

THE NSW LEGAL ASSISTANCE FORUM – A MODEL FOR WORKING TOGETHER

The Combined Community Legal Centres Group recently described the NSW Legal Assistance Forum – NLAF for short - as one of the most effective and important initiatives for the legal assistance sector in NSW in the past decade.

I'd like to speak to you about not only what NLAF does but also why it has been so successful as a model and how we intend to build on this success in the future.

I've also distributed a report, prepared for the NSW Attorney General which sets out NLAF's membership, goals and achievements. This can be found on the NLAF website at http://www.nlaf.org.au/updates/report_AG_05-08.html.

NLAF was established in 2005 to promote collaboration and co-ordination in the delivery of legal services for socially and economically disadvantaged people in NSW - that is, to make those services better, and better together. It was a joint initiative of Legal Aid NSW, the Law and Justice Foundation, and the Combined Community Legal Centres Group. These agencies had noticed that there was ad hoc contact between organisations working in this area, but no real co-ordination of activities or strategic approach to issues. That resulted in overlapping programs and non-optimal use of limited resources.

The current membership of NLAF spans Government, the not-for-profit sector as well as peak professional bodies in NSW. In addition to Legal Aid NSW, the Combined Community Legal Centres Group and the Law and Justice Foundation which form the Executive, there are six members, namely:

Attorney-General's Department of NSW;
The NSW Bar Association;
The Law Society of NSW;
The Aboriginal Legal Service NSW/ACT;
Law Access NSW; and
The Public Interest Law Clearing House

So NLAF comprises

(i) the key government agencies engaged in the development of the policy framework

(ii) the main organisations from the not-for-profit and government engaged in the delivery of legal services and advice

(iii) the professional associations for barristers and solicitors in NSW

(iv) the key pro bono providers

And finally, a research capacity – namely the LJF – the work of which provides an evidence base for much of NLAF's work by conducting or sponsoring research into both issues and the needs of specific groups .

- The individual forum members are thus influential in their own right but when looked at in combination they provide a strong platform for realising our overall aim in NLAF which is to:

“continuously improve service delivery to socially and economically disadvantaged people through improved alignment of planning, program design and service delivery by providers of legal assistance services”.

This aim is to be achieved according to our Terms of Reference through a combination of:

- collaboration and consultation between agencies;
- identifying and incorporating the best available research;
- promoting dialogue and debate;
- responding to emerging policy and law reform issues; and
- promotion of cooperative arrangements for effective service delivery .

Thus the intention of NLAF is to tackle issues at differing stages in order to address the range of policies and procedures that impact on socially and economically disadvantaged people.

How then does NLAF work in practice? NLAF has a 3-tiered structure – namely an Executive Group, a Main Forum and Working Groups.

- The Executive Group operates informally and through quarterly meetings to ensure plans and activities are progressed between the quarterly meetings of the Main Forum.
- a Main Forum comprises all members represented at Head of Agency level. This group decides on and develops the NLAF Activities.
- The Working Groups are established on an ad hoc basis to consider and address issues and to then report back to the Main Forum. Working groups have defined tasks and – importantly - a life span. New working groups are established as needs are identified.

There are currently four Working Groups, namely:

- the Working Group on Civil Law Services for Aboriginal People
- the Culturally and Linguistically Diverse Working Group
- the Conflict of Interest Working Group and
- the Care and Protection Working Group

In addition, the Training Reference Group and Legal Information and Referral forum are ongoing groups which already existed prior to the establishment of NLAF. These groups deal with issues related to information, referral and training at an operational level and report to NLAF on a regular basis.

New working groups currently being considered are legal needs of prisoners and legal services in remote, regional and rural communities. Past working groups which have completed their projects are the Groups on People with a Mental Illness and Older People

The specific tasks undertaken by the WGs can be divided into 3 broad areas, namely:

- Meeting Community Need;
- Policy and Law reform; and
- Coordination of Legal Assistance.

The achievements so far are set out in detail on the handout so I'll just highlight a couple of examples of the work that NLAF has done.

Meeting Community Need

NLAF's work in this areas to date has focused on Aboriginal people, people with a mental illness, culturally and linguistically diverse communities and older people.

Outcomes include:

- the production of a Guide to Legal Services for Aboriginal People in NSW/ACT;
- improved coordination between the Aboriginal Legal Service and pro bono referral schemes;
- identification of systemic issues that limit access to interpreter services and engagement with the Community Relations Commission about training issues and improving access to interpreter services for clients of community legal centres; and
- investigation of the barriers to the legal system faced by persons with a mental illness. This formed the basis for a separate 2 year project on new legal service delivery models currently being run by the Public Interest Advocacy Centre.

