

CLSD e-update

September 2011

CLSD PROGRAM UNIT NEWS

CLSD Planning Meetings

CLSD planning workshops continue across CLSD regions. The CLSD Program has recently held Planning workshops in the Albury, Wagga Wagga, the Central West and the Central Tablelands CLSD regions. Planning workshops for Northern Rivers and Far West NSW regions will be held in September. Partners' participation in these meetings is greatly valued. The CLSD Program Unit is producing "Regional Profiles" for each CLSD region. Please contact the CLSD Program Unit if you would like a copy on clsd@legalaid.nsw.gov.au

CLSD on the web

Legal Aid NSW has just launched its new website (see "Legal Aid NSW News" below). The CLSD Program Unit will shortly upload CLSD e-updates and other material onto the site. Stay tuned.

CLSD evaluation

The CLSD Program Unit, with assistance from the CLSD Steering Committee, has prepared tender documents for an independent Evaluation of the CLSD Program. It is expected that the Evaluation will commence in October/November with a Final Report and Recommendations to be submitted in April 2012. Please contact the CLSD Program Unit if you have any queries on the Evaluation – clsd@legalaid.nsw.gov.au or (02) 9219 5102.

CLSD PROJECTS

Financial Counselling Services and Nowra Legal Aid at Nowra Correctional Centre

The CLSD Program has funded a year long pilot which involves a Legal Aid civil solicitor attending the newly opened Nowra Correctional Centre with a Financial Counsellor from Life Line South Coast Financial Counselling Services each fortnight. The aim is to provide a multi faceted service to inmates to ensure the most appropriate and timely assistance is given in dealing with debt matters.

Discrimination Toolkit Workshops roll out

Following successes in the Northern Rivers, the *Discrimination Toolkit Workshops* for Aboriginal community workers have commenced their roll-out across NSW! Fiona Pace and Meredith Osborne from Legal Aid NSW have been working with Aboriginal community representatives in the Hunter to present 2 workshops in August. Planning and development of the Newcastle workshops was strongly supported by Anita Barker and Dianne Newman from the Newcastle and Toronto Aboriginal Community Justice Groups. We hope that the Discrimination Workshops will roll out across a few more CLSD regions by the end of the year.

LEGAL AID NSW NEWS

New Legal Aid NSW website

Legal Aid NSW has a new website! The website is much easier to navigate and provides clear pathways for the public who need legal help, for lawyers who do legal aid work, and for organisations who want to know what we do. A strong emphasis has been placed on accessibility, particularly around the use of plain English. There is a link to LawAccess NSW on every page for people who aren't sure about where to go to get legal help.

The website has some great new features that are worth having a look at.

- Users can enter a postcode to find Legal Aid NSW services in their local area, including outreach services - [http:// www.legalaid.nsw.gov.au/get-legal-help/find-a-service](http://www.legalaid.nsw.gov.au/get-legal-help/find-a-service). This is a fantastic way to improve referrals to Legal Aid. (If you need to update any of this information send an email to referrals@legalaid.nsw.gov.au).
- FAQs about legal advice, help at court and applying for legal aid provide answers to commonly asked questions
Advice - <http://www.legalaid.nsw.gov.au/get-legal-help/advice>
Help at court - <http://www.legalaid.nsw.gov.au/get-legal-help/help-at-court>
Applying for legal aid - <http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid>
- Search for our factsheets and resources by language and by topics such as courts, debt and families - <http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources>
- An easy to use A to Z guide to our policies provides a starting point for people wanting to know the types of legal issues that we might provide legal aid for
<http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid/policy-easy-guide>
- Search for panel lawyers by postcode, town or suburb
<http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid/panels-database>

New Sexual Assault Communications Privilege (SACP) Unit at Legal Aid NSW

In 1997 NSW became the first jurisdiction in Australia to specifically protect the confidentiality of the counselling records of complainants in sexual assault matters. A specific category of legal privilege was established to prevent the counselling records of sexual assault complainants from being used in a court unless the court was able to find that it was in the public interest to do so. Since the commencement of the legislation in 1997 many complainants have had to rely on assistance from community legal centres and pro bono lawyers to assert the privilege and defend access to counselling records.

During 2009-10 Women's Legal Services NSW in partnership with the Office of the Director of Public Prosecutions and a number of pro bono law firms provided limited services to complainants through the SACP Pro Bono Referral Pilot Project. The Pilot Project operated at Sydney District Court only and assisted a small number of complainants to assert the sexual assault communications privilege.

