Cth).

It appears that, depending on where the individual is up to in their payment cycle, they could be left with very little money to meet daily living expenses using this formula. Under the SDRO's discretionary refund policy, an individual in hardship as a result of a GO could apply for a \$100 refund from the SDRO over the phone. If they require more of a refund, they will need to send in supporting documentation to the SDRO.

The Ombudsman is seeking information regarding individuals in receipt of Centrelink payments experiencing hardship as a result of a GO. In particular, we are seeking copies of bank statements from those individuals to provide real life examples of how the formula works.

INFORMATION AND RESOURCES

Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice

A new report by the Australian Institute of Health and Welfare analysed a data set linking three community-sector data collections:

- Supported Accommodation Assistance Program (SAAP) data over 3 years
- Juvenile justice supervision data over 10 years
- Child protection notifications and substantiations in Victoria and Tasmania over 18 and 3 years respectively



The results demonstrated that linking these collections is both feasible and worthwhile, although caution must be used in generalising the findings to date. The key findings were that people with involvement in one of the three sectors are more likely to be involved in another of the sectors than the general population. Detailed results illustrate the linkages. The report can be found at www.aihw.gov.au/publications.

High service users at Legal Aid NSW: profiling the 50 highest users of legal aid services

This study found that 80% of high users of legal aid services were children and young people who were 19 years and under and that 82% of high service users had their first contact with Legal Aid NSW by the time they were 14 years old. There appeared to be a strong relationship between high legal aid service use and experiencing abuse or neglect at home. Nearly half of all high service users (46%) had spent time in out-of-home care, more than half (58%) had experienced homelessness and almost all (94%) had spent time in a juvenile detention centre. Eighty two per cent of high service users had, at one time, been excluded, suspended or expelled from school. The report can be found at www.legalaid.nsw.gov.au/publications/reviews-and-submissions

Oral language competence and restorative justice processes: refining preparation and the measurement of conference outcomes

Restorative justice conferences are meetings between young offenders, their victims and supporters to discuss the offence, its impact and what the young person can do to repair harms



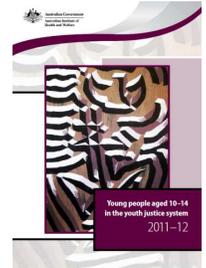
caused by the offending behaviour.

This paper investigates issues around poor language competencies of many juvenile offenders, which can impede their participation in Restorative Justice (RJ) conferences.

The paper suggests ways to tackle potential misunderstanding for both the offenders and the victims. The report can be found at www.aic.gov.au/publications

Young people aged 10–14 in youth justice system at high risk of re-offending 2011-12

Despite being a relatively small group, research indicates that young people aged 10-14 in the youth justice system are at risk of becoming chronic, long-term offenders. This report explores the numbers and characteristics of young people aged 10–14 in the youth justice system, the types of supervision they experience, recent trends, and associated research findings. The report can be found at www.aihw.gov.au/publications.



Review of Division 4, Part 3 of the Law Enforcement (Powers and Responsibilities) Act 2002: face coverings and identification

This review examined how police exercised new powers related to face coverings and identification. It found that police used the new power infrequently and, in general, appropriately. The report recommends that the Attorney-General consider amending the Act to allow for a female officer to be made available, where practicable, to view a woman's face in these circumstances. It also recommends some changes to police policy to better inform officers about good practice when they require that a woman remove her niqab.



The review can be found at www.ombo.nsw.gov.au/news-and-publications/publications/reports/legislative-reviews

Law and disorders: illness/disability and the experience of everyday problems involving the law

This paper draws on the Legal Australia-Wide (LAW) Survey data to examine the relationship between legal problem experience and different types of mental and physical illness/disability. The findings confirm the existence of strong links between the experience of legal problems and long-term illness/disability. The findings provide strong support for the potential utility of integrated legal, health and broader human services.

The report can be found at www.lawfoundation.net.au/publications



Sentencing contradictions: difficulties faced by people living with mental illness in contact with the criminal justice system

This discussion paper looks at some of the sentencing options available to courts in NSW, as well as programs that have been shown to work overseas. It details some Australian and international examples of justice reinvestment and problem-solving justice initiatives that have had positive effects on the communities in which they have been implemented.

The report can be found at www.piac.asn.au/publications

Indigenous Australians and family law litigation: Indigenous perspectives on access to justice

This research aimed to systematically assess the views and experiences of Indigenous litigants involved in family law proceedings. It examined issues relating to Indigenous people's access to justice in the area of family law and considered means by which access might be improved.

