

Minutes

VLAFF Prisoners Working Group (PWG)

Meeting number: 2 of 4

Date	Thursday 19 May 2016	
Time	10:00pm – 12:00pm	
Location	Collins Biggers Paisley, Level 23, 181 William St, Melbourne	
Attendance	<p>Ursula Noye (Chair) Brimbank Melton Community Legal Centre (BMCLC) (UN)</p> <p>Simon Roberts (Chair) Comm Unity Plus Services (CUPS) (SR)</p> <p>Samantha Sowerine Homeless Law, Justice Connect (SS)</p> <p>Tara Skinner Victoria Legal Aid (VLAFF) (TS)</p> <p>Gregor Husper Victoria Legal Aid (VLA) (GH)</p> <p>Peter Gartlan Financial & Consumer Rights Council (FCRC) (PG)</p> <p>Katia Lallo Darebin Community Legal Centre (DCLC) (KL)</p> <p>Helen Yandell Inside Access, Mental Health Legal Service (IA) (HY)</p> <p>Kaye Norris Diversitat Community Program (DCP) (KN)</p> <p>Elisa Whitaker Women's Legal Service Victoria (WLSV) (EW)</p> <p>Brendan Lacota Moonee Valley Legal Service (MVLS) (BL)</p> <p>Daniel Nguyen Prison Legal Education Assistance (PLEA) (DN)</p> <p>Michelle McDonnell Federation of Community Legal Centres (FCLC) (MM)</p> <p>Lloyd Murphy Brimbank Melton Community Legal Centre (BMCLC) (LM)</p> <p>Chelsea Candy Victorian Aboriginal Legal Service (VALS) (<i>By telephone</i>) (CC)</p>	
Apologies	<p>Stephanie Tonkin WEst Justice</p> <p>Ben Schokman Human Rights Law Centre</p> <p>Jon Cina Victoria Legal Aid</p> <p>Emily Buchanan Fitzroy Legal Service</p>	
Item		Attachment number
<p>1. Welcome and Acknowledgement of Country (SR)</p> <ul style="list-style-type: none"> ○ “Our meeting is being held on the lands of the Wurundjeri people of the Kulin Nation and we wish to acknowledge them as Traditional Owners. We also pay our respects to Elders, past and present” 		
<p>2. Welcome new members (SR)</p>		
<p>3. Minutes of previous meeting held on 18 February 2016 (SR)</p> <ul style="list-style-type: none"> ○ Action completed: VLAFF Main Forum approval provided to share the Unmet Legal Need Discussion Paper with Corrections. UN shared paper with Corrections. <p>Moved:</p>		1

<p>4. Introductions – Name organisation (ALL)</p> <ul style="list-style-type: none"> ○ CC telephone linked in. 	2
<p>5. VLA Prisoner Legal Helpline (PLH) update (GH)</p> <ul style="list-style-type: none"> ○ PLH is currently in the establishment phase with a predicted soft start date of November 2016. ○ Initially aiming to trial four prisons recommended by the Dept. of Justice (DFPC, Metro Remand Centre, Port Phillip and Loddon). Expected that over a 3 year period the project will be available to all prisons. ○ VLA wanting to provide a service that covers a diverse mix of prisoners. VLA requested PWG feedback on the choice of initial prisons. GH noted that one of the currently listed prisons would need to be removed if a new prison was decided upon. <ul style="list-style-type: none"> - MAP recommend by DN and KL in terms of an immediate need for legal information. - Loddon and Barwon recommended by KL – Loddon as prisoners currently cannot undertake a long legal call. Barwon as there are extreme levels of need. ○ Details including length of call and the operation times are still to be decided. VLA will be meeting with Qld and NSW like services to get a sense of how they deal with these issues. <ul style="list-style-type: none"> - KL noted common calling times for Barwon – lock down at 4pm, they call in the morning. Port Philip – up until 5pm. - HY inquired about the availability of languages other than among VLA employees, they would use telephone interpreters. ○ PLH has a Steering Committee which provides guidance and oversight of the project, and UN sits on that Committee. PLH welcomes the opportunity to consult with and seek advisory input from the PWG. <ul style="list-style-type: none"> ▪ <u>ACTION:</u> GH to send summary of PLH project plan to <u>BMCLC-VLAF to circulate to PWG</u> ▪ <u>ACTION:</u> <u>BMCLC-VLAF to circulate VLA P project plan to PWG</u> ○ VLA welcome any input from members about ways of engaging with prisoner or ex-prisoners in developing or testing the PLH service model. ○ VLA would like to provide more civil and family law to prisoners. However acknowledges that Metro VLA lawyers often do not have the capacity to provide sufficient civil and family law assistance. ○ GH noted that PLH would need to develop a referral pathway from the PLH to CLC programs. PWG can assist in developing these pathways. ○ General concerns raised that VLA would be increasing the Civil and Family Law needs by increasing access to legal advice for prisoners ○ PG – stated he has a list of financial counsellors that are providing services in prisons. Expressed that these financial counsellors didn't have targeted work 	

