



Cooperative Legal Service Delivery (CLSD) Program e-update FEBRUARY 2015

CLSD PROGRAM UNIT

News

Welcome to the 1st e-update for 2015. It's only February, but it feels like the year is in full swing already.

The CLSD Program welcomes a new CLSD Program Regional Coordinator to the Wagga Wagga CLSD Program partnership. Alexia Zsigmond has joined Wagga Wagga Legal Aid, having previously worked in Broken Hill. Welcome Alexia!

We'll be doing some Action planning days in Albury, Wagga Wagga, Taree and Kempsey over the next few months and I look forward to working with our partners in these regions.

Jenny, CLSD Program Unit

CLSD Program Projects - selected

CLSD Program Unit - Financial Hardship Working Group

Our clients' struggles with financial hardship is one of the most common issues we hear from all CLSD Program partnerships across regional NSW. Hardship can be triggered by credit card debts, overwhelming fines, high utility bills, problems with scams and dodgy providers & rental goods, payday loans, unsolicited door to door sales and over the telephone sales. Our clients often have problems with all these issues and more.



Recognising the particular difficulties that people in regional and remote communities have in navigating and accessing support services to assist with their problems, and noting the extraordinary workload of financial counsellors in this space, the CLSD Program Unit has convened a Financial Hardship Working Group with the Law & Justice Foundation's Legal Information and Referral Forum (LIRF) to enhance more efficient collaboration. Participants at the first meeting included representatives from various State and Federal Ombudsman services (Financial Ombudsman Services, Credit Industry Ombudsman, Energy & Water Ombudsman of NSW and the Telecommunications Industry Ombudsman) as well as the Welfare Rights Centre, Financial Rights Service, Legal Aid NSW civil law services, Office of Fair Trading and the No-Interest Loans Scheme. The group identified the benefits of working collaboratively and supporting the work of financial counselling peaks such as Financial Counselling Australia and of closer work with the regulators. Watch this space!

Traffic pilot in Taree - update



The CLSD Program is supporting a traffic pilot in Taree Local Court. Under the project, solicitors from the Mid North Coast Community Legal Centre (MNC CLC) are assisting eligible clients with advice and/or representation. If a defendant is not vulnerable or disadvantaged, then advice only is provided to them. If a client is eligible, the complexity of their matter is assessed. The client may be referred to the local Traffic Offenders Intervention Program (TOIP). If the TOIP is not suitable or necessary and the matter can be disposed of that day, the MNC CLC represent the defendant, enter a plea and make sentencing submissions. If subjective materials are required for sentence, we obtain an adjournment on the first occasion for that purpose and represent on sentence on the next occasion.

The first report of the project notes:

“The effects of many years of driving disqualifications can be debilitating and far reaching, particularly in regional areas such as the Mid North Coast, where public transport options are limited or non-existent. Licence disqualification has far reaching implications especially on an individual’s training and employment opportunities. Access to essential health services can become difficult and family and community obligations can become problematic, contributing to feelings of isolation and worthlessness.”

The CLC’s experience confirms the need for reform in traffic law.

Far West CLSD program partnership is also trialing a similar traffic program. Watch this space.

Dubbo Integrated Drug, Alcohol and Mental Health Project

The Central West CLSD Program partnership has convened a working group that is advocating for better access to drug, alcohol and mental health services for people caught up in the criminal justice system in Dubbo.

A group of agencies from the NGO, health and justice clusters in Dubbo have been meeting over the last 12 months to discuss the lack of drug & alcohol/mental health and rehabilitation services in Dubbo, and the absence of diversionary options in the criminal justice system to address the drivers/underlying causes of crime. Participants in the group include the Department of Public Prosecutions, Legal Aid NSW, Aboriginal Legal Service, Western NSW Community Legal Centre, Corrections NSW, Health Department, Dubbo Local Court, Medicare Local, Partners in Recovery and Lyndon Community.

LEGAL AID NSW NEWS

New Legal Aid NSW office opens in Port Macquarie

The new Port Macquarie region Legal Aid NSW office was opened on December 17 by the Member for Port Macquarie, Leslie Williams on behalf of the NSW Attorney General, Brad Hazzard.

