

## CLSD Program Quarter 3 2020

DATE: 15 October 2020

CONTACT: Kate Halliday CLSD Program Manager, Legal Aid NSW [kate.halliday@legalaid.nsw.gov.au](mailto:kate.halliday@legalaid.nsw.gov.au) 02 9219 6399.

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

All Quarter 3 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 for these regions are available on the [CLSD Program website](#) to assist with planning meetings.

To support the facilitation of these planning meetings in a shorter, online format, each regional coordinator conducted consultations with their legal and non-legal service partners beforehand which, when combined with the regional profile, provide a comprehensive summary of the strengths, challenges and opportunities in the region. A consultation summary is included below for each region that held a planning meeting this quarter.

The CLSD Program [website](#) has a dedicated page for each region which has 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.

### ***Support for people leaving prison: reducing the risk of reoffending***

Legal Aid NSW made a [submission](#) to an inquiry by the Independent Pricing and Regulatory Tribunal into regional bus fares. The submission was informed by concerns raised at the Wagga Wagga CLSD Program partnership regarding the barriers experienced by people who have recently left prison in getting access to concession fares for public transport. Our submission highlights that in 2019 11 803 people were released from prison; 3626 of these people were Aboriginal or Torres Strait Islander, and advocates for changes to eligibility for concession fares so that people are automatically eligible for a concession fare if they hold a Commonwealth health care or pension card. This would overcome the need for them to make a separate application to Transport NSW for a transport concession card which is only valid for up to 90 days.

The CLSD Program Unit has obtained information from Revenue NSW regarding the offences contributing to fine debt in some regions. Infringement notices for transport offences contribute significantly to fine debt in the Moree, Central West and Kempsey Nambucca regions.

### ***Cut It Out Domestic and family violence workshops for salon professionals***

On Wednesday 19 August, Attorney-General and Minister for the Prevention of Domestic Violence, Mark Speakman, launched Cut It Out, a program of workshops for salon professionals on domestic and family violence in Nowra. Shoalcoast Community Legal Centre, the CLSD Program Regional Coordination Service for the South Coast region, organised the launch which was held at Scruples Hair and Beauty Salon in Nowra.

*Cut It Out* will support workshops in five CLSD Program regions: South Coast, Hunter, Central Coast, Albury and Wagga Wagga. The workshops will be facilitated by the CLSD Program regional coordinator in partnership with local legal and domestic violence services. The workshops will offer information in an informal way to empower salon professionals to better recognise domestic and family violence and make appropriate referrals.

We would like to acknowledge the work done by our Hunter CLSD Program regional coordinator, Seema Sanghi, in facilitating the 'pilot' workshop in Newcastle in 2019 which led to this program, the inspiration provided by the Eastern Domestic Violence Service's HairR- 3Rs training program for salon professionals and funding support from the NSW Department of Communities and Justice.

The CLSD Program Unit has developed promotional material for the workshops including postcards and posters for salon professionals to accompany the program of workshops.

#### ***How to stick to your order – information for defendants to ADVOs***

The pocket guide "How to stick to your order" for defendants to apprehended domestic violence orders has been re-printed with generous financial support from the NSW Bar Association and distributed to the CLSD Program Regional Coordinators. Demand for the brochure has been high and the following feedback from our Albury CLSD Program regional coordinator indicates the broad interest in the resource:

*I spoke with Jane from the Bega Women's Resource Centre who is interested in getting copies of the How to Stick to Your Order booklet. She had hoped to print it but couldn't do it!*

*She said the reason they wanted copies was for women to give to their ex-partners to help them understand what they can and can't do. They said people could relate to the scenarios and it was easy to understand and the first time they had seen something that might help.*

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.

#### ***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 in regional and rural NSW. The rate of domestic violence related offending in the regions - domestic violence assault, intimidation and stalking, breach of apprehended domestic violence orders - is 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 AVOs 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.

Some regions, 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.

CLSD Program regional partnerships have responded creatively to unmet needs in their regions for improved referrals, legal information and legal advice for both victims and perpetrators of domestic violence. New legal advice clinics were established in Cowra and Lithgow to meet identified gaps in legal services. The Albury CLSD Program partnership initiated the 'How to stick to your order' brochure which has now been distributed state-wide and the Cut It Out program of workshops will work with salon professionals to improve referrals for victims of domestic violence. The CLSD Program also supported the Western Women's Legal Support in Dubbo to finalise a referral resource focusing on the needs of domestic violence survivors and the Tweed Shire Domestic Violence Integrated Response Committee to publish the NSW cross border edition of the Purple Book – a domestic violence community resource.

