

LEGAL AID COMMISSION OF NSW



ANNUAL REPORT 2002-2003



Legal Aid Commission NSW

The Legal Aid Commission provides legal aid services in New South Wales. We are the largest legal aid agency in Australia

The Commission is established under the *Legal Aid Commission Act 1979* to improve access to justice by providing a range of legal services to socially and economically disadvantaged people. We are an independent statutory body, employing 634 full time equivalent staff around NSW. Our operating expenses totalled \$129.863m and we received \$126.964m revenue, mainly from State and Commonwealth Governments.

In 2002–2003 we provided 360,749 client services, which included representation, duty appearances, legal advice, information services and community education through our head office, 20 regional offices and private practitioners.

We work in partnership with private practitioners who provided representation to 40.9% of all legally aided clients in NSW during 2002–2003. We operate under the direction of one full-time and nine part-time Board Members who determine our strategic priorities. They are appointed by the Attorney General of NSW, the Hon Bob Debus MP.

Children's lawyer Teresa O'Sullivan confers with her client at Bidura Children's Court in Glebe. This year our Children's Legal Service represented 1,247 young people in children's courts around New South Wales. See page 20 for more details about legal services for young people.



Our mission

To deliver a range of innovative, high quality legal services to our clients to assist them to resolve their legal problems.

Our values

Client Focus, Integrity, Professionalism, Efficiency, Equity.

Our vision

To ensure that economically and socially disadvantaged people can understand, protect and enforce their legal rights and interests.

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Performance highlights in 2002–2003

This year, our main emphasis on improving services to people living in regional areas had very successful results



Our inhouse staff provided a greater number of outreach services across the State in both civil and family law.

We improved services by building on our partnerships with other legal service providers based on an Integrated Service Delivery Plan. The year also saw us consult widely with staff on issues they identified as important to them.

The year was also marked by further technological advances that are assisting us to work more efficiently.

Our clients

Ensuring that more people across the State can have access to our services.

To promote equal access to justice for people wherever they live, we are developing a cooperative approach to legal service delivery involving the Commission and other service providers.

We increased our outreach services to people living in rural areas through a range of strategies and programs.

Family law advice and representation services increased by over 25% after we located new family lawyers in Dubbo, Gosford, Lismore and Tamworth as well as in a number of metropolitan offices.

We established a duty solicitor service at Parramatta Family Court so unrepresented clients can have assistance at court.

We opened a new family law outreach service in Nowra to service the South Coast, in response to urgent community need.

Our organisation

Introducing new and efficient work practices.

We rolled out video conferencing facilities to seven offices, enabling criminal lawyers to communicate with clients long distance, including in regional gaols.

We implemented the use of electronic briefs in criminal law, as part of the criminal justice system trial.

Our people

Ensuring our staff have access to better training opportunities and input into the organisation's overall direction.

Over 93% of staff responded to a comprehensive staff survey which laid the foundation for action plans that will increase training and work opportunities for all staff.

Staff training attendance increased by 270% after we introduced an exciting range of new training programs.

We developed a draft Communication Improvement Plan to improve our communication with staff.

Our partners

Improving service delivery to our partners and enhancing the way we work together.

40% of assigned family law applications were being received electronically by the end of the financial year.

In June 2003 1,248 electronic requests were received (including 685 from private lawyers), up from 286 requests (including 102 from private lawyers) in June 2002, the first month electronic lodgement became fully operational.

Nearly 60% of electronic requests were determined within two days, compared with 22% of paper applications in assigned family law matters.

Wagga Wagga Legal Aid office signed a new Statement of Cooperation with the Coalition of Aboriginal Legal Services that will improve access to legal services for indigenous people.



Areas identified as a priority focus in 2003–2004 include:

KEY IMPROVEMENT AREAS

- Enhancing the delivery of quality targeted family and civil law services across the State.
- Implementing the Communication Improvement Plan so our staff are better informed.
- Analysing results of the staff survey and identifying key areas for organisational improvement.
- Establishing a career development and performance management system to enhance the skills of our staff.
- Providing managers with more relevant and reliable business information to facilitate the making of more informed business decisions.
- Implementing 50% of the accepted recommendations from the criminal law review.
- Developing a comprehensive recruitment strategy to attract and multi-skill entry level staff.
- Enhancing our links with government, the courts and partners in the justice system.
- Establishing strategies to enable private practitioners to deliver a better service to legal aid clients.

Summary of services by program

Who we are

Services provided by program

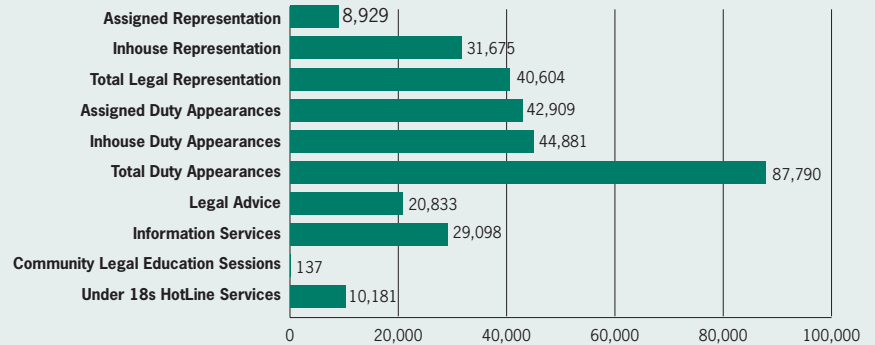
Criminal Law Program

Facilities
Head office and shared
20 regional offices

Expenditure \$66.373m
- State \$61.968m
- C'wealth \$4.318m

See pages 20–21,
24–25 for more
details

Criminal Law Program



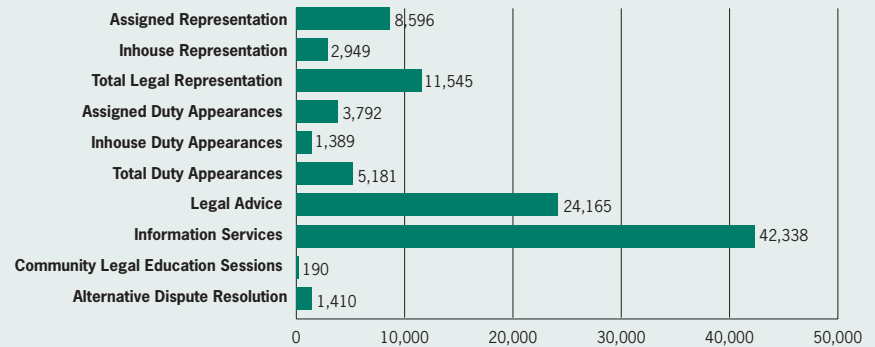
Family Law Program

Facilities
Head office and shared
20 regional offices

Expenditure \$38.314m
- State \$6.512m
- C'wealth \$31.626m

See pages 16–17,
24–25 for more
details

Family Law Program



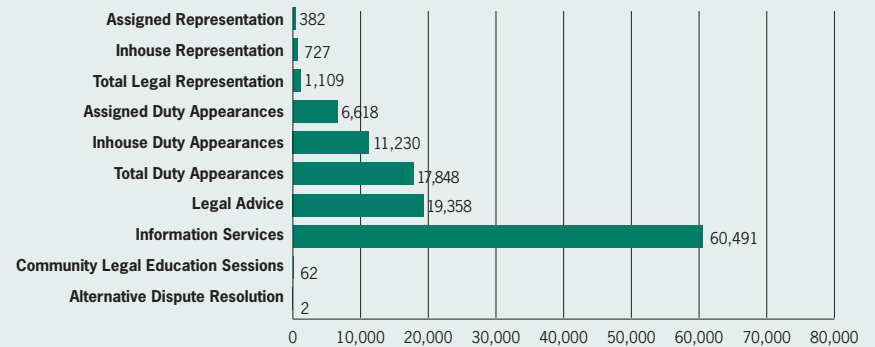
Civil Law Program

Facilities
Head office and shared
10 regional offices

Expenditure \$11.969m
- State \$8.583m
- C'wealth \$3.298m

See pages 18–19,
24–25 for more
details

Civil Law Program



Community Legal Centres and Women's Domestic Violence Court Assistance Programs

Facilities
State wide programs

Expenditure \$13.206m
- State \$4.126m (CLC's)
- State \$3.501m (WDVCAP)
- C'wealth Grants \$4.833m
- Public Purpose Fund Grants \$0.674m
- Children's Court \$0.072m