Weekly legal advice clinics in civil, family and criminal law have started at the new Legal Aid NSW office at Port Macquarie. “Thanks to great local publicity and our excellent community connections, demand for spots in our clinics has been steadily rising from the start,” said Solicitor in Charge Robert Hoyles.

The clinics, held in the William Street office, on Tuesdays (civil law), Wednesdays (criminal law) and Thursdays (family law) add to the range of existing services on the Mid North Coast. Additional advice services are being rolled out to Kempsey, Taree, Forster, Wauchope and Gloucester over the coming months.

At the end of January the office held its first Divorce workshop, which helps people fill in their paperwork. This service will be held every last Friday of the month at Port Macquarie.

The office will share the services of an Aboriginal Access Officer with the Mid North Coast Community Legal Centre to help provide the most effective services to this section of the Aboriginal community on the Mid North Coast.

Legal Aid NSW CEO Bill Grant said the office would be working closely with the courts, the private profession, the Mid North Coast Community Legal Centre, Aboriginal Legal Aid Service and other stakeholders. “We rely on the support and cooperation of so many people who have made us welcome in Port Macquarie, and will jointly provide a range of Legal Aid services, from civil and family law to legal representation for disadvantaged clients,” Mr Grant said.



The office is at 107 William Street (entry from Hay Street), Port Macquarie 2444 and can be contacted on (02) 5525 1600. The office is open from 9 to 5, Monday to Friday.

Changes to funding of Commonwealth criminal trials

Just before Christmas, Legal Aid NSW announced a policy change approved by the Board, which affects our Commonwealth services in criminal, civil and family law. In the 2013 Commonwealth Mid-Year Economic and Fiscal Outlook, legal aid commissions were told of a \$6.5m cut to the Expensive Commonwealth Criminal Cases Fund over four years.

The national fund, which pays for Commonwealth criminal cases in any state or territory costing \$40,000 or more, was originally set up in 2000 to ensure that expensive Commonwealth criminal trials did not impact on the ability of legal aid commissions to provide legal assistance for other Commonwealth legal aid priorities.

Commonwealth criminal cases can last a number of months and involve multiple accused. Commonwealth criminal trials are also becoming more complex with the increasing use of electronic evidence and lengthier briefs.

The Commonwealth government funding cuts, combined with an unusually large number of complex and lengthy trials, has resulted in the fund being exhausted only five months into the 2013-2014 financial year. All legal aid commissions are facing the challenge of how to pay for complex Commonwealth criminal cases for the next seven months.

Therefore, the Board of Legal Aid NSW reluctantly decided to stop funding Commonwealth criminal trials that will exceed the \$40,000 expenditure cap that are listed to start from 1 April 2015, and to restrict new grants of aid for all trials that will exceed the \$40,000 expenditure cap regardless of the trial commencement date.

Trials due to commence before April 2015 for which legal aid had already been granted continue to be funded by Legal Aid NSW to minimise the impact on the justice system. There will also be some cuts to services in family law cases and civil law matters under Commonwealth legislation.

If a Public Defender is briefed in a matter expected to last more than 10 days which involves a single accused, the CEO may determine that legal aid is available.

Legal Aid NSW will continue to monitor the developments and may need to make further changes in the future. For more details of the policy changes see Policy Bulletin 6/14 at <http://tinyurl.com/ln7xv6u>

Legal Aid & Community Legal Centres partner on care services

Community legal centres are partnering with Legal Aid NSW to provide early intervention care services that will provide timely help for families. Legal Aid NSW has received State Government funding over four years to implement early intervention and alternative dispute resolution initiatives under changes to child protection legislation.

The changes commenced on 29 October 2014, and increase the emphasis on permanent placement of children other than in the long term parental responsibility of the minister.

The new approach aims to provide early intervention to support parents, build parental capacity and accountability and provide permanency in care arrangements. It is designed to increase the use of alternative dispute resolution and allow contact arrangements to be varied by agreement.

Legal Aid NSW will fund 22 Community Legal Centres, many in remote and regional NSW, over the next 18 months to provide early intervention and alternative dispute resolution in response to these reforms in partnership with Legal Aid NSW.

This type of work, which reduces the costs and stress of going to court, includes a new lawyer-assisted

alternative dispute resolution service, and grants of aid for legal representation for children (and in cases of significant disadvantage also for adults in contact disputes matters). It also includes advice and representation about:

- Parent Capacity Order and Parent Responsibility Contract;
- New permanent placement principles; and
- New Guardianship Orders.

