



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2022-2023 ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Mr Andrew Braddock on 22 November 2023: Dr John Boersig took on notice the following question:

Reference: Hansard [uncorrected] proof transcript 22 November 2023 [PAGE 31-32, 33]

In relation to:

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MR BRADDOCK: Just a question in terms of the colleges program. Like, I have noticed in 29 of the annual report you say you have done 653 legal education sessions. Do you have any stats in terms of the number of people who are coming to you seeking advice in the colleges program?

Dr Boersig: We do and I can take those on notice and tell you. That is a great program. You know, if you are talking—you will not be surprised to hear, I mean, if you want kids to have access to information upon which to make good decisions, you have got to go where they are and that is where they are and what surprised me the most in terms of the stats that came out of that—and I can send you our report of all this—is around, broadly speaking, the family violence issues.

And just to be there and available independently for young people is really important. It is like the Health Justice Partnership. Being in those hospitals, being in those obstetric wards, being available for women in particular who are in difficult situations, whether it is care and protection matters or family violence matters, is a place we should be available. You know, even when the numbers are not huge, people are really important.

MR BRADDOCK: And transformative for their lives.

Dr Boersig: Yes.

MR BRADDOCK: The resources that are put into that program, are they static? Are they increasing?

Dr Boersig: The investment comes from the Education—I will have to go to Brett on the actual

numbers, but we are paid essentially for a junior lawyer to go out. We rotate because of the nature through a number of lawyers who will go out through our outreach program. I do not know the—I cannot think of—I think it is a junior lawyer position. I would be keen on seeing it expanded simply because we are there at each of the colleges once a fortnight. I reckon if we were there—I mean, you know what kids are like; if you are there in front of them, they will come and see you. If they have to wait a week, they may not. So I think there is good argument for us being there and available, given the data that is coming through about both the quantity and the qualitative work that is being done there.

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MR BRADDOCK: Just quickly going back to my last question, can you please take that on notice in terms of the stats for the college program, and also the resources inputted into that program?

Mr Monger: Yes.

Legal Aid: The answer to the Member's question is as follows:–

During 2022-23, 251 legal assistance services were provided to individuals through the ACT Colleges Project.

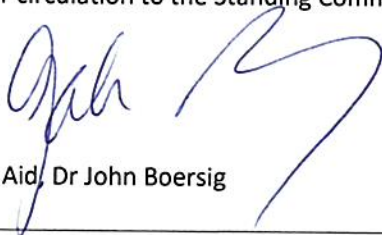
Additionally, the Commission provided 39 Community Legal Education sessions to Colleges in the Territory, which had a total of 3,898 attendees.

Over the course of this program the resources provided have been for 1 lawyer and associated costs (IT, transport, etc).

An excerpt from the most recent progress report (January to June 2023) for this project is attached.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 30/4/23

By the Legal Aid, Dr John Boersig

Legal Assistance Services in ACT Colleges Project

Attachment B – Reporting item E

1. Description of the program

The Lawyers in colleges program commenced onsite on 1 September 2020 (study week 7 of Term 3) and continues throughout the school years 2021, 2022 and 2023. The colleges are attended on a fortnightly basis, by a Legal Aid ACT lawyer, referred to within the colleges as the Legal Liaison Officer ('LLO').

The Commission has deployed lawyers across the nine ACT public colleges since 1 September 2020, with two lawyers dedicated to the program. The LLO attends a set college on an designated day each fortnight. The LLO is located onsite at the college and is accessible to all students, staff, and families from 9 am to approximately 3:45 pm on the designated day.

When present at the college, the LLO is 'on duty' and available to speak with students by appointment, referral or on a 'walk-in' basis. This service is also offered to the families of students by appointment. Students are given a unique opportunity to obtain free and confidential legal advice and information within the familiar and safe setting of their college environment. This can be either independently, or with the support and encouragement of college staff, parents, carers, or peers. Students with legal problems and questions have benefited from the collaborative approach to the service by college staff and the LLO, with LLO's noting that college staff have been key players in identifying students at risk and referring them to the LLO for legal advice. Having the LLO on-site at the colleges enables students to walk directly into the LLO's office, which in most colleges, is situated near the student well-being teams or school psychology offices.

