



Cooperative Legal Service Delivery (CLSD) Program e-update

November 2016

CLSD PROGRAM UNIT

CLSD Program Unit

It's been a long time since we've put an e-update together. A sign of the busy times we are in!

We'd like to introduce and welcome Kate Halliday to the CLSD Program Unit. Kate brings a wealth of experience and expertise working as a lawyer and policy advisor in remote communities in Australia and abroad, deep experience working in the domestic violence sector, and a recent stint at *knowmore* Legal Centre. Welcome Kate!

Activities in the CLSD Program regions

Recent activities across regional NSW include:

- The first official meeting of the Moree CLSD Program partnership was held on 12 August. The CLSD Program Regional Coordinator for the Moree region is Judy Duncan who is based at the Aboriginal Legal Service in Moree. Welcome Judy!
- A CLSD Program Planning meeting was held for the South Coast CLSD Program partnership in Nowra in August.
- The Northern Rivers CLSD Program partnership recently convened a youth justice meeting in Casino in October. Attendees included representatives from the Aboriginal Legal Service, Legal Aid NSW, the Northern Rivers CLC, Juvenile Justice, the local Aboriginal Medical Service, Life on Track, education officers from various Casino schools, Mission Australia, Community Corrections, Prime Minister & Cabinet as well as community members and others. We discussed options and opportunities around new approaches to juvenile justice including justice reinvestment approaches in the area. We look forward to further discussions in Casino with the community.
- The CLSD Program has provided funding for new traffic clinics in the Hunter and Central Coast regions. A clinic at Toronto Local Court is provided by the Hunter Community Legal Centre and a clinic at Wyong Local Court is provided by Central Coast Community Legal Centre. Traffic clinics provide assistance to disadvantaged clients who are not eligible for representation by Legal Aid NSW. The clinics provide legal advice and representation on traffic offences, licence suspension and cancellation and habitual traffic offender declarations. The clinics aim to alleviate financial hardship and assist clients who would otherwise struggle to put all of the relevant information about their circumstances to the court. The clinics also help clients to minimise the risk of further involvement in the criminal justice system which may result in lengthy licence disqualification or imprisonment.

What kind of systemic issues are we seeing across NSW?

The CLSD Program Unit provides quarterly reports on systemic issues to the New South Wales Legal Assistance Forum (NLAF), which can be found here: <http://www.nlaf.org.au>. The most recent report highlighted the following systemic issues:

- Critical lack of diversion options for people involved in the criminal justice system with alcohol, drug and mental health issues, particularly in the west and north-west of the state.
- Access to birth certificates and storage of identity documents, in particular for Aboriginal people in regional and remote communities.
- Ongoing demand for wills in Aboriginal communities.
- Working with Children Checks – reported to be having an impact on access to employment, and kinship care arrangements.

If you have any comments or contributions to make on these issues, please contact Jenny Lovric, CLSD Program Manager on jenny.lovric@legalaid.nsw.gov.au or (02) 9219 5102.

LEGAL AID NSW NEWS

New Legal Aid NSW service for tenancy appeals

In May 2016, Legal Aid NSW started a service to help tenants who wish to appeal decisions made by the NSW Civil and Administrative Tribunal (NCAT). It operates as a telephone advice line (9219 5800) that tenants can call during business hours for advice on an appeal from an NCAT decision. If the case falls within [Legal Aid NSW guidelines](#), we may also provide representation.

The appeals line was introduced because appeals from the tenancy divisions must be lodged within 14 days. This short time often did not provide tenants with enough time to access legal advice and assistance through traditional channels. Seventy per cent of tenants were unrepresented on appeal before the service started. In addition, the appeals process is much more legalistic than the first instance hearing. Appeals are by right on errors of law but other grounds require leave.

Access to legal advice and assistance for housing appeals is vital because NCAT makes decisions that seriously affect tenants' lives. NCAT decides around 30,000 applications for termination of tenancy a year. Eviction can result in homelessness or long-term exclusion from social housing. The majority of calls received relate to eviction and 40 per cent relate to public housing properties.

In the past four months the appeals service has advised 55 people. Some matters settled or were set aside. One appeal, which our client won, involved a social housing tenant who was unrepresented at first instance hearing and thought she was agreeing to rehousing rather than termination of her tenancy. The Appeal Panel found that when making orders by consent, NCAT must ensure the orders reflect the agreement. The panel also suggested consideration be given to the effect of the settlement on vulnerable parties. The termination order was set aside and NCAT will hear and determine the termination issue again.