Legal Aid NSW is working closely with Family and Community Services and already has referral protocols in place.

The work of CLCs will focus on advice and casework on Parent Responsibility Contracts, and negotiating contact arrangements after final orders have been made, as well as preliminary advice and negotiations with Family and Community Services about Parent Capacity Orders.

The Aboriginal Legal Service is also being provided with funding to employ an additional care and protection lawyer and an additional field officer for 18 months.

SECTOR NEWS

The new Bail Act

Amendments to the Bail Act 2013 commenced at the end of January. The amendments change two main areas of the Act. From now on, the court will consider additional factors when deciding whether to give someone bail – “show cause” and bail concerns.

The Legal Aid NSW brochure *A Guide to Bail* been updated to include these new requirements. The January 2015 version replaces the previous one – dated May 2014. Please make sure you replace print copies in your office with the new version. A pdf is available here <http://tinyurl.com/m4394cx>

Print copies for your office can be ordered online:

<http://www.legalaid.nsw.gov.au/publications/order-a-publication> and select: Courts, Police and Crime.



Productivity Commission Access to Justice Arrangements Report

A Productivity Commission released its Final Report into Access to Justice Arrangements on 3 December 2014. The report says an extra \$200 million is needed to provide legal help to disadvantaged people in Australia.

The Productivity Commission recognises that a well-functioning civil justice system underpins social cohesion and economic activity and that government-funded legal assistance is an ‘integral part of ensuring that the justice system is accessible to all’.

A key finding of the report is the extent of unmet legal need within the community. Recognising that a failure to address unmet legal need leads to adverse consequences for individuals and the wellbeing of the community, the Productivity Commission has recommended an immediate injection of \$200 million per annum across the legal assistance sector in Australia. This funding would ‘address the most pressing needs’ by relaxing the legal aid means test, maintaining existing frontline services that have a demonstrated benefit to the community and expanding the availability of civil law assistance.

In addition to the extra \$200 million in annual funding, the Productivity Commission makes a number of recommendations to improve legal assistance over the longer term. These recommendations include assessing the level of funding needed, if legal assistance services are to meet government priorities. See the Report at <http://www.pc.gov.au/inquiries/completed/access-justice/report>

New NSW Legal Services Commissioner appointed

The Chief Legal Officer of the Aboriginal Legal Service (NSW/ACT), John McKenzie, has been appointed as the new NSW Legal Services Commissioner. The Office of the Legal Services Commissioner is an independent statutory body that deals with complaints about NSW lawyers with powers to take disciplinary action against solicitors and barristers.

John McKenzie has been Chief Legal Officer of the ALS for eight years and will begin a four year term as Legal Services Commissioner on 4 March 2015. He has been a member of the Legal Aid NSW Board since May 2013.

John has been involved in the CLSD Program for many years. We will greatly miss working alongside John, with his nous, passion, intellect and dedication in seeking redress for the injustices for Aboriginal people caught up in the criminal justice system in NSW, and wish him well in his new well-deserved role

Redress: the Royal Commission consultations on redress and civil litigation



The *Royal Commission into Institutional Responses to Child Sexual Abuse* is seeking community input into its consultation paper on redress and civil litigation.

You are invited to have your say on the consultation paper via written submission at: <http://tinyurl.com/ofebjnc> or by commenting via the Commission's online feedback form at: <http://tinyurl.com/m89h63l>

- Download the consultation papers at: <http://tinyurl.com/l8aooBK>
- Read justice McClellan's statement at: <http://tinyurl.com/kcu29dw>
- Watch the video of Justice McClellan's statement at: <http://tinyurl.com/lepd2ud>
- Download Actuarial Report at : <http://tinyurl.com/nkfftXg>

Formal written submissions to this consultation paper will be published on our website unless the person making the submission requests that it not be made public or the Royal Commission considers it should not be made public.

Comments made through the online feedback form will not be published on the Commission's website, however they may be used in its final report, either with permission or without identifying who made them. Submissions and comments are due by **midday Monday 2 March 2015**.

Following the consultation period, the Royal Commission will hold a public hearing in March 2015 to further examine the issues raised in the provision of effective redress and civil litigation to survivors of child sexual abuse in institutions. Information about this hearing will be advertised in the media and on this website.

