

PROMOTING SOCIAL JUSTICE
Function hosted by Public Interest Advocacy Centre
Large Meeting Room, Law Society of NSW
Tuesday, 20 September 2011

It is a great pleasure to be here with you this evening, and to be sharing the podium with the Honourable Justice Virginia Bell of the High Court.

Access to justice initiatives can have an enormous impact on community wellbeing, particularly for the more vulnerable and isolated members of our community.

For that reason, breaking the cycle of legal problems that can lead to disadvantage is an important priority for the Government.

The Work and Development Order scheme, for people with accumulated fine debts, is a clear example of a successful strategy that aims to break this cycle.

A fine may seem like a small thing but for some people, it can have long-term implications - particularly when the inability to pay leads to the loss of a driver's licence and then barriers to participating in employment, education and community life.

Fines can have a particularly severe impact on homeless people, a fact that is very familiar to PIAC through its role in coordinating the Homeless Persons Legal Service.

The HPLS report, 'Not such a fine thing', was instrumental in the development of the Work and Development Order pilot.

Work and Development Orders allow people who are experiencing acute economic hardship, who are homeless, or who have mental illness or an intellectual disability, to 'pay off' their court fine and/or penalty notice debt by

undertaking certain courses, treatment or unpaid work with approved organisations and health practitioners.

The scheme was initially established as a two-year pilot, but after a very positive evaluation the Government decided to make it permanent and expand it across the State.

Soon there will be a State-wide network of regional Work and Development Order support teams at Legal Aid NSW and the Aboriginal Legal Service. They will be based at Coffs Harbour, Wollongong, Orange and Liverpool.

The teams will educate people on how to deal with outstanding fines and apply for Work and Development Orders, and ask local organisations and health practitioners to participate.

They will also work closely with Aboriginal Field Officers, employed by Legal Aid NSW and the Aboriginal Legal Service. Funding has been provided for two additional Aboriginal Field Officers.

Mental health professionals have found the scheme to be an effective tool for engaging participants in treatment, and the development of new skills has increased employment opportunities for participants.

With real and practical outcomes in education, training, mental health and drug and alcohol treatment, the scheme demonstrates what can be achieved when government and the not-for-profit sector work together.

The 'Staying Home Leaving Violence Program' is another example of government working effectively with non-government organisations to improve access to justice.

The program's service model is based on long-term, intensive case management that is based on the needs of each individual client.

The Police, Courts, Women's Domestic Violence Advocacy Services, Health, Housing and support services all work together to address both the social and legal aspects of domestic and family violence.

Last week's Budget announced an additional 2.5 million in funding over three years to expand the program to five new sites.

[Review of the delivery of legal assistance services]

The New South Wales Government is committed to ensuring that the legal needs of communities across New South Wales are met as effectively as possible.

As part of this commitment, I have requested the Department of Attorney General and Justice to review the delivery of legal assistance services to the New South Wales community.

The terms of reference for the Review include considering evidence of unmet legal need in the community, particularly in rural and regional areas and for vulnerable or disadvantaged groups, and whether current legal services are meeting community needs.

While the review will look broadly at the role of government, community and pro bono services in providing legal assistance to the community, it will focus in particular on the delivery of assistance by Court Services, Legal Aid NSW and LawAccess NSW.

I am particularly interested in co-operation, co-ordination and partnerships across the legal assistance sector and how - in a constrained financial environment - we can address gaps and improve access to legal assistance.

A consultation process is underway with through the Review Consultative Committee. The Committee includes representatives from the Law Society, Bar Association, Community Legal Centres NSW, the Aboriginal Legal

Service, the Law and Justice Foundation, the Office of the Director of Public Prosecutions, the NSW Council of Social Service and, of course, PIAC.

I thank these organisations for their participation and commitment to working with the Government to improve access to justice.

The Review will be informed by legal needs research published by the Law and Justice Foundation and—I hope—the National Legal Needs Study that the Foundation is currently completing.

I look forward to receiving the recommendations of the Review early next year.

[Importance of rehabilitation – education]

The New South Wales 2021 Plan to make New South Wales Number One, released last week, includes a number of commitments to increase social justice outcomes for people who come into contact with the criminal justice system.

Actions include:

- increased use of non-custodial punishment for less serious offenders;
- increasing access to diversionary programs;
- diverting people with mental health problems out of the criminal justice system and into appropriate services; and
- improving the effectiveness of literacy and numeracy education programs provided to inmates - just to name a few.

While it is good news that the New South Wales prison population is decreasing – from a high of 10,400 in June last year to 9,847 inmates at the end of last month – and that rates of reoffending show a downward trend, it is a matter of serious concern that more than four in 10 of the current sentenced prison population will be likely to return to prison within 2 years.