Tenants with any queries should call (02) 9219 5800 for assistance.

Legal aid available for Compulsory Schooling Orders and prosecutions under the Education Act

Reminder that legal aid is available for parents and children for Compulsory Schooling Orders (CSO) and prosecutions under the *Education Act*. Generally children must go to school from the age of 6 years until they turn 17 years, unless they are over 15 years and are working. The Department of Education can take legal action against parents who fail to enrol or their send children to school.

Legal aid is available for parents and children who are responding to an application by the Department of Education in the Children's Court in relation to a CSO or a prosecution under the *Education Act*. Duty lawyers at Local Courts can also help parents and children with these matters. It is important for parents to go court and get legal assistance if the Department takes legal action against them.

SECTOR NEWS

New VET FEE Help system

As you may have seen in the news, there will be significant changes to the VET FEE HELP system which will come into place from 1 January 2017. Essentially the system as it currently exists will be scrapped and all providers will need to requalify for student loans under the new system.

Legislation has not yet been drafted for the new arrangement and only some detail has been provided by the government as to how it will work. The changes as announced by the Minister will be as follows:

- A limit to the courses which are eligible for VET Student Loans to those that align with industry needs and have a high likelihood of leading to good employment opportunities.
- Three bands of loan caps at \$5,000, \$10,000 and \$15,000 that will be set for courses depending on their delivery cost.
- A requirement that students log in to and engage with the VET Student Loans online portal to ensure they are active and legitimate enrolments.

- A new application process for providers wanting to access VET Student Loans that includes a much higher bar to entry by assessing their relationships with industry, their student completion rates, the employment outcomes of their courses and their track record as education institutions.
- The introduction of strengthened legislative, compliance and payment conditions, including paying providers in arrears, the ability to cap provider loan amounts and student numbers and to limit course scope, powers to suspend poor performing providers from the scheme, cancel their payments and revoke their approval.
- A prohibition on approved providers from using ‘brokers’ or directly soliciting prospective students (including ‘cold calling’ or so-called ‘lead generation’) and limiting the subcontracting of training.

Source: Legal Aid NSW Civil Law team

For more information, go to www.education.gov.au/vet-student-loans. The HELP Student Enquiry line is 1800 020 108 or email VETStudentLoans@education.gov.au.

Students on current schemes can seek legal assistance through their local Legal Aid NSW office - <http://www.legalaid.nsw.gov.au/get-legal-help/find-a-service>.

Protections for vulnerable people subject to Garnishee Orders for unpaid fines

A protected amount is to be set aside on bank accounts which will not be drawn down for fine repayment.

The Office of State Revenue (OSR) has introduced a new measure to provide a level of protection to vulnerable people with unpaid fines subject to Garnishee Orders on their bank accounts.

This follows concern about the impact of unexpected lump sum debits on people experiencing financial hardship, including Centrelink recipients. This often meant that vulnerable clients were left unable to meet basic living expenses such as food and rent.

Since August 2016, a protected amount of \$480.50 can remain in the account and will not be drawn down for fine repayment. OSR has been working with financial institutions to ensure that this minimum balance is maintained when a Garnishee Order is issued.

OSR has also reviewed the additional fees applied to bank Garnishee Orders, currently \$65.00. These costs will not be applied in some circumstances and reduced in others, alleviating further debt for those in financial hardship.

Obviously it is in the best interests of our clients to minimise the risk of Garnishee Orders and other enforcement action by getting fines appropriately managed at the earliest opportunity. There are a number of initiatives to assist people having difficulty including extensions of time, Centrepay arrangements, write-offs and Work and Development Orders. This last option allows eligible people to clear fines through participation in unpaid work, courses, treatment programs and other activities.

Advocacy groups registered with OSR can also act on behalf of clients, with their consent, to help manage outstanding debts.

For more information, contact the OSR Advocacy Hotline on 1300 135 627 Monday to Friday 9am to 5pm. If you want to know more about Work and Development Orders, contact the OSR WDO Hotline on 1300 478 879 or email the Legal Aid NSW Work and Development Order Service wdo@legalaid.nsw.gov.au.

