

MINUTES

VLAF Main Forum

Meeting Number: 3 of 4

Date: Thursday, 25 August 2016

Time: 08:30am-10:30am

Location: CBP, level 23, 181 Williams St. Melbourne



Attendees

Romesh Kumar (Chair) The Victorian Bar
Mark Woods (Deputy Chair) Law Institute of Victoria
Keren Murray Law Institute of Victoria
Bevan Warner Victoria Legal Aid
Jenna Davey-Burns Family Violence Prevention & Legal Service
Fiona McLeay Justice Connect
Annette Vickery Victorian Aboriginal Legal Service
Joh Kirby Victoria Law Foundation
Tennielle Hagland Victoria Law Foundation
Emma Fox The Victorian Bar
Allegra Walsh Department of Justice and Regulation
Simon Roberts Brimbank Melton Community Legal Centre
Tara Skinner VLAF Project Officer

Apologies

Elisa Berg Victoria Law Foundation
Jon Cina Victoria Legal Aid
Sarah Fregon The Victorian Bar
Serina McDuff Federation of Community Legal Centres (Vic) Inc
Wayne Muir Victorian Aboriginal Legal Service
Deborah Di Natale Justice Connect
Marisa De Ciccio Department of Justice and Regulation
Antoinette Braybrook Family Violence Prevention & Legal Service

VLAF MEETING

1. Welcome and Acknowledgement of Country

2. Minutes of previous meeting held on 26 May 2016.

Confirmed that minutes are to be circulated for approval out of session before they are put on to website.

Substantive agenda items

3. Means Test Review

VLA introducing a Means Test Review. Improving the mechanics of the means test will allow better access to legal aid services (e.g. through recognition of different types of debt).

There are policy issues arising from the Legal Aid Act. There is a broader desire for understanding of how people access legal aid, with an aim to enhance community awareness and modernise the test.

Thank you to those organisations contributing to the steering committee; others are encouraged contribute.

4. Legal Aid Matters Campaign

Phase 2 was outstandingly successful with 12,500 unique visits to the

website since 4 June. 9,150 letters have been generated to to members of parliament and the petition has had 3,100 electronic signatures. The Facebook page also has 2,109 likes!

Phase 3: lawyers and members of the community to see members of parliament ahead of the budget process. They will provide information about the legal assistance sector generally and raise awareness of the funding crises and economic benefits of the plan outlined by the campaign.

Members will be invited to two functions: one is a social event in Canberra; the other is a forum involving other people from other sectors (medical, education, housing, etc) who will indicate the impact on their respective sectors caused by a lack of funding to the legal sector.

5. Disaster Legal Help – Presentation and annual review

The website has been redesigned to be more engaging, and will feature improved access and navigation. The new website will be launched via Squarespace, which will save costs.

The website visitor numbers are low but peak around the time of a disaster.

We are asking for the support of members to revise fact sheets. JC, VLA and LIV have some on their website. The review will be between 1 September and 30 November 2016 (i.e. to be completed prior to the ‘disaster period’).

VLAF reaffirms its support for the website and fact sheet review. Fact sheets allocated and organisations holding these to ensure they have been updated.

Query whether the logo should say ‘Victoria’, to be clear on jurisdiction. VLA supports the change.

The new website will go live with redirects from old site ASAP.

6. VLAF Online Legal Information Guidelines

The guidelines are a product of VLAF working group on how these could be better presented to the community. There has been a great uptake and they have been referred to in government documents, etc.

There is a chance that they will become the National guidelines. There are currently discussions around this and will require support from each state.

7. Access to Justice Report This item is raised in the context of discussions at the previous meeting concerning the VLAF project officer role discussions from last meeting. There was a general consensus around the role and Jon Cina (VLA) was looking further in to this.

It has been proposed to hold a more in depth discussion around VLAF opportunities going forward after the anticipated release of the A2J report, at the next VLAF meeting in November 2016. It is proposed that the next meeting be scheduled from 2-7pm (i.e. the normal meeting, with an extra two hours for the additional discussion), followed by dinner. Prior to the meeting, VLAF members will be contacted for feedback and suggestions to feed into these discussions, and consulting company Collabforge would help to facilitate the discussion (to be funded by VLA).

