

Kempsey Nambucca CLSD Meeting – 19 November 2019

RC provided a review of two documents – the Information calls to LawAccess NSW by quarter and the Action Plan 2018-20 – and invited discussion from LCSD attendees. Although the numbers were down compared to usual attendance, this was expected due to recent devastating fires and extreme weather across the region. Nonetheless, discussion was excellent with everyone contributing and lots of constructive comments between member organisations. All up, very fruitful and augers well for planning day in Feb 2020.

Information calls to LawAccess NSW by quarter

RC ran through statistics, highlighting the categories of matters for which advice is being sought (civil, criminal and family law) and the nature of matters, noting number of enquiries for prisoner matters, neighbourhood disputes and wills and estates. Noted that figures were slightly down in 2019 from 2018 and encouraged members to promote the service to their clients.

Pauline C reported that LawAccess service is merging with civil arm of Legal Aid. Some issues with advice not getting back to client but this being attended to by Legal Aid.

Action Plan 2018-20

Worked through successes/achievements of priorities.

Discussed outstanding or ongoing issues – see below.

Priority 1: Assistance to vulnerable older people

Sought an update from Russell C about status of MOU's between hospitals and Legal Aid. The MOU is in place with Port hospital and there have been some delays in getting underway due to staffing issues at hospital but there has since been a steady flow of referrals. The work has been spear-headed by the Early Intervention Unit and back up by the civil team. Russell says hopefully there will be an MOU with Kempsey in future.

Matt T from MNCCLC reported they had been conducting some sessions within the renal unit of the Port hospital, utilising the expertise of one of their workers, Holly L, who used to work as a nurse in this area. Jane T of MNCCLC has also attended Port H for patient instructions on PoA.

It was generally felt between Russell C, Pauline C and Matt T that outreach by Legal Aid and MNCCLC was adequately covering need.

Priority 2: Assistance to Inmates at MNCCC

Discussion about AVO's under this priority crossed over with Priorities 4 and (newly added) 6.

RC raised CLSD item of approaching magistrate but explained why this was not appropriate. Members agreed.

This issue of AVO's generated a lot of comment – very useful to have input from both Kim C-L from Kempsey court and two local ACLO's, Scott M and Greg B.

Kim said the current system wasn't working correctly – that police are sending people to the courthouse to seek an AVO or PVO on assault and DV incidents but the Court Registrar is sending them back to the police station again.

It was agreed that AVO's and PVO's should be looked after at police station. Vulnerable parties need that protection in particular. Feeling within community is that they are not getting police assistance. Kim says the Registrar is saying this shouldn't be happening.

Kim said that "What's Your Plan" program is not getting any uptake – only about one Aboriginal person per month. It seems very important that this is addressed to drastically improve uptake – as parties at court are needing the assistance!

Matt T felt this was a matter of referring police back to police policy and legislation. Russel C said it could be dealt with by LAC – that CLSD could talk with LAC on the basis of querying why present situation is occurring. That is, we don't want to make a police complaint and to ask how LAC suggests dealing with issue.

Scott M, Nambucca Heads ACLO says he is frequently asked why police haven't pushed for an AVO or PVO. Scott says he will take issue up with police whenever he sees one, or is asked to, but police will often explain the difficulties or lack of evidence or reason why not, and he says they are reasonable and what they are saying is fair enough. Often lateral violence a significant issue and grudges/payback is involved, or in relationships, one partner is trying to hurt another in the heat of moment. Police say there are a small group of repeat offenders, so police try to de-escalate and not take action rather than take matters further.

Generally, the members discussed what a viable solution could be and felt that education was key. All felt this was really important. See also Priority 6 – Education and Training.

Priority 3: Improving Aboriginal people's access to legal and related services

A key focus here was on getting access to driver education and driver licence programs for interested parties. This includes inmates looking to get habitual offender convictions overturned.

The most recent update is that Ilesha from RMS has said that a program is running out of ACE College in Kempsey and this is available and is being used but is not suitable or feasible for access by inmates.

RC has referred enquiries from Lloyd G at Shine to direct contacts at Legal Aid.

Priority 4: Police Powers, better AVO's

RC provided a summary of activities around this priority and emphasised that CLSD members should be sending their clients to ALS, Legal Aid, MNCCLC or Anthony L directly with any issues.

Priority 5: Financial Hardship and Gambling

RC noted that an earlier meeting in the year had discussed approaches to issue of problem gambling and that these had been handed over to Dan H who was happy to move forward with them

Priority 6: Education and Training

Widely agreed by all that community had really benefitted from Police Powers Information days and that these should continue through the region on an ongoing basis. Also that other relevant issues should be covered in separate education sessions, one being AVO's and PVO's, and rights of all parties, including inmates at MNCCC.

It was also highlighted that such sessions are really important for youth of area and they need to be included.

Agreed by all that this could be pursued in Planning Day in Nambucca in February.

RC highlighted the importance of attending the Planning Day.