Disability Justice Project – regional Communities of Practice and training courses



The Disability Justice Project (DJP) is a two-year capacity building project, funded by ADHC (Ageing, Disability and Home Care). The project is being managed by ACWA (Association of Children’s Welfare Agencies) through its training arm

CCWT (Centre for Community Welfare Training) in partnership with LWB (Life Without Barriers) and IDRS (Intellectual Disabilities Rights Service).

It offers a range of free training courses, links to resources and support through Communities of Practice to disability service providers across NSW working with people who have cognitive disabilities and may have contact with the Justice System. The project incorporates a particular focus on providing support for Aboriginal people with cognitive disabilities as they are also overly represented in the justice system.

Membership of the 16 Communities of Practice currently running around the state continues to grow and details of each community with locations, dates of meetings (most groups usually meet monthly), as well as the contacts and how to join for your local group, are available on the Community of Practice page of the DJP website at <http://www.disabilityjustice.edu.au/>

The Disability Justice Project is conducting four courses through to early December, many in regional NSW:

- *Support Planning for People with Complex Needs'* developed with the UNSW. This started on the 6th September and will run in 13 locations through to the 12th December 2016, with a further 3 locations scheduled for February 2017.
- *Disability Justice – Trauma Informed Practice'*, provides participants with an understanding of Trauma Informed Practice and how to apply these principles when supporting those with intellectual disability in contact with the Justice System. This started on 27th September and runs through to 30th November, in 29 locations across the state.
- *Disability justice – A Person Centred Approach'*, explores practical person centred ways of thinking and how to work with people who have a cognitive disability in contact with the Justice System. This started on the 5th October and runs through to 29th November, in 27 locations across the state.
- *Understanding the Impact of Cofactors within Disability Justice'*, provides an overview of the many cofactors which impact on people with Cognitive Disability. Participants will explore many cofactors including: alcohol and other drugs, mental health, childhood and intergenerational trauma as well as cultural and religious perspectives. This course is now open for registration and the first course is scheduled for 9th November. It will run through to the 8th December, in 29 locations.

For more information on their training courses, to sign up to the DSP newsletter or find out how you can join one of DJP's Communities of Practice, visit their website at <http://www.disabilityjustice.edu.au/>.

Do you have an idea for a project to improve access to justice?



The Law and Justice Foundation of NSW's Grants Program supports community projects that improve access to justice, particularly for socially and economically disadvantaged people, living and/or working in NSW. The Foundation is interested in funding projects that show "what works" – that is, projects from which lessons will be learned, that contribute to identifying effective reforms, initiatives and programs to address legal need.

The Foundation has two levels of grants: up to \$50 000, and up to \$5000. Generally applications for grants up to \$50 000 close on 31 March and 31 August each year. Applications for grants up to \$5000 can be submitted at any time however you should contact the Foundation first to discuss your idea and to check whether funds are available.

To discuss your project idea and ensure you're on the right track, contact the Grants and Legal Information Manager, Jane Kenny, either by phone on (02) 8227 3210 or by email at grants@lawfoundation.net.au.

For more information on how to apply, the grants criteria and to view previously awarded grants and their final reports, visit www.lawfoundation.net.au/grants.

Miranda Project now at Leichhardt, Kings Cross and Bathurst



The Miranda Project, a service for women at risk of imprisonment, offending or reoffending, is now operating at Leichhardt, Penrith, Kings Cross and Bathurst. The service is available as a bail program or community based sentencing option, as well as a post-release and post – sentence support for women. Designed as a diversionary option for police and magistrates, the Miranda Program offers support and guidance across identified areas of risk/need such as alcohol and other drugs misuse, financial support and attitude/emotional self-regulation.

The Miranda Project is an initiative of Corrective Services NSW Women's Advisory Council and is run by the Community Restorative Centre in partnership with four women's health and support centres.

For more information about the project, including how to refer to the service:
<http://www.crcnsw.org.au/miranda-project> or contact Inga Lie, Miranda Program coordinator by email
Miranda.project@crcnsw.org.au.

Review of the Guardianship Act 1987 (NSW)

The NSW Law Reform Commission is reviewing the *Guardianship Act 1987 (NSW)*. The Commission is consulting about reform of the *Guardianship Act* through the release of a series of consultation packages addressing different topics. Each package includes a question paper, an easy to read question paper, an easy to answer survey and a YouTube video.

The first question paper on *Preconditions for alternative decision making arrangements* was released in August 2016 and submissions closed on 17 October 2016.

