

## Minutes

VLAF Main Forum

Meeting number: 1 of 4

<b>Date</b>	<b>Thursday 25 February 2016</b>	
<b>Time</b>	<b>2:00pm – 4:00pm</b>	
<b>Location</b>	<b>Colin Biggers &amp; Paisley, Level 23, 181 William Street, Melbourne</b>	
<b>Attendance</b>	<p><b>Romesh Kumar</b> (Chair) The Victorian Bar  <b>Mark Woods</b> (Deputy Chair) Law Institute of Victoria  <b>Liana Buchanan</b> Federation of Community Legal Centres (Vic) Inc  <b>Bevan Warner</b> Victoria Legal Aid  <b>Joh Kirby</b> Victoria Law Foundation  <b>Emma Fox</b> The Victorian Bar  <b>Elisa Burke</b> Victoria Law Foundation  <b>Allegra Walsh</b> Department of Justice and Regulation  <b>Lucy Adams</b> Justice Connect  <b>Elise Thomas</b> Aboriginal Family Violence Protection &amp; Legal Service  <b>Denis Nelthorpe</b> Western Community Legal Centre  <b>Rosy Jolic</b> Victoria Legal Aid  <b>Samantha Watson</b> VLAF</p>	
<b>Apologies</b>	<p><i><b>Fiona McLeay</b> Justice Connect</i>  <i><b>Wayne Muir</b> Victorian Aboriginal Legal Service</i>  <i><b>Antoinette Braybrook</b> Aboriginal Family Violence Protection &amp; Legal Service</i>  <i><b>Keren Murray</b> Law Institute of Victoria</i>  <i><b>Deborah Di Natale</b> Justice Connect</i>  <i><b>Jenna Davey-Burns</b> Aboriginal Family Violence Protection &amp; Legal Service</i>  <i><b>Sarah Fregon</b> The Victorian Bar</i>  <i><b>Marisa De Cicco</b> Department of Justice and Regulation</i></p>	
<b>Item</b>		<b>Attachment number</b>
1. Welcome and Acknowledgement of Country		
2. Minutes of previous meeting held on 26 November 2015		1
<p><b>Changes</b></p> <p><i>Sarah Fregon's organisation from LIV to The Vic Bar</i></p> <p><b>3. Scoping the sector</b></p> <p><i>Law Institute of Victoria (LIV) (KM)</i></p> <p><i>KM commented on the Legacy Caseload decision at RILC and queried to BW when an official announcement is likely to be made. BW confirmed that the model produced by RILC will be used, however no announcement to be made as yet. LIV also working on the Access to Justice Review. The LIV submission will include a section on the Legacy</i></p>		

