

## Far West CLSD partnership meeting

21 September 2023 12 ACST (12:30 AEST) on Teams

### MINUTES

**Present:** Kate Halliday Legal Aid NSW, Meg Kelly Broken Hill Connect Lifeline, Prue Quelch Broken Hill Connect Lifeline, Sophie Farnsworth Legal Aid NSW, Joshua Scotland Legal Aid NSW, Kerrie Standley ASU Broken Hill, Haley King ASU Broken Hill, Judy Harper IDRS, Eleanor Holder ALS NSW/ACT, Danielle Plumb Legal Aid NSW, Patty Veliz Legal Aid NSW, Eveleen May Disability Advocacy, Kirsty Callander IDRS, Caryn Ferguson Disability Advocacy, Deandre Espejo ALS NSW/ACT.

**Apologies:** Steven Wright Legal Aid NSW, Melissa Callis Warra Warra, Lily Dumble Far West CLC, Karly Fennell Revenue NSW, Loretta Stuart BH WDVCAAS, Brian Attard Seniors' Rights Service, Mark Braes CatholicCare, Emma O'Hare Home in Place, Jacinta Cullen BHLLC.

Agenda item	Discussion	Action/Outcome
<b>1. Welcome and opening</b>	Kate opened the meeting, acknowledging the traditional owners of the land that she works and lives on, the Gadigal people, and paying respect to Elders and to Aboriginal and Torres Strait Islander colleagues joining the meeting.	
<b>2. Action on fine debt</b>	<p>Fine debt in the Broken Hill and Wilcannia postcodes exceeds \$4 million, over \$3 million is over 2 years old. A significant portion of that debt is being managed through Centrepay payment plans.</p> <p><b>How can people get legal help with fines? Why is it important to refer to legal advice?</b></p> <p>Refer to Legal Aid NSW, Aboriginal Legal Service NSW/ACT for advice on options. Josh highlights importance of getting advice if people disagree with the fine to see whether it can be challenged.</p> <p>Eleanor: when people come to a legal service for help with fines we get the list of all of the fines owed by the client and go through them with the client to see if any of those fines can be challenged (for example, nominating another driver if the client was not driving at the time of the driving offence). This can be very important for people who have experienced family violence. A legal service can help people find out the details of the fine offence because these details are often not included in the penalty notice that is sent to the person.</p>	Kate to circulate one page contact list of referrals for fines.

Some clients don't want to lose the demerit points: a legal service can also give advice about this.

A legal service can also help with other options like a review, a write-off of the debt or help with getting a work and development order (WDO). Doing a WDO in combination with a write-off can be a good way of dealing with high fine debt. Legal services can also help with stopping enforcement action by Revenue NSW and Transport NSW (suspension of licence and garnishing money from bank account).

Q: At what point are garnishee orders made by Revenue NSW to recover money? (a garnishee order allows Revenue NSW to take money directly from a person's bank account to cover their fine debt).

It can be a bit random and is used for small and large debts. Care needs to be taken for people who get lump sum payments of money and who have fine debt as that money can be taken by Revenue NSW for the fine debt. While you can apply for a refund this can be a hard process.

**Mentoring is now available as an activity for all people in a WDO.**

The Legal Aid NSW Work and Development Order team (Kim and Danielle) will be in Broken Hill in the week starting 23 October 2023. They are happy to talk with WDO sponsors, or services who are interested in becoming a sponsor, learning more about being a sponsor. One issue for people in Broken Hill is the lack of WDO sponsors, which limits the options for people who want to reduce their fine debt.

Eveleen: Disability Advocacy can sponsor clients who they are advocating to do a WDO. DA can assist people who have any disability with: unfair treatment, complaints, navigating the system, support to engage in education, NDIS, government payment including DSP and guardianship. DA are doing a research project on the experience of public who are under the guardianship of the NSW Trustee and Guardian.

The ALS is keen to work in partnership with organisations who are helping people with fines.

The traffic list on Tuesday in Broken Hill would be a good opportunity to give information to people about their options for fine debt.

<p><b>3. Council rate debt – report back</b></p>	<p>Sophie reports back on the work she is doing with the financial counsellor at CatholicCare with people who owe money to the Central Darling Council for unpaid rates. Central Darling Council is in administration and has been selling people’s houses to recover the money owed by the owners for unpaid rates. She is negotiating with the Council so that people can keep their house. The debts are high. Typically, the clients also have other kinds of debt like pay day loans. These loans can be considered to see whether there is any option for challenging them because of failure to comply with the responsible lending requirements in the National Credit Code.</p> <p>There is also an option of asking for waiver of the interest charges that are made for unpaid council rates.</p> <p>People were late in coming forward for help – possibly due to shame and embarrassment about their situation. Another factor is that the council does not have anyone on the ground like a community engagement officer to talk with people about their rates, and the options available for people experiencing hardship, noting that the council has a duty to mitigate their loss.</p>	
<p><b>4. Partner updates challenges and requests</b></p>	<ul style="list-style-type: none"> <li>• Disability Advocacy is undertaking research on people who are under the guardianship of the NSW Trustee and Guardian. Their researcher is travelling to Broken Hill on 11/10, Wilcannia 12/10 and Menindee 13/10 to speak with people. Contact Eveleen or Caryn for more info or to arrange a meeting.</li> <li>• Stolen Generations Reparations Scheme – Josh clarified that even though the scheme has formally closed, it is still possible to lodge applications in some circumstances. Appeals can also be lodged under 30/6/2024. For more advice contact the Legal Aid NSW Civil Law Service for Aboriginal Communities <a href="mailto:clsac@legalaid.nsw.gov.au">clsac@legalaid.nsw.gov.au</a> or 1800 793 017 or make an appointment at Legal Aid NSW in Broken Hill 08 8004 9600.</li> <li>• New CLSD regional coordination arrangements for Far West: the IDRS (JAS) will be taking on this service and recruiting for a new role based in Broken Hill combining a part-time JAS advocate with part-time CLSD regional coordinator. Watch out for this job advertisement.</li> </ul>	
<p><b>Next meeting</b></p>	<p>Next meeting will be an in person meeting in Broken Hill in November. Date TBC.</p>	

