

CLSD Program Quarter 2 2021

Final Report

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The CLSD Program [website](#) has details about the regional meetings and coordinators as well as a dedicated page for each regional partnership with links to:

- minutes of the last 4 meetings
- the regional action plan
- the regional profile
- legal advice available in the region, and
- a printable factsheet.

CLSD Program headline issues

Fine debt, access to concession fares and transport disadvantage

A significant proportion of unpaid fine debt owed by people living in regional locations with relatively high economic and social disadvantage is incurred by people travelling on public transport without a valid ticket. In the Kempsey Nambucca CLSD Program region the offence of travel without a valid ticket has the highest number of penalty notices contributing to fine debt in that region, with 1 663 penalty notices outstanding for that offence as at December 2020.

The availability of concession fares for vulnerable people is an important strategy to alleviate financial hardship for vulnerable people and prevent fine debt. While concession fares for public transport are available to people receiving the full rate of Centrelink benefits or who are in full time study or undertaking an apprenticeship the process for applying for a concession entitlement card, and the requirement to reapply for an entitlement card every 90 days, appear to be barriers for many people who could be eligible for a concession fare.

Two reports by the NSW Independent Pricing and Regulatory Tribunal (IPART) released in 2020 highlight how difficulties with gaining access to concession fares might be having an impact on fine debt that is related to travelling without a valid ticket on public transport.

IPART recommended that concession fares be available to people who hold a Commonwealth health care card in a review of Opal fares, and a review of rural and regional bus fares. This would expand the group of people eligible for a concession fare to include people who have insecure or sporadic employment and eliminate the requirement to apply for a separate transport concession entitlement card every 90 days. It also recommended that the NSW Government consider implementing other strategies for vulnerable people, such as the use of discounted travel passes for community organisations to provide to vulnerable people, and the opportunity for some vulnerable people to

apply for free travel on public transport. It is understood that the NSW Government will respond to the recommendation by the middle of this year.

Housing and tenancy

Many partners have raised concerns about the impact of the tightening rental housing market in regional NSW on vulnerable people. Legal assistance and tenants' advocacy services play an important role in helping vulnerable tenants gain access to housing and to sustain tenancies and it is our common experience that early assistance in this area can make a difference.

Partners in the Central Tablelands region have noted the importance of early intervention and advice for tenants involved in the criminal justice system who were being advised by social housing providers to relinquish their tenancy prior to the finalisation of criminal proceedings.

Partners have also noted difficulties for tenants in getting help and representation from duty advocates at tenancy hearings conducted by telephone by the NSW Civil and Administrative Tribunal. We understand that the Tenants Union is looking at the issue of how tenants might be offered a duty service where hearings are held by telephone.

More recently some partners have noted concerns about tenants having to pay for access to tenant data base personal information notwithstanding changes to the *Residential Tenancies Act 2010* in made in March 2020 requiring database operators to provide personal information within 14 days of the request and at no charge to the tenant.

Throughout 2020 the Hunter regional partnership has focused on improving the relationships between legal and tenants' advocacy services and social housing managers following the transfer of much of the social housing stock in the region from the state government to two social housing providers. Initially legal and tenants' advocacy services met and developed a referral document that identified what each service offers for tenants, and how referrals could be made. Social housing providers and legal and tenants' advocacy services then met with social housing providers to discuss referrals and some other issues identified as affecting social housing tenants. In December 2020 the Hunter Community Legal Centre lead an on-line community legal education session for front-line workers at social housing providers about how legal and tenants' advocacy services can support tenants to sustain their tenancies.

At a recent planning meeting held for the Central Coast region partners agreed to collaborate on early intervention with vulnerable tenants who are experiencing difficulties with sustaining their tenancy.

The NSW Civil and Administrative Tribunal has kindly supplied information regarding applications for termination of tenancies and applications for repairs to the CLSD Program to assist with planning and targeting of services in the regions.

How to stick to your order – information for defendants to ADVOs – animated video now on YouTube

An animated version of the resource is now available [here](#) on YouTube. A PDF version of the brochure is also available on the Legal Aid [website](#).

The CLSD Program is looking into adapting the resource for Aboriginal and Torres Strait Islander people and young people.