Students are provided with the LLO's email address and phone number to facilitate ongoing contact with legal services outside of school hours, during term breaks, or on days when the lawyer is not present at that college. In these circumstances, depending on the capacity and urgency of the matter, the LLO can travel to the school to meet with students, speak with them over the phone, or arrange an appointment for the student on the usual day the lawyer is at that college.

2. Progress on Achieving Objectives:

The project has been successful in advancing its objectives by promoting access to legal advice and information for students, assisting students with negotiations and mediations, helping with emergency court applications and in court support, and referring students for ongoing legal help and other non-legal supports.

The benefit of having an LLO present on campus, embedded within college staff and services cannot be understated. The LLO's have found 'at risk' students, who are ordinarily difficult to contact via phone or email, to enable them to speak about their legal issues and seek further assistance depending on their need. Across the nine colleges, the LLO's receive student referrals from wellbeing/student services staff, year coordinators, classroom teachers, deputy principals, other students, and school youth workers. Students also self-refer to the LLOs. This promotes early intervention in legal matters and reduces the scope of legal issues by ensuring legal advice

is administered quickly before matters escalate. This plays a vital role in keeping legal matters involving young people out of the ACT court system.

It has also become apparent that students are more comfortable seeking legal advice on sensitive and potentially dangerous issues from a lawyer when the lawyer is present at the college. Students have so far been keen to take advantage of the LLO's presence in the college to seek advice and information about sensitive issues in a safe and private setting. This may include advice regarding disputes with their parents, carers, or siblings, including issues of family violence, divorce and separation, and independent living arrangements. Staff engagement and cooperation has continued to increase in 2023 with Legal Aid ACT staff invited to attend strategy meetings and provide information sessions at assemblies and in classes. Further engagement has also happened at Erindale college with teachers engaging in Legal Aid ACT risk assessment training and information sessions given to ATSI students. This is provided through a Legal Aid ACT program that provides support to ATSI people in the ACT struggling with Domestic and Sexual Violence. This type of engagement increases the capacity for students to engage with support offered at Legal Aid ACT and allows staff members to be informed about the role they play in supporting students to engage with the legal system.

College	Service count
Canberra College/CC cares	27
Dickson College	10
Erindale College	47
Gungahlin College	24
Hawker College	4
Lake Ginninderra	16
Lake Tuggeranong	16
Melba Copland College	12
Narrabundah College	25
Total	181

Referral from	Service count
CLE	
Not Stated	
Other	62
Teacher	53
Well-being team	66
Total	181

Help to	Service count
Staff	3
Student	178
Total	181

2.1 Provide students with advice and information:

Students have actively sought legal information and advice from our LLOs since the program commenced in Term 3 of 2020. Students have presented with a wide range of legal issues

including family violence, moving out of home, employment, care and protection, personal protection, parenting disputes, and criminal matters. Students have also presented seeking information regarding laws around issues of sexting, reporting sexual assaults, drugs and alcohol, and Centrelink benefits. The following case studies are from the 1 January 2023 to 30 July 2023.

Case Study 1:

A student approached the LLO for some advice on her employer's recent underpayment practices. The student approached the LLO to determine her appropriate pay rate and superannuation entitlements. Upon reviewing her payslips, the LLO identified that the student was being underpaid. Instead of receiving the adult rate that she was entitled to, she was receiving the junior pay rate. The LLO assisted the student in understanding her correct pay rate and the relevant award that applied to her employment. The LLO assisted the student in helping the student draft a demand letter to her employer, requesting the payment of unpaid wages. The LLO also provided the student information about the Fair Work Commission and their role in assisting individuals in recovering unpaid wages.