See pages 26,
28–29, 76–77
for more details

Legend

ADR: Alternative Dispute Resolution
AVL: Audio Visual Link
ATSI: Aboriginal and Torres Strait Islander
CLC: Community Legal Centre
CLE: Community Legal Education

C'wealth: Commonwealth
E-Lodgement: Electronic Lodgement
WDVCAP: Women's Domestic Violence
Court Assistance Program
WDVCAS: Women's Domestic Violence
Court Assistance Scheme

What we do	What we achieved this year	What we plan to do in the year ahead
<p>Criminal law case representation. Duty appearances at Local Court. Criminal law legal advice and minor assistance. General criminal law information. Under 18s HotLine. Adult and Youth Drug Court Programs. Community Legal Education.</p>	<ul style="list-style-type: none"> → Increased the number of young people assisted by the Under 18s HotLine. → Participated in the Electronic Brief pilot project with other justice agencies. → Implemented a steering committee to prioritise and make recommendations from the criminal law review. → Introduced private practitioner panels in the area of children's crime. → Expanded the AVL facilities to 7 offices. → Recruited additional lawyers to do crime, C'wealth committals, and a C'wealth-funded public defender. 	<ul style="list-style-type: none"> → Establish private practitioner panels for Court of Criminal Appeal matters. → Commence E-Lodgement in criminal law. → Implement 50% of recommendations from the criminal law review. → Develop and implement the Electronic Brief pilot project. → Increase the availability and usage of AVL facilities. → Work with the Coalition of Aboriginal Legal Services to improve the range and quality of services available to ATSI people. → Negotiate an improved service level agreement with the Public Defenders Office.
<p>Family law case representation Duty appearances at Local and Family Courts. Family law legal advice and minor assistance. General family law information. Alternative Dispute Resolution Conferencing. Community Legal Education Representation and assistance in care and protection matters.</p>	<ul style="list-style-type: none"> → Increased outreach work and CLE in rural and regional areas. → Piloted a family law advice service at Kingsford Legal Centre. → Established duty solicitor services at Parramatta Family Court. → Opened new offices at Dubbo and Nowra. → Increased legal services to ATSI clients in areas of most need. → Expanded the ADR service to include ATSI conferencing. → Increased participation in the family law E-Lodgement project. → Introduced an \$80 E-Lodgement fee for successful new applications submitted electronically by private practitioners. → Recruited additional lawyers to meet client service needs in regional offices. 	<ul style="list-style-type: none"> → Increase ATSI access to legal services in the mid-north coast and northern tablelands. → Increase the number of ADR conferences held to 1,700, with special emphasis on ATSI communities. → Conduct a study in partnership with Sydney University into the sustainability of ADR settlements. → Improve access to legal services in care and protection matters. → Establish private practitioner panels for care and protection and child representation matters. → Increase C'wealth family law services by 20%. → Conduct outreach services in family law on the far north and south coasts, and Monaro districts. → Establish the Nowra family outreach office in permanent accommodation.
<p>Civil law case representation. Civil law legal advice and minor assistance. General civil law information. Alternative Dispute Resolution Conferencing. Community Legal Education. Veteran's Advocacy Service. Mental Health Advocacy Service including duty appearances before magistrates and the Mental Health Review Tribunal.</p>	<ul style="list-style-type: none"> → Conducted a civil law conference focusing on human rights. → Conducted 25 outreach workshops and community legal education sessions in veterans' advocacy. → Conducted an inaugural Mental Health Advocacy Services conference, attended by 120 lawyers. 	<ul style="list-style-type: none"> → Finalise and commence implementation of the civil law review. → Commence a civil law practice in Dubbo to service central and north west regions. → Develop strategies to enhance service delivery in mental health matters. → Establish private practitioner panels for veterans' advocacy matters.
<p>Distribute State and Commonwealth funding to 32 Community Legal Centres. Monitor their Strategic Plans for service delivery to meet community needs. Distribute State funding to 34 WDVCAP schemes, providing assistance to women at 52 courts throughout the State. Provide a domestic violence solicitor scheme at 5 courts to represent all women making ADVO applications.</p>	<ul style="list-style-type: none"> → Established a Children's Court Assistance Scheme through 5 legal centres. → Expanded the Domestic Violence Solicitors Scheme to 5 additional WDVCAPs (now 10 schemes in total) and 7 courts, bringing the number of courts serviced to a total of 12 . → Adopted a Cluster Model WDVAS in Lismore. 	<ul style="list-style-type: none"> → Participate in a joint State/Commonwealth review of the CLC program in NSW. → Review and improve crucial management tools, including the service agreement, WDVCAP policies and procedures and the Domestic Violence Solicitor Scheme. → Produce a best practice guide for WDVCAPs, containing a toolkit that will assist in improving service delivery to clients.

Corporate plan for 2002–2003

Key result areas	Goals	Strategies	Performance measures
Our clients	We will facilitate a State-wide legal aid service encompassing community education, information, advice and representation to meet community needs and high professional standards.	Improve access to the range of legal aid services, particularly for people in rural and regional areas.	Increase access to services in at least three areas in rural/regional NSW.
		Develop and apply common practice standards for inhouse and assigned work.	Practice standards developed for all areas of law. Practice standards are applied to all inhouse practices and implemented for assigned work as panels for private practitioners are established.
		Establish panels of private practitioners to conduct assigned work.	Panels are implemented in four areas of legal practice.
		Develop and implement a Commission Aboriginal and Torres Strait Islander (ATSI) Justice Strategy to enable us to work better with the ATSI community.	Increase legal aid services to ATSI clients in areas of most need.
Our people	We will have a professional culture and a positive and productive work environment.	Develop and implement a comprehensive Training and Development plan which addresses staff and client service needs.	100% increase in the number of staff accessing Training and Development courses/activities.
		Develop and implement an internal communications improvement plan.	Increase in staff satisfaction with communication processes.
		Conduct a comprehensive staff survey on working in the Commission.	80% response rate to survey.
Our organisation	We will be an organisation with modern systems and processes which maximise the efficient and effective use of Commission resources.	Implement an electronic lodgement and payments system for grants of aid across all practice areas.	80% of all family law applications are lodged electronically. 100% of inhouse criminal law applications are lodged electronically.
		Implement electronic self-service to allow staff to electronically access and lodge Human Resources data and services.	All Commission staff have online access to leave balances. Leave and higher duties claims can be submitted electronically.
		Provide managers with relevant and timely financial and business information to enable them to more effectively manage their business.	All data is entered into LA Office within 3 working days of service being delivered. Relevant financial and business information reports are available electronically.
Our partners	We will work cooperatively with other legal service providers to deliver a range of effective and efficient legal aid services across the State.	Simplify and improve our business rules and procedures to make doing business with the Commission easier.	100% of legal policies and processes reviewed and simplified and available electronically
	We will participate fully in the legal system to ensure the interests of economically and socially disadvantaged people are protected and enhanced.	Enhance the Commission's capacity to provide policy input on issues in the justice system.	Conduct a strategic review of the Commission's policy function and implement recommendations
		Work with the Aboriginal Legal Services to improve service delivery to ATSI clients.	Enhance the range of initiatives conducted under the Statement of Cooperation with Coalition of Aboriginal Legal Services (COALS).