Policy/Law Reform

The Conflict of Interest Working Group has submitted a proposal to the Ethic's Committee of the Law Society of NSW to support a change to the Law Society's professional conduct rules for managing conflicts of interests in legal advice - only services. This has been as issue – especially in rural and remote areas - as community legal services have been forced to refuse advice to clients if the other party to a matter has had contact with the centre.

Coordination of Legal Assistance

Some outcomes in this area include the implementation of joint training programs for NLAF members and work with medical GPs to educate them on referral pathways for patients in need of legal assistance. The issue of assistance on legal issues being sought through non-legal service providers has been identified in research work being carried out by the Law and Justice Foundation.

I mentioned that NLAF is currently considering a possible working group on the legal needs of prisoners. I'd like to explain the work on this issue in a little more detail as it shows how NLAF works in practice.

Earlier this year, the Law and Justice Foundation produced a research report entitled: "Taking Justice into custody: the legal needs of prisoners". The main findings of this research included:

- that inmates have access to criminal law advice but often lack access to the advice needed to address a range of civil and family law issues that result from (often sudden) imprisonment; and
- that there is often a mismatch between the services that are offered and what is needed. To give a couple of practical examples – the research found that the time allocated for face to face advice was often too short and that it was difficult for inmates to seek advice by other means such as phone or internet due to the prison rules. Also it is very difficult for lawyers to contact prisoners by phone.

In summary the research identified a range of practical issues that impacts on the access to legal advice by prisoners.

As a next step to this research NLAFF organised a Prisoners Legal Needs Forum in October this year with participants drawn not only from NLAFF agencies, but also from organisations including the Department of Corrective Services, Universities, the Criminal Justice CEO's group and private law firms.

The Forum resulted in the development of a range of strategies to address the key issues raised in the research in the areas of:

- facilitating Communication;
- legal education in prisons; and
- co-ordinating pro-bono support for prisoners.

Next the Main Forum will decide if a working group should be formed to address some of these issues and what the terms of reference should be.

This example is a good illustration of the way NLAFF works. It identifies issues which need to be addressed through a combination of research and consultation with relevant agencies from the legal and non-legal sectors, including academia. In other words it seeks to identify the nub of the problem. It then decides – at head of agency level – if it is a suitable issue for NLAFF and how it can best be addressed. If appropriate a Working Group will be formed. In other cases the issue may be addressed in another way such as a letter or submission to Government or by an informal approach to agencies.

This work is supported by a part time project manager. As of 2009 this position will be funded for three years from the Public Purpose Fund. This in itself is an indication of how successful NLAFF has been in its work and its future relevance. The role of the project manager is to provide organisational

support to the forum and its working groups and to identify the linkages that can be made to progress all aspects of the Forum's work.

The essential feature of the NLAF structure I have outlined is that it is able to achieve concrete results because:

- it involves the key players in the sector;
- these agencies are represented at head of agency level, meaning that the directions set will have the support of the organisation from the outset. The head of agency involvement also allows for issues to be identified and addressed at an early stage;
- the working group structure means that tasks are clearly defined and have a deadline for outcomes; and
- the structure is flexible enough to enable each issue to be addressed in the most effective way and with the best expertise available.

Given the range of issues in this area, the challenge for NLAF is to identify those issues where its members can work to bring about tangible results and then to work in a way that will maximise the results that can be achieved. This all must be done in a way that does not overburden members, is efficient and productive and meets agency guidelines.

The list of issues that NLAF could address is of course not a finite one. The law as we know is constantly evolving as are the systems within which it operates. New issues will continue to emerge and new challenges will need to be worked through.

To highlight two of the issues for future work:

There are opportunities for NLAF and the NSW Government more broadly to explore increased linkages with Commonwealth government programs and initiatives so as to add value to the work we are doing in NSW. We are also more likely to attract Commonwealth support and funding for specific projects if we can show that we are working together effectively as a sector and that efforts are being made to streamline services. This will of course become increasingly important in the current tight economic environment. We also need to be alert to what activities are being undertaken in other States so that we can learn from those experiences also and see if there are ideas that we can adopt.

NLAF would also like to work more closely with the Cooperative Legal Service Delivery program – a regional program coordinated by Legal Aid NSW. Jenny will talk about this next. NLAF is part of the steering committee for this program, and this enables us to gain a perspective on emerging legal needs and service gaps in regional NSW. This is important as in some cases the issues raised by regional partners raise systemic, state-wide issues which maybe more appropriately and effectively addressed through a peak body such as NLAF. An example is the gaps in the provision of care and protection legal services for children which NLAF is now considering.

So in conclusion, the role of NLAF is essentially one of a high level problem solver. And when one takes into account its membership base, the fact that its direction is set at head of agency level and the commitment of its members to improve the delivery of legal services to socially and economically disadvantaged persons - it is a Forum that has the potential to deliver on its aims and bring about tangible change for the most disadvantaged in NSW.

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