The student also required assistance in setting up a superannuation account to ensure she could receive her super contributions. The LLO explained the key features and options available for superannuation accounts and provided information on how super contributions are made and why it is important for the future. The student was able to successfully establish her superannuation account and gained knowledge about the importance of superannuation, and how it can support her future financial goals.

Case Study 2:

A student was referred to the LLO by the well-being team. The student sought advice and information about the gender transition process. The student indicated that their parents were unsupportive of the idea of transitioning. The LLO provided the student with advice on the transition process, informed them of their rights and addressed their concerns regarding the process. The LLO explained the three stages of transitioning and clarified that the student could decide to undertake each stage at their own pace and according to their personal preferences. The LLO acknowledged that it can be challenging for some parents to accept such changes but emphasized that as the student is over the age of 16, they could begin their transition, including changing their first name, without parental consent. At the same time the LLO also highlighted that parental consent would be required for Stage 2 and Stage 3 procedures if the student chose to pursue those steps in the future.

The LLO's are available to assist students with information that they usually do not have access to.

2.2 Assist Students with mediation and negotiation

Case study 3:

The well-being team referred a student to the LLO. She requested assistance with negotiating with CYPS (Child and Youth Protection Services), navigating child abuse and applying for an FVO (Family Violence Order). The LLO provided her with support and understanding CYPS procedures and represented her at FVO hearings at the Magistrates Court. The student received assistance for a wide variety of issues to help the student transition to living independently. The student received advice and support on school record keeping practices, the removal of her parents as a

contact person, domestic and family violence, and child and youth protection services. During CYPs investigations, the agency decided to stop providing support to the student. The LLO was able to intervene and connect the student to other supports including access to Legal Aid's Community Liaison Unit. As part of assisting the student with living independently, the LLO wrote to various agencies notifying them that the student's parents are to be removed as a contact person from their files. Furthermore, the student was assisted with navigating the school records process as part of their preparation for court.

The LLOs are available to assist students with navigating and preparing for court.

2.3 Referral Services:

The success of the program is evident in the number of students willing to disclose the difficult circumstances that they find themselves in, including students who have self-referred or been referred by their college. The LLO's provide initial information and advice, ongoing limited duty assistance, and supported referrals of students into Legal Aid for grants for extended assistance. Extended assistance enables student to receive ongoing legal assistance such as court representation and casework. Our LLO's have also facilitated referrals to a range of non-legal services including our Community Liaison Unit, DVCS, Victims of Crime, Canberra Rape Crisis Service, and the Police.

Case study 4:

A student from a culturally diverse background who was experiencing family violence at home was referred to the LLO by the deputy principal. The student lacked internet and phone access and was isolated from contacting her peers. Coercive control and parental monitoring further limited the student's activities. Due to a history of physical and emotional abuse, there were concerns for the student's safety. The LLO decided to refer the student to the Domestic Violence Crisis Service (DVCS) for safety planning and support. However, the client could only communicate with services during school hours, and her parents monitored her phone, making it extremely difficult to contact DVCS. To overcome this challenge, the LLO reached out to DVCS and requested an in-person meeting with a person from DVCS, together with the student and LLO. DVCS agreed to the request enabling them to directly meet with the client and develop a personalised safety plan. Additionally, they provided the client with a safety phone, ensuring her ability to communicate with appropriate services despite the parental monitoring and restrictions.

Case study 5:

A student was referred to the LLO by the school social worker. The student disclosed to the LLO that they experienced sexual abuse by a family member. The student's family did not believe her when she told them because of her cultural background. As a result, the student decided to leave the family home. The student was hesitant to report the incident to the police and did not wish to obtain a Family Violence Order. Understanding the need for and importance of support, the LLO referred the student to Victim Support ACT to receive some counselling and other support. The LLO also referred the student to Legal Aid's Community Liaison Unit to receive support in applying for Centrelink youth allowance payments.