Achievements

Established Legal Aid offices at Dubbo and Nowra and expanded family law services at Tamworth, Gosford and Wagga Wagga and Lismore.

Developed practice standards for Children's Court criminal law matters and care and protection matters (inhouse and assigned).

Practice standards for veterans' matters and Court of Criminal Appeal matters finalised and awaiting comment from stakeholders.

Development of practice standards for child representation, family law and civil law matters also underway.

First practitioner panel 'Children's Crime' finalised with 154 successful applicants signing service agreements.

Care & Protection panel to be opened for applications in July 2003.

Procedures for panel applications streamlined through the enhanced website and simplifying of the service agreements.

Developed and finalised an Aboriginal Justice Plan for the Commission. The Plan focuses on three main areas, Awareness, Access and Partnerships.

Commenced pilot program involving the employment of 8 Aboriginal clerical trainees who are working in Commission offices across the State.

Training calendar for 2002–2003 developed and published on the Intranet.

Staff accessing training & development activities increased by 270% for internal training programs and more than 100% in many other areas.

Draft communication improvement plan has been developed by an internal steering committee.

The Commission undertook a comprehensive staff survey "Without Prejudice" on 26 February 2003 with a response rate of 93%. The results of the survey were made available to staff on 29 May 2003.

100% of inhouse family law matters are being lodged electronically and 40% of applications from the private profession.

Project delayed by computer maintenance issues in Commission's operating system. However, considerable work has been done in preparation for the roll out of electronic lodgement of criminal law grants applications.

The computerised human resources system CHRIS KIOSK was piloted in the Business Services Division and at the Commission's Fairfield and Parramatta offices. The pilot was successful and the system is now being rolled out across the Commission.

As at 30 June 2003 approximately 75% of all case grants are being entered within 3 days. Following a review of operating procedures, it is accepted that not all data is capable of being entered within 3 days.

Current financial information is made available and emailed electronically, on a regular basis to Commission managers. Business information is available electronically to users of WebFOCUS drill-down reports.

Work on the Commission's means test, as well as its contributions and payments policy is almost complete.

Meetings are underway to discuss appropriate formats for publicising the Commission's policies which will all be made available electronically.

A comprehensive review of the policy functions of the Commission has been undertaken and recommendations made. Implementation of the recommendations from the review to be completed by August 2003 and a new, centralised Legal/Policy and Planning Unit established.

The Commission, in conjunction with the Sydney Regional Aboriginal Corporation Legal Service, the Western Aboriginal Legal Service and the Kamilaroi Legal Service developed an Agreement for the provision of family law services by these three services for a one-year period. Under the Agreement, the three Aboriginal Legal Services involved are being paid by the Commission to provide family law services, including family law advice.

Chairman's report

I am delighted to present the 24th Annual Report of the Legal Aid Commission of New South Wales for the period 1 July 2002 to 30 June 2003 in accordance with Section 13(1) of the *Legal Aid Commission Act 1979* and Section 10(1) of the *Annual Reports (Statutory Bodies) Act 1984*.

This year has been a very busy year for the Commission. The Commission substantially achieved its target by producing an operating surplus for the year. This was reduced to a deficit by one-off adjustments including a revised method of accounting for future income which the Commission believes is more consistent with current accounting practice. This revised accounting treatment has been accepted by the Audit Office and should result in a more realistic view of the Commission's financial statements as we go forward.

During the course of the year a number of our services and operational functions have been reviewed to ensure that the Commission's operations are conducted in accordance with best practice.

The take up by the private profession of electronic lodgement has been very encouraging. The result has been much faster processing of applications for legal aid.

During the year the Board met to consider the key strategic priorities for the current year. We had the benefit of a number of external and internal presentations. As a result of this workshop the Commission has settled its corporate plan for the current year.

Overall I believe that we have had another successful year. We continue to face challenges balancing the high demand for our services with available funds.

I would like to thank the Chief Executive Officer, Bill Grant and his team for their tireless efforts during the last year. I continue to be enormously impressed with the quality of the Commission's staff and their strong commitment to the provision of legal aid in New South Wales.



Phillip Taylor

Chief Executive Officer's report

I am pleased to present the Legal Aid Commission's Annual Report for 2002–2003, a year in which the Commission has striven to expand the delivery of its services across the State, has worked hard to rebuild its strong partnership with the private profession and has begun the process of making the Commission a preferred employer of choice.

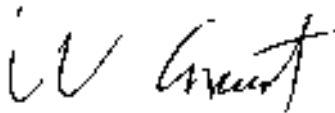
From a financial perspective, the Commission recorded a small deficit for the year. This was caused by the impact of two significant transactions. An unexpected adverse adjustment of \$4.127 million was made to the Commission's superannuation provision as a result of a triennial actuarial review of assumptions and lower than expected investment returns. The Commission has no control over this expense.

The Commission also reviewed its accounting policy on the treatment of contributions receivable from clients and determined that a change in policy was required to appropriately reflect the true value of contributions from clients. This resulted in a one-off negative impact in the Statement of Financial Performance of \$3.366 million. Had neither of these transactions occurred, the Commission would have achieved a pleasing surplus, which more accurately reflects its operations for the year.

Some of the significant changes and developments during this year have included:

- progress of the Commission's centralised Grants function and the expansion of the electronic lodgement initiative for family law applications;
- an increase in fees payable to private practitioners undertaking legal aid work;
- completion of the Commission's first comprehensive staff survey with a participation rate of 93%;
- opening of the Commission's new offices in Dubbo and Nowra and expansion of its family law program across the State;
- development of a draft Communication Improvement Plan to enhance the Commission's internal communication processes;
- commencement of implementing the recommendations from the Criminal Law Review and establishing a review of the Commission's Civil Law Program;
- continuing increase in the number of Aboriginal clients applying for and being granted legal aid through the Commission; and
- significant improvement of our Training and Development Program.

Through the implementation of the Commission's Corporate Plan and through our significant service delivery initiatives I consider that the Commission is meeting the challenge of providing high level legal assistance to our clients and making the Commission an interesting and rewarding place to work. The Commission is also continuing to improve its business processes to make doing business with the Commission easier for our private practitioner colleagues. I am looking forward to working with our staff in 2003–2004 to build upon the significant changes and improvements undertaken this year.



Bill Grant



Senior managers

Bill Grant

LLB

Chief Executive Officer
(SES Level 6)
Budget Total: \$124.4m
Staff (EFT) Total: 634



Bill was appointed on 26 November 2001. He was previously Deputy Director General of the NSW Attorney General's Department for 10 years. Currently also Chair of the Victims Advisory Board and Member of the Privacy Advisory Committee. Responsible for the provision of legal aid services through 20 regional offices and head office.

The Commission's achievements this year included the successful implementation of its 2002-2003 Corporate Plan and securing funding to be able to increase its fees payable to private practitioners undertaking legal aid work.

Doug Humphreys

BCOMM, LLB

Accredited Criminal
Law Specialist
Director, Criminal Law
(SES Level 4)
Budget Total: \$13.6m
Staff (EFT) Total: 126



Doug has worked with the Commission since 1984 and is highly experienced in all areas of criminal law and mental health advocacy. Responsible for the Criminal Law Practice, providing duty, legal advice, information services and legal representation to people in all criminal courts, as well as special services to prisoners, young people in

trouble with the law, and participants in the Youth and Adult Drug Court programs. Doug's achievements this year included piloting the use of electronic briefs within the Commission, chairing the Law Society's Children's Law Specialist Accreditation Committee and rolling out additional video conferencing facilities to regional offices.