Agreed that consideration should be given to what the forum’s role might look like in future, regardless of the A2J report (if it isn’t out by this time). This flows on to working groups (i.e. to provide a sense of purpose and direction).

The agenda for next meeting will be truncated to prevent an unnecessarily lengthy meeting. Members need to come prepared to speak on behalf of their organisations, rather than merely taking information away for further

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discussion. The agenda will include an outline on NLAf.

Working Group and LAF Updates

- 8.** Update from **Law Foundation** re. Legal information working group. A proposal will be presented at the next meeting.

Aware that a CLE working group has existed before and wanting to discuss further with the sector – have also been in discussion with other states around what has worked and been successful. As to whether other states are interested in National group, support has been noted in NT, QLD, NSW.

This proposed working group may meet once a year, given existing networks and current support in various sectors.

Suggestion of engagement through FVPLS as part of national rollout.

9. Prisoners WG

JC reported on the end of funding for its prisons program which leaves a large gap in civil services. JC is still providing assistance to some prisoners via telephone.

The VLA prisoner legal help line will commence in late October 2016.

A very high demand for financial counsellors in prisons has been noted.

Strategic planning discussions have resulted in a project brief to RMITs CIJ to review the evidence base for a justice reinvestment approach to legal assistance services in prisons. Looking for evidence of positive social outcomes. The first step of the project is to get the study going, with a view to it continuing long term.

The federation symposium for CLCs is today.

TOR were revised at last meeting – some wording changes and the introduction of a term relevant to advocacy.

Meeting with Corrections on 20 July 2016 – issues presented included prisoner numbers (data provided), capsicum spray trial, prisoner helpline, witnessing documents in prison, prison visits by children, updating datasets on website, personal visits by video, processes around health and hospital visits. Some issues were responded to and others require follow up.

10. Aboriginal/Torres Strait WG

Key outcome – investment in Torres Strait Islander work engagement has been really paying off – noted in particular 125% increase in assistances to Koori clients through JC.

VLA have been undertaking this work and have two new regional roles coming up.

Cultural competency conversations – differences of opinion around being culturally safe. Engaging with CLCs to undertake greater cultural competency training. Reference to work of Zac Armitage (NSW consultations).

Resourcing issues exist around policy and procedures and being able to provide a voice for the Aboriginal people.

Youth Justice FVPLS – looking to push broader enquiry into juvenile justice and royal commission. Taskforce 1000 report is due out later this year.

RCFV – lots of work in this area, in particular through forums including Aboriginal co-design forum. Lots of recommendations with 12-month

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timelines.

Christa Momot from Woor-Dungin attended to discuss their project and work around criminal records discrimination. Woor-dungin have asked to be included as a member of the working group.

Scoping the Sector

11. Members will bring up to three major issues that their organisations have identified since the last VLAF meeting in the areas of: legal needs, identified gaps in services, emerging issues and research projects.

VicBar

Prisoner related issues raised on behalf of criminal law members. – an amendment to the Magistrates' Court Act will require all prisoners to attend by video, unless called in person. VicBar is strongly opposed to this but due to come in to operation April 2017 unless proclaimed earlier. VALS have also objected to this.

LIV was also consulted and had reservations, but supported the proposal due to lack of attendance at court and prisoners losing access to programs when out of prison. The proposal also overcomes barriers faced in getting to court.

Many prisoners elect to link in through video anyway; an objection is that the lawyer cannot converse with client in real time

VLA also had reservations, but clients are not wanting to be moved and run the risk of losing their place and entitlement re services. VLA considers a client-first view is important. Better off trying to join other organisations in making the technology viable.

Justice Connect

Homeless law has noted the increased focus on rough sleepers in the CBD and is trying to maintain constructive dialogue around this.

Justice Connect is exploring ways that digital tools can support access to pro bono legal help.