That is if we don't start doing things differently.

It is clear to me that effective education of inmates is critical to promoting rehabilitation and breaking the cycle of offending.

This is why the Government has committed an additional \$20 million over four years for inmate education and training programs.

This measure -in addition to a focus on job skills, drug and alcohol treatment and post-release housing - will improve social justice outcomes for offenders.

While correctional services cannot change the initial reasons people enter the criminal justice system, they can do quite a lot to support offenders to change their lives and stay out of the system.

Corrective Services can do this by identifying and addressing the factors that contribute to re-offending, and by ensuring practical support when people are released from custody.

To address the effects of disadvantage through education and training, Corrective Services provides vocational qualifications and real work experience in a wide range of correctional industries and business units.

Forty-one per cent of inmates in NSW prisons can barely read, 73 per cent cannot write more than a couple of simple sentences, and 78 per cent do not have the numeracy skills for more than the simplest of processes. The percentages are even greater for Aboriginal people in custody.

The last year of school completed by many offenders in custody was at upper primary level, and figures from the 2009 Justice Health survey show that 37 per cent of male inmates and 27 per cent of female inmates were expelled from school.

While I am impressed by the range of programs provided by Corrective Services, one of first my priorities has been to ensure the programs on offer are the best available and that they are getting to all of those who need them.

They need to be evaluated against the research currently underway into the relationship between literacy levels, type of offence and re-offending patterns, in order to achieve the best social justice outcomes.

[Assisting newly emerging communities to adapt to Australian life]

I am particularly interested in how we can assist newly emerging communities adapt to the Australian way of life.

Many people from newly emerging communities have come from places of conflict, oppression and violence. Their past experiences with the legal system do not inspire confidence or trust, and there can be a real lack of understanding of the law in Australia.

Recognising that many legal problems experienced by these communities can be traced to misunderstandings, my Department, Legal Aid NSW and LawAccess NSW are working with these communities to increase awareness of the law and the assistance available.

LawAccess NSW is a free telephone information, referral and advice service.

With Culturally and Linguistically Diverse and Newly Emerging Communities being a priority group, LawAccess has developed targeted communication strategies for 19 communities.

Developed in consultation with community groups, the strategies aim to increase awareness of the availability of free legal assistance by examining

the demographics of each targeted community, use of the Telephone Interpreter Service, key community groups and events, and how the community uses media.

For example, in addition to promoting the service to community groups, LawAccess is running short radio spots in 17 community languages on metropolitan and regional community radio stations.

People who call LawAccess are then able to receive free and confidential assistance through the Telephone Interpreter Service.

Understanding where to get legal information and assistance is key part of the settlement process.

LawAccess is also raising awareness of where to get legal help with Humanitarian Settlement Services and Settlement Grant Program funded by the Commonwealth, as well as local community associations and assistance services.

Building on a multilingual poster for recent humanitarian entrants that has been published in 15 community languages, a current radio campaign focuses on 10 of these communities by providing translated radio messages on community radio.

Another initiative that promotes social justice by assisting new and emerging communities is the employment of Community Liaison Officers by the Department of Attorney General and Justice. These officers consult with communities about their legal needs, to facilitate better access to existing services or the development of new services.

The Department has liaison officers for emerging African Communities, the Chinese Community and the Pacific Islander community.

The 'Law and You - Legal Information for African Communities in NSW'DVD is a practical example of assistance that came out of community consultations.

The new 'What's the Law? Australian law for new arrivals' education kit is a further resource for new communities.

Funded by Legal Aid NSW, in conjunction with Legal Aid Commissions around Australia, the kit has been designed for use in adult migrant English classes and can be ordered free of charge from the Legal Aid NSW website.

'What's the law' aims to improve understanding of the Australian legal system, the common legal problems students may encounter in their first 18 months in Australia, and where to get help.

This information is integrated with the development of core English language skills.

Legal Aid NSW is providing free workshops on using the kit for teachers, tutors and community workers over the next few months in Sydney and regional New South Wales.

Together, this set of initiatives demonstrates how I would like to see Government agencies working together with non-government organisations to improve access to justice.

[Conclusion]

We face some very significant challenges.

Many of our commitments are about addressing entrenched problems.

Some of our objectives are ambitious - and as we try new ways of tackling problems, we may find that some do not work.

However, we must confront these challenges, and in doing so, work with community organisations such as PIAC.

I commend PIAC on its valuable work and thank you for this opportunity to inform you about the Government's commitment to access to justice.