Richard Funston

BCOMM, LLB

Accredited Criminal
Law Specialist
Director, Grants
Division (SES Level 2)
Budget Total: \$51.6m
Staff (EFT) Total: 72



Richard's earlier experience includes eight years with Legal Aid in Victoria, and four years as Principal Solicitor of the Inner City Legal Centre NSW. In six years with the Commission he has held leadership roles as Solicitor in Charge of the Children's Legal Service and Director of Family and Civil Law.

He is responsible for determining legal aid grants, allocating matters to inhouse and private practitioners. Under Richard's leadership, substantial online grants and fee increases were delivered to many practitioners undertaking legal aid work.

Margaret Brodie

AUA, BA, POST GRAD CERT
IN STRATEGIC MARKETING

Director, Business Services
(SES Level 2)
Budget Total: \$8.7m
Staff (EFT) Total: 81



Margaret has 20 years management experience in both State and Commonwealth agencies. Responsible for the corporate governance and business services in business planning and improvement, financial management, human resource management, information management and technology, operational support and library services.

This year Margaret's significant achievements included the roll out of an integrated PABX telephone system with standardised facilities Commission-wide and the introduction of an internal and external intranet corporate telephone directory. She has also implemented a pilot Electronic Self-Service (ESS) kiosk enabling employees to view personal data online.

Kim Cull

DIP LAW, SAB

Accredited Family
Law Specialist
Director, Family and
Civil Law, (SES Level 4)
Budget: \$12.0m
Staff (EFT) Total: 95



Prior to joining the Commission in late August 2000 Kim was a consultant with Tress Cocks & Maddox, specialising in the area of professional indemnity insurance. The bulk of her career however was spent as a partner in private practice with an Armidale firm. Kim practiced in areas of family law, criminal law, commercial and

civil litigation and acted for various local government bodies. In 2002, she was President of the Law Society of NSW, the first government lawyer to become President. Since returning to the Commission in January 2003, Kim's key achievement has been developing the Parramatta duty lawyer scheme.

Brian Sandland

BCOMM, LLB

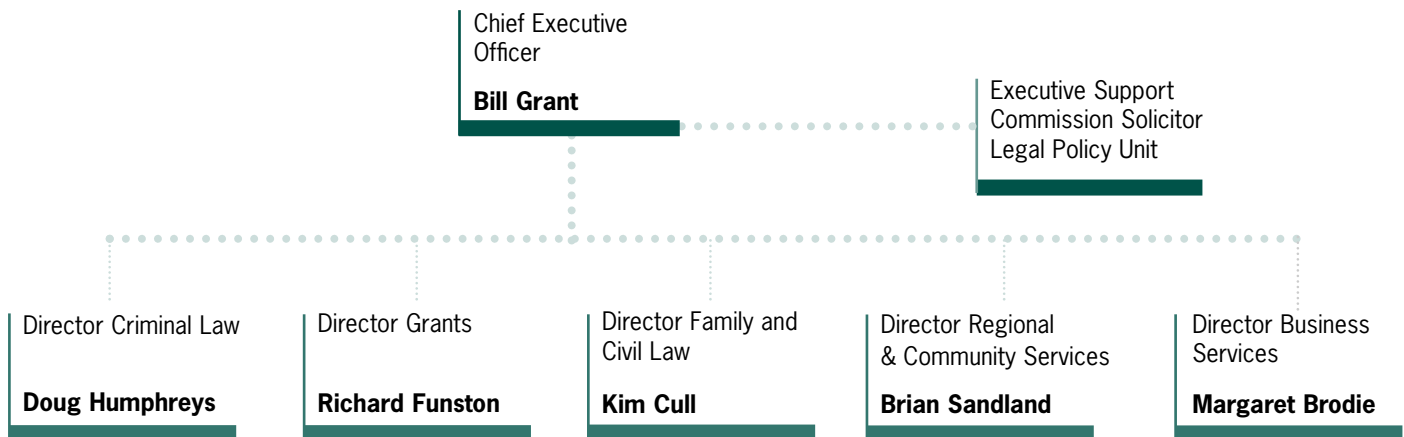
Director, Regional and
Community Services
(SES Level 2)
Budget Total: \$37.3m
Staff (EFT) Total: 253



Brian has 23 years experience with the Commission, firstly as a civil lawyer (4 years) then as a criminal lawyer (19 years) in regional offices. Responsible for 20 regional offices and the administration of community services across the State. This year's emphasis was on providing more outreach services in regional centres

including Dubbo, Nowra, Lismore and Wagga Wagga. Main initiatives included developing a coordinated approach to service delivery involving Legal Aid and other service providers and extending inhouse family services in city and regional centres.

Organisational structure



Legal Services

<p>Criminal Law</p> <ul style="list-style-type: none"> Advocacy Appeals Children’s Legal Service (criminal matters) Committals Adult and Children’s Drug Courts Indictable Section Inner City Local Courts Prisoners Legal Service 	<p>Grants</p> <ul style="list-style-type: none"> Panels and Professional Standards Branch Operations Branch Policy Branch Records Branch Legal Aid Review Committee 	<p>Family and Civil Law</p> <ul style="list-style-type: none"> Alternative Dispute Resolution Child Care and Protection Child Support Section Civil Litigation Section Family Litigation Section Mental Health Advocacy Service Veterans’ Advocacy Service 	<p>Regional and Community Services</p> <ul style="list-style-type: none"> Community Information and Program Support Community Legal Centres Women’s Domestic Violence Court Assistance Program Client Assessment and Referral <p>Regional offices*</p> <p>Bankstown, Blacktown, Burwood, Campbelltown, Coffs Harbour, Dubbo, Fairfield, Gosford, Lismore, Liverpool, Manly, Nowra, Newcastle, Orange, Parramatta, Penrith, Sutherland, Tamworth, Wagga Wagga, Wollongong</p>
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Business Services

<p>Business Planning and Improvement</p> <ul style="list-style-type: none"> Corporate and Business Planning Internal Audit Management Operational Statistics and Organisational Performance Parliamentary Liaison 	<p>Information Management & Technology</p> <ul style="list-style-type: none"> Network Infrastructure Internet/Intranet Development IT Business Systems IT Training <p>Finance</p> <ul style="list-style-type: none"> Budgeting Debt Recovery Financial Accounting Services Financial Information Services Management Accounting Services Management Information Systems 	<p>Human Resource Management</p> <ul style="list-style-type: none"> Establishment Control Industrial Relations Employee Relations Equal Employment Opportunity Occupational Health and Safety Recruitment Salaries and Conditions Training and Development 	<p>Operational Support</p> <ul style="list-style-type: none"> Accommodation Document Delivery Fleet Management Head Office Reception Legal Searching Purchasing <p>Library</p> <ul style="list-style-type: none"> Legal Research Legal Research Training Management of Legal Information Resources
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*These offer a range of services in more than one area of law.

The Board

A Board consisting of 10 Members governs the organisation and determines its strategic priorities



Board Members L to R:
 Rev. Harry Herbert,
 Danaë Harvey,
 Geoff Lindsay SC,
 Linda Webb OAM,
 Bill Grant, Phillip Taylor,
 John North, Anne Britton,
 Robert Corben,
 Jack Grahame.

There are nine part-time Board Members including the Chairman, and one full-time Member, who is the Commission's Chief Executive Officer. The Chairman is appointed by the NSW Attorney General for a maximum of three years.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were nine ordinary meetings and one special meeting in 2002–2003.

Board Members' fees

Part-time Board Members are entitled to be paid fees for their work in attending meetings,

reading background papers, sitting on committees and representing the Commission at meetings with other organisations. The rates of remuneration are \$3,120 per annum for Members and \$26,000 per annum for the Chairman. No fees are paid to members who are salaried government employees.

Committees

The Board is advised on specific matters by a number of committees. These include the Audit and Finance Committee, which advises on budgetary and internal audit matters, and committees for each area of law. Details of these committees are included on pages 80–81.