## CLSD PROGRAM REGIONAL PARTNERSHIPS

### ALBURY

*Quarter 3 Meeting – 26 August*

Presenters at the Q3 meeting:

- Jenny Rawlings, Department of Communities and Justice, Senior Client Service Officer, Private Rental Brokerage Service
- Heidi Bradburn, Justice Connect, Elder Abuse TeleHealth partnership with Murrumbidgee LHD
- Jesmine Coromandel, Manager WDVCAS and Stacey Telford, SAM Coordinator
- Julie Bye, EWON

The CLSD coordinator and Suzanne Beddowes (Intereach Albury) spoke about a project idea to hold a series of online talks with specialist services for community workers in Albury and surrounding areas who are working with vulnerable people who have been impacted by covid-19. The talks would be from services like financial counsellors, domestic and family violence services, lawyers and mental health practitioners. Partners supported the idea so planning will continue.

Services discussed the impact of the border closure on the community and the complexity of the rules governing exceptions and permits. Legal services indicated that the number of referrals about issues resulting from the border closure have been low and stressed the importance of identifying these issues as legal issues and referring to local legal services.

Following the launch of the *Cut it Out* project by the NSW AG, the CLSD coordinator will aim to hold a workshop for salon professionals on responding to family and domestic violence in Albury by the end of this year. The CLSD coordinator is also creating a service map of Deniliquin and has approached Yarkuwa about their interest in hosting another wills clinic in 2021.

### CENTRAL COAST

*Quarter 3 Meeting – 5 August*

In response to a request from program partners earlier in the year the regional coordinator organised for a speaker from the Australian Centre for Disability Law (ACDL) to present at the meeting. ACDL made new connections with partners from Regional Youth Support Services (RYSS) and Samaritans. Partners also suggested that it would be worthwhile for ACDL to participate in the Central Coast mental health interagency meeting.

Kylie Hyde, who is in a new role as the Senior Disability Solicitor with Mid-North Coast Community Legal Centre provided an overview of her position and how she and her network of disability advocates can support people with disability on the Central Coast.

CLSD partners are responding to a request from the manager of Baxter Detention Centre for law health check training for their staff, which will be delivered by Central Coast Community Legal Centre or Legal Aid NSW. A working group has been formed to progress facilitating referrals for civil or family law assistance.

Partners agreed to hold training for people who would like to be available as support people for young people during police interviews as soon as possible and likely online given that Covid-19 hasn't stopped young people being arrested and interviewed by police. The Central Coast Community Council

would like to incorporate training into their regular interagency meetings and expressed interest in this training package.

The Central Coast CLSD partnership will coordinate two Cut It Out workshops for the Central Coast.

## CENTRAL TABLELANDS

### *Quarter 3 Meeting – 18 August*

The meeting focused on services for people with disability that are available in the region. Partners heard from:

- Sifa Mitago, Senior Solicitor, Your Story Disability Legal Support
- Margot Morris, Principal Solicitor, Intellectual Disability Rights Service (IDRS)
- Mark Patrick, Principal Solicitor, Australian Centre for Disability Law

The availability of family law advice for victims of domestic and family violence at Cowra, Orange, Parkes and Forbes Local Courts is a significant concern of this partnership. The Domestic Violence Practitioner Scheme does not operate in the Central Tablelands region and partners report that the demand for legal assistance far outweighs the availability of legal advice in these locations. Legal Aid NSW Orange plan to meet with the WDVCS in the region to discuss how to approach the shortfalls.

The IDRS has identified that people with cognitive impairment living in group homes are being charged by police because of the way that they use technology, often stemming from additional social isolation as a result of Covid-19. One of the youth services at the meeting noted that they are seeing this as well. IDRS is developing a training package for people with cognitive impairment about how to use technology in a healthy way that will be available in the region shortly.

## CENTRAL WEST

### *Quarter 3 Planning Meeting – 3 September*

#### *Consultation Summary*

- Services reported that the reduction in face-to-face services as a result of covid-19 has significantly impacted people's ability to access and engage fully with legal services and processes, particularly in outreach locations. It was reported that many people don't have access to a computer and the internet and/or they don't know how to navigate online guided pathways and court systems, like filing for divorce.
- Technology aside, understanding and completing paperwork is also a significant barrier to obtaining legal help. Clients have difficulty understanding Legal Aid forms like the grants form, application checklist and application for family law assistance.
- Positively, Western CLC, Legal Aid NSW and Thiyama-Li are working to recommence outreach.
- Partners raised concerns about a growing trend to put ADVOs in place for 2 years instead of 6 or 12 months, and the subsequent increase in the number of people who need help to vary their ADVO conditions and who are breaching their order.
- There is also concern about conditions being included on ADVOs that go against the victim's wishes.
- BOCSAR data shows that in the past 2 years the incidence of breach of DV related AVOs 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.