Future consultation packages will address

- Decision making models
- Supporters and decision makers
- NSW Civil and Administrative Tribunal (NCAT) and key agencies
- Medical and dental treatment and restrictive practices
- Interaction between the *Guardianship Act* and other laws.

Information about the review is available at

http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/Guardianship/Guardianship.aspx.

It Stops Here Safer Pathway – are the reforms making a difference for survivors of domestic violence?



According to Sophie Farrell who manages the Women’s Domestic Violence Court Advocacy Service at Waverley Local Court, it certainly is. Read the article at:

<https://newmatilda.com/2015/09/28/nsw-leading-australia-tackling-domestic-violence/>

Safer Pathway consists of a number of elements including a Domestic Violence Safety Assessment Tool, a network of Local Coordination Points and Safety Action Meetings. It currently operates in six locations across NSW. Over the next two years it will be expanded to the whole of NSW.

The following sites are scheduled to ‘go live’ in November 2016:

- | | | |
|---------------|--------------|-------------------|
| • Mt Druitt | • Nowra | • Newcastle |
| • Newtown | • Wyong | • Coffs Harbour |
| • Taree | • Blacktown | • Wollongong |
| • Wagga Wagga | • Deniliquin | • Far South Coast |

In each of the above locations, the WDVCA Unit in Legal Aid NSW has delivered information sessions and held one-on-one meetings with government and non-government agencies. Training to participants in each location on how to conduct Safety Action Meetings is being conducted in October and November 2016. For more information on *Safer Pathway*, go to http://www.women.nsw.gov.au/violence_prevention/It_Stops_Here_Safer_Pathway

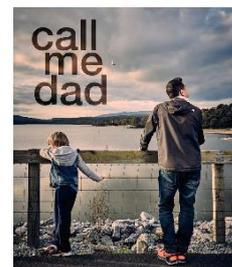
1800WDVCAS – support from a Women’s Domestic Violence Court Advocacy Service is just a phone call away

Women’s Domestic Violence Court Advocacy Services (WDVCAS) across the state can now be reached through one state-wide phone number. The number is **1800WDVCAS** (1800 938 227).

When a member of the public calls the number they are asked to enter their postcode and their call will be directed to their nearest WDVCAS. There is no cost to most clients for this call even from mobile phones, though a few smaller mobile providers may still charge for calls to the line from mobiles. Legal Aid NSW is developing new WDVCAS brochures and posters which will promote the new phone number.

Call me Dad – and Men’s Behavioural Change programs

Call Me Dad is a story told in film about men who have perpetrated, or are at risk of perpetrating, family violence. At stake is the safety of children and partners, the stability of families, and the power we as a society have to intervene. The men in the film struggle to maintain intimate relationships without resorting to abuse, physical or otherwise. The film follows these men over several months, as they attempt to change themselves, and heal fragile bonds with their loved ones.



Call Me Dad can be licensed for screening internally, or it can be used as part of a public ticketed event. Since its launch the film has screened to legal professionals within Shine Lawyers, the Department of Justice Victoria, as well as the commissioners undertaking the Royal Commission into Family Violence in Victoria.

The producers of *Call me Dad* have made a screening kit package of the film with resources. The licensing fee for the film and resources is \$220 + shipping for a small business/not for profit. See <http://callmedadfilm.com/#about> for more information.

The NSW Government has introduced minimum standards for men’s domestic violence behaviour change programs. In NSW there are currently a range of men’s domestic violence behaviour change group programs. Programs are provided by government agencies as well as non-government services. They may be delivered in custodial settings, by welfare groups and counselling services. These agencies provide a valuable service to men seeking to change their abusive behaviour. To see a list of programs for perpetrators of DV, go to:

http://www.crimeprevention.nsw.gov.au/domesticviolence/Pages/MiniStandardsforMen'sBehaviour/Minimum_Standards_for_Men's_Behaviour.aspx

Energy and Water Ombudsman New South Wales (EWON)



Energy & Water
Ombudsman NSW

EWON is a free and independent dispute resolution scheme for customers experiencing problems with their electricity, gas and some water providers. EWON participates regularly in ‘Bring Your Bills Days’ around NSW in partnership with other organisations, including Legal Aid NSW and other CLSD partners. EWON is keen to assist with outreach work across

NSW and in particular Aboriginal communities. Contact Tracey Duncan, the Aboriginal Community Engagement Officer traceyd@ewon.com.au to discuss outreach and to organise contact with specific EWON staff. The EWON website www.ewon.com.au has information about assistance for clients, publications and links to information about rebates and financial assistance with energy bills.