Board membership

1 July 2002 to 30 June 2003

Meetings attended
 2002–2003

Appointed by the Attorney General as Chairperson— Mr Phillip Taylor , BA LLB	9
Appointed by the Attorney General as Chief Executive Officer— Mr Bill Grant , LLB	10
Representing consumer and community interests— Rev. Harry Herbert , BA BD STM DIP. LEGAL STUDIES, Executive Director of UnitingCare NSW. ACT.	10
Representing bodies providing community legal services Ms Danaë Harvey , BA(Hons), LLB, Solicitor	8
Nominated by the Law Society of NSW— Mr John North , Solicitor	9
Nominated by the NSW Bar Association— Mr Geoff Lindsay , SC, Barrister	10
Nominated by the Labor Council of NSW— Mr Jack Grahame , Solicitor, LAC NSW	7
Representatives who, in the opinion of the NSW Attorney General, possess skills and experience that would benefit the Commission	
Ms Anne Britton , BA, LLB	10
Mr Robert Corben	9
Ms Linda Webb , OAM	8

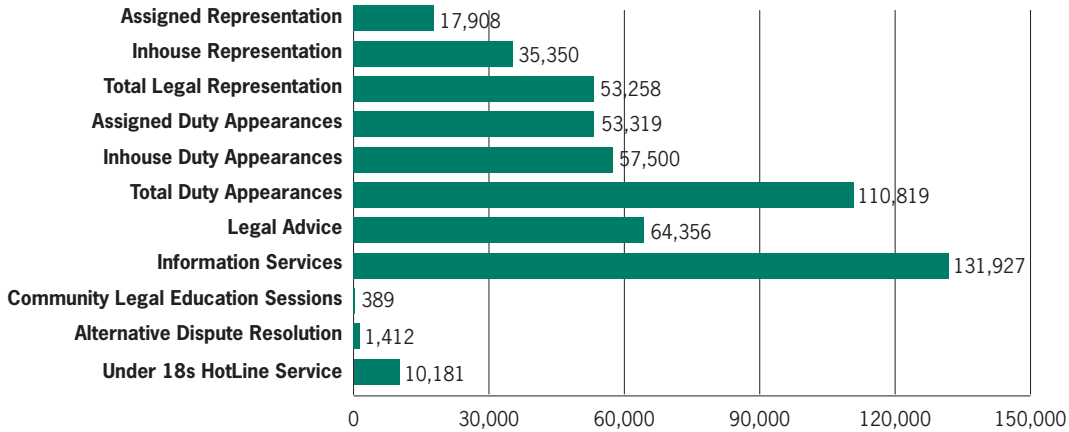
Statistical overview

Service delivery

Grants of aid have increased by 10.2% and duty appearances have decreased by 2.9%. Legal advice and information services have increased by 29.3% and 23.7% respectively from 2001–2002.

This year we increased grants of aid and provided significantly more legal advice and information services

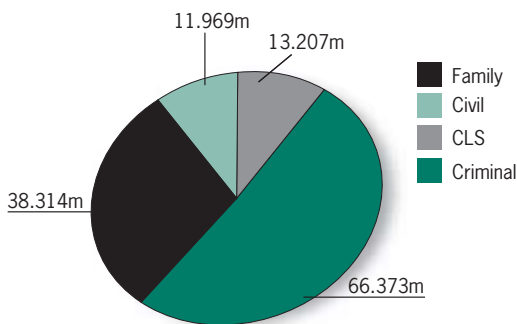
Commission wide services



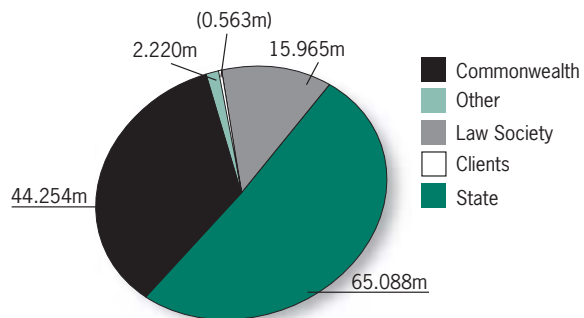
Funding

The Commission receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and its clients. Combined income for 2002-03 was \$126.964 million, and expenditure was \$129.863 million. The Commission undertakes work for the Commonwealth on the basis of a four-year agency agreement.

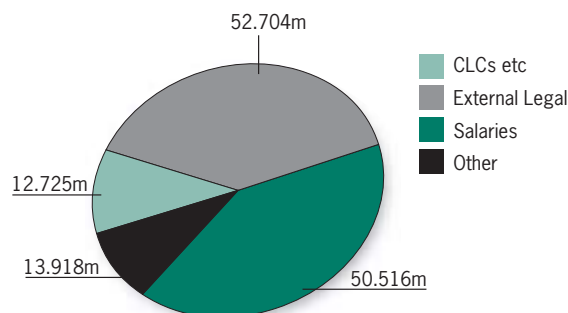
How the dollar is spent by program



Where the funds come from



Where the dollar is spent



Our clients

We expanded our services to reach people living in regional and remote areas

Vital new services were introduced in Dubbo and Nowra

This year, there was a strong focus on developing initiatives to address identified gaps in service delivery around the State. To facilitate this, the Commission created the new position of **Regional Client Services Coordinator**. The coordinator's role is dedicated to finding innovative ways of delivering services in areas where they are currently lacking in the context of the Commission's available resources.

Several areas were identified as having urgent unmet legal needs; namely Dubbo and Nowra. Following consultation with community legal centres, Aboriginal Legal Services and local private firms, Legal Aid established and consolidated new services in these areas as well as launching additional services in areas such as Wagga Wagga.

New family law service in Nowra

Legal Aid launched a 12-month family law pilot project in Nowra to address the lack of Legal Aid for family law matters in the Shoalhaven and far South Coast. The trial project started on 18 November 2002 when the new office, based in Nowra, became a satellite of our Wollongong office.

Two family lawyers provided advice and casework services, as well as a duty service to the local courts in the area, including Bega, Eden, Merimbula, Batemans Bay, Moruya and Nowra.

Our presence was strongly welcomed by the Local Court Registrar in Nowra and by Shoalcoast Community Legal Centre where staff had become concerned about service delivery gaps and their adverse affect on the community, most particularly in Batemans Bay and Bega where there was an urgent need for representation in family law.

The pilot has already shown a very successful trend, as many people who would otherwise have gone to court, have successfully resolved their matter with the help of Legal Aid's mediation program.

Free divorce classes also commenced in Nowra on 5 June, 2003 and were conducted in conjunction with the Shoalcoast Community Legal Centre.

The pilot project will also aim to gather first hand information about the need for an ongoing Legal Aid presence in the area and identify the location of any future Legal Aid services in the region.

Dubbo now services most of western New South Wales

Consolidation of a permanent Legal Aid presence in Dubbo saw our clients in the region receiving consistent and quality representation in the areas of criminal law, family law and child support this year.

The office has moved quickly since February 2002 when, housed in temporary accommodation, two lawyers ran a criminal law practice, offering only minor advice in family and civil law. In the last year, after moving into permanent accommodation, the office expanded its services to provide assistance in most areas of law, including child support and family law conferencing for Aboriginal communities across western NSW.

In addition to providing free legal advice, the office conducted community legal education programs in Dubbo and surrounding areas to ensure people had access to information about their legal rights.

The year ended with the formal consolidation of the Commission's presence in the region with the official opening of the Dubbo Regional Office on 20 June 2003. The NSW Attorney General Mr Bob Debus officially opened the premises at 64 Talbragar Street following a "Traditional welcome" by Mr Will Burns representative of the Wiradjuri "Red-ochre" people.

A civil law service will commence in August 2003 where members of the public can receive free legal advice in relation to any civil law problem. The service will also represent clients in a variety of civil law areas such as consumer law, insurance, housing, discrimination, social security and veterans' entitlements. In the lead up to this expansion, Legal Aid held discussions with the Dubbo Community Legal Centre and the Western Aboriginal Legal Centre to establish the best means of addressing the civil law needs of the people of Dubbo and surrounding areas.