<p>and it varied as to the services available.</p> <ul style="list-style-type: none"> ▪ <u>ACTION: FCRC to send to BMCLC-VLAF details regarding financial counsellors currently doing work in prisons</u> ▪ <u>ACTION: BMCLC-VLAF to circulate information to PWG</u> 	
<p>6. Working group planning session (ALL)</p> <p>SR reviewed the principles of all VLAF working groups. UN reviewed the Terms of Reference (TOF). Stated a desire to reset the TOF and make the PWG a more targeted and efficient mechanism for meeting prisoners legal needs:</p> <p>Achievements of PWG to date:</p> <ul style="list-style-type: none"> ○ VLA prison telephone line establishment ○ VLAF paper mapping legal need and assistance for Victorian prisoners ○ Small wins with Corrections on training at PPP issue (Justice Connect) and with VLAF Main Forum on presenting prisoners for hearing (Bevan letter to AG) ○ Information sharing and consequent inter-service collaboration (BMCLC, Justice Connect and FCs at DPFC and LKK re debt and tenancy legal issues) <p>Mapping legal Assistance:</p> <ul style="list-style-type: none"> ○ UN acknowledged that VLAF paper and minutes of previous meetings were good start to update mapping of CLC prison work. GH stated this is useful information for referrals ○ UN acknowledged that the information sharing that has currently been performed by the PWG has met this TOR. However, there is a desire to undertake it more efficiently and use up less of the PWG meetings time. ○ KL – lack of information sharing is a major issue and restricts the ability of CLCs to work collaboratively. DCLC was developing a CLE program but struggled to obtain information on what services were already on offer in the prisoners CLE area. This meant running the risk of finalising a project and it already being performed by someone else. A collaborative approach is preferred and the development of potential partnerships. ○ UN - on the Centres to update the document of system that is decided on to inform other CLCs and VLA what services they provide. ○ MM – recommended that Slack is an appropriate forum to update. ○ TS – VLAF has been looking into Slack. <ul style="list-style-type: none"> ▪ <u>ACTION: VLAF – VLA - BMCLC to look into the development of an online forum for PWG members to share prison work information (eg Slack or Google docs)</u> <p>Considering and developing joint plans for civil and family law CLE and legal assistance–</p> <ul style="list-style-type: none"> ○ UN – Can we narrow ourselves to particular issues? CLE and casework 	<p>3 and 4</p>

together can efficiently and effectively use our expertise as CLCs. There is a large amount of CLE being undertaken and if we are to tighten the legal issues and develop strategic directions, can we be more productive?