In December 2010, the *Criminal Procedure Act 1986* was amended to strengthen the sexual assault communications privilege. As part of this legislative reform, the Government also announced funding, over four years, for Legal Aid NSW to establish a specialist service to provide legal advice and representation to sexual assault complainants in subpoena applications.

The functions of the SACP specialist service will include:

- providing duty solicitor services for SACP matters on subpoena list days in Sydney metropolitan and outer metropolitan registries;
- establishing and coordinating a practitioner's panel to provide legal representation to complainants including in subsequent interlocutory proceedings;
- coordinating SACP education to judicial officers, court staff, government and non-government agencies; and
- working with the practitioner panel, Women's Legal Services and DPP to provide ongoing legal policy advice regarding the SACP.

Legal Aid NSW will establish the service in consultation with the District and Local Court, the Office of the Director of Public Prosecutions, Women's Legal Service NSW, Crown Solicitors and pro bono lawyers.

For its first year, the service will be delivered by way of grants of legal aid to experienced private lawyers and barristers. It is expected to be operational from 1 October 2011.

New "Law for Community Workers" workshops in regional NSW

Legal Aid NSW's Community Legal Education team are developing and rolling out more *Law for Community Workers* sessions, some of which will be rolled out in regional NSW. Sessions are currently underway in the Hunter region. Courses are being developed for the South Coast and Riverina regions as well. Contact the CLE team at Legal Aid NSW on cle@legalaid.nsw.gov.au or your CLSD Regional Coordinator for more information. Or watch the Legal Aid website at <http://www.legalaid.nsw.gov.au/what-we-do/workshops/law-for-community-workers>

Information sessions Apprehended Domestic Violence Orders for defendants in some Local Courts

Legal Aid NSW provides free information sessions to defendants in apprehended domestic violence applications at some local courts on the day the application is being heard. The free 15 minute sessions cover:

- who can apply for an Apprehended Domestic Violence Order?
- what is an Apprehended Domestic Violence Order?
- options for defendants in dealing with an Apprehended Domestic Violence Order application
- reading and understanding the application
- possible conditions imposed under an Apprehended Domestic Violence Order
- who can be protected by an Apprehended Domestic Violence Order?
- what are the ramifications of a Court imposing an Apprehended Domestic Violence Order?
- what are the penalties should an Apprehended Domestic Violence Order be contravened?
- variations and revocations of Apprehended Domestic Violence Orders.

Defendants should bring any papers served on them along to the session. The sessions are held at a number of local courts around NSW. **Clients don't need to book**, just turn up at court at the advertised time on the day.

Times vary between courts. Services being offered in CLSD regions include:

- **Dubbo Local Court**, Jury Room, Brisbane Street, Dubbo. Every second Wednesday, 11.35am - 11.50am; Dates in 2011: 31 Aug, 14 Sep, 28 Sep, 12 Oct, 26 Oct, 9 Nov, 23 Nov, 7 Dec, 21 Dec.
- **Newcastle Local Court**, Chamber Magistrate's waiting room, Church Street, Newcastle. Every Tuesday, 9.10am - 9.25am, Dates in 2011: 30 Aug, 6 Sep, 13 Sep, 20 Sep, 27 Sep, 4 Oct, 11 Oct, 18 Oct, 25 Oct, 1 Nov, 8 Nov, 15 Nov, 22 Nov, 29 Nov, 6 Dec, 13 Dec.
- **Wagga Wagga Local Court**, 49 Fitzmaurice Street. Every second Tuesday, 9.15am - 9.30am. Dates in 2011: 30 Aug, 13 Sep, 27 Sep, 11 Oct, 25 Oct, 8 Nov, 22 Nov, 6 Dec, 20 Dec

Visa Cancellation/deportation project

Under the Migration Act the Department of Immigration can cancel the visa of a permanent resident if they have a substantial criminal record. This essentially means serving a sentence of more than 12 months (not necessarily a custodial sentence). A *Notice of Intention to Cancel* is sent with an invitation to make submissions as to why a person should not be deported. If the Department decides to cancel the visa, an appeal lies to the Administrative Appeals Tribunal. If the decision to cancel the visa stands, the resident will be deported.