Wagga expands its services

This year, Wagga Wagga office introduced several innovative programs to assist clients with family law problems.





CEO Bill Grant and Hewitt Whyman from the Wiradjuri (Central and Southern) Aboriginal Legal Service sign the Statement of Cooperation.

Wagga now offers a Family Law Duty Day at Wagga Wagga Local Court each Tuesday—court list day for family law matters. The Duty Scheme aims to assist people who would otherwise be unrepresented in family law matters. It also contributes to the smooth running of the Court as the lawyer is able to give legal advice in family law matters and some limited representation and negotiations.

An advice clinic was also set up to run every Wednesday (by appointment only). If clients are from outlying areas telephone appointments are made where the solicitor telephones the client. Due to the huge success of this initiative, another appointment only advice clinic was made available on Monday afternoons.

Also this year (27 February), the office launched its first divorce class similar to those run in the city and other regional offices. Following coverage in local newspapers and on radio, the monthly classes have remained consistently well attended.

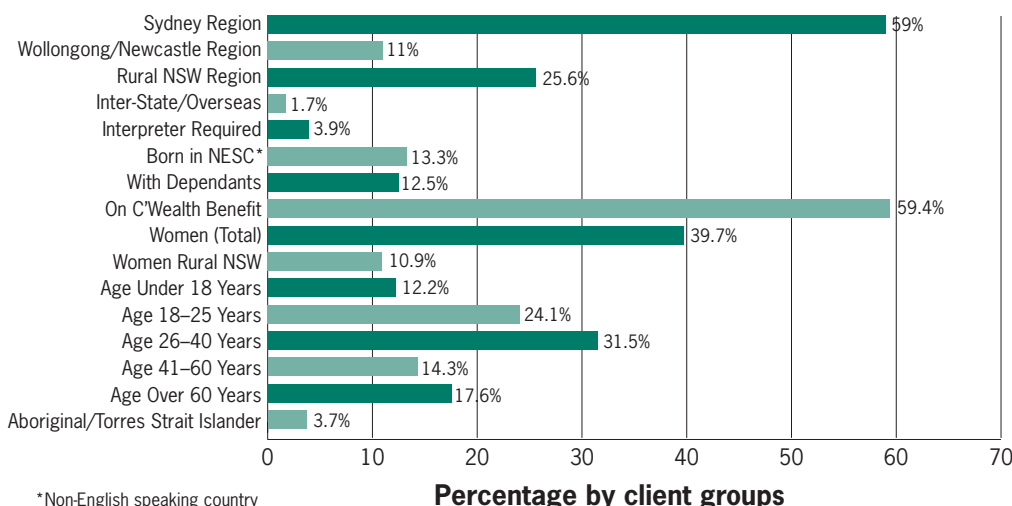
In addition, on 26 June this year the office commenced family law advice by telephone to clients living in the Cooma/Monaro area.

All of the new initiatives have been well received by members of the public, the profession and the bench.

Aboriginal clients stand to benefit from a new Statement of Cooperation that was signed this year between Wagga Wagga Legal Aid office and the Coalition of Aboriginal Legal Services. The Statement aims to improve access to legal services for indigenous people. Under the agreement, Legal Aid and COALS will promote each other's services by referring matters that cannot be undertaken by the other party. An example of how the cooperation has worked so far is the recent arrangement that ensures Aboriginal people in the region have better access to family law services. At present, the Wiradjuri (Central and Southern) Aboriginal Legal Service does not provide family law services. In response, Wagga Legal Aid has expanded its family law services and as a result, indigenous clients make up 35% of all clients granted aid for family law. Indigenous persons comprise approximately 14% of the regional population in Wagga Wagga.

Aboriginal Awareness Workshops run by Legal Aid also focused on expanding services for indigenous clients in the near future, particularly those living in remote areas of NSW.

Who our clients are—all areas of law



Client letters

Two of the many letters Legal Aid receives from satisfied clients. These letters show just how vital our service is!

Dear Bora Touch
(Fairfield office)

I take this opportunity to thank you for the hard effort that you and Legal Aid contributed on my behalf regarding my disability support pension. Though it took time however, the end result was to my benefit. Thus, I greatly thank you.
N.M.

Dear Legal Aid,

I am extremely grateful that I was able to seek advice from Legal Aid Campbelltown recently.

I was ignorant, confused and distressed about superannuation and the day of due payment. A debt burden caused me to seek Legal Aid.

Thanks to Damien Hennessey, I was almost immediately relieved of my concerns. Damien confirmed that payment could be made and also kindly rang the Super Fund and arranged documentation that hastened matters.

It was such a relief from what I had been experiencing. The extent can be gauged by the fact that I considered opting out, a rather appalling solution, I concede.

I am thankful to Legal Aid and to Damien.

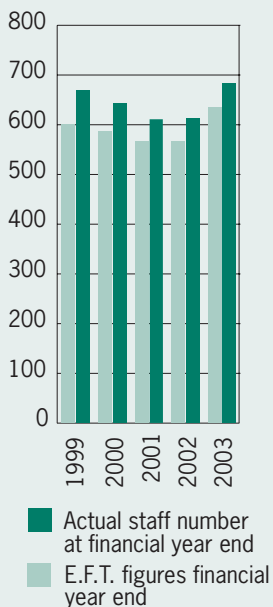
R.M.

Our people

Our staff are our greatest asset – they are crucial to Legal Aid’s success

Inhouse training attendance increased by 270%

Staff Numbers over last 5 years



Employees

As at June 2003, the Commission employed 683 staff in the equivalent of 634 full-time positions with 250 positions located in the Commission’s regional offices and 384 in head office.

Learning and development highlights

This year has seen a dramatic increase in training and development activity across the Commission with the introduction of many new and innovative programs (for details see page 78). Inhouse training attendance increased by 270% with the employment of the Manager, Corporate Training and Development in November 2002.



Key achievements for 2002–2003 included the introduction of:

- a Learning and Development Plan, linked to the Corporate Plan and various reviews undertaken in 2002;
- a Corporate Induction Program to familiarise new staff with the Commission and OH&S requirements;
- a Management Development Program in partnership with UTS Training and Development Services offering managers and supervisors enrolment and support in the Diploma of Business (Frontline Management);
- Client Services Programs including Aboriginal Awareness, Managing Aggressive and Violent Behaviour, Interpersonal Skills in Customer Service; and
- a comprehensive and ongoing Grants Officer Training Program.

The Commission also maintained a number of other training and development services. Ongoing programs included:

- delivering conferences and seminars attended by over 1000 Commission, Community Legal Centre staff and private practitioners as part of Mandatory Continuing Legal Education;
- Specialist Accreditation Program. The Commission has 66 lawyers with specialist accreditation: 39 in criminal law; 20 in family law; two in advocacy; four in children’s law and one in personal injury.
- Study leave approval was given to 22 staff, with 11 of these being granted fee assistance through the Further Education Financial Assistance Program.

Equal Employment Opportunity achievements

The Commission continued to promote equal opportunity in employment. Key initiatives for this year included:

- recruiting eight Aboriginal/Torres Strait Islander trainees to provide clerical support at Bankstown, Burwood, Dubbo, Gosford, Parramatta, Tamworth and Head Office. Trainees undertook on-the-job clerical training combined with a formal TAFE component of training in Business/Administration Certificate;
- developing initiatives under an ATSI Justice Plan to provide employment and career opportunities for ATSI people and improve culturally sensitive service delivery to ATSI clients;
- conducting recruitment action to fill the ATSI Career Development Officer position in the HRM Branch;
- recruiting an Access and Equity Officer in the Regional and Community Services Division who is responsible for developing and implementing our Equity and Access Program to address the Commission’s statutory and policy responsibilities under the Disability Plan and Ethnic Affairs Priorities Statement (EAPS);
- developing a Flexible Work Practices Policy and Guidelines for Managers to improve equitable access to flexible work options for the Commission’s staff members.