Issues and projects from the regional partnerships

ALBURY

Quarter 2 meeting – 26 May online

Jennie Wright and Abby Cerone spoke to partners about the role of the Health Care Complaints Commission in responding to complaints about health care provided by both registered and non-registered health practitioners in NSW.

Their presentation was followed by a mini law check-up exercise, led by Hume Riverina Community Legal Service solicitor, Taylor Smith-Stephens. This exercise asked partners to consider one case study and identify the client's legal and non-legal issues and appropriate local referrals. The case study touched on pay-day loans, issues with Centrelink, termination of employment and fines.

The CLSD Unit is encouraging regions to include this activity in meetings to strengthen local referral pathways.

The main issue raised by partners was access to affordable housing in Albury and surrounding towns. Partners are seeing lots of clients at risk of and already experiencing homelessness due to landlords selling their properties, which is putting significant pressure on people who also experience mental and chronic health issues. Positively, staff at Interreach have requested learning more from local legal services about the rights and responsibilities of their clients when it comes to housing as one way that they can help.

Action plan updates

- A service map of local services in Deniliquin will be ready for distribution between now and the quarter 3 meeting in August.
- HRCLS has delivered several law check-up training sessions to services in Deniliquin.

CENTRAL COAST

Quarter 2 – 30 June online

Isabella Wallington from Revenue NSW spoke to partners about the Hardship Support Program that she is leading. Isabella was invited in response to the consultation conducted with legal and non-legal partners prior to the planning meeting in quarter 1, which found that a fine is the most common issue seen by non-legal services in the region.

The meeting provided a great opportunity for partners to provide direct feedback to Revenue NSW about the experiences of their clients and the program initiatives. Partners told Isabella that they think that penalty notices should include referral information to legal services instead of information about electing to go to court, because people have options before taking this step, which can be very costly. Central Coast CLC reported seeing a trend in p-plate drivers receiving large fines after they elect to go to court because they are concerned about losing demerit points.

Fine debt on the Central Coast is heavily concentrated amongst transport related fines and fines for speeding. At the time of the meeting, \$42,000,000 worth of debt was outstanding from Central Coast LGA. Sharing information with partners about the amount of debt and the most common fines issued was very powerful. Partners were particularly interested in a project that Revenue NSW is hoping to deliver with Transport NSW, which may pilot conditional free transport for vulnerable young people. The CLSD Program understands that this project may be piloted in a Sydney LGA but is of the view that

there would be benefits in piloting such an approach in a regional area with high fine debt for transport related offences.

One emerging issue raised was the number of non-government organisations having difficulty understanding their obligations under the reportable conduct scheme. Partners agreed that it is very important for agencies and carers to know how to respond to a notification from the Children's Guardian and that there is an opportunity to provide CLE in this area.

CENTRAL TABLELANDS

Quarter 2 meeting – 18 May online

Donna Flood from the Welfare Rights Legal Centre spoke to partners about their role in helping people with Centrelink issues, and how partners can help to spot Centrelink issues that their clients are experiencing, particularly those that might not be immediately obvious. Welfare Rights is working to upskill community workers to spot and help their clients with social security issues.

Some red-flag situations noted were someone facing eviction because they can't pay their rent, someone alleging that they have been scammed because money has been taken from their bank account and someone being accused of stealing essential items like food.

During the meeting, an important referral connection was made between staff from the WDVCS and local legal services about the help that lawyers can provide to WDVCS clients who are blocked from the social housing waitlist due to previous arrears or property damage, which was sustained while they were a victim of domestic violence.

The meeting also provided an opportunity for partners to debrief the legal outreach events that took place in Forbes on the 28th and 29th of April. It was a very successful event, which connected local Family Violence Prevention Legal Service Binaal Billa with the First Nations Women's Legal Program (WLS NSW) and Western Women's Legal Support. Between 50 and 60 birth certificate applications were taken by Births, Deaths and Marriages on the second day.