The civil law division has been very successful in assisting many prisoners (and ex prisoners) in this situation, especially those who:

- have been resident in Australia for many years,
- can demonstrate a low risk of reoffending and/or have significant mental health or drug and alcohol issues, or other strong mitigating factors,
- have family including children in Australia, and
- have little or no connection to their country of origin.

To meet the overwhelming demand for assistance in these matters, Kingsford Legal Centre (KLC) and the Public Interest Law Clearing House (PILCH) have joined forces with Legal Aid NSW. It is very important that a resident is referred for assistance as soon as they receive the Notice from the Department of Immigration.

If you have any questions or would like further information, please email Lyn Payne in the Civil Law Division at Legal Aid NSW on (02) 9219 5000.

SECTOR NEWS & REPORTS

ASIC Mortgage Health Month

In September 2011, the Australian Securities and Investments Commission (ASIC) will launch *Mortgage Health Month* to encourage consumers to take early action when they spot the signs of mortgage stress.

ASIC's MoneySmart website includes practical information for consumers facing various levels of mortgage stress, short video guides, tools such as a budget planner and mortgage calculator and guides to obtaining help from free financial counsellors and legal services.

Mortgage Health Month seeks to motivate consumer action through a series of online video clips showing *Real Stories about Real People*. It also offers a simple online Mortgage Health Check.

Consumers will be encouraged to take action appropriate to their particular situation, for example go to ASIC's MoneySmart website to:

- check where your money is going – use the MoneySmart budget planner to create a budget at <http://www.moneysmart.gov.au>;
- talk to your lender, or if that doesn't solve the problem, to an External Dispute Resolution scheme such as the Financial Ombudsman Service;
- seek assistance from a free financial counsellor by calling the national telephone advice service (1800 007 007); and
- seek legal advice by using MoneySmart to locate services available.

Other specific actions relevant to the consumer's circumstances will be identified on the web site. Brochures, referral information and web site copy will be provided to the *community service providers* that consumers are most likely to consult when faced with life events that are known triggers of mortgage stress.

For more information about Mortgage Health Month check the MoneySmart website (<http://www.moneysmart.gov.au>), follow @MoneySmartTeam on Twitter or like the MoneySmartAU Facebook page.

New resources on FINES available on LawAssist

Resources for people involved in fines matters have been added to the LawAssist website. There is information about the options available when a person receives a fine, including information about how to ask for a review and payment options. The site also provides information for people who have elected to challenge their fine in court and information about driver's licence suspensions. The site has step-by-step guides to preparing for hearings and appearing in court. There are also sample forms and instructions for preparing submissions and character references.

LawAssist is a website developed by LawAccess NSW. You can view the new fines materials at: http://www.lawlink.nsw.gov.au/Lawlink/lawaccess/ll_lawassist.nsf/pages/lawassist_fines

If you have any questions about LawAssist or would like to provide feedback about the site, please contact Rita Bhattacharya on (02) 8833 3104 or Rita_Bhattacharya@agd.nsw.gov.au.

Survey about police complaints now open

Lawyers, advocates and client support workers are invited to participate in a confidential online survey on perceptions and experiences of the police complaints system in NSW.

The results will be used to inform improvements to the current system. The project is being conducted by Community Legal Centres NSW together with Professor Jane Goodman-Delahunty at Charles Sturt University. The survey will take 10-20 minutes. The researchers are interested in your views, whether or not you are familiar with the police complaints system.

To find out more, and to participate in the survey, please click here:
<http://www.csu.edu.au/faculty/arts/agsp/research/complaints-survey/>

The survey is open to lawyers, social workers, youth workers, domestic violence support workers and other client advocates in the community and social sector. Please consider forwarding this request to your contacts.

Fly in Fly Out Inquiry – House of Representative Inquiry

The House of Representatives Standing Committee on Regional Australia has launched an inquiry into the experience of fly-in, fly-out (FIFO) and drive-in, drive-out (DIDO) workers in regional Australia.

The Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean, has asked the Committee to look into a range of issues, including:

- the extent and projected growth of FIFO/DIDO work practices;
- the impact of FIFO/DIDO on individuals, communities and companies;
- long-term strategies for economic diversification in towns with large FIFO/DIDO workforces;
- provision of services, infrastructure and housing availability for FIFO/DIDO employees

Submissions close on 7 October 2011 and the Committee is keen to hear from a wide range of individuals, groups, communities and employers involved in FIFO/DIDO operations. The Committee will also be travelling throughout regional Australia to hold public hearings and meet with people involved with FIFO/DIDO. For more information on the Inquiry see: <http://www.aph.gov.au/house/committee/ra/fifodido/index.htm>

Inquiry into Telcos by ACMA – draft report & recommendations

After a year-long inquiry into Telco customer service and complaints-handling, the Australian Communications and Media Authority (ACMA) released its draft ***Reconnecting the Customer (RTC)*** report in early June 2011. Five research reports commissioned by the ACMA were launched at the same time.