- As a bi-product, this could assist with concerns that different services were going to the same prison and providing the same services to the same prisoners.
- BL – MVLS have demand for family law, particularly at DPFC. The use of CLE for family law is very popular. Prisoners are very concerned about the children and parenting concerns whilst in prison.
- DN – PLEA does only CLE and covers a wide range of legal issues. This includes basic bail and parole through to immigration and family law issues. PLEA have 12 000-13 000 attendees each year for their CLE however are lack the information to properly refer participants for legal assistance.
 - Noted that lack of resources has been an excuse for too long.
 - Supported the narrowing of the targeted areas of law.
 - PLEA has more reach than anyone and is an excellent vehicle for referrals for legal assistance.
 - PLEA is prepared to assist in data collection if the PWG needed. The PLEA team see 200-300 prisoners each week and can easily add targeted questions to their surveys on request.
 - PLEA often works with other specialists to present to prisoners.
 - PLEA is happy to updates on a monthly basis in whatever format PWG needs.
- CC – Legal assistance on specific legal issues is a lawyer centred way of thinking about the issue. Suggested providing more appropriate services at particular times during the prison system (Intake, in prison and afterwards).
 - Wanting to see how we can connect CLC services at the critical times in the prison system.
 - However, generally supported legal focus model (debt focus for 3 months and then moving onto the next issue).
 - Stated that data gathering is important in establishing legal need and to look at the most relevant issues at each step in the prison system for prisoners.
 - General concerns that Low capacity/low education/ABI/mental illness characteristics in prison populations reflects the need for a Prisoner Legal Centre and the focus on them.
 - A desire to move to a legal health check model of service delivery.
- HY – undertakes CLE in DPFC and is being responsive to the demands of the prison population. Normally seeing 12 women every week and are happy to pull information from CLSIS that reflects their large client pool. IA is continually developing its CLE program in reference to the casework being done.
 - Raised concern about the development of referral pathways as services currently can't meet the need. Increasing access to services

will need to increase back end resources.

- UN – Noted that there are already things that we know are major legal issues for prisoners based a large amount of research and that VLA is in a good position to collect more up to date data with telephone line service.
 - **ACTION: VLA - IA - PLEA report on what prisoners are demanding from legal services by data collection over a 6 month period.**
- CC – Currently receiving a large amount of prisoner complaints in regards to prisoner rights. Expressed that she is very keen to work collaboratively on CLE programs covering family parenting and children, family violence, infringements. In particular foster a legal health check model to the programs.
- BL – Wanting to obtain empirical data on what legal services are needed at what stage of the prison experience. Different legal needs at different stages and how to get things sorted on the way into the prison system – housing tenancy and utilities – and develop a project out of this data. Expressed a desire to build data on the impact of the legal assist in the prison and the impact on recidivism. Stated that the PWG need a big end goal project to stage the smaller projects that we currently undertake.
- GH – expressed support for a human centred design approach. Research into the assistance seeking habits of prisoners, not a lawyer focused way but in a client appropriate design. Trying to be responsive to client needs.
- SR – Trying to develop what would be the indicators we are looking for to show we are being effective. Time to set up CLC for prisoners has long past and VLA needs a specialist unit for prisoners
- CC – positive towards the CLC world to develop justice reinvestment. Particularly preventing legal problems from becoming worse
 - CIJ could be interested working with CLCs in this area. CLCs should be sharing and building of evidence base to gather support for funding. Data to demonstrate for the broader social good.
- MM – Smart Justice Project looking to find justice indicators that focus on corrections. Stated that the CIJ has developed Civil and criminal indicators that haven't been published yet.
- KL – Expressed that there has already been plenty of work in justice reinvestment within Victoria and we should be able to access that research.
- HY – Stated that CHRIP had been looking into justice reinvestment 5 years ago and there should be some data available there.
- CC – Proposed that a discussion paper that outlines the social impact of the legal assistance on prisoners would be an appropriate 12 month goal for the PWG. Expressed that it doesn't have to be super long but highlights the key points in the discussion.
- GH – Expressed that clearly other services must be provided (life skills training) and if there is any capacity to link in with these services.
- SS – Stated that it is easy to map the legal need and services but not the impact of the legal assistance. There is research out there and the task may

be about bringing it together instead of locating our own data.