- Concerns were raised about the difficulty that people with disability and/or mental health issues face in accessing diagnosis and/or treatment plans that can be used in section 32 applications. It was noted that some clients are being told that they must have an NDIS plan in place before a section 32 application will be considered.
- Other issues raised about legal service delivery include:
  - A lack of wraparound services in Walgett and more remote locations, including programs for men concerning offending behaviour, mental health and depression, counselling for men and women and programs for young people who haven't had contact with the criminal justice system.
  - A need for a new approach to care and protection matters involving Aboriginal families that could operate like circle sentencing.
  - Timely access to legal advice about guardianship of young people for Grandparents and other family members.
  - The impact of changes to the Victim's Services scheme on vulnerable applicants who will have trouble accessing their own records due to the associated costs and their literacy level.
  - Access to the MERIT Program in locations like Walgett, Brewarrina, Bourke and Coonamble.
  - Access to drug and alcohol rehabilitation services.
  - While the number of young people brought before the Children's Court decreased in the 12 months to March 2020, it remains higher than 2 years ago and the number of young people diverted remains relatively low.

## FAR WEST

*Quarter 3 planning meeting - 17 September*

### *Consultation Summary*

- Non-legal services in the Far West said that they like that their local legal services are cost-effective, culturally appropriate, accessible, experienced and passionate about making change in regional communities. However, they said that they don't like that clients are regularly conflicted out of local services, that there isn't a lot of choice and that there aren't enough face-to-face appointments.
- Overall respondents said that referrals work well, but that there is an opportunity to encourage more referrals from local health services, especially the hospital's sexual assault 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.
- Clients of non-legal services need legal help for many reasons; family and domestic violence, tenancy issues and homelessness, debts, criminal law matters, victim's compensation, disability discrimination advice and litigation, Administrative Appeals Tribunal matters, wrongful dismissal and consumer law.
- Revenue NSW data shows that most penalty notices owing in the Far West are 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.
- **Identified gaps in legal service delivery include:**
  - The demand for family lawyers outstrips supply.
  - Education for perpetrators of family and domestic violence.

- Access to mental health services for clients to obtain an initial diagnosis and for ongoing support, and access to rehab facilities.
- Access to WDOs through psychologists.
- Administrative support for disadvantaged people when dealing with government services, like emailing documents and having them witnessed/signed.
- **Identified emerging legal needs include:**
  - The impact of changes to the victim's compensation scheme.
  - Support for minor criminal matters that aren't eligible for legal aid (drug possession, minor first-time assault)
  - Increase in the breach rate of ADVOs because of the conditions that people are agreeing to and the length of time they are imposed before hearing. BOCSAR data shows that the incidence of breach of ADVOs in the Broken Hill and Wentworth LGAs has increased 41% and 54% respectively in the past 2 years.
  - People requiring assistance with family law property matters.
  - Trends relating to covid-19: more FDV matters, mortgage re-possession, issues with refunds for cancelled travel, complaints to the Department of Education related to online learning and limited access to medical records for people with disability while services aren't face-to-face.

## HUNTER

### *Quarter 3 Meeting – 12 August*

This meeting was delivered on-line but still focused on services to and in the Muswellbrook region.

The meeting started with a referral check-in exercise. Partners were put into small groups using the breakout room feature on Zoom and asked to discuss how they would respond to case studies. The responses of each group were then discussed in the plenary. This exercise prompted a very interesting and important discussion about how to make after-hours referrals to legal services as well as the availability of a write-off for fine debt in certain circumstances as an alternative to a WDO.

The meeting also heard from the following speakers:

- Kirsty Harrison (WDO Lawyer, Hunter Region)
- Ange, Carries Place and Hunter WDVCAS
- Narelle Brown EWON
- Tamara Blakemore, Name Narrate, Navigate Program (University of Newcastle)

Partners were updated about the arrangements for WDVCAS in the Hunter; the WDVCAS will be in Muswellbrook 3 times a week. Raised the issue of the need for legal advice at court for PINOPS. Currently the Domestic Violence Duty Scheme does not cover Muswellbrook.

In preparation for the Housing Forum that this partnership is planning with local Community Housing providers, an initial meeting was held between Legal Aid NSW, Hunter CLC and the TAAS to discuss how referrals operate between the agencies.