<p><i>Caseload.</i></p> <p><b>10. Victorian Bar Direct briefing portal for discussion (KM)</b></p> <p>• <i>KM noted the portal was a new initiative of the Bar. SF gave an overview of portal, launched in October and which enables direct access to barristers for clients in the place of corporate briefings, engagement occurs after connection through portal. The portal was developed to support what the Bar was already doing. KM noted that the LIV Find Your Lawyer referral service provides a similar service for solicitors. The LIV is reviewing its Find Your Lawyer referral service to improve its online platform. KM queried whether the Bar portal had had much uptake as yet. SF advised that it is very early days for portal but that it appears to be functioning well.</i></p> <p>Moved: Joh Kirby</p> <p>Seconded: Romesh Kumar</p>	
<p><b>3. Minutes of Access to Justice meeting held on 4 February 2016</b></p> <p>Moved: Romesh Kumar</p> <p>Seconded: Joh Kirby</p>	2
<p><b>Substantive agenda items</b></p>	
<p><b>4. WEstjustice Public Transport Fines Project presented by Denis Nelthorpe, Western Community Legal Centre</b></p> <ul style="list-style-type: none"> <li>• Fare Go: Myki, Transport Poverty and Access to Education in Melbourne's West report tabled</li> <li>• Denis Nelthorpe spoke to the report in order to gain the support of VLAF members</li> <li>• Report is funded by VLF and Julian Burnside will launch the report on 22 March 2016 at Victoria University</li> <li>• Fines in the Children's Court is a major reform issue</li> <li>• The report focuses on 14-17 year olds travelling to and from school in the west of Melbourne</li> <li>• The majority of 14-17 year olds attend school (only 2% school-leavers in the workforce)</li> <li>• Current system is inefficient and affects disadvantaged groups <ul style="list-style-type: none"> <li>○ the best legal advice to young people is to do nothing as they will be disadvantaged if they respond</li> <li>○ large impact on low income families - fining people with no capacity to pay</li> <li>○ 'special circumstances' defence is not available to young people</li> <li>○ reported impact on child that receive fines – stress, anxiety and negative emotional well-being</li> </ul> </li> <li>• Asking for: <ul style="list-style-type: none"> <li>○ free transport for anyone with parents on Centrelink</li> <li>○ abolition of fines for not having concession card (which occurs notwithstanding students are in school uniforms)</li> </ul> </li> <li>• Liana Buchanan (FCLC) raised concerns - if you abolish the public transport fines system for young people, what will be put in its place?</li> <li>• Mark Woods (LIV) questions what should be done about young people who have the capacity, and preference, to pay fines. Denis explained that even if a young person works, a fine is still not appropriate or cost effective, with statistics showing 88% of those who go through the Children and Young Persons Infringement Notice System (<b>CAYPINS</b>) result in non-appearance</li> <li>• Bevan Warner (VLA) expressed support for the campaign</li> </ul>	3
<p><b>5. Characteristics of respondents charged with breach of family violence intervention orders</b></p>	4

<p>presented by Rosy Jolic, VLA</p> <ul style="list-style-type: none"> <li>• Report tabled</li> <li>• Infographic tabled</li> <li>• Rosy Jolic spoke to the research paper tabled that was launched on Thursday 18 February 2016</li> <li>• Leanne Sinclair (Program Manager at VLA) was interested in what were the characteristics of people that breach an intervention order multiple times</li> <li>• Knowing the limitation of the data (VLA clients are likely to be experiencing some level of disadvantage): <ul style="list-style-type: none"> <li>○ majority were male</li> <li>○ high level of unemployment</li> <li>○ high levels of disability (compared to 18% of the population) and acquired brain injury</li> <li>○ 98% of clients experienced a legal problem before their first breach grant</li> </ul> </li> <li>• Practical changes VLA might make: <ul style="list-style-type: none"> <li>○ service design - for example the duty lawyer service model may need to change to allow lawyers to spend more time with these clients to ensure they can explain the orders, and make sure criminal lawyer looks at the client more broadly and give appropriate referrals to the client – this needs to be at an early stage</li> <li>○ staff training and culture change</li> </ul> </li> <li>• Consistent theme identified is surrounding communication with clients and the need to spend more time with clients (VLA surveys have shown higher satisfaction when lawyers spend more time with the client) – that said the legal assistance sector is already overburdened and duty lawyers are time poor</li> <li>• Mark Woods (LIV) questioned if appropriate orders are being made and whether there would be risk to the victim if the orders were varied. However the group agreed that, even if it were appropriate, varying orders takes more resources</li> <li>• VLA is waiting on the outcomes of the Family Violence Royal Commission before making changes to service delivery</li> <li>• The report can be accessed on the VLA website</li> <li>• Rosy invited members to ask questions offline</li> </ul>	
<p>6. VLAF Access to Justice Review joint letter</p> <ul style="list-style-type: none"> <li>• Comments received: <ul style="list-style-type: none"> <li>○ Need to reorder the letter to begin with the substantive component (rather than information about VLAF) - clear statement about the funding need</li> <li>○ Less on the mixed model and stronger on multiple entry points (suggest a change of title rather than content – everyone plays their role, and there is significant need for VALS and FVPLS (they should be specifically named))</li> <li>○ Add a sentence that explains that the VLAF Project Officer is a neutral role that is not directed by VLA</li> <li>○ Add a sentence or so on the life of working groups (start when they are necessary and end when there is no longer a need – for example the Broadmeadows LAF)</li> <li>○ Needs to be stronger on the fact that there is no duplication and that there is a self-regulated process to stop duplication – services are complementary and each are meeting different community needs</li> <li>○ Too much detail on the current working groups and needs condensing</li> <li>○ Information on DLHV should remain</li> </ul> </li> <li>• VLAF endorsed the letter, subject to the changes above</li> <li>• <b>Action:</b> Romesh Kumar and Sam Watson to settle and send</li> </ul>	5
<p>7. Discussion: The Royal Commission into Family Violence is due to provide its report and recommendations by Tuesday 29 March 2016. Consider a VLAF response.</p> <ul style="list-style-type: none"> <li>• Agreed that it is too early to comment</li> <li>• VLAF will meet three or so weeks after the report is released to discuss</li> </ul>	
<p>8. Discussion: The Taskforce 1,000 is due to provide its report in July. Consider a VLAF</p>	6