The ACMA's draft report acknowledges that for far too long consumers have suffered significant detriment and this must be urgently and adequately addressed. The Consumer's Federation of Australia and its member the Australian Communications Consumer Action Network (ACCAN) broadly welcome the ACMA's recommendations that follow the lifecycle of a consumer's relationship with a telco from advertising, to point of sale, through to customer service, credit management and complaints-handling.

ACCAN also says regulation is required for certain areas, including:

- banning confusing terms such as 'cap', 'unlimited', 'free', 'no exclusions' and similar terms;
- standardised unit pricing for call and data costs;
- compulsory spend-management tools so consumers are able to monitor their spending in real time and nominate their own maximum spending limits;

- if a service provider does not provide spend management tools, they are limited to recovering a maximum of 30% above the contracted (plan) price;
- complaint-handling processes;
- advertisements, critical information statements, contracts and any correspondence with consumers be in accessible formats.

ACCAN says the strength of the final ACMA recommendations will only be as good as the compliance measures and enforcement tools with which the regulator has to work. To read the Report and submissions into the Inquiry, see http://www.acma.gov.au/WEB/STANDARD..PC/pc=PC_312222

New after hours GP helpline

The Australian Government has introduced a new after hours GP helpline. People who require after hours medical advice, who cannot access their usual GP and are not sure what they should do, can now speak to a GP over the telephone, when necessary. When a person calls the new helpline, their call will be answered by a registered nurse who will triage the caller. If necessary, the nurse will transfer the person to a GP on the telephone. The GP will talk with the person, assess their condition, make a diagnosis and provide medical advice.

The new service is intended for people whose health condition cannot wait for treatment until regular general practice services are next available, cannot see their usual GP out of hours, do not know where to access after hours care or are not sure what they should do. Depending on their condition, the caller may be provided with self-care advice by the telephone-based nurse or GP, or may be referred to the most appropriate health services in their local area.

The helpline is accessible during the after hours period from 6pm to 8am Monday to Friday, 6pm Friday to 8am Saturday, from 12 noon Saturday to 8am Monday, and all day on public holidays. People living in the Australian Capital Territory, New South Wales, Northern Territory, South Australia and Western Australia are able to access the helpline by calling healthdirect Australia on 1800 022 222. Calls to this number will be free from a landline. For more information see <http://www.yourhealth.gov.au/gphelpline>

Trends and patterns in domestic violence assaults - 2001-2010

This report from the Bureau of Crime Statistics describes current trends in domestic violence and factors associated with reporting offences to police in NSW. It concludes that while the incidence of domestic assault has been stable across the last 10 years, it continues to be problematic at certain times, in certain places and particularly in some Indigenous communities. Efforts to increase reporting of assault may be best targeted at the subgroups identified in this report who are currently less inclined to report assaults to police.

Nineteen out of the top 20 NSW Local Government Areas for domestic assault are in rural or regional NSW according to a new report on domestic assault released today by the NSW Bureau of Crime Statistics and Research.

The top LGA for domestic assault was Bourke, with a recorded rate of domestic assault of 3,702 per 100,000 population. The only urban LGA found in the top 20 in 2010 was Campbelltown, which had a recorded rate of domestic assault of 680 per 100,000 of population.

The majority (86.4%) of incidents of domestic assaults occurred on residential premises. The peak days for domestic assault are Saturdays (17%) and Sundays (19%). The peak time is between 6pm and 9pm (15%). Forty-one per cent of all incidents of domestic assault are alcohol related. This percentage varies, however, from a low of 35 per cent in the Sydney Statistical Division to a high of 62 per cent in the Far West Statistical Division

The overrepresentation of Indigenous Australians as both victims and offenders of domestic assault has not changed over the last decade. The rate of recorded domestic assault for Indigenous women is more than six times higher than for non-Indigenous women. Although males make up the largest proportion of offenders (82%) a surprisingly large percent of offenders are female (18%). A surprising 20 per cent of all victims of recorded domestic assault are aged 10-24 yrs.

