



Kempsey/Nambucca CLSD Minutes

2 March 2021, 12:30-14:30, Kempsey

Present: Karen **Gribbin** (Mid North Coast Financial Counselling Service & Kempsey/Nambucca Volunteer Program), Alan **Naylor** (Mid North Coast Financial Counselling Service & Kempsey/Nambucca Volunteer Program), Julianne **Elliot** (Legal Aid NSW), Wendy **Carpenter** (Justice Advocacy Service), Mel **Kallmier** (Mid-North Coast Community Legal Centre), Winnecke **Baker** (CLSD Unit Legal Aid NSW), Leiann **Vicars** (CLSD Regional Coordinator), Anne **Cregan** (Gilbert & Tobin, Pro-Bono Partner), Karen **Fox** (Legal Aid Coffs Harbour), Shirley **Kent** (Kempsey Neighbourhood Centre), Fiona **Pace** (Legal Aid NSW), Aunty Mavis **Davis** (Elder), Uncle Cyril **Davis** (Elder), Tyson **Thompson** (TAFE NSW), Jessica **Sullivan** (Legal Aid NSW), Deb **Tougher** (YP Space), Kyrie **Couch** (Legal Aid NSW), Shaun **O'Donnell** (Mid-Coast Tenants Advice and Advocacy Service), Emma **Smallwood** (Mid North Coast Community Legal Centre), Natalie **Gentle** (Mid North Coast Community Legal Centre), Matthew **Taylor** (Mid North Coast Community Legal Centre), Kim **Cameron-Love** (Justice NSW), Victor **Darcy** (Justice NSW), Russell **Cavanagh** (Legal Aid NSW), Rebekah **Elsley** (Community Housing), Claudia **Richardson** (Mission Australia), Laura **Schmidt** (WDVCAS), Raylene **Ballangarry** (MNCCC), Pru **Hampton** (BDL), Narelle **Brown** (Energy and Water Ombudsman), Jennifer **Henstock** (Legal Aid NSW), Romani **Blue** (NSW Ombudsman), Kirsty **Napper** (Macleay Vocational College)

Apologies: Helen **Kilpatrick** (Community Housing), Gai **Bradford** (Vinnies), Jeff **Downie** (Vinnies), Peter **Carnaby** (Disability Advocacy), Belinda **Horne** (Disability Advocacy), Barb **Cohen** (Shine For Kids)

Agenda Item	Discussion	Action/Outcome
1. Welcome/ acknowledgement	Raylene Ballangarry opened the meeting with an acknowledgment of Country.	
2. Guest Speaker	<p>Fiona Pace: Senior Civil Law Solicitor, Legal Aid NSW (Lismore)</p> <p>If anyone would like to share anything with Fiona, to organise community legal education or a visit to your workplace around these issues please contact Fiona directly via e-mail: fiona.pace@legalaid.nsw.gov.au</p>	<p>Fiona is developing a referral pack for community workers about these issues that will be available shortly.</p>

Fiona is working in the Human Rights team at Legal Aid NSW until the end of July. Her role is to help the Aboriginal community in Kempsey and surrounding areas who are improperly treated by police. Her focus is on providing or arranging community legal education and strengthening referral pathways between community and local legal services to ensure community get assistance with these issues.

Legal options available for dealing with police misconduct

1. Make a complaint to the [Law Enforcement Conduct Commission](#) (LECC)

- Complaints made to the LECC are generally referred to local police to investigate, however there are some examples of the LECC taking strong, direct action.
- Local lawyers can help people make a complaint to the LECC.
- Reporting every instance of misconduct is important because it documents what is happening within a community and communicates to LECC that there is an issue.

2. Make a race discrimination complaint against the police

- NSW Police are subject to discrimination laws.

3. Sue the police (aka police torts)

- People can sue the police when they do something that is outside of their powers.
- Examples include the police using too much force, detaining someone improperly, illegal strip searches, entering a person's homes when it is not allowed, unnecessarily targeting someone.
- Successfully suing the police costs the government money, which can attract their attention and helps make change.

4. Use the fines system

- Sometimes police fines are used to target people.
- Challenging a fine is another way to exercise your rights and challenge police behaviours. Fines are rarely challenged – people just cop them.
- It is very important to ask clients for the story behind their fines; when did they get them, why did they get them, how did they get them, how was it given to them?
- Partners should register to be an advocate with Revenue NSW.

The WDO Team is available to support the community in running a 'Fines Day/Bring Your Bills Day' in July. They can also run a 'fines' education session for YP

	<p style="text-align: center;">Questions</p> <p>1. Can someone make an anonymous complaint to LECC?</p> <p>The answer is Yes. The complainant would need to provide some method of contact to LECC, an email eg., so LECC can tell them the progress or outcome of the complaint. But the complainant can ask that any name or contact details not be provided to the local police.</p> <p>2. Does LECC have an Aboriginal Liaison Officer?</p> <p>The answer is unfortunately No.</p>	
<p>4. Facilitated Discussion</p>	<p>Mid-North Coast PD Aboriginal Action Plan</p> <ul style="list-style-type: none"> • A PACC meeting has been scheduled at 10.00am on 15 June to consider the Aboriginal Action Plan in response to concerns that the community was not appropriately consulted in preparing the draft plan. • People can attend this meeting on behalf of their organisation, or individually as a community member. • Fiona suggested that partners formalise their concerns about the draft plan (and the PACC generally) and out them in writing to the local PD and ask for a response. If the community is not able to resolve the issues locally Legal Aid may be able to raise them higher. • Some suggestions raised at the meeting were: <ul style="list-style-type: none"> - To introduce an Aboriginal co-chair for meetings - To co-design the agenda for each meeting - To include progress in accordance with the plan at meetings - To ensure that matters cannot be voted on unless an appropriate number of community members participate in the meeting - To include guidance about how subsequent plans are to be created. 	<p>PACC Meeting: 10.00am, 15 June at Kempsey Rural Fire Brigade (North St, West Kempsey)</p> <p>Regional Coordinator and CLSD Unit to coordinate letter to the Superintendent about the plan. Partners to send suggestions/feedback to regional coordinator kn.clsd@gmail.com</p>
<p>5. Next meeting</p>	<p style="text-align: center;">Tuesday, 1 June 2021, South Kempsey Family & Community Centre</p>	