Cut it Out workshop for salon professionals will be held in Cessnock on October 19. The workshop will be delivered in partnership by local DV services, Hunter CLC and Legal Aid NSW Newcastle.

Next meeting to focus on Raymond Terrace.

## KEMPSEY/NAMBUCCA

### *Quarter 3 Planning Meeting – 1 September*

#### *Consultation Summary*

- Services indicated a significant increase in the number of clients seeking advice and information about domestic and family violence. For one service, these matters have increased from 6%-18% of their total workload in the past 3 years.
- Services also indicated a significant increase in the number of enquiries about disability discrimination and NDIS packages and reviews. One legal service has seen a 10% increase in these matters in the past 3 years.
- Financial and legal services reported that debt remains a significant issue in the region. Debts are accumulated through gambling in-person and online, in addition to debts incurred through fines. Revenue NSW data indicates that high levels of fine debt in Kempsey and Nambucca are for:
  - Failing to wear a bike helmet
  - Using public transport without a valid ticket
  - Driving an unregistered or uninsured vehicle
  - Failing to vote in legislative assembly and local government elections
- The well-being of young people in the region is an ongoing focus of services. Legal issues related to homelessness, debt, social security, employment, disability and mental health are of particular concern. Access to driver training for young people in Kempsey has also been raised by partners during CLSD meetings.
- Services reported that while referrals generally work well, more work could be done to ensure that referrals always translate into people accessing services.
- Services remain concerned about the impact of the 2019-2020 bushfires on the community and they consider that information events on police powers have been successful and should continue.

#### *Ongoing projects 2020-2021*

- 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. Packages have been delivered to 2 CLSD partners who support rough sleepers and they will be delivered to a 3<sup>rd</sup> partner shortly.
- Staff from the Legal Aid NSW Human Rights Group will deliver a webinar about police powers and how community workers can help their clients who are having issues with police to partners in Kempsey/Nambucca at the end of September.
- The CLSD coordinator is a member of the organising committee for the Youth Workers conference that is planned for mid-2021 in Port Macquarie and will consult on the inclusion of legal information workshops.

### **MOREE**

#### *Quarter 3 Meeting – 18 September*

Alexis Goodstones from Redfern Legal Centre spoke with the partnership about the strip searches by NSW Police and the class action investigation that is being undertaken by RLC and Slater + Gordon. Moree is in the top 20 suburbs where strip searches are conducted by NSW Police according to research by the University of NSW (Rethinking Strip Searches by NSW Police).

Tracey Duncan from the NSW Energy and Water Ombudsman also provided information to the partnership about her work, including the new Mob Matters campaign for Aboriginal and Torres Strait Islander people. She highlighted that EWON can help people who have solar energy systems installed at their home, including people living in housing where systems have been installed by the Aboriginal Housing Office to get the best out of their system.

Partners reported on the following legal issues/emerging needs in the region:

- The CLSAC team at Legal Aid NSW notes an increase in tenancy issues, particularly regarding repairs. CLSAC is monitoring the NCAT social housing list to proactively offer assistance to clients.
- There is an ongoing need for transport for people who need to go to Armidale for drug and alcohol rehabilitation.

Partners also discussed the draft Student Behaviour Strategy that was recently released by the Department of Education for consultation.

## NORTHERN RIVERS

*Quarter 3 Meeting 29 September – planning meeting*

*Consultation Summary*

- Overall services think that local referral pathways work well, the main exception being in crisis situations when legal support is not available immediately and/or the expertise is not available locally.
- Some respondents expressed confusion about how the Legal Aid NSW merit test is applied, particularly in family law and domestic violence matters.
- In contrast to other regions, there is concern that a lack of responsiveness to ADVO breaches is putting women and children at risk.
- Regarding service gaps, respondents said that more family law services are needed across the region and more legal services are needed in Tweed Heads and west of Casino. Legal services are concerned about the impact that the shift to phone advice only due to the pandemic is having on their most vulnerable clients in the region.
- The following systemic issues emerged from the consultation:
  - An increase in the number of people experiencing homelessness coupled with a decrease in the availability of affordable housing.
  - Aboriginal and Torres Strait Islander people are overrepresented in the criminal justice system and there is a strong relationship to their over representation in the out-of-home-care system.
  - There are limited diversionary options, especially to deal with drug and alcohol issues.
  - There is no contact centre available between Lismore and Southport, which are 2 hours apart by car.
- Regarding CLE, legal services would like to focus on providing Legal Check-Up training to their community sector partners, and on developing new and creative ways to deliver CLE, especially to young people.
- The following existing projects will be included in the next action plan:
  - Legal life skills CLE for young people to be delivered in schools and to youth groups in 2021.
  - Cut it Out workshop for salon professionals starting in Kyogle.