The Royal Commission will issue a final report on redress and civil litigation by mid-2015. See timeline at: <http://www.childabuseroyalcommission.gov.au/policy-and-research/redress#timeline>. For further information go to <http://www.childabuseroyalcommission.gov.au/policy-and-research/redress>

A justice reinvestment approach for NSW

It costs around \$652 a day to lock up a young person in detention. It costs a lot less to educate and if required, rehabilitate a young person.

More than half the young people inside NSW detention centres are Aboriginal. Around one third of the adults in prison are Aboriginal. There is a clear nexus between juvenile detention and adult imprisonment. Simply put, Justice Reinvestment takes money out of prisons and puts it back into communities where juvenile crime is occurring. It's a smarter, cost-effective approach to criminal justice.

The organisations who formed 'Just Reinvest NSW' are calling for a new approach to address the high detention rates of Aboriginal and Torres Strait Islander young people and to create safer communities.



Aboriginal young people (aged 10 to 25) remain the most over-represented group in our prison population. Over half of our juvenile justice population is Aboriginal despite only making up 2.2% of the general population.

Justice reinvestment involves shifting spending away from incarceration towards early intervention, prevention and treatment for Aboriginal and other young people at risk.

Sarah Hopkins, Chair of Just Reinvest NSW says justice reinvestment is economically and socially the only way forward for NSW. "Justice Reinvestment is a smarter approach that will reduce crime and create safer, stronger communities," said Sarah. "It uses data to identify communities with a high concentration of offenders and assesses the particular problems facing those communities. A justice reinvestment framework supported by government would divert funds from imprisonment into early intervention, crime prevention and diversionary programs, creating savings in the criminal justice system, which can be tracked and reinvested. It's a smarter, cheaper approach for government which has a positive flow-on affect to whole communities.

To become a supporter of Just Reinvest NSW, go to <http://www.justreinvest.org.au/> To read the election policy document, go to <http://tinyurl.com/m65cwnz>

Changes to Sentencing for Traffic Offences

As the year starts back in earnest, it's a good time to have a look at some recent changes to the law that might affect your clients.

New mandatory sentencing responses to drink driving offences come into force from February 1, with many offenders being required to fit interlock devices to their vehicles at their own expense.

More information about the changes is at <http://tinyurl.com/kf524dr>

MoneySmart – guide to dealing with debt collectors

The Australian Securities and Investments Commission (ASIC) and the Australian Competition and Consumer Commission (ACCC) have produced a guide to help consumers understand:

- what their legal rights and responsibilities are if they owe a debt
- where they can get help to work out their budget, negotiate a repayment plan, apply for hardship and better understand their financial and legal options
- what to do if a debt collector contacts them
- what debt collectors should not do and what consumers can do if they have been treated unfairly
- how to dispute a debt.

The guide can be found online at: <http://tinyurl.com/nfqbpvh>



Overcoming Indigenous Disadvantage: Key Indicators 2014



The *Overcoming Indigenous Disadvantage* report measures the wellbeing of Australia's Indigenous peoples. The report provides information about outcomes across a range of strategic areas such as early child development, education and training, healthy lives, economic participation, home environment, and safe and supportive communities. The report examines whether policies and programs are achieving positive outcomes for Indigenous Australians.

The 2014 report shows that, nationally, for Aboriginal and Torres Strait Islander Australians:
economic outcomes have improved over the longer term, with higher incomes, lower reliance on income support, increased home ownership, and higher rates of full time

and professional employment. However, improvements have slowed in recent years several health outcomes have improved, including increased life expectancy and lower child mortality.

However, rates of disability and chronic disease remain high, mental health outcomes have not improved, and hospitalisation rates for self-harm have increased, post-secondary education outcomes have improved, but there has been virtually no change in literacy and numeracy results at school, which are particularly poor in remote areas justice outcomes continue to decline, with adult imprisonment rates worsening and no change in high rates of juvenile detention and family and community violence. To read the report and media releases, go to <http://tinyurl.com/mdclc6x>

Please note: Aboriginal and Torres Strait Islander people are advised that this website may contain images of deceased people.

INFORMATION AND RESOURCES

An Expensive Day – A Short Film

This film shows how easy it is to get into trouble with police, and how easy it is to stay out of trouble.