<p>response.</p> <ul style="list-style-type: none"> <li>• As above</li> </ul>	
<p><b>9. Potential working group – legal information (as discussed at the Access to Justice meeting)</b></p> <ul style="list-style-type: none"> <li>• Legal information working group <ul style="list-style-type: none"> <li>○ given the change in landscape as a result of the productivity commission recommendations a working group should be established to examine legal information and how we share data</li> <li>○ the working group will need a diverse membership (the courts, DJR, CAV, etc.), and can work with the FCLC working group and draw on experience of the QLD and NSW LAF working groups (potential for the group to meet once a year at a national level)</li> <li>○ group should have a focus on what's effective communication (multi-channelling, for example using podcast)</li> <li>○ <b>Action:</b> Joh Kirby (VLF) to bring a proposal to the next VLAF meeting</li> </ul> </li> <li>• No other working groups needed at this stage</li> <li>• ATSI and Prisoners working groups to continue</li> </ul>	
<p><b>Scoping the sector</b></p>	
<p><b>10. 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</b></p> <p><b>VLA</b></p> <ul style="list-style-type: none"> <li>• Child protection <ul style="list-style-type: none"> <li>○ changes to child protection laws that come into effect on 1 March and we don't know how the Department will practically implement (it could be messy time – watch this space)</li> <li>○ this will be a focus for VLA over the next month</li> </ul> </li> <li>• More disadvantaged Victorians will be eligible for legal aid when extended financial eligibility is introduced on 1 March 2016</li> <li>• The Melbourne office is relocating next year (400 staff) – the new space will be modern in design and VLA is looking at it as a good opportunity to reset the culture and way of work</li> </ul> <p><b>Vic Bar</b></p> <ul style="list-style-type: none"> <li>• Raised concerns that prisoners are not being taken to court for their matters <ul style="list-style-type: none"> <li>○ VLA aware of this issue and has been collecting data</li> <li>○ PWG discussed this issue at its last meeting</li> <li>○ Lucy Adams (Justice Connect) seeing a flow-on effect – specifically with impacts on housing (prison release dates are longer than expected and prisoners' public housing is forgone, leading to homelessness)</li> <li>○ the Jabba videoconferencing system is not working (regional issue) causing more delays</li> <li>○ <b>Action:</b> Sam Watson to take to PWG</li> </ul> </li> </ul> <p><b>LIV</b></p> <ul style="list-style-type: none"> <li>• Working with Justice Connect in relation to issues and accessibility for people with disabilities to engage pro bono assistance</li> <li>• Finalising offshore asylum seekers policy position</li> <li>• Participated in the Elder Law Conference and welcomes the new inquiry into legal protections against the abuse of older Australians</li> <li>• Legal assistance scheme is seeing its third quarter of increased enquiries</li> <li>• Legacy caseload continues (LIV convenes a Legacy Caseload Working Group that brings together 90-plus legal and community services professionals who work to address the unmet legal needs of asylum seekers in Victoria)</li> <li>• The Law Council of Australia Access to Justice Conference will be held in Adelaide on 23 March</li> <li>• Legal Aid Matters funding campaign: <ul style="list-style-type: none"> <li>○ the campaign encourages lawyers to engage their local MPs to advocate for increased funding</li> <li>○ there is an opportunity for VLA and CLC lawyers participate (employees will need to ensure they are complying with their organisations code of conduct)</li> </ul> </li> </ul>	