Case study 6:

A student was referred to the LLO by their friends. The student wanted to leave the family home due to ongoing family violence from her parents, including physical violence and neglect. The parent was preventing her from working, taking any money she made and refusing to give her food and essentials like shampoo. The LLO referred the student to the Community Liaison Unit to help her attend Centrelink to apply for the independent youth allowance on the basis that it was unreasonable for her to reside at the family home due to family violence. The Community Liaison Officer recognised that it was unsafe to contact her while she was at home due to the risk of increased violence and organised a time to meet with the student at school in a safe space.

The LLOs are available to students to help them with understanding their legal rights and the supports available to them.

2.4 CLE and community information

Lawyers also offer and deliver legal education directly to students and their teachers through class presentations. LLO's consult with teachers to design presentations for delivery in Legal Studies classes, pastoral care groups, assemblies and various ASBA classes. The talks delivered by our LLO's to College students serve to not only complement the year 11 and 12 curriculum but also promote ACARA's General Capabilities including personal and social capabilities, and ethical understanding. This enables students to understand their rights and responsibilities, and encourage students to take ownership of their actions in a legal context. Since January 2023, information sessions and communications with staff to offer these sessions increased because of the LLO's and staff cooperation to ensure the program continues to be available through exam periods, excursions, and other school activities, while not interrupting school.

The LLOs have identified CLE sessions as being an integral component to the program's success. These sessions provide students and their teachers with the information required to enable them to identify whether they have a legal issue and how the LLO's can help them resolve their legal problems in a safe and confidential way.

Unfortunately, not all colleges have facilitated CLE information sessions. For these colleges, we were able to share a video about the college program and find other means of communication. For example, this year the LLO at Hawker College provided an article for the student newsletter.

	Date	Location/event	Topic	Attendance
1	1/02/2023	Melba Copland College	Orientation 'Law and me' presentation	350
2	2/02/2023	Narrabundah College	Bundah Day at Narrabundah College	13
3	06/02/2023	Erindale college – staff meeting	Discuss engagement with the lawyers in colleges program and the services we provide with staff	35
4	3/02/2023	Narrabundah College – staff meeting	Discuss engagement with the lawyers in colleges program and the services we provide with staff	30

5	3/02/2023	CC Cares and Canberra college – staff meeting	Discuss engagement with the lawyers in colleges program and the services we provide with staff	10
6	08/02/2023	Dickson College – stakeholder engagement	Meeting with the new deputy principal about the college program and the steps that can be taken to improve engagement	1
7	15/02/2023	Gungahlin College – wellbeing sessions – information session	Presentation on legal capacity and age	1
8	27/02/2023	Melba Copland College – PC session	Presentation to Year 11 students on Cyber safety, cyber bullying, and sexting	8
9	27/02/2023	Melba Copland College – PC session	Presentation to Year 10 students on Cyber safety, cyber bullying, and sexting	170
10	6/3/2023	Gungahlin College – connection day event	Had a stall at Gungahlin College for connection day. The connection day is a day for the services and clubs at the college to talk to students and for students to learn about their school.	1
11	7/3/2023	Erindale College	talks about consent to year 11 and 12 female students	500
12	7/3/2023	Erindale College	Talks about consent to year 11 and 12 male students	500
13	15/03/2023	Gungahlin College – information session	Talked about victims of crime and the criminal law process	35
14	16/03/2023	Narrabundah College – N group presentation	Introduction to the colleges program to the students at Narrabundah college during N-group sessions.	940
15	22/03/2023	Dickson College - presentation	Presentation on Access to Justice to Year 11 legal studies students.	20
16	22/03/2023	Dickson College - presentation	Presentation on Access to Justice to Year 11 legal studies students.	20
17	27/03/2023	Melba Copland College – PC session	Presentation on Cyber safety, cyber-bullying, and sexting	40
18	1/05/2023	Melba Copland College – PC session	Presentation delivered at Copland College during PC session on Cyber safety, Cyber bullying, and sexting.	20
19	1/05/2023	Melba Copland College – PC session	Presentation delivered at Copland College during PC session on Cyber safety, Cyber bullying, and sexting.	18
20	11/05/2023	Dickson College – transition Session	Presentation on Cyber safety, cyber bullying, sexting	20
21	15/5/2023	Gungahlin College – Draco house group meeting	Introduction to the college program, what is legal representations and what can we help with	110