- Joint brochures for free legal services in the Northern Rivers.
- Stolen Generations project: Legal Aid NSW Civil Law Service for Aboriginal Communities will provide training to local lawyers about the Stolen Generations Reparations Scheme.
- Targeted meetings of legal services to examine who to better meet the needs of Aboriginal communities located west of Casino.

## SOUTH COAST

### *Quarter 3 Meeting – 20 August*

The *Cut it Out* program was launched by the Attorney General, South Coast CLSD coordinator and Shoalcoast CLC at a hairdressing salon on Nowra the day before the meeting. The South Coast CLSD partnership will deliver 2 workshops in the region.

The Illawarra and South Coast Tenants Service (ICTAAS) and legal partners raised a concern about the reduction in support available to tenants who are being taken to NCAT because hearings are being conducted by telephone and ICTAAS is not able to provide a duty service. Following consultation with the Tenants Union it appears that this concern is widespread, and that one way to ameliorate the problem could be to include information about LawAccess on NCAT documents that are issued to tenants.

Brett Cunningham, Senior Advisor Community Engagement with Births, Deaths and Marriages (BDM) spoke about the availability of fee waiver for birth certificates in accordance with BDM's vulnerability guidelines. BDM has issued 27 free birth certificates to people impacted by the recent bushfires on the South Coast.

Since the Q2 meeting the CLSD coordinator has done a radio interview with a station in Bega to promote the availability of legal services and has had enquiries from 2 other stations to do more. This came out of concerns raised at the last meeting that people with limited access to technology may be missing out on services and service updates in the region.

## TAREE/FORSTER

### *Quarter 3 Meeting – 2 September*

Presenters at the quarter 3 meeting:

- Sally Cameron – CLE and Communications Officer, Welfare Rights Legal Centre  
Sally provided an overview of changes to Centrelink payments that were introduced late last year and in response to COVID-19 and previewed the upcoming changes to the Job Seeker and Job Keeper payments. Sally also provided valuable insight into how the legal centre has been using technology to remain connected with its clients and to reach new audiences since the restrictions relating to social distancing were introduced in March.
- Laura Cottam – Solicitor from the Australian Centre for Disability Law  
Laura spoke from experience about the available legal avenues under disability discrimination law regarding issues arising from school suspensions and expulsions and failures to make reasonable adjustments. Asking Laura to present continued the goal of this partnership to raise awareness and educate services on direct and indirect discrimination and its impact on people who experience disadvantage.

- EWON, Mid-North Coast CLC and Legal Aid NSW are partnering to deliver a virtual bring your bills day in Taree on 8 and 9 October.
- After presenting at the quarter 2 meeting Gilbert and Tobin provided their training package about discrimination to a CLSD partner service in Taree/Forster.
- The partnership has sent a letter to Mid-Coast Council seeking an update on the status of its draft financial hardship policy.

## WAGGA WAGGA

### *Quarter 3 Meeting – 27 August*

Presenters at the quarter 3 meeting:

- o Samantha Lee, Solicitor, Redfern Legal Centre, *Police searches and Unlawful strip search class action*

Samantha provided an overview of the law regarding general police searches and strip searches and the partnership between Slater and Gordon Lawyers and Redfern Legal Centre in preparing a class action about unlawful strip searches by NSW police.

- o Kerry Wright, Legal Aid NSW WDO Team, *Overview of Fairer Fines Act amendments*

Kerry outlined recent changes to the way that Revenue NSW handles fines, as a result of the *Fines Amendment Act*, which is part of their Fairer Fines System project. The information included advice provided by Revenue NSW during a joint webinar with Legal Aid NSW earlier in August.

- o Heidi Bradburn, Justice Connect, *Elder Abuse TeleHealth partnership with Murrumbidgee LHD*

Heidi told partners about this new partnership, which started in Murrumbidgee LHD in July. The partnership is an extension of the Health Justice partnership between Justice Connect and the St Vincent's Health network, that started in 2017. The focus of the work is to deal with civil law issues impacting older patients of the LHD, including elder abuse. The service is available to Aboriginal and Torres Strait Islander patients over 50 and other patients over 65.

Following the launch of the *Cut it Out* project by the NSW AG, a workshop for salon professionals on responding to family and domestic violence will be held in Wagga Wagga by the end of this year.