- Bevan Warner (VLA) requested more information about what is being asked so that VLA can empower its staff to engage in the campaign

#### **FVPLS**

- Finalising its Access To Justice submission
- Have recently recruited a paralegal to work in prisons
- Successful held the 100 Sisters Day Out event
- Upcoming event on 5 March 2016 - An evening with Sisters Day Out, to celebrate Aboriginal women and the successful story of the Sisters Day Out program. The event will provide an opportunity to raise funds for the Sisters Day Out program, which is currently facing funding uncertainty
- Koori's Women's Hub has opened, with Law and Advocacy Centre for Women already set up

#### **VLF**

- Access to Justice submission completed

#### **Justice Connect**

- **Action:** Lucy Adams to circulate Justice Connect's Debt and Tenancy Legal Help for Prisoners report
- Justice Connect will be responding to the inquiry into legal protections against the abuse of older Australians
- Now recruiting for its Referrals team (funded by VLA)
- Access to Justice Review submission is being finalised (received an extension)
- Waiting on the outcomes of the Human Rights Charter Review and Royal Commission into Family Violence

#### **FCLC**

- Conducting an outcome measurement project (funded through VLA's Innovation and Transformation Funding) to support CLCs (working with seven centres) with best practice framework and tools to measure outcomes. Currently recruiting a consultant to assist with the implementation
- FCLC are working with Justice Connect on pro bono assistance and capacity building in the CLC sector in order to stop the referral merry-go-round
- Waiting on the outcomes of the Royal Commission into Family Violence
- Now recruiting for a new Executive Officer
- This will be Liana Buchanan's last meeting (Liana appointed the Commissioner for Children and Young People) – Liana thanked the group and vice-versa

#### **DJR**

- Access to Justice:
  - submissions were due on 22 February 2016, with some organisations receiving extensions
  - the Department conducted over 70 stakeholder meetings
  - the Department has received approximately 40 submissions and is expecting 70 in total
  - the Department will conduct roundtable meetings with experts with a focus on online dispute resolution and self-represented litigants

#### **Working group and LAF updates**

<b>11. Prisoners Working Group</b> <ul style="list-style-type: none"> <li>• Paper tabled</li> <li>• VLAF gave authority to provide the discussion paper: A sector-wide approach to the legal needs of Victorian Prisons to Corrections (in confidence)</li> </ul>	7 & A
<b>12. Aboriginal &amp; Torres Strait Islander Working Group</b> <ul style="list-style-type: none"> <li>• Paper tabled</li> <li>• Confirmed FVLPS is a member of the group, however they were not at the last meeting</li> </ul>	8
<b>13. VLAF Project Officer update</b> <ul style="list-style-type: none"> <li>• Paper tabled</li> </ul>	9

<b>Other business</b>	
<p><b>14.</b> Confirm preferred VLAF meeting time (am or pm)</p> <ul style="list-style-type: none"> <li>• Members prefer 8:30am start</li> <li>• Sam Watson to send updated invites for meetings two and three</li> <li>• Meeting four will remain in the afternoon so that we can have Christmas gathering after the meeting</li> </ul>	
<p><b>15.</b> In the interest of transparency, future agendas and minutes will be published on the VLAF website. There may be a need for a redaction of published minutes.</p>	
<b>Additional information</b>	
<p>Next VLAF Main Forum meeting: <b>26 May 2016, 8:30pm – 11:30am</b></p> <p>Location: TBC</p>	