- SR – Expressed an interest in speaking with a NSW corresponding body and seeing how they have undertaken evaluation of their programs.
 - **ACTION: FCLC (Smart Justice) – MVLS – VALS - Develop a brief to CIJ (?) re higher level research/empirical data to show value of justice reinvestment. Narrow brief initially to survey/review of existing literature as will then need program data to conduct instant review.**

UN – Express that we generally meet the remaining TORs:

To act as a reference for future projects such as new phone lines -

- UN and GH - VLA is on board for using the PWG as a reference for the PLH. UN suggested that VLA could consider providing support funds to CLCs to cope with increased referrals. UN is on PLH reference committee to represent PWG.
- UN – New Fitzroy Legal Services prisoners phone line is news to most PWG members. Unfortunately Emily Buchanan of FLS was unable to make meeting but BMCLC will endeavour to circulate information to the group about it.
 - **ACTION: BMCLC to obtain and circulate information to PWG members on the operation of FLS prison telephone line**

Raising emerging issues within the prison population -

- UN – need to utilise connection to the Deputy Commissioner of Corrections where appropriate to address the emerging issues.

Issue that Advocacy is not a component of the ToRs -

- SS and CC – raised concern that advocacy is not a part of the ToR. Noted that PWG and prisoners advocacy in general is very slow and unresponsive.
 - **ACTION: BMCLC – to draft a TOR around advocacy to circulate to PWG members for approval within 7 days. New Term to be added before next meeting.**
 - **ACTION: ALL – to review redraft of TOR around advocacy and response within 7 days.**
 - **ACTION: BMCLC to add new term before next meeting**

7. Other business: Current emerging issues (ALL)

- KL and CC – Issues arising at Hopkins in regards to healthcare. Corrections is unwilling to reclassify prisoner to having a special needs requirement

which may be against the health interests of prisoners.

- **ACTION: VALS - DCLC – draft a case study on healthcare issues at Hopkins and send to BMCLC to report to the Deputy Commissioner Corrections.**
- CC – Raised issues with prisoners being able to obtain bank accounts. Client was denied patrol they were unable to obtain a bank account to receive Centrelink payments. – IA, FCs, VALS, - VACRO as well are having these issues.
 - UN (with KY support) – stated that these banking matters are bread and butter work for financial counsellors. VALS to liaise with FCs (through FCRC) on client specific issues.
- CC – Explained issues with the introduction of the ‘Roberta Williams’ laws around prisoner compensation. Highly unfair laws and the ability for the sector to advocate against them was basically nil. Wished to get a general opinion from the group and a note of support to advocate against these laws. VALS working with pro bono lawyers on opinion as to impact of these laws on Indigenous prisoners.
 - **ACTION: VALS to circulate opinion to the group for consideration for advocacy**
- KL – Raised client issues with G4S debts, suspected to be in relation to prisoners incorrectly taken to courts. No one on the PWG could provide further information.
 - **ACTION - DCLC to draft a case study on G4S debts and send to BMCLC to report to the Deputy Commissioner Corrections.**
- CC – Clients of VALS have been charged for being admitted to Thomas Embling (transport costs?). HY – IA has also experienced this issue.
 - **ACTION – VALS - IA to draft a case study on Thomas Embling costs and send to BMCLC to report to the Deputy Commissioner Corrections.**
- KL – raised issue around prisoners ability to access computers. Indicated that many prisoners are happy to do their own legal work however find it very difficult to gain access to it. UN - Issue to be a watching brief.
- BL – Raised issues around the reforms to calling in warrants are time served. Indicated that prisoners need to be proactive about this option.
 - UN – Stated that with Clean Slate the prisons have their own program to call in the warrants.
 - SS and BL – VLAF Infringements Working Group members Justice Connect and MVLS to inform PWG about these issues in the future.
 - **ACTION: JusticeConnect - MVLS to provide PWG with a written update on the impact of the new legislation on the process for calling in warrants and other relevant parts.**