Issues raised by local services

- Tenancy: the tenant's advice and advocacy service, VERTO reported an increase in 'no grounds' evictions. VERTO asked partners to encourage their clients who are facing eviction to get advice from their service or a civil lawyer as soon as possible as most tenants that they see are taking the advice of their landlord or agent as gospel.
- DV: the WDVCS is receiving approximately 400 referrals per month from police and has had to employ more staff to meet demand. Relationships Australia identified the need for a men's behaviour change program (MBCP) locally. As a result of the meeting Relationships Australia connected with Housing Plus to discuss how they deliver an MBCP in Orange.

CENTRAL WEST

Quarter 2 meeting - 20 May in-person (Dubbo)

Partners heard from:

1. Jayne Christian (solicitor, Legal Aid NSW's Child Support Service) spoke about the role and availability of the service to clients in the Central West. Jayne raised awareness of the help that the service can provide in making sure that mothers are receiving the correct support from Centrelink. Partners then discussed how to increase awareness and referrals locally. Actions included connecting

Jayne with the Community Liaison Officers working in smaller, more remote communities, introducing her to the local financial counselling services and linking her with the Aboriginal Legal service in Walgett.

2. Bill Dickens (solicitor in charge, Legal Aid NSW Dubbo) spoke about the commencement and content of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, and the implications locally. The clinical consultant attached to Dubbo Local Court is retiring and partners discussed the need for the network to provide support to her replacement. Access to timely clinical health assessments is a significant issue for clients facing criminal charges as well as clients appearing before the guardianship division of NCAT and the Mental Health Review Tribunal. Professional assessments from a psychologist or psychiatrist are almost impossible to access from Dubbo and surrounding areas.

3. Geoff Mulherin (Director of the Law and Justice Foundation) demonstrated the new legal needs dashboard developed by the foundation. Following this presentation, the regional coordinator and the members of the DV working group agreed to meet and discuss whether the LJF could help them to access relevant data.

Outreach events are scheduled to coincide with the Local Court circuit to Coonamble, Goodooga, Collarenebri and Coonabarabran from 22-25 June.

FAR WEST

Quarter 2 meeting held on-line 13 May.

Margot Anderson (Team Leader, Justice Advocacy Service) spoke to partners about the future of the service and encouraged partners to recommend volunteers as they do not have enough in the Far West region. Positively, some new service roles were announced during the meeting; the Seniors Rights Service has recently based aged care advocate Christene Polanski in Broken Hill and Catholic Care has employed new Family Dispute Resolution Practitioner Sophie Angel.

Linda Meyns, from Legal Aid NSW's work and development order service shared that there were some very positive work and development order outcomes in the region in 2020. Catholic Care has cleared \$215,000 debt, the Community Restorative Centre has cleared almost \$1,000,000 in debt, Far West Drug and Alcohol Service cleared almost \$115,000 in debt and Maari Ma cleared \$150,000.

The adult literacy program, which is a partnership between Warra Warra Legal Service, Broken Hill Library and the Reading Writing Hotline has had a positive start with 16 mentors showing interest. There are plans to extend the program to Wilcannia too.

The CLSD program is supporting online meetings between services in Broken Hill and Wilcannia with a view to raising awareness of legal services, increasing referrals and holding a free legal help day.

HUNTER

Quarter 2 Meeting – 12 May in-person (Cessnock)

Partners heard from:

- Your Story Disability Legal Support, Disability Advocacy and Interrelate provided information about the Disability Royal Commission and the help that their services can provide to people who would like to make a submission, or who are impacted by the Royal Commission. Helpfully, counselling is available via Interrelate for anyone who is impacted by the Royal Commission, whether they make a submission or not.

- Welfare Rights Legal Service spoke about their specialist service for issues to do with Centrelink and how services can play a very important role in spotting Centrelink issues that their clients are experiencing, providing support, and referring where appropriate.

Issues raised by local services

- DV: the WDVCS raised concerns about the number of referrals that they are receiving from police for children, some as young as 6 or 7 years-old.

Active projects:

- Support person training: Kurri Kurri Community Centre and Legal Aid NSW's Community Legal Education Team are partnering to train volunteers across the Hunter to act as support people for young people who do not have anyone to support them during police interviews. Twelve workshops are scheduled in Singleton, Newcastle, Cessnock, Lake Macquarie, Maitland and Muswellbrook between now and September.
- WDO Third Party Referral Project: as part of the CLSD, Advocacy Law Alliance has become a WDO sponsor, specifically for 3rd party referrals. This referral pathway allows for clients who are engaging in activities with an organisation or medical practitioner that is *not* a WDO sponsor to still apply for a WDO to help reduce their fines. This project will be evaluated after 12-months.