Indigenous Enterprise Development (IED) funding

Under the Indigenous Advancement Strategy (IAS), the Commonwealth Government will provide \$30 million a year to support the establishment or expansion of Indigenous enterprises in Australia. This includes \$25 million for enterprises in remote Australia as part of its reforms to remote employment services under the Community Development Programme. IED funding aims to address the barriers faced by Indigenous businesses.

Under IED, the Department of Prime Minister and Cabinet (DPMC) may provide business support to help turn an idea into a business plan. If any start-up or expansion funding is required, DPMC can negotiate a grant/loan package with Indigenous Business Australia (IBA) or other IED Partner Lender. This package may also include ongoing business mentoring for up to two years in some cases. For further information and to apply visit

<http://www.dpmc.gov.au/indigenous-affairs/about/jobs-land-and-economy-programme/indigenous-enterprise-development-funding>.

NSW Criminal Courts Statistics

More people are appearing in NSW criminal courts despite falling crime rates. The annual Criminal Courts Report from the NSW Bureau of Crime Statistics and Research, released in July 2016, provides information about finalised criminal matters in NSW courts, characteristics of people before the criminal courts including information on offences, outcomes and sentences. For more information

http://www.bocsar.nsw.gov.au/Pages/bocsar_court_stats/bocsar_court_stats.aspx. BOCSAR regularly publishes reports on crime statistics and trends – go to their website to subscribe.

'Unfinished Business' - Inquiry into Reparations for the Stolen Generations in NSW

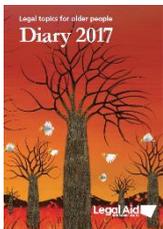
On 23 June 2016 the work by the *Inquiry into Reparations for the Stolen Generations in NSW* came to fruition, when its report was tabled in NSW parliament. The report, entitled '*Unfinished Business*', contains 35 recommendations.

It is difficult to single out any particular recommendation as they are all significant and largely interconnected. Recommendation 2 suggests establishing a reparations scheme in close consultation with survivors, to provide appropriate communal and individual responses that would include a right of appeal. Considering the current South Australian scheme includes no such right and is broadly discretionary and executive, that recommendation alone is a benefit for survivors and their descendants.

The government must respond to the report by 23 December 2016. As the report was unanimously endorsed by all sides of politics, there is great optimism that many of its recommendations will crystallise into policies and law. One can only hope. For a copy of the report go to

<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=1645>

INFORMATION AND RESOURCES



Legal Topics for Older People – Diary 2017

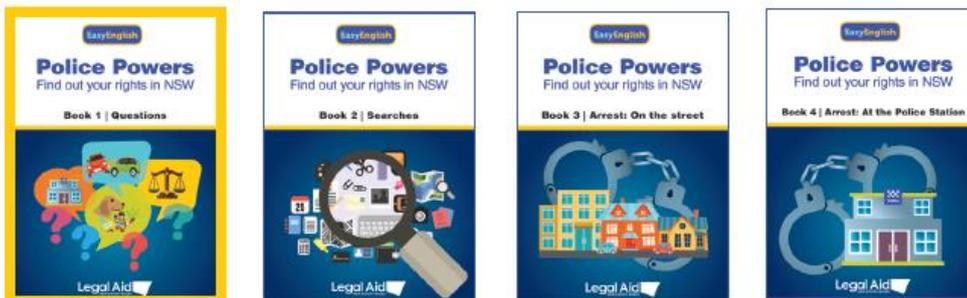
The 2017 edition of this popular Diary will be available from Legal Aid NSW from 1 December 2016. This Diary contains information about seniors' rights, consumer law and aged care as well as information and contacts for services for older people. Copies of the diary can be ordered through the Legal Aid NSW website (from 1 December 2016)

<http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources>.

New Easy English Police Powers publications

Legal Aid NSW has released a four-part booklet series called **Easy English Police Powers** based on our popular brochure [Police Powers: Your rights and responsibilities](#).

There are four books in the Easy English Police Powers series and the titles cover a range of scenarios, from your rights if the police ask for your ID or want to search you, to what happens when you are arrested, including what the police must do or say, plus search warrants, body searches and how to make a complaint. Easy English is for anyone who has difficulty reading English. This includes people with low literacy levels, intellectual disabilities or whose main language is not English.



