



Cooperative Legal Service Delivery (CLSD) Program e-update April 2017

CLSD PROGRAM UNIT

Lauren McGowan-Slee is the new CLSD Program Regional Coordinator for the Hunter. Welcome Lauren! Lauren also works for Disability Advocacy as an advocate, is a qualified Occupational Therapist and is interested in occupational justice: addressing barriers to equitable participation for individuals and populations.

Details of all of the CLSD Program Regional Coordinators and dates of CLSD Program regional meetings are at <http://www.legalaid.nsw.gov.au/clsd>.

CLSD Projects

The Northern Rivers CLSD Program partnership is working on an Early Intervention Referral project for families that have contact with NSW Family and Community Services (FACS) about their children. The project has produced a referral card of Northern Rivers free legal assistance services for child protection issues, domestic violence, family violence support and advocacy support. It has also produced a Child Protection Early Intervention “Referral Map”.



Karin Ness (pictured with the ‘Referral Map’), the Community Development and Community Education officer at the Northern Rivers Community Legal Centre explains why the project was developed and how it is being implemented.

“The need for the project emerged at a CLSD Program meeting. We decided that it was important to improve regional referral resources for families having contact with FACS about their children that included a map to illustrate why legal advice is important at different stages of interaction with FACS. We also agreed that sector development and education should be part of the project.

The NSW government’s *Safe Home for Life* changes were about to take effect and we realised that service providers working with FACS and families were not aware that a FACS intervention, or a notification about a possible risk of serious harm to a child, was a legal issue and where people could get assistance. Service providers did not always prioritise referrals to legal assistance for families who were in crisis, even though early intervention underpins the *Safe Home for Life* reforms.

Community legal centres, including the NRCLC received funding to accept increased referrals from FACS following the introduction of the *Safe Home for Life* changes, but those referrals were not coming through as we expected. It seemed that FACS were not using the early intervention tools that were part of the *Safe Home for Life* initiative such as parent responsibility contracts.

The Early Intervention Referral project aims to overcome the problem of families not having any legal advice until FACS starts court proceedings, and to educate service providers about how legal assistance can enhance outcomes for families and children. We formed a steering committee for the project. Collaboration with a wide range of partners was important to understand the issues and the barriers for people accessing legal services, to understand the gap between law and practice and to identify the different stages for the map. The local FACS office participated in the steering committee and were quite excited to be involved.

Now that the map and referral card have been produced we are focussing on the sector development phase of the project to educate service providers. We partnered with the YWCA for our first sector development workshop that was held in February 2017. The workshop was very successful with around 60 participants and presenters from the Aboriginal Legal Service, the Women’s Domestic Violence Court Advocacy Service and the NRCLC. Two more workshops are being held at Murwillumbah and Tabulam. We have built evaluation into the sector development and participants are asked to complete a questionnaire at the beginning and the end of the workshop. We are also seeking permission from participants to do follow up with them by phone in six months to

see whether the workshop and referral resources have changed the way that they refer families for legal assistance and help with domestic and family violence issues.

It is still too early to tell whether the project has resulted in more referrals to legal services but one of the early outcomes of the project is that it is encouraging workers to talk about these issues.'

What kind of systemic issues are being reported across regional and remote NSW through the CLSD Program?

- Low attendance by tenants at NCAT hearings and concerns that tenants are missing out on crucial help to preserve their tenancy.
- Breach of apprehended violence orders and concern that this is due to lack to understanding about obligations when an AVO is made, the types of orders being made and lack of assistance for defendants.
- Lack of through care for people who are leaving prison who have complex health and social needs.
- Lack of accommodation in remote centres for people who are seeking bail.
- Debts owed to Local Councils for rates and concerns that many Local Councils do not have hardship policies for residents experiencing financial hardship, and use courts to pursue debt without using alternative dispute resolution.
- Transfer of social housing from NSW government to non-government providers.
- Lack of diversion opportunities for people in the criminal justice system who need help for substance abuse or mental health problems.

LEGAL AID NSW NEWS

Free do-it-yourself divorce classes

Legal Aid NSW regional officers in Lismore, Newcastle, Gosford and Port Macquarie offer do-it-yourself divorce classes. The classes cover:

- how to complete and lodge divorce application forms
- step-by-step explanations of the divorce process
- information about service of documents and the hearing.