Victoria Legal Aid

Handout circulated.

Strong underlying demand and unsustainable rates of growth, reflected mostly in upturning grants of aid which are reserved for more complex issues. Without guidelines changes, more people are qualifying. 1 to 1 relationship of lawyer to client is driving a lot of expenditure. Need to consider each area in isolation as aggregated figures can hide data.

Success in Code for Victoria challenge – three coders have been placed in VLA for the next 6 months, challenging and interpreting the current orthodox view of the system. VLA will conduct a review/evaluation early next year to see what comes out of this.

Family Violence Prevention & Legal Service

RCFV is a key driver of current work. Information sharing consultation by DPC attended last Friday, including information sharing regimes. These discussions are very complex. DPC is drafting legislation to be released in March 2017.

Adoption law review is happening at the moment – relates back to child protection legislation changes. FVPLS feeding into these.

Participated in VLA child protection consultations.

FVPLS also contributing to DHHS health and wellbeing and gender equality

forums.

Victorian Aboriginal Legal Service

Victorian Police complaints review – taking 12 months' worth of files as part of this review. The experience is that Aboriginal communities do not make complaints to Police; trying to work out why.

Ongoing discussions with VLA around criminal legal practice panel members. Panel memberships keep changing so getting some assistance on this. Would like to meet with VLA grants manager to discuss further.

Law Institute of Victoria

Social impact bonds – A2J review and DTF also doing pilot – in the context of drug and alcohol services. JC have also looked in to this through not for profit law.

Legacy caseload project continues and training was hosted towards the end of July 2016. Close to 300 people have been through training so far. The fact sheets are in six languages, which is effective in generating private referrals. Advocacy work around medicare benefits and SHEVS.

LIV is hosting the Commonwealth Law Conference in Melbourne from 20-24 March 2017. Commonwealth Lawyers Association has a strong human rights focus – work in challenging criminalisation of same sex marriages and activities. There is currently a call for conference papers. See: CLC2017.com

Western Legal Assistance Forum

Trying a new format to the meetings with a panel discussion/guest speaker before the formal meeting.

Proceeding with tollway fine project. Met with CIJ yesterday to organise roundtable (in October 2016). The Peninsula local member is interested in being involved. Case studies and client stories will also feed into this.

Brimbank Melton CLC

Continuing clean slate project through VLA grant – thinking through how to progress this with training to the rest of the sector so others can run clean slate in prisons.

Department of Justice & Regulation

A2J review report was due to be handed to the Attorney-General on Monday 22 August, however an extension till 26 August 2016 was granted. Report is a matter for the Attorney-General to consider.

Appreciated submissions from the sector feeding into this.

Government funding announcements from April/May budget – Attorney-General rolled over FV duty lawyer funds. Variations to the service Agreements will be coming out soon. A second grant round on more general family services for CLCs is in progress.

Victorian Law Foundation

LOTE paper completed – looking at challenges of developing materials in languages other than English. Will circulate at next meeting.

Continuing to map community legal information in Victoria, more broadly than CLCs and VLA. Non-legal providers providing legal information to the community. Acknowledgement to avoid duplication. Online resources have been graded and now looking at where there are gaps or materials of poor quality.

VALS and Aboriginal organisations have issues with access of CLE and

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resourcing to provide access/resources.

Other Business

12. Update on Disruptive Technologies

Victoria University is planning event for November 2016 concerning online technologies (on its website). The event will bring in people from Amsterdam & the United States around 'digital disruption'.

Legal assistance services could look more deeply into this area (i.e. adaptive technologies) to empower people and improve access to the law.

There is a moral imperative to move more into this space and also monitor what is done in the private sector, not just the public sector. What does the technology future look like?

We need to champion success stories, rather than just talking about the problems we face.

JC has an information hub with online resource as part of its non-profit law service. It involves idea sharing and allows for self-guidance in the setting up of new services, etc.

NEXT MEETING

Next VLAF Main Forum Meeting: **Tuesday 24 November**

Location: **tbc**