The report can be found at www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Publications/





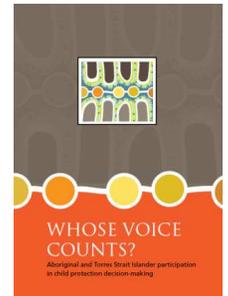
Unfinished business: Koori women and the justice system

This research sought to identify and provide evidence to the Aboriginal Justice Forum to support the implementation of culturally appropriate diversion programs for Koori women. The research found that offending and imprisonment patterns for Koori women differ from those of Koori men. They also differ from those of other women, noting that Koori women's health and wellbeing depends on a strong connection to culture. Thus connection to culture is a crucial protective factor and must lie at the heart of any intervention.

The research found that while a range of successful initiatives have been established in Victoria for Koori men and other groups, there remains a lack of effective diversion options for Koori women. The report can be found at www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications

Whose voice counts? Aboriginal and Torres Strait Islander participation in child protection decision-making

This report analyses current legal, policy and systems effectiveness in enabling the voice of Aboriginal and Torres Strait Islander communities in decisions made for their children. The results highlight significant resourcing and accountability gaps that are limiting genuine participation and identifies reforms needed to ensure the voices of Aboriginal and Torres Strait Islander communities count when decisions are made for their children. It proposes stronger models of cultural advice and support, as well as delegation and transfer of decision-making authority as potential solutions. See the Report at www.snaicc.org.au/policy-advocacy



Crime in context: criminal victimisation, offending, multiple disadvantage and the experience of civil legal problems

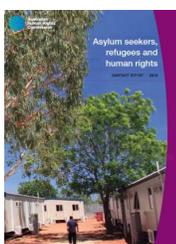
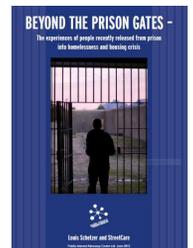
Disadvantaged groups have been found to be particularly vulnerable to civil legal problems. Disadvantage has also been linked with crime victimisation and offending. However, while it has been observed that both crime victims and offenders report particularly high levels of civil legal problem prevalence, the relationship between civil legal problems and crime has received little attention. The report can be found at www.lawfoundation.net.au/publications

What price justice? Income and the use of lawyers

Findings from the Legal Australia-Wide (LAW) Survey indicate that concern about cost only infrequently prevents people from taking action to resolve legal problems. However, the small percentage of people who take no action to resolve severe problems because of cost concerns are characterised by their relative social disadvantage. Nevertheless, once people act to resolve problems, the cost of legal services is a matter of broad concern. The report can be found at www.lawfoundation.net.au/publications

Beyond the prison gates: the experiences of people recently released from prison into homelessness and housing crisis

This report explores the difficulties for people who have recently exited the prison system into housing crisis or homelessness, and for their service providers. An emerging theme was the importance of pre-release exit planning for prisoners, and the need for consistent, integrated case-management that commences pre-release and continues post-release. The report highlighted the need for more resources for non-government agencies assisting ex-prisoners and access to comprehensive information on available accommodation and support services post-release. However, no matter what level of exit planning is undertaken, there remains a serious under-supply of crisis, transitional and social housing. The report can be found at www.piac.asn.au/publications



Asylum seekers, refugees and human rights: snapshot report

This report provides an overview of the key human rights issues that continue to arise from Australia's approach to asylum seekers and refugees who arrive by boat. It reveals a significant gap between Australia's human rights obligations under international law and the current treatment of asylum seekers and refugees. The Commission concludes that Australia maintains one of the most restrictive immigration detention systems in the world. It is mandatory, not time limited, and people are not able to challenge the need for their detention in a court of law. The report can be found at www.humanrights.gov.au/publications/asylum-seekers-refugees-and-human-rights-snapshot-report

Disadvantage and responses to legal problems in remote Australia: a working paper

New analyses from the Legal Australia-Wide (LAW) Survey confirm that high levels of disadvantage are associated with a lower likelihood of taking action and seeking professional advice in response to legal problems, independently of the effects of remoteness. Similarly, lack of awareness of free legal services was associated with lower levels of taking action and consulting legal professionals. Notably, the results also showed that living in more remote areas reduced the likelihood of taking action and seeking professional advice for certain groups of people, over and above disadvantage. The report can be found at www.lawfoundation.net.au/publications

Legal needs overview of the Far South East region of NSW

This report explores the legal needs of socio-economically disadvantaged people in the Far South East Region of NSW and includes: a socio-economic profile of the Far South East; an analysis of service delivery data; an analysis of data on unmet need; and a list of available services in the region. The report can be found at www.lawfoundation.net.au/publications



Review of Legal Aid NSW outreach legal services - stage one: statistical overview of services, 2010-2012

This report provides an overview of advice and minor assistance outreach services provided by Legal Aid NSW between 2010 and 2012.