8. Other business: Format for meetings with Corrections (UN)

Deputy Commissioner meetings

- SS – stated that time with Corrections needs to be strategic. A decision needs to be made about what issues are taken to the Deputy Commissioner. Raised the concerns of healthcare at Hopkins and G4S debt matters could be taken to the meeting.
- UN – previously Chair, VLA and FCLC representatives attended these meetings. No objections to continuing this.
- UN – if there are any additional matters other than those raised to day that members wish to be flagged with Corrections, please email BMCLC ASAP as meeting will be in the next month.
 - **ACTION: ALL to send additional issues to BMCLC to raise with Corrections Deputy Commissioner.**
 - **ACTION: DCLC to send case study re G4S debt to BMCLC to raise with Corrections Deputy Commissioner**
 - **ACTION: VALS - DCLC to send case study re health care issues at Hopkins to BMCLC to raise with Corrections Deputy Commissioner**
 - **ACTION – VALS - IA to draft a case study on Thomas Embling costs and send to BMCLC to report to the Deputy Commissioner Corrections**
 - **ACTION – VLA-BMCLC-VLAF to arrange meeting for VLA, Chair (BMCLC) and FCLC with Deputy Commissioner Corrections etc before end June 2016**

Corrections attendance at PWG meetings

- General consensus that Corrections invited to first half hour of the next meeting (August).
 - SS – Stated that the time needed to be used effectively. Recommended that the PWG create a summary document for give Corrections beforehand so they can research prior to the meeting and be able to have a meaningful discussion on the topics.
 - **ACTION: BMCLC - VLAF to send email to members four weeks before meeting requesting input to summary document for Corrections.**
 - **ACTION: ALL – provide BMCLC - VLAF with a descriptive paragraph and issues to be raised with Corrections at least two weeks before meeting.**
 - **ACTION: BMCLC - VLAF – to collate the information received and provide summary document to Corrections ten days before meeting.**

<p>9. Other business: Unmet legal need in prisons – Updating website (UN)</p> <ul style="list-style-type: none"> ○ UN – asked that the sector wide Information Report be posted on the VLAF website. Consensus. Concerns about overwhelming demand for the services will mean a better case to put for funding. <ul style="list-style-type: none"> ▪ <u>ACTION: VLAF – to post the sector wide prisoners need report of the VLAF website.</u> 	
<p>10. Other Business: Miscellaneous (ALL)</p> <ul style="list-style-type: none"> ○ MM - FCLC event regarding the response the Ombudsman’s recommendations. UN - possibility to roll in some of the aims of the PWG. <ul style="list-style-type: none"> ▪ <u>ACTION: FCLC to circulate information on event to PWG for consideration of input.</u> ○ CC – asked members if they had submitted to the IBAC report. No members of the PWG had made a submission, which is due tomorrow 20 May 2016. ○ PLEA event in the near future. <ul style="list-style-type: none"> ▪ <u>ACTION: PLEA – provide BMCLC with details to circulate to the broader PWG.</u> ○ Setting the next meeting date: <ul style="list-style-type: none"> - IA not available on Thursdays as out at DPFC running clinic <ul style="list-style-type: none"> ▪ <u>ACTION: BMCLC to run a Google doodle poll to determine the most appropriate date week commencing Monday 15 August 2016 for the next meeting requesting responses within 7 days.</u> ▪ <u>ACTION: BMCLC to respond to Google doodle poll within 7 days of receipt</u> <p>12:05pm close</p>	
<p>11. Additional information</p>	
<p>Next Deputy Commissioner Corrections meeting: Date to be set by VLAF-BMCLC in June 2016</p> <p>VLAF PWG meeting: Date to be set in mid to late August 2016, 10am – 12pm</p> <p>Location: Collins Biggers Paisley, 23/181 William St, Melbourne</p>	