Produced one afternoon by ALS Aboriginal field officers with mobile phones and available technology.

To watch the film, go to <http://tinyurl.com/mrrtvq4>



Bourke's Amazing Chase



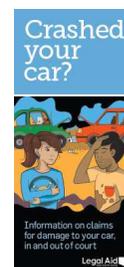
See what can happen when you give kids a chance to make a film about crime. In the small town of Bourke NSW where scooters are in hot demand, taking somebody else's scooter is not on, as one young man learns.

This film was made by the Bourke crew during three days of their school holidays. It's their story, their camera work, their acting, directing and production. <http://tinyurl.com/kmtfw9n>

Have you crashed your car?

This brochure will help you if you have crashed your car and are not insured for motor vehicle property damage or you are not claiming on your insurance. It outlines what you should do right after the accident and how to negotiate settlement or prepare for court.

Read it here at <http://tinyurl.com/nazpkpt> or order it free from <http://www.legalaid.nsw.gov.au/publications/order-a-publication> and go to Driving and Traffic.



The outcomes of community legal education: a systematic review (Justice Issues Paper 18)

This paper reports on a systematic review of research into the effectiveness of face-to-face community legal education (CLE). Due to the very limited availability of research into the effectiveness of CLE (whether CLE causes certain outcomes, over and above other influences) the paper also draws some comparative lessons from the literature on the effectiveness of health education, since this field has a much greater body of methodologically rigorous outcome focused research.

Only two CLE studies, both from North America, met the tight criteria for this review. These two studies provide evidence that CLE – in these cases, education classes for divorcing parents – can change participants' behaviour in the short to medium term. Looking more broadly, the health education literature suggests that community education may be more effective in producing changes in knowledge and shorter-term, simpler

changes in behaviour versus longer-term, more complex behaviours. The review also highlighted some of the factors which may influence the effectiveness of CLE. View full report at: <http://tinyurl.com/ojpc8ak>

Making sense website

Making Sense has been developed by the Intellectual Disability Rights Service (IDRS).



Making Sense provides information about the care and protection system on NSW for parents with an intellectual disability, as well as lawyers, disability advocates and community workers and family members supporting these parents. Visit the site at: <http://idrs.org.au/makingsense/>. Intellectual Disability Rights Service can be contacted on 02 9318 0144 or cnp@idrs.org.au

Directory of Mental Health Services in NSW

The Mental Health Association NSW has released the new 10th edition of the Way Ahead Directory of mental health related services in NSW. The new edition is being launched online for the first time so that it can be accessible at any time for consumers, carers, families, friends, professionals and the general public. It is a comprehensive mental health resource that has been updated annually since 1985 by the Mental Health Association NSW (MHA).



MHA is a non-government organisation that values, promotes, and protects mental health and wellbeing. The mission of MHA is to promote opportunities for people of NSW to achieve their optimal level of mental health through providing information, education about mental health, mutual support and advocacy services. See the site at <http://www.wayahead.org.au/>

Safe at school? Exploring safety and harm of students with cognitive disability in and around school

This report was written by Dr Sally Robinson and Dominique McGovern from Southern Cross University. It aims to generate knowledge to improve the access of students with cognitive disability to protection in the event of maltreatment, and to strengthen the implementation of their legal and human rights in school settings. For the full report go to: <http://tinyurl.com/lsvyvx>



Aboriginal Legal Service Daily Media Alerts

Subscribe to get daily alerts of the latest news from ALS Daily Media at media@alsnswact.org.au

Scam complaints growing in remote Indigenous communities

Scams have increasingly become an issue being felt by Indigenous peoples and ICAN has long been aware that scammers have been targeting people living in remote Aboriginal and Torres Strait Islander communities.

ICAN has recently received complaints from the Cairns region and remote Cape York communities regarding persons claiming to be providing grant monies to individuals under the "Australian Federal Government Grant Commission." In the instances of this scam, a person claiming to be representing the "Australian Federal Government Grant Commission" advises individuals that they have been randomly selected to receive grant monies in the value of thousands of dollars. In order to receive the so-called 'grant' monies, the victim of the scam would need to facilitate the transfer of monies from the scam party to a Western Union account.