To find out where the next class is near you and how to register, visit

<http://www.legalaid.nsw.gov.au/what-we-do/workshops/workshops-for-the-public>.

SECTOR NEWS

NSW Government announces additional funding for community legal centres

On 4 April the NSW Attorney General announced more than \$6million in additional funding for community legal centres over the next two years. This state funding fills a gap of about \$3 million in 2017/18 because a commonwealth grant ends on 30 June 2017 and is not being renewed. The NSW Government's funding injection is in addition to the \$6.4 million (2016/17) in core funding to CLCs.

The Attorney also said when making the announcement that "The NSW Government is stepping in to secure the immediate future of CLCs, while continuing to work towards a sustainable long-term solution."

National Disability Insurance Scheme test case in Federal Court

Victorian Legal Aid (VLA) has run a successful National Disability Insurance Scheme (NDIS) test case in the Federal Court that helps to clarify the law on funding for reasonable and necessary costs of support. The decision clarifies that a support that is accepted as reasonable and necessary cannot be partially funded by the National Disability Insurance Agency (NDIA).

VLA took the case to the Federal Court on behalf of Liam McGarrigle to challenge the NDIA's decision to fund 75% of Liam's transport expenses. Liam's NDIS plan funds him to attend a disability social group and supported

employment and due to lack of other transport options, including public transport, he needed support to get taxis to those activities. The decision means that Liam's taxi fares to attend work and social activities must be 100% funded.

VLA says that the decision of the Federal Court means that

- Family and carers of people with disabilities will not be forced to bear a financial burden as a result of the introduction of the NDIS.
- People with disability living in rural areas who cannot drive or access public transport can receive funding for the full cost of their transport needs (provided the full funding meets the legislative criteria).
- The decision also promotes transparency in decision making because the decision to part-fund Liam's supports was based on NDIA policy that was not available to the public or explained to Liam and his family.

The full decision of the Federal Court decision in *McGarrigle v National Disability Insurance Agency* [2017] FCA 308 is at <http://www.austlii.edu.au/au/cases/cth/FCA/2017/308.html>.

More information about the case is on the VLA website <https://www.legalaid.vic.gov.au/about-us/news/test-case-push-for-clear-national-disability-insurance-agency-funding-decisions>.

NSW Parliamentary Inquiry into Family and Community Service's role in child protection

A parliamentary committee has released its report into the role of Family and Community Services (FACS) in child protection. The Legislative Council Standing Committee's report contains 28 recommendations covering:

- funding arrangements between FACS and NGO's delivering child protection services
- additional funding for child protection
- amendments to the Children and Young People (Care and Protection Act)
- review of Children's Court processes and additional Children Magistrates
- improvements in leaving care planning and support
- changes to FACS workplace systems to better support staff wellbeing
- amendments to the Ombudsman Act to give the Ombudsman power to investigate complaints relating to child protection
- expansion of the Multi-Agency Response Centre Model to high needs areas.

The report is at <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2396>.

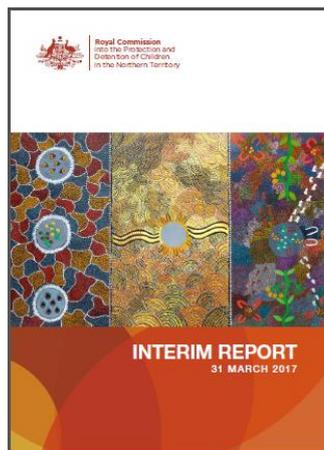
The Government must respond to the report by 18 September 2017.

ANAO (Audit Office) Report on the Indigenous Advancement Strategy

The Australian National Audit Office has released a report on the implementation of the Australian Government's Indigenous Advancement Strategy. The ANAO's audit objective was to assess whether the Department of Prime Minister and Cabinet has effectively established and implemented the Indigenous Advancement Strategy to achieve the government's outcomes. It concludes that the department did not effectively implement the strategy.

More information about the report can be found here <https://www.anao.gov.au/work/performance-audit/indigenous-advancement-strategy>.

