

Legal Aid NSW Civil Law Division

INTRODUCTION

The Civil Law Division (the Division) has 179 staff and a presence in all regional offices. In addition, there are over 170 civil law outreach services located in Aboriginal, CALD and regional and remote communities throughout NSW. In 2017/2018 the Division provided a total of **59,675 legal assistance services**.

The NSW Law and Justice Foundation identifies civil law problems as the greatest areas of unmet legal need in New South Wales (and nationally). In response to overwhelming demand for assistance, The Division prioritises legal problems that are known triggers to contact with the criminal justice system, family breakdown, or homelessness. Priority is also given to legal issues that are systemic or impact disproportionately on disadvantaged communities.

Areas of civil law and Specialist Services

The Division's structure includes specialist and generalist teams.

In-house civil lawyers practice in the following areas of law:

- Housing and Homelessness (including social housing);
- Employment;
- Debt (including mortgage stress and unpaid fines);
- Discrimination and Police Torts;
- Guardianship and Mental Health;
- Social Security, Veteran's, NDIS and Immigration;
- Consumer Protection; and
- Insurance and Disaster Recovery.

The Division employs specialist lawyers in these areas, who focus on complex or novel matters, particularly those that can bring about systemic change.

The Civil Law Division also dedicates resources to specialist legal services as follows:

- Mental Health Advocacy Service: for people subject to involuntary detention and/or treatment and forensic matters;
- Coronial Inquest Unit: providing representation in inquests that have public interest including deaths in custody, immigration detention, and children;
- Civil Law Service for Aboriginal Communities: providing civil law legal services and support to remote and regional Aboriginal communities;

- Work and Development Order (WDO) Service: providing a state-wide service to expand and support the WDO Scheme in partnership with the Department of Justice and Revenue NSW;
- Sexual Assault Communications Privilege Service: for sexual assault victims seeking to protect the confidentiality of their counselling notes;
- Children's Civil Law Service: for young people who are disadvantaged and have complex needs; working with young people in out of home care and including a duty service at the Youth Koori Court; and
- Refugee Service: for newly arrived refugees from Syria and Iraq located in SW Sydney.

Innovative service delivery within the civil law division

Housing and Homelessness

The Civil Law Division operates outreach clinics in 58 locations for people who are homeless or at risk of homelessness. Lawyers resolve legal issues that contribute to homelessness (such as debt, disputes with landlords or social housing providers, and disputes with Centrelink). They work closely with health and other social support services to provide an integrated response to break the cycle of homelessness.

Fines

The Work and Development Order (WDO) Service helps government and non-government organisations and health practitioners to become approved WDO sponsors. Lawyers also provide fines advice and facilitate WDO placements.

At 30 June 2018, 102,635 WDOs have been undertaken by vulnerable clients across NSW, clearing more than \$124 million in outstanding fines debt. Over 2600 service providers are now participating in the scheme and have integrated WDOs into their regular operations.

Civil Law Service for Aboriginal Communities (CLSAC)

The Civil Law Division operates a dedicated Civil Law Service for Aboriginal Communities (CLSAC). CLSAC has a regular presence in more than 15 communities across NSW, and also provides a service to Aboriginal women at Silverwater Correctional Centre.

CLSAC provides advice, minor assistance, community legal education and casework services in an environment, and in a way, that is accessible and responsive to the needs of Aboriginal people. CLSAC lawyers provide a holistic service to help Aboriginal people with a range of civil law problems including housing, consumer and Centrelink issues. CLSAC also maintains a telephone advice line for Aboriginal clients. The focus is on legal issues that are systemic (such as inappropriate funeral

funds) or issues that often lead to contact with the criminal justice system (such as unpaid fines, housing issues and debt).

Refugee Service and Immigration Outreach

The Refugee Service is for newly arrived refugees from Syria and Iraq and funded for 4 years under the NSW Government Refugee Settlement Program. It is a multi-disciplinary service (with civil and family lawyers and a community development officer). There has been a 500% increase in numbers of newly arrived refugees and migrants in Fairfield, 78% having no English language and 15% poor language.

Immigration outreach services are also located in areas where there are high numbers of people from migrant communities seeking advice in relation to migration law. These services were evaluated by the NSW Law and Justice Foundation and found to be highly successful in engaging and servicing disadvantaged CALD communities.

Disaster Recovery

Legal Aid NSW is the NSW Government's lead agency to provide legal services to people affected by disasters such as bush fires and floods. This requires an in-house presence wherever a disaster recovery centre is established. Assistance is given in relation to insurance claims, credit commitments, and tenancy, employment and social security issues.

Children's Civil Law Service

The Children's Civil Law Service (CCLS) provides a targeted legal service to young people identified as having complex needs. The CCLS is a multi-disciplinary team, supporting both the young person's legal and welfare needs working in collaboration with criminal lawyers within Legal Aid NSW, the Aboriginal Legal Service NSW/ACT and Shopfront Youth Legal Centre.

The CCLS aims to resolve issues that contribute to negative outcomes and contact with the criminal justice system. The service also addresses systemic issues that contribute to young people being brought before the criminal justice system.

Since May 2015, the CCLS has worked in partnership with the ALS in providing a dedicated duty service within the **Youth Koori Court** pilot at Parramatta Children's Court. The results include eliminating debt, preserving housing and ensuring access to statutory entitlements for young people leaving care. These are young people who would otherwise be unlikely to access legal services in civil law.

In 2016 Legal Aid worked with other stakeholders to develop a state-wide protocol around minimising the use of police for young people in residential out-of-home care (the Protocol). The CCLS has been able to utilise the Protocol as a tool for our

clients to help reduce contact with police and help preserve a young person's placement.

Health Justice Partnerships and community hubs

The Civil Law Division is involved in a range of health justice partnerships and community hubs. These partnerships are delivered at a range of locations including public housing estates, Aboriginal health services and in treatment settings for drug and alcohol addiction eg. methadone clinics and residential rehab services.

NDIS

The Division has established a specialist NDIS service which represents people with disabilities in complex and novel cases at the AAT, and provides training to lawyers and community advocates in relation to the operation of the Scheme. Since 1 July 2017 we have taken on 138 NDIS appeals in the AAT.

NCAT Appeals service

The NCAT appeals service represents tenants at the Appeal Panel of NCAT as well as providing a duty advice service. More than half of calls relate to eviction orders. Tenants can call the service on 9219 5800.

Prisoners

The Civil Law Division has a strategic plan for prisoners to target civil law services to prisoners identified as at high risk of re-offending, and to resolve legal problems that contribute to this risk (such as housing, unpaid fines and debt). The plan includes participating in a pilot program of integrated services specifically designed for high risk offenders identified by BOCSAR. In 2017/2018 Legal Aid provided advice and minor assistance to 3172 prisoners. 16% of these clients identify as having a disability.

The Division also has a presence in all eight High Intensity Program Units.

The Civil Law Division is also involved in a joint project with PIAC called the Prison Health Project. The project was established to address the systemic practices impacting on the provision of health care services in NSW Correctional Centres and has a number of aims: to improve access to quality and timely medical services, identify and address systemic issues that contribute to the lack of access to and standard of health care provided to people in custody, and raise public aware of the lack of access. Individual advocacy is being undertaken for some inmates, and over 100 referrals have been made to the project from within Legal Aid NSW and ALS. A report will be published in September 2018.