

Review of Rural and Regional Bus Fares 2021-2025

Legal Aid NSW submission to the
Independent Pricing and
Regulatory Tribunal

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About Legal Aid NSW

The Legal Aid Commission of New South Wales (**Legal Aid NSW**) is an independent statutory body established under the *Legal Aid Commission Act 1979* (NSW). We provide legal services across New South Wales through a state-wide network of 24 offices and 221 regular outreach locations, with a particular focus on the needs of people who are socially and economically disadvantaged.

We assist with legal problems through a comprehensive suite of services across criminal, family and civil law. Our services range from legal information, education, advice, minor assistance, dispute resolution and duty services, through to an extensive litigation practice. We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.

We also work in close partnership with LawAccess NSW, community legal centres, the Aboriginal Legal Service (NSW/ACT) Limited and pro bono legal services. Our community partnerships include 27 Women's Domestic Violence Court Advocacy Services and the Cooperative Legal Service Delivery (**CLSD**) Program.

Legal Aid NSW's CLSD Program supports twelve justice partnerships in regional NSW. The CLSD program regions are:

- Albury
- Central Coast

- Central Tablelands
- Central West
- Far West
- Hunter
- Kempsey/Nambucca
- Moree
- Northern Rivers
- South Coast
- Taree/Forster
- Wagga Wagga

The partnerships bring legal and non-legal services together to identify and address unmet legal and related needs in order to achieve better outcomes for vulnerable and disadvantaged people in regional and rural NSW.

Legal Aid NSW welcomes the opportunity to make a submission to the Independent Pricing and Regulatory Tribunal review of regional and rural bus fares 2021-2025. Should you require any further information, please contact:

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Introduction

Legal Aid NSW welcomes the opportunity to provide a submission to the Independent Pricing and Regulatory Tribunal (**IPART**) on the review of regional and rural bus fares 2021-2025.

We support the aims of this review to:

- ensure that fares are affordable in regional and rural areas, where people have very limited transport options
- maximise the benefit of public transport use in keeping people connected to their community
- ensure fares are logical, predictable and stable, and
- facilitate innovation.

Legal Aid NSW prioritises delivery of its services to vulnerable and disadvantaged people, including people from regional and rural areas, people on low incomes, Aboriginal people, people who receive Commonwealth benefits, people from diverse cultural backgrounds, people in prison and young people. Many of our clients belong to more than one of these groups.

Access to affordable transport in regional and rural areas is important for our clients because without it, they face further economic and social disadvantage. People who do not have their own means of transport and who cannot afford public transport regularly risk receiving fines by using public transport without a ticket, or the wrong ticket, in order to access essential services. People who choose not to travel because they cannot afford to may fail to keep commitments, such as appearing at court or appointments with community corrections and employment services, and they may lose contact with their support networks such as attending mental health or other medical appointments, or attending drug and alcohol counselling services.

CLSD program partners have raised concerns about access to NSW Transport concession cards for people who have recently left prison. Inmates who are transitioning back into the community face a range of issues, which, if left unaddressed, may contribute to reoffending. On release, many people do not have access to stable housing that is near the services that they need, such as Services Australia and Service NSW. Ensuring that people leaving prison have access to concession transport fares as soon as possible following their release removes a significant barrier to accessing the supports that help them to successfully reintegrate into our community.

In its 2020 review of Opal fares, IPART recommended making concession fares available to people who hold a Commonwealth health care card.¹ Legal Aid NSW supports automatic eligibility for concession fares for people who hold a Commonwealth health care card, which would facilitate better access to concession fares in regional areas for people

¹ IPART Report, *Maximum Opal Fares 2020-2024*, (February 2020), 8.

who are leaving prison, which would improve their ability to access supports and reintegrate into the community.

Improving access to concession fares for people leaving prison

In 2019, 11,803 people were released from prison in NSW; 3,626 of these people were Aboriginal or Torres Strait Islander.² In August 2019, 1,006 people in prison had a confirmed disability, however the number would likely be higher if it included people who have an acquired brain injury.³ These figures illustrate that for a significant proportion of the prison population in NSW, the disadvantage that attaches to having a criminal record may intersect with an existing experience of disadvantage.

The amount of support provided to help people leaving prison to transition back into the community can vary depending on the length of their sentence, where they were incarcerated and where they return to live, which may be a long way from where they were incarcerated.

There are 21 correctional facilities located throughout regional NSW and at great distance from one another; including in Broken Hill, Nowra, Glen Innes, Lithgow, Tumbarumba and Kempsey.

To access concession fares, people who have recently left prison and who are in receipt of income support from Services Australia, must apply to Transport NSW for a transport concession card. They are only eligible for concession fares once they have received the card and can show it on public transport. Applications for the card must be made online, or at a Service NSW centre, take 7-10 working days to process and are then mailed out to the applicant. In addition, the cards are only valid for up to 90 days and must be renewed using the same process.

This process poses a significant administrative burden which has, in Legal Aid NSW's experience, resulted in some inmates not receiving the benefit of the transport concession card in a timely manner, or at all.

The challenges associated with this application process for people who have recently left prison are illustrated in the below case study raised by our CLSD partnership in Wagga Wagga.

Case Study – Wagga Wagga

Inmates cannot make an application for a Transport NSW concession card before their release because they do not have access to the internet. In addition, inmates often do not know what their postal address will be on release.

² NSW Bureau of Crime Statistics and Research data provided to Legal Aid NSW (June 2020).

³ Presentation by Corrective Services State-wide Disability Services to the NSW Legal Assistance Forum, Prisoner's Forum, 23 August 2019.

On release from prison people often move into temporary accommodation before moving on to live with family, friends or at a rehabilitation service.

In Wagga Wagga, inmates who are released from Junee Correctional Centre are often accommodated at the Forest Hill caravan park for up to 3 nights. The caravan park is 13.5km outside of Wagga Wagga, which is where Service NSW, Medicare, Services Australia and Community Corrections are all located. There is one bus into Wagga Wagga from the caravan park.

If they make an application for a Transport NSW concession card, they are unlikely to know what their home address will be and they are also likely to have moved on from Wagga Wagga by the time the concession card could arrive by post.

Without a transport concession card, it costs approximately \$9 one-way to get into town, which is a large percentage of the income support that people receive from Services Australia.

In the days immediately after their release, people may be required to attend the Community Corrections office, as well as Services Australia and housing and health services.

This scenario is not unique to people who are released from Junee Correctional Centre.

Legal Aid NSW submits that changing eligibility for concession fares so that they are automatically available to people who hold Commonwealth health care and pension cards could overcome a significant barrier for inmates who already face enormous challenges post release.

Many inmates are assessed for eligibility for Commonwealth income assistance prior to leaving prison so that they can receive payment once they leave. A Commonwealth health care or pension card is automatically issued to people who receive Commonwealth income support such as Jobseeker and the disability support or aged pension. The cards are valid for one year and Services Australia automatically sends a replacement card to people if they are still receiving their payment. In addition, Services Australia customers can immediately obtain a temporary card from a Services Australia office.

Making health care and pension card holders eligible for concession bus fares would remove the need for disadvantaged people to complete a separate application form with a separate agency in order to obtain a transport concession card. It would also avoid them having to wait for several weeks to get access to concession fares. Making this policy change would greatly support people leaving prison to access important support services and to participate in the community by simplifying and expediting their access to affordable transport.