KEMPSEY/NAMBUCCA

Quarter 2 meeting - 1 June in-person (Kempsey)

Partners heard from:

1. Geoff Mulherin (Director LJF) spoke about the new legal needs dashboard developed by the Foundation and how it can be utilised by local services in areas like service planning and grant applications.
2. Julianne Elliot (senior solicitor Legal Aid NSW's Community Legal Education Team) spoke with partners about the rights of young people and children to education in NSW, the issues that they and their families experience in trying to access education, and the legal help available to support them to remain in and return to school or training.
3. Two solicitors and two Aboriginal engagement officers from knowmore Legal Service travelled to Kempsey to meet with CLSD partners, to introduce their service and to hear how they could better service the community. This was a very important conversation as many partners raised concerns about predatory legal providers who have done this work for people locally at significant cost, including for some people who are incarcerated, not knowing about knowmore, which is a free service.
4. David Evenden (solicitor Legal Aid NSW's Coronial Inquest Unit) provided a brief introduction to the service and heard from partners about how they could better service the community, including who to invite and where to hold a more in-depth information session later this year.

Fiona Pace (senior solicitor, Legal Aid NSW) also provided an update to partners about her role in supporting community members in Kempsey and surrounding areas who are concerned about unfair treatment by police. Fiona has developed a referral pack for workers to use with their clients and is providing legal advice and community legal education.

MOREE

Quarter 2 – 15 July online

A combined on-line and in person meeting for people in Moree was held on 15 July. Participants reviewed the new action plan for the region which includes the following actions:

- CLE and community worker training to help young people and adults get help on legal issues in particular housing, Centrelink, employment and education/school problems.
- CLE on bail, police powers everyday legal problems and school and education issues. CLE is planned for the Moree Aboriginal Education Consultative Group.
- Frontline Services Forum – in partnership with JustReinvest, a forum for frontline services assisting young people and their families.
- Ensuring older vulnerable people get help with a will and related documents.
- Work with local social housing providers to ensure that tenants get early access to legal help. This action arose out of a discussion at the meeting on 15 July about the impact of NCAT telephone hearings on people who are facing eviction.
- Target people who are driving without a licence and support their access to a driver licence clinic in Boggabilla and Toomelah.

The plan draws on community consultation held on 19 February 2021 in Moree and contributions from CLSD Program legal partners. Gaps in services identified at the community consultation included access to specialist advice and representation in care and protection matters, including fathers who need help and at an early stage when the Department of Communities and Justice are engaging with a family. Participants also highlighted the importance of trusted navigators or community linkers who can assist vulnerable and disadvantaged people to connect with the right legal service.

NORTHERN RIVERS

Quarter 2 – 22 June, Lismore in-person

Guest speakers:

- Neil Hayes and Louise Sheehan from Justice Health spoke about the new *Mental Health and Cognitive Impairment Forensic Provisions Act 2000* and its impact locally.
- Sue Morrison, Manager Client Services from the Department of Communities and Justice (DCJ) spoke about their referral protocol with the Aboriginal Legal Service (ALS). The protocol encourages caseworkers to refer to the ALS as part of their early intervention response. The ALS reported that locally they have received consistent referrals since the protocol was introduced. This presentation led to a discussion about referral processes for young people leaving out-of-home-care. Partners decided to organise a separate online meeting between local legal services, DCJ and relevant non-government organisations, particularly employment services, to discuss how this operates locally and whether there is scope for improvement.
- Denise Brown, Network Specialist with the Department of Education spoke about their outreach project to Tabulam and Jabulam. Denise successfully applied for a grant to establish a services hub in Tabulam. There will be a nominal fee for services to hire the room, which will cover the running expenses. Programs underway and planned by the project include:
 - After school programs for 12-18-year-olds
 - After school care for children in kindergarten to year 6

- A school bus that can also take people into town for appointments
- A young parent's group for pastoral support, and
- The Department is working with local TAFE campuses about post-school options.