PWG TASK LIST 19 May 2016

TASK	Responsible	Deadline
GH to send summary of PLH project plan to BMCLC-VLAF to circulate to PWG	Gregor Husper (VLA)	17/06/16
BMCLC-VLAF to circulate VLA PLH project plan to PWG	Tara Skinner (VLAF) and Ursula Noye (BMCLC)	24/06/16
FCRC to send to BMCLC-VLAF details regarding financial counsellors currently doing work in prisons	Peter Gartlan (FCRC)	17/06/16
BMCLC-VLAF to circulate information to PWG	Tara Skinner (VLAF) and Ursula Noye (BMCLC)	24/06/16
VLAF – VLA - BMCLC to look into the development of an online forum for PWG members to share prison work information (eg Slack or Google docs)	Tara Skinner (VLAF), Gregor Husper (VLA) and Ursula Noye (BMCLC)	1/08/16
VLA - IA - PLEA report on what prisoners are demanding from legal services by data collection over a 6 month period	Gregor Husper (VLA), Helen Yandell (IA) and Daniel Nguyen (PLEA)	1/11/16
FCLC (Smart Justice) – MVLS – VALS – Develop a brief to CIJ (?) re higher level research/empirical data to show value of justice reinvestment. Narrow brief initially to survey/review of existing literature as will then need program data to conduct instant review	Brendan Lacota (MVLS), Chelsea Candy (VALS) and Michelle McDonnell (FCLC)	1/08/16
BMCLC to obtain and circulate information to PWG members on the operation of FLS prison telephone line	Ursula Noye (BMCLC)	3/06/16
BMCLC – to draft a TOR around advocacy to circulate to PWG members for approval within 7 days. New Term to be added before next meeting.	Ursula Noye (BMCLC)	3/06/16
ALL – to review redraft of TOR around advocacy and response within 7 days.	ALL	10/06/16
BMCLC to add new term before next meeting	Lloyd Murphy (BMCLC)	1/08/16

TASK	Responsible	Deadline
VALS - DCLC – draft a case study on healthcare issues at Hopkins and send to BMCLC to report to the Deputy Commissioner Corrections	Chelsea Candy (VALS) and Katia Lallo (DCLC)	3/06/16
DCLC to draft a case study on G4S debts and send to BMCLC to report to the Deputy Commissioner Corrections	Katia Lallo (DCLC)	3/06/16
VALS - IA to draft a case study on Thomas Embling costs and send to BMCLC to report to the Deputy Commissioner Corrections	Chelsea Candy (VALS) and Helen Yandell (IA)	3/06/16
ALL to send additional issues to BMCLC to raise with Corrections Deputy Commissioner	ALL	3/06/16
VALS to circulate opinion on impact of changes in access to compensation legislation for prisoners to the group for consideration for advocacy	Chelsea Candy (VALS)	1/08/16
JusticeConnect - MVLS to provide PWG with a written update on the impact of the new legislation on the process for calling in warrants and other relevant parts	Sam Sowerine (Justice Connect) and Brendan Lacota (MVLS)	1/08/16
BMCLC - VLAF to send email to members four weeks before meeting requesting input to summary document for Corrections.	Ursula Noye (BMCLC) and Tara Skinner (VLAF)	18/07/16
ALL – provide BMCLC - VLAF with a descriptive paragraph and issues to be raised with Corrections at least two weeks before meeting.	ALL	1/08/16
BMCLC - VLAF – to collate the information received into summary document and provide to Corrections ten days <u>before meeting</u> .	Ursula Noye (BMCLC) and Tara Skinner (VLAF)	Mid/08/16
VLAF – to post the sector wide prisoners need report of the VLAF website	Tara Skinner (VLAF)	3/06/16
FCLC to circulate information on event to PWG for consideration of input	Michelle McDonnell (FCLC)	20/06/16
PLEA – provide BMCLC with details to circulate to the broader PWG	Daniel Nguyen (PLEA)	3/06/16

TASK	Responsible	Deadline
<p>BMCLC to run a Google doodle poll to determine the most appropriate date week commencing Monday 15 August 2016 for the next meeting requesting responses within 7 days</p> <p>ALL to respond to Google doodle poll within 7 days of receipt</p>	<p>Lloyd Murphy (BMCLC)</p> <p>ALL</p>	<p>23/05/16</p> <p>30/06/16</p>
<p>Arrange meeting for Chair (BMCLC), VLA and FCLC and Deputy Commissioner Corrections etc before end June 2016 and send invitations</p>	<p>Tara Skinner (VLAF), Ursula Noye (BMCLC) and Gregor Husper (VLA)</p>	<p>9/06/16</p>