An important aspect of the “Australian Federal Government Grant Commission” scam is the ongoing contact the scam party pursues with its victims, offering increased ‘grant’ money rewards for ongoing participation. “It is important to report scams, and you shouldn’t feel shame or embarrassment if you’ve been caught by a scam, but to call the ACCC’s Indigenous Infoline on 1300 303 143.”



The ACCC’s SCAMwatch website offers useful advice for people who may be contacted by scam groups:

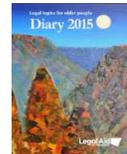
<http://www.scamwatch.gov.au/content/index.phtml/itemId/780763>

Watch the ACCC scam awareness video for Indigenous consumers here or at:

<http://youtu.be/jONQ2rXBEYA>.

Older Persons Legal Diary 2015 – COPIES STILL AVAILABLE!

Copies of the 2015 Issue of the *Legal Topics for Older People* diary, produced by Legal Aid NSW are still available. To order online go to <http://www.legalaid.nsw.gov.au/publications/order-a-publication>



New law webinars for everyone

A new schedule of online seminars on legal issues encountered in everyday life are available for the general public.

Legal Aid NSW is running a new series of webinars for the public between January and March 2015. Webinars are web based seminars that are broadcast to participants through their computer, tablet or smart phone via the internet. New topics include car accidents, unfair dismissal and understanding your AVO. Each webinar goes for 30 minutes. See the law webinar section on the Legal Aid NSW website for dates, times and registration information at <http://www.legalaid.nsw.gov.au/what-we-do/workshops>.

You can also select the webinar date on our flyer to take you to the registration page for the webinar. For the flyer go to: <http://tinyurl.com/mqldk88>



The More Bang for your Bond Campaign

Help spread the word!

The bond interest fund is carrying a substantial surplus, but tenants' services have not had a real increase in funding since 2002. The Tenants’ Union is campaigning to release funds to support tenants’ services.



Safe, secure housing is a basic need, and fundamentally important to people living with disadvantage. Other forms of social support are not as effective without this bedrock. Affordable housing consistently ranks as the highest need in state and national community sector surveys and consultations. Support the campaign to release more of tenants' funds for tenants' services. **To find out more go to:** <http://yourbond.org/>



Legal Aid NSW Employment Law Clinics

In 2015 Legal Aid NSW continues to offer free face to face employment law advice throughout regional NSW. Dedicated employment law advice sessions take place in the following Legal Aid offices:

- Newcastle
- Gosford
- Port Macquarie
- Coffs Harbour
- Lismore
- Wollongong
- Nowra
- Wagga Wagga
- Dubbo

More information about our network of employment law advice sessions is available on our website:

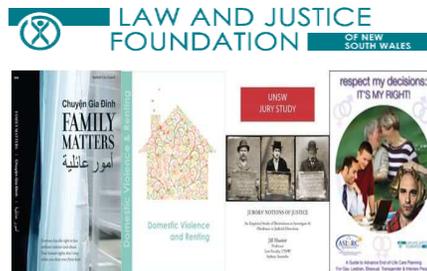
<http://www.legalaid.nsw.gov.au/what-we-do/civil-law/employment-law-services/employment-law-clinics>

Employment law advice is also available in other regional Legal Aid offices that provide Civil Law services.

Some of the employment law problems that Legal Aid can advise on include: wages and entitlements, leave, superannuation, dismissal, redundancy, discrimination, issues affecting contractors. Legal Aid provides employment law advice to: full time and part time workers, casuals, government workers, young workers, contractors and workers on visas.

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

The Law and Justice Foundation of NSW Grants Program supports community projects that improve access to justice, particularly for socially and economically disadvantaged people. The Foundation is interested in funding work that shows us “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 next round of applications for general grants to up to \$50,000 will close on **31 March 2015**.

To discuss your project idea and ensure you're on the right track, contact the Grants and Legal Information Manager, Jane Kenny on (02) 8227 3210, ideally as soon as possible, and **at least six weeks before the closing date**.

For more information on how to apply, a copy of the application form, the grants criteria or to view previously awarded grants, visit www.lawfoundation.net.au/grants

For more information on the CLSD Program, go to

<http://www.legalaid.nsw.gov.au/what-we-do/clsd>

or contact Jenny Lovric on E: jenny.lovric@legalaid.nsw.gov.au or Tel: (02) 9219 5102