Transformative justice is a standing item of the agenda in the Northern Rivers. The CLC shared that they are speaking with Southern Cross University about partnering on work in this area. They have also had some recent success working with police in the region to about improving responses to police complaints locally.

SOUTH COAST

Legal services meeting – 31 May

Legal assistance services in the region held a meeting to share information, coordinate outreach services and discuss legal needs in the region. The meeting was convened by the CLSD Program regional coordinator and attended by Legal Aid NSW, Seniors Rights Service, Shoalcoast Community Legal Centre and the Aboriginal Legal Service NSW/ACT.

Issues identified by participants included:

- Ongoing need for panel lawyers to undertake family law work, particularly for litigation beyond mediation.
- Fines imposed on Aboriginal people who are undertaking traditional fishing activities and the need for a specialist advocate to provide assistance in appeals in this area.
- Lack of social housing stock and lack of transparency around availability of social housing stock.
- Gap in disaster financial assistance where affected person is not a primary producer or a small business, services also noted that there is no review mechanism in the available schemes or no scrutiny other than through judicial review.

Quarter 2 meeting – 25 May in-person in Bega.

Russell Mears the Coordinator of Family Connect and Support Services, Mackillop Family Services, spoke to partners about the program which aims to help families so that children are prevented from going into out of home care. Participants also discussed the wellbeing hubs at schools in the Snowy Monaro region.

Partners also heard from Brighter Futures who also do care and protection work, mostly where there is a risk of significant harm to a child, a financial counsellor based in Moruya and a homeless outreach solicitor from Legal Aid NSW.

Angie McKenzie spoke about her role as the Community Development Officer, Community Recovery and Engagement, at the Bega Valley Council. She highlighted one challenge with recovery from the bushfires being the development application process at Bega Valley Council; while there has been an increase in Das the council has not increased its capacity to process the applications.

Partners agreed that access to social housing and housing affordability are prominent issues, including an increase in classification of social housing tenants as being 'unsatisfactory housing tenants.'

TAREE/FORSTER

Quarter 2 – 2 June in-person (Taree)

The focus of the meeting was on young people, identifying some unmet legal needs and sharing resources. The purpose being to link workers to knowledge, resources, and a network of support for young people in Taree and Foster.

It was wonderful to welcome new partners from the Aboriginal Legal Service, Wingham High School and Foster Local Court at this meeting.

Partners heard from:

1. Julianne Elliot (senior solicitor Legal Aid NSW's Community Legal Education Team) outlined the services that Legal Aid NSW can provide to help young people and their families facing suspension or expulsion from school. Since these services are new, Legal Aid's education branch is also developing workshops for young people, families, and community workers. As part of this presentation, Julianne workshopped a case study about a young person facing exclusion from school exclusion with partners in the context of the local service landscape.

2. Geoff Mulherin (Director LJF) spoke about the new legal needs dashboard developed by the Foundation and how it can be utilised by local services in areas like service planning and grant applications.

Young people and fine data

The CLSD Program Unit and the WDO service shared data with partners at the Taree meeting about the significant number of fines issued in regional areas for not voting in legislative assembly general elections and in local government elections. With local government elections scheduled in September this year, partners discussed delivering a project for young people during NAIDOC week in July about voting and sharing their voices with local government representatives.

WAGGA WAGGA

Quarter 2 meeting - 27 May online

Guest speakers Jennie Wright from the Health Care Complaints Commission (HCCC) and Juliet Dimond from the Welfare Rights Centre.

The HCCC spoke about their inquiry and complaints process.

The Welfare Rights Centre gave a presentation about their regional outreach project.

Other issues raised at the meeting:

Affordable transport continues to be an issue for vulnerable people in the region. Australian Unity (who had a representative at the meeting) spoke about their community transport service within the LGA. Representatives from the Aboriginal Legal Service NSW/ACT confirmed that their clients often have issues in getting to court due to lack of transport.

Housing availability in the region has been significantly and negatively affected by the impact of Covid-19. Homelessness has a direct impact on the ability of people accused of criminal offences to get released on bail.

The partners also discussed the need for and availability of free birth certificates for vulnerable people including people in prison.