22	15/5/2023	Gungahlin College – Aquila house group meeting	Introduction to the college program, what is legal representations and what can we help with	125
23	15/5/2023	Gungahlin College – Phoenix house group meeting	Introduction to the college program, what is legal representations and what can we help with	127
24	15/5/2023	Gungahlin College – Scorpius house group meeting	Introduction to the college program, what is legal representations and what can we help with	112
25	15/5/2023	Gungahlin College – hydra house group meeting	Introduction to the college program, what is legal representations and what can we help with	117
26	15/5/2023	Gungahlin College – Orion house group meeting	Introduction to the college program, what is legal representations and what can we help with	128
27	24/5/2023	Gungahlin College - presentation	Presentation on Employment Law delivered to students at Gungahlin college.	2
28	5/06/2023	Melba Copland College – PC session	Presentation on Cyber safety, cyber bullying, and sexting	22
29	5/6/2023	Melba Copland College – PC session	Presentation on Cyber safety, cyber bullying, and sexting	25

3. Highlights, breakthroughs, and discoveries:

The LLOs have observed a notable increase in students' willingness to disclose sensitive issues to them. Students have been more forthcoming in reporting matters such as homelessness, drug use, sexual assault, and family violence to the LLOs. Conducting CLE sessions has proven to be highly effective in enhancing our visibility and raising student awareness about the confidentiality requirements associated with our services. The LLOs report a temporary surge in the number of students seeking our assistance for sensitive matters when CLE sessions are conducted. Furthermore, these CLE sessions have been instrumental in facilitating a better understanding among college staff regarding the LLOs' role in supporting student well-being within the college community, leading to an increase in staff referrals. The higher utilization of our services following CLE sessions indicates a growing awareness among both students and college staff about the valuable support we offer.

It is evident that the confidentiality requirements governing the client-lawyer relationship plays a crucial role in encouraging students to share sensitive information. The assurance that their disclosures will remain confidential, without involving third parties through mandatory reporting, such as the police, health services, or care and protection services fosters a sense of trust and security among students. As the awareness of the program's advantages and the comprehensive support it offers continues to grow among students, their propensity to access these services is likely to increase significantly.

The highlights of the program have been to form relationships with students, particularly those that are disengaged, and be able to offer them meaningful and judgment free advice and assistance beyond the traditional lawyer/client relationship. Despite being acutely

susceptible to legal problems, most students experience significant barriers in accessing justice. The lack of a specialist legal service, a lack of awareness of their rights and entitlements, the intimidating and formal atmosphere of many legal services, and a reliance on adults to facilitate their access to legal services contributes to this. This serves to prevent students receiving assistance they need and may also cause both legal and non-legal issues to escalate. Embedding the LLOs within colleges assists to overcome barriers to justice.

A strong rapport with the wellbeing/pastoral care teams and teaching staff to facilitate the organisation of CLE session and student referrals into the service is demonstrated in the number of students accessing the service. The success of the program can be attributed to various factors. Placing LLOs in accessible locations or in close proximity to wellbeing teams has positively contributed to the service counts. Other factors include increased CLE in schools, and the ability of LLOs to speak at assembly and participation in school activities. It is integral to the ongoing success of the program that schools encourage staff to become familiar with how the LLOs can assist students and facilitate CLE sessions within their learning areas. Fostering a strong relationship between the wellbeing teams and LLOs is essential for the success of the program.

4. Recommendations

The program is very reliant on building strong presence and rapport within each individual college. We see greater numbers of students using the service where the LLO's have been invited into classrooms or invited to speak at assemblies on a consistent basis. We also see greater use of the service in colleges where the LLOs are embedded within student services where they can work closely with youth workers, wellbeing staff and school liaison officers to target vulnerable students.