Findings indicate that there has been an 84% increase in advice and minor assistance provided by Legal Aid NSW through outreach between 2010 and 2012.

As of January 2013 there were 158 outreach clinics, nearly 80% of these being located in rural and regional NSW. The report maps outreach and in-office services provided across NSW.

The report can be found at www.lawfoundation.net.au/publications

Review of the Legal Aid NSW Regional Outreach Clinic Program (ROCP)

The aim of the review was to explore the progress and effectiveness of the Regional Outreach Clinic Program (ROCP), focusing on the 15 ROCP clinics operating during 2011 and 2012, and to make recommendations regarding its improvement.

The review concludes that the strengths of the ROCP model (generalist, private practitioners linked to regional, rural, and remote communities, adding value to those communities, and reaching communities where Legal Aid NSW cannot cost effectively reach with in-house resources) means that there is an important place for the ROCP in providing services in regional NSW within a flexible 'mixed model' of Legal Aid NSW outreach services.

The review can be found at www.legalaid.nsw.gov.au/publications/reviews-and-submissions

The Timeliness Project: background report

This report explores definitions and measures of timeliness in the justice system and examines some of the strategies and innovations that have been used to improve timeliness both in Australia and internationally. It is intended that the report will form the foundation of a forum on timeliness to be convened by ACJI at Monash University on 16–17 May 2014. The report can be found at www.law.monash.edu.au/centres/acji/projects/timeliness

Who is the 'other side' in legal problems and disputes in Australia?

This paper summarises findings from the Legal Australia-Wide (LAW) Survey concerning the 'other side' in legal problems and disputes in Australia. A wide variety of people and organisations were identified by respondents as the other side and varied according to the type of legal problem. The findings further reinforce the fundamental role of access to justice in facilitating effective resolution of the wide range of problems people commonly experience and in promoting well-being throughout the community. The report can be found at www.lawfoundation.net.au/publications

New LIAC video resources – How Law are Made: Parliaments and Courts



Information
about the law in NSW

LIAC recently launched two new video resources, 'How Laws Are Made: Parliaments and Courts'.

The two short (10 minute) films were produced with the assistance of a grant from the Law and Justice Foundation of NSW.

They are a great intro to the Australian legal system that can be used for training but are also relevant for schools, the community legal sector and the general public. Go to www.legalanswers.sl.nsw.gov.au/about/videos.html

Protecting People with Dementia from Financial Abuse

Invitation to Participate

Alzheimer's Australia NSW is conducting research about how to protect people with dementia from financial abuse. The aims of this research are to gain insight into the experience of financial abuse and to identify solutions to reduce the impact and incidence of financial abuse of people with dementia. They are asking people to complete an online survey about their experiences of supporting people with dementia who have been financially abused and suggestions for preventing people with dementia from becoming victims of financial abuse.



The survey can be found at: https://www.surveymonkey.com/s/financial_abuse_of_people_with_dementia

The findings from the research will be reported in an Alzheimer's Australia NSW discussion paper that will provide policy recommendations to Government and practice recommendations for the human service sector.

Comparative Youth Penalty Project (CYPP)

The CYPP is a comparative study of youth punishment between Australia (focusing on NSW, Victoria, Queensland and WA) and England & Wales.

The project aims to analyse developments in the punishment of children and young people over the last 30 years. This is the first in-depth analysis of Australian youth penalty and the first comparative study of youth punishment between these jurisdictions.

The Project seeks to answer the following questions:

- What are the defining features of contemporary juvenile justice penalty?
- How has youth penalty changed since the early 1980s across the comparative jurisdictions?
- How have changing approaches to youth penalty impacted upon particular social groups including racial minorities, Indigenous youth, young women and young people with mental and cognitive disabilities?
- What, if any, jurisdictional differences are to be found in discourses on community safety, the nature of childhood and youth (including child welfare and protection), the appropriateness of rehabilitation and the character of punishment practices for youth?
- How has the development of a human rights framework impacted on penal law, policy and practice as applied to youth? What impact, if any, has a children's rights framework had on differentiating youth justice from adult penal systems?

For more information please visit <http://cypp.unsw.edu.au/>

For more information on the CLSD Program, go to

<http://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/cooperative-legal-services-delivery-clsd-program>

or contact Jenny Lovric on E: jenny.lovric@legalaid.nsw.gov.au or Tel: (02) 9219 5102