Less than half of all respondents who had been the victim of a domestic assault in the previous 12 months reported the incident to the police. Older victims, those who were married and victims of assaults that did not involve weapons or serious injury were less likely to report to police.

For the full report, see

[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb61.pdf/\\$file/bb61.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb61.pdf/$file/bb61.pdf)

RESOURCES

What's the Law? – Australian law for new arrivals DVD and training

What's the Law? is a flexible education resource for newly arrived migrants who are developing English language skills. The education kit includes a DVD with 10 photo stories, information for teachers and student activity sheets. The package is aimed at students of Certificate of Spoken and Written English (CSWE) Levels 2 and 3, and may be accessible to students in high Level 1. The package can also be used in community settings with culturally and linguistically diverse communities.

What's the law? Can help newly arrived migrants to get basic information about some common legal issues and identify legal problems and learn how to get free legal help.

Topics covered include: the legal system, driving, car accidents, buying a car, police, renting, Centrelink, child protection, family law and family violence.

Legal Aid NSW is providing free workshops designed to provide teachers, tutors and community workers with the knowledge and confidence to use the kit. The workshops cover key legal concepts, how to deal with legal questions, making legal referrals and where to find more information.

Ten workshops are scheduled in Sydney, Parramatta, Chatswood, Hurstville, Bankstown, Wollongong, Newcastle, Gosford and Coffs Harbour between October and December 2011.

For more information about the workshops, contact the Coordinator Community Legal Education at cle@legalaid.nsw.gov.au or phone 02 9219 5921. You can order free copies of the kit online at www.legalaid.nsw.gov.au/pubsonline or phone 02 9219 5028. You can also watch the DVD online and download the teacher information and student activity sheets at www.legalaid.nsw.gov.au/education.

New CALD resources from the CTTT

The Consumer, Trader and Tenancy Tribunal (CTTT) is launching a strategy and resources for culturally and linguistically diverse (CALD) community members in early September.

Resources will include translated resources about how to prepare for a hearing and conciliation, representation at hearings, and a range of other information translated into 8 community languages including Arabic, Chinese, Dinka, Farsi, Korean, Spanish, Swahili and Vietnamese. An information session will be held at the launch for community workers to gain knowledge about the CTTT's dispute resolution service to help assist clients from diverse communities. The resources will be available on the CTTT website at <http://www.cttt.nsw.gov.au/default.html>

Law & Justice Foundation e-newsletters

The Law & Justice Foundation puts out a number of electronic newsletters on justice sector initiatives. See information below about each resource and sign up!

[JARA : Justice Access Research Alert](#)

A bimonthly e-newsletter covering current research and initiatives in access to justice, with a particular focus on economically and socially disadvantaged people

[Law and Justice Foundation e-bulletin](#)

An electronic update on the Foundation's activities including research projects, the Justice Awards, the grants program and publications

[Plain Language Law Newsletter \(PLL\)](#)

A bimonthly e-newsletter for anyone interested in plain language legal information and education initiatives

[JARA : Justice Access Research Alert](#)

A bimonthly e-newsletter covering current research and initiatives in access to justice, with a particular focus on economically and socially disadvantaged people. The latest JARA includes, amongst other things, description and link to reports on juvenile and indigenous justice and new reports on legal needs research in the United Kingdom.

NEW LEGAL AID RESOURCES

Best for kids – COMING SOON!

Best for kids will provide community legal education resources around the basic principal in the family law, concerning the best interests of children. The resources are in the form of 4 short digital film clips and a website. The film clips address how mediation works, common myths about shared care, and provide information for parents, grandparents and children about the role of the Independent Children's Lawyer. They will be mainly an electronic resource with limited availability of hard copies. They will be on You Tube, the Legal Aid website and also on a purpose built website called ***Best for Kids***. This website will also have links to other sites for further information, and interactive features about mediation and courts. It will be up and running in around 6-8 weeks.



Speaking Out: Planning for later life decision making - with the Benevolent Society



New Legal Aid NSW brochures for Aboriginal people



Legal Aid NSW has a new suite of brochures for Aboriginal people. See some of them below:



These publications can be downloaded or ordered at <http://www.legalaid.nsw.gov.au/publications>

Fined Out – updated booklet and brochure available.



Any of these publications can be downloaded or ordered at <http://www.legalaid.nsw.gov.au/publications>