It is recommended that executive teaching staff invite the LLO to conduct training and information sessions directed at staff **at the commencement of each term** to ensure all staff understand the assistance that can be provided by the LLO, and when a referral to the LLO would be beneficial for students. We also strongly urge schools to provide a platform for the LLOs to address the entire school cohorts **at the commencement of each semester**, to ensure all students are aware of the service, confidentiality requirements, and the types of matters LLOs can help with. We suggest this take place either at school assemblies or in pastoral care groups. LLOs have also seen improvements with the use of PA announcements at colleges and student reminders being broadcast to the students on the day that LLO's are available at colleges. It is recommended that the LLOs be provided with the ability to access Google classrooms at the colleges as we have seen a need to be part of the student network, particularly, regarding Case Study 4 above. It would be equally useful to be included in other school activities to build a relationship, for example, school festival days, or activities like Bundah Day at Narrabundah College. Similarly, it would be beneficial to be included in school staff meetings a few times each term to keep information networks open with school staff. Furthermore, LLOs have noticed that some students require more regular visits to assist them to progress their matter. For these students, LLOs have been attending on different days to the scheduled college day and via appointment. This indicates a need to attend college more regularly, say, once a week.

We have otherwise been delighted by the level of engagement we have seen from students and staff at the ACT colleges. Teachers and college wellbeing staff have been vital in ensuring students are aware of the LLOs and have encouraged students to take advantage of this service. The LLOs have also begun an online seminar series that will be made available through the student portal at each school and YouTube. The accessibility of digital media types is expected to increase awareness of the program at colleges.

To build on the success of the program and see greater engagement, we would recommend that college continue to work closely with the LLOs and actively facilitate referrals of students who have been identified as 'at-risk.' To help facilitate this collaborative approach, further training may be needed between the LLOs and college well-being staff to help them identify 'how to spot a legal issue' so that referrals can be made quickly to the LLOs. Trainings on the role of the LLO and how to spot a legal issue would be most effective if they occur at the commencement of the school term, and regularly throughout the year to ensure all staff are trained and reminded of the help that an LLO can offer.

Legal Assistance Services in ACT Colleges Project

Attachment C – Reporting item F (public version for final release)

The ACT Education Directorate engaged Legal Aid ACT to offer free and confidential legal advice to students and their families at ACT colleges, commencing September 2020. The aim of the project is to respond to the growing recognition of the diverse and complex legal needs of students. The Legal Liaison Officer ('LLO') is available to college staff, students, and their families to give free legal advice and information.

The benefit of having an LLO present on campus, embedded within the college cannot be understated. The service is successful in achieving its goals by improving access to legal advice and information for students, particularly for those most 'at-risk.' By embedding the LLOs within the college, they can assist in overcoming the barriers to justice faced by young people including the lack of awareness of their legal rights and a reliance on adults to facilitate access to justice. The LLOs increase the awareness of legal issues amongst the student body by providing legal education talks to classes. This has included topics on drug and alcohol laws, sexting, cyber bullying, police powers, and driving laws.

The level of engagement we have seen from students and staff at ACT colleges has confirmed that there is an elevated level of legal need amongst young people in our community. Teachers and college wellbeing staff have been vital in ensuring that students are aware of the LLOs and feel comfortable engaging with them. Students referred by wellbeing staff members have presented with complex and multiple legal problems, often involving family violence in the home and sexual assaults. The LLOs **provided 181 legal services in Terms 1 and 2 of 2023**. The types of legal problems include family violence, victims of crime (including reporting sexual assault offences), drug issues, driving, traffic and employment matters. The results confirm the value of collaboration in the education and justice space to meet the legal needs of young people. We believe this project offers an invaluable early intervention and assistance pathway to improve justice outcomes for young people, their families, and the community.