The brochures can be downloaded or ordered on the Legal Aid NSW website at

<http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources>.

Family Law Council Report on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems

A new and final report has been published by the Family Law Council on *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*. This most recent report focuses on collaboration and

information sharing within the family law system and with related services such as family violence, child protection, drug and alcohol services, Aboriginal and Torres Strait Islander and migrant services.

The report is available at

<https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Pages/FamilyLawCouncilpublishedreports.aspx>.

New legal brochures for Aboriginal people

Legal Aid NSW has published eight new brochures for Aboriginal people:

- *Caring for kids in Aboriginal families – Know the law, know your rights* – for Aboriginal grandparents, aunts, uncles and other relatives who are looking after young children.
- *Family law problems? The Early Intervention Unit can help you sort it out before it gets serious* – The Legal Aid NSW Family Law Early Intervention Unit helps families resolve problems before they get serious.
- *Got a fine? It's not going to go away, deal with it straight away* – options for fines, how to get a Work and Development Order, how to deal with State Debt Recovery.
- *Hey you mob – need help with child support? If you are Aboriginal the Child Support Service can help you* – the Legal Aid NSW Child Support Service gives independent legal advice to Aboriginal parents, grandparents, aunts and uncles about child support, Centrelink, DHS Child Support decisions and family court problems.
- *What happens when we split up? Helping Aboriginal families work out what's best for kids* – help for Aboriginal families on divorce, property and making arrangements for children.
- *Mental Health Advocacy Service- Helping Aboriginal people with mental health law*
- *How Legal Aid can help you* – We have services for Aboriginal people
- *Who gets my stuff when I die? Why Wills are important for Aboriginal people*



The brochures can be downloaded or ordered on the Legal Aid NSW website at

<http://www.legalaid.nsw.gov.au/publications/factsheets-and-resources>.

New family law resources for separating parents and couples



Some new resources are available to give parents and separating couples practical help and guidance. The Attorney-General's Department, with the assistance of Professor Richard Chisholm AM, has produced a guide on parenting plans and orders which is available at

<https://www.ag.gov.au/Publications/Pages/Parenting-orders-what-you-need-to-know.aspx>.

The Australian Securities and Investment Commission's MoneySmart site now has a divorce and separation financial checklist available on their website. Go to

<https://www.moneysmart.gov.au/life-events-and-you/life-events/divorce-and-separation>.



Gambling Awareness and Resources for Legal and Related Services

Australians are the biggest gambling losers in the world, and problem gambling has a negative impact on gamblers, their family, friends, employers and work colleagues.

The NSW government has introduced a Justice and Corrections Project to support problem gamblers to get help. Problem gambling can be an underlying cause and factor for a range of legal problems such as criminal charges, debt, domestic violence and family separation. The Project encourages lawyers to ask clients about their debt and gambling, and to make appropriate referrals for help with problem gambling. For resources on the Justice and Corrections project, go to <https://gamblinghelp.nsw.gov.au/professionals-area/information-for-justice-and-corrections-professionals/>

Information and resources, including details about free counselling services is available at <https://gamblinghelp.nsw.gov.au/>. Resources available include specialist Aboriginal and migrant counselling services and information for clients in a range of languages.

The Wesley Community Legal Service is a state wide specialist legal service available for problem gamblers and their families, and is able to provide CLE and training for community organisations. Contact them on communitylegal@wesleymission.org.au

Problem gambling advocate, Richard Brading from the Wesley Community Legal Service recently won the 2016 Justice Medal at the Law and Justice Foundation justice awards!



Regional Outreach Clinic Program

- New Regional Outreach Clinics will soon commence in Goulburn and Tweed Heads – watch out for an announcement on times and clinic locations.
- After a break, Regional Outreach Clinics have re-commenced at Toomelah on the 4th Thursday of every month at the Toomelah Land Council and Boggabilla on the 3rd Thursday of every month at the Boggabilla Council Office. For more information or to make an appointment contact Lucas Swan on 0411 173 661.
- New Regional Outreach Clinics will soon open in Laurieton and South West Rocks on the Mid North Coast.

For more information on the CLSD Program, go to
<http://www.legalaid.nsw.gov.au/what-we-do/clsd>
or contact Jenny Lovric on: jenny.lovric@legalaid.nsw.gov.au or T: (02) 9219 5102