Employee relations

In 2002–2003, we focussed on improving the way we communicate with staff by establishing various committees to review and improve our communications and work practices, including the Communications Improvement Steering Committee and the Criminal Law Review Committee.

We conducted a pilot for Electronic Self Service with employees reporting real benefits from being directly able to access their payroll and leave details for the first time.

Occupational health and safety and workers’ compensation

This year, we established an Occupational Health and Safety (OH&S) Committee which provides a consultative approach to managing the health and safety of staff in the Commission. The Committee has also agreed upon a Legal Aid Commission OH&S Policy and an OHS Committee Consultation Statement outlining the terms of reference for that Committee.

There has been an increase in the number of workers’ compensation claims in 2002–2003 compared with last year. There has also been an increase in the number of injuries and incidents reported this year. This may be associated with revised procedures for reporting on incidents and injuries which were distributed during the financial year and the introduction of a new incident reporting form as well as the existing injury notification form (see graphs in margin).

In response to a number of injuries that occurred whilst staff members were on duty but were not actually in the Legal Aid office, a series of draft minimum safety standards have been prepared. The objective of the draft safety standards is to impose minimum safety standards that will be met by other agencies to minimise the risk to Commission staff members when they visit facilities managed by these agencies, including Local Courts, Corrective Services, Juvenile Justice, children's courts and mental health facilities.

Individual achievements



In the 2003 Australia Day Honours List, Senior advocate at Penrith office, Bill Sandilands was awarded the Public Service Medal for outstanding service to the Commission and Eddie Selwyn, head office received the Medal of the Order of Australia for service to the law and to the community through his work as a Legal Aid criminal lawyer.

Kerry Graham (above left) received the 2002

Award for Outstanding Representation of Children and Young People in NSW from the National Children's and Youth Law Centre (NCYLC).

Civil lawyer Liz Biok was nominated for the Law and Justice Foundation's Justice Medal for her extensive work with East Timorese asylum seekers.

The year ahead

HRM will develop and implement a:

- comprehensive recruitment strategy;
- career development and performance management system; and
- a range of strategies arising out of the Without Prejudice staff survey.


We will also extend the corporate training and development program and complete the job evaluation accreditation project and gain accreditation.

A range of public sector initiatives such as salary packaging for non-SES staff will also be introduced.

In 2003–2004, our strong focus on training will include:

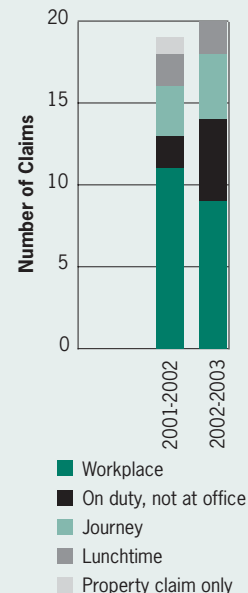
- providing more training and development opportunities at regional locations;
- expanding Occupational Health and Safety training to enhance meeting the legislative responsibilities;
- expanding client services training programs to include working with clients with mental illness, culturally and linguistically diverse backgrounds;
- investigating existing worker traineeships for non-legal staff; and
- expanding the Induction Program to include the introduction of programs such as Visiting Gaols, Advocacy Workshops, Law for Non-lawyers.

Key improvement areas

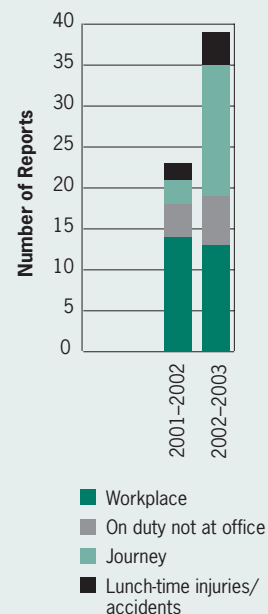
 Providing effective and realistic HR-related services across the organisation whilst complying with public sector legislative and policy requirements in a climate of increasing pressure to reduce corporate service costs/resources, is an ongoing challenge. To this end, Human Resources needs to continually review and improve its operations, its policy and procedural base, to ensure relevance and effectiveness. Effectively balancing the day to day "business as usual" requirements of the organisation with the need to undertake this ongoing review process, is a key focus for improvement for the HRM Branch.



Workers Compensation Claims 2001–2003



Work Related Injury/Accidents 2001–2003



Aboriginal trainees Linda Coe and Christine Plowright: 'This is a great opportunity for us to learn about our justice system'.

Our organisation

Family and Civil Law Division (Family Law)

This sub-division forms part of the Family Law Program and includes Family Litigation at head office, Child Support and Alternative Dispute Resolution

Our clients

This year staff:

- provided advice and minor assistance to 6,363 clients;
- assisted people with 288 duty services at court;
- provided 47 divorce classes in head office and regional offices. Classes were offered for the first time this year in Wagga Wagga and Broken Hill;
- conducted 33 community legal education sessions across NSW;
- held 1,410 family conferences compared with 1,402 last year, reaching full or partial agreement in 84.4% of them;
- established the pilot duty scheme at the Family Court and Federal Magistrate's Service at Parramatta (see page 32 for details);
- trialled an outreach family law advice service at Kingford Legal Centre;
- established a new child support service in Dubbo and surrounding region by employing a full-time legal officer at our Dubbo office, and
- expanded the inhouse practice to provide additional family law services at Dubbo, Nowra, Gosford, Lismore, Tamworth and Wagga Wagga.
- held 18 mediations within The Aboriginal and Torres Strait Islander Family Mediation (ATSIFAM) program piloted in Dubbo and South West Sydney. 50 matters were referred overall, with many still awaiting mediation; and
- provided inhouse legal representation to more than 1,205 adults and children involved in Children's Court care matters around the State through the Care and Protection Legal Service (see page 32 for details).

A Child Support Network meeting in progress: Representatives of the Child Support Service, Legal Aid Commission, Macarthur Legal Centre, South West Sydney Legal Centre, Child Support Agency, Centrelink and the Australian Government Solicitor meet to discuss child support legal issues on a regular basis.



Our people

Family lawyers Alex Wearne and Mae Fan joined the Women on Wheels project (coordinated by the Department for Women) providing advice to communities in the north west of the State.

Child Support lawyers provided outreach services to the upper Hunter, Central West, Albury, Northern Tablelands, the far north and far west of the state.

Family lawyers organised specialist workshops and presented a range of papers at conferences and seminars.

Our organisation

- Introduced a flexible work practices program between head office and regional offices so new regional family lawyers can familiarise themselves with our service delivery programs and head office lawyers can participate in the duty solicitor scheme at Parramatta.
- Improved our training program for family law conferencing chairpersons to include a one-day seminar on advanced negotiation techniques presented by Professor John Wade from Bond University, an internationally acclaimed mediation trainer.
- Increased the number of family law conferencing rooms and facilities, including Dubbo and Campbelltown offices.
- Assisted the Grants Division in the development of policy, practice standards and fee scales for lawyers involved in care and protection matters, with a view to the implementation of State Care and Protection Panels.

Our partners

- Through the assigned practice, private practitioners provided representation for 8,596 new case grants, and conducted 3,792 duty appearances at court.
- Legal Aid staff coordinated, in partnership with the Law Council of Australia and National Legal Aid, the first national child representatives training course in Sydney for nearly two years to coincide with the release of comprehensive draft guidelines by the Chief Justice of the Family Court for the child's representative.
- Legal Aid and the Law Society of NSW jointly organised the 2002 Family Law Specialist Accreditation Conference at which Her Excellency Professor Marie Bashir, Governor of NSW chaired a keynote session on cultural issues impacting on family law.
- Collaborated with the Aboriginal Advisory Council and the Community Justice Centres of NSW to present a seminar in NSW Parliament House on Pathways to Indigenous Dispute Resolution.
- Established links with the Department of Corrective Services to introduce a pilot program providing family conferencing opportunities for prison inmates.