Inquiry into Detention of Children in the Northern Territory



The Royal Commission that is holding an inquiry into the protection and detention of children in the Northern Territory released an interim report on 31 March 2017.

The report summarises the activities of the Commission since it was established on 1 August 2016. The Commission must deliver its final report by 1 August 2017.

While the terms of reference for the Commission do not explicitly focus on Aboriginal young people in detention 94% of children and young people in detention in the NT are Aboriginal. Detention of children in the NT has been rising since changes to the Bail Act in 2011 introduced an offence of breach of bail. Orders for detention for breach of bail increased from 66 in 2012-2013 to 94 in 2015-2016.

The Interim Report also highlights the link between children in the child protection system and children in youth detention in its report.

For more information and to read the report go to

<https://childdetentionnt.royalcommission.gov.au>

Complaints about federally funded Aged Care Services



The Aged Care Complaints Commissioner deals with concerns about the quality of aged care services that are subsidised by the Australian government.

The Commissioner has released some new education resources including the Commissioner's top 10 tips for making a complaint (a written resource), and some videos on their You Tube channel on resolution of complaints. For more information go to

<https://www.agedcarecomplaints.gov.au/resources>

INFORMATION AND RESOURCES

Financial Rights Service launches new letter writing tool

The Financial Rights Service has introduced an interactive tool to help consumers and community workers to write letters to financial services such as banks and insurance companies.

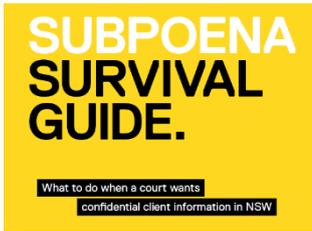
The Sample Letter Generator (available at www.financialrights.org.au) can help with letters to

- request information from a financial service
- apply for a hardship variation to a consumer credit contract
- cancel a direct debit
- deal with debt collection
- make an offer of settlement.



The tool also has letters that can be used with insurers. The letters were produced with financial support from the NSW Law and Justice Foundation.

New Subpoena Guide



Legal Aid NSW and the Women's Legal Service NSW have produced this guide to assist counsellors and other professionals deal with subpoenas for confidential client information.

The guide contains information about the legal system and the different types of matters in which confidential client information might be requested. It includes:

- information in plain English about the privileges that apply to protect confidential client information;
- step-by step guide for what to do when served with a subpoena;
- practical advice on how to object to a subpoena;
- template letters which can be adapted and sent to courts and lawyers in response to a subpoena;
- case studies developed from examples encountered in our work; and
- information on where to go for further help.

You can order a copy of the booklet on line at <http://www.legalaid.nsw.gov.au/publications/order-a-publication> (under the Courts, Police and Crime section). The **Legal Aid NSW Sexual Assault Communication Privilege Service** provides free legal advice and assistance to victims in criminal and AVO cases where confidential information is sought and can be contacted on 02 9295888 and sacps@legalaid.nsw.gov.au.



NSW Fair Trading campaign: It's OK to walk away

Fair Trading is running a campaign as part of the National Indigenous Consumer Strategy to support Aboriginal consumers to walk away from high pressure sales – whether it be in a shopping centre, on the street, at their own front door or on the phone. Fair Trading is offering free seminars throughout NSW as part of the campaign. Requests for a seminar can be made by contacting FairTradingSeminars@finance.nsw.gov.au or calling 1800 500 330.

Other resources to address cold calling and door to door sales

- A booklet by Fair Trading about door to door sales http://www.fairtrading.nsw.gov.au/biz_res/ftweb/pdfs/About_us/Publications/Door_to_door_sales.pdf
- The Australian Competition and Consumer Commission (ACCC) has a print and display 'Do not knock' sign. This is aimed at salespeople supplying goods and services and does not cover other door knockers such as religious groups or charity fundraisers. Remember you can always ask any unwanted visitor to leave the premises. Community organisations can place an order for Do not knock stickers by emailing publishing.unit@acc.gov.au or contacting the Infocentre on 1300 302 502.

Regional Outreach Clinic Program (ROCP)

The ROCP program is currently looking at other locations for clinics and is scanning possible locations for new ROCP clinics. The ROCP will survey CLCs to get their views about areas of unmet legal need in regional and remote areas.

<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