Indigenous parents share contact

We acted as child's representative for four children in the

Family Court, Sydney. As the result of a dispute in the family, three of the children lived with their father south of Sydney, while the fourth lived with her mother in the north western part of the state. The mother was finding it difficult to participate in the court proceedings. It was possible that the matter would proceed on an undefended basis with the court unlikely to have the evidence it needed to make a decision in the best interests of the children. Following Legal Aid intervention, the Family Court called on the services of one of its Aboriginal liaison officers. The mother has now participated in court proceedings and present orders provide for contact of the children to both parents.

Mother awarded fortnightly contact and travel expenses

We represented a mother whose three-year-old daughter B was the subject of ongoing care proceedings in which DoCS was seeking long term parental responsibility for the child. Pending the final hearing, interim orders were made giving parental responsibility of B to the Minister for Community Services but requiring weekly contact between B and her parents. However, before the final hearing, B's foster carers moved to the South Coast, making the contact difficult and expensive. DoCS then sought an order reducing the contact between B and her parents. At the interim hearing, we argued that there should be fortnightly contact and, as the mother was on a pension, that DoCS should pay the mother's travel and accommodation expenses for attending contact on the South Coast. The Magistrate made the orders sought by the mother. DoCS has now appealed this decision to the Supreme Court.

Significant cases included:

Child receives treatment for cancer

We were appointed child's representative for H, an 11 year old child in Supreme Court proceedings relating to her medical treatment. H was diagnosed with cancer in late 2002 and was operated on to remove the cancer. Subsequently, her parents declined to follow medical advice to have her undergo chemotherapy wishing to pursue alternative therapies. By May 2003, H's health had started to significantly decline, and the Department of Community Services brought Supreme Court proceedings to compel H's treatment, relying on the parent's patria jurisdiction of that Court. Following interim orders made by the Court, H commenced receiving treatment, including chemotherapy, in hospital.

Father found after 13 years

A Newcastle client had a daughter, J, born in July 1990. Our client had lost contact with J's father and never received any child support payments from him. To obtain a child support assessment, we had to obtain proof of paternity. An Australia-wide search of the electoral roll showed one person named MM lived in NSW. We contacted MM who confirmed he was the father. MM signed a statutory declaration acknowledging paternity of J on the basis that he did not have to pay arrears of child support. Our client is now receiving child support payments for the first time in 13 years.

Conference reaches agreement

The Alternative Dispute Resolution Unit had a case concerning residence and contact in relation to two young children who had lived

with their mother since the parents had separated. There had been disputes about who else lived in the home and the privacy and lifestyle of the mother. An AVO had been taken by the mother against the father to prevent him from coming to the mother's home.

The father came to the conference unrepresented and was quite agitated, saying the conference would not achieve anything. However, many of his concerns were successfully addressed during the conference so that grounds of agreement were reached on all issues in dispute.

Key improvement areas



Provide more legal services to regional areas where clients often go unrepresented and be more aware of the needs of specific groups of clients, including Aboriginal clients and clients with intellectual disabilities.

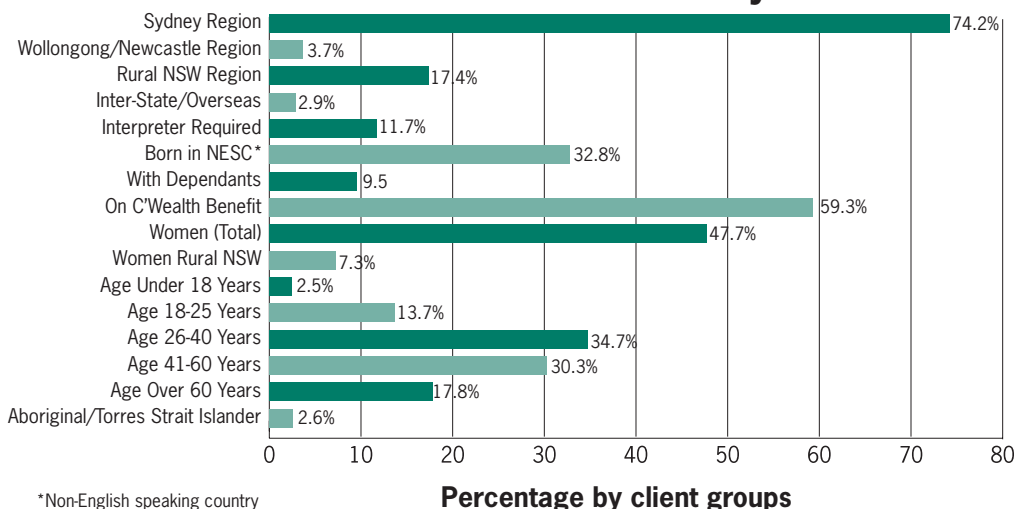
We will improve our family law document management systems in order to ensure the delivery of high quality legal services in a timely and consistent manner.

The year ahead

In 2003–2004, we will further integrate our head office family litigation section and regional family law practices to improve service delivery and mentoring for practitioners in regional areas.

Placing special emphasis on our alternative dispute conferencing program, we will increase the number of conferences held to 1,700 and increase alternative dispute resolution services to Aboriginal communities in particular.

Who our clients are—Family and Civil Division



Family and Civil Law Division (Civil Law)

This sub-division forms part of the Civil Law Program and includes Civil Law Litigation at head office, Mental Health Advocacy Service and Veterans' Advocacy Service

Civil lawyers represented 11,539 people

Our clients

This year, staff working in the Civil Law Program:

- provided information to 8,088 clients;
- provided face to face legal advice and minor assistance to 6,316 clients;
- represented over 11,539 people in case and duty matters in priority areas of housing, consumer law, human rights law, migration and social security law, mental health advocacy and veterans' advocacy;
- acted for a large group of East Timorese asylum seekers whose applications for asylum were delayed for almost 10 years and were recently reactivated;
- conducted litigation in the Federal Court dealing with disability discrimination in education including in schools and universities;
- conducted litigation in the Consumer Trader Tenancy Tribunal in a matter against a finance company, which has systematically sought to avoid the provisions of the Consumer Credit Code by requiring all applications for finance to indicate a business purpose. The case will affect all customers of the company.
- provided outreach civil advice services in 14 locations throughout New South Wales including services targeted at ATSI clients;
- provided a duty service at the Administrative Decisions Tribunal;
- veterans' advocates provided 25 regional advice clinics and nine community legal education seminars in regional NSW addressing veterans' entitlements and related legal issues; and
- increased representation of Aboriginal veterans in their appeals for disability pensions before the Administrative Appeals Tribunal.

Our people

- Conducted a civil law conference entitled *A Focus on Human Rights*. The conference brought together civil lawyers from across the Commission and Community Legal Centres, to hear an array of speakers present papers on new and emerging developments in administrative law, discrimination law consumer law and privacy law.

- Produced and launched a brochure on motor vehicle property damage for uninsured motor vehicle owners.
- Updated the *Law Handbook* chapters on debt and migration law.
- Updated the *Lawyers Practice Manual* chapter on consumer law and administrative law and wrote new chapters on insurance and superannuation law.
- Conducted education sessions for East Timorese asylum seekers; financial counsellors and tenants' advocates.
- Veterans' advocate, Adam Halstead wrote a new chapter dedicated to veterans' law for the *Lawyers' Practice Manual* (LPM).

Our organisation

We have commenced a comprehensive review of the Civil Law Program including our strategic direction, policies, resources and practice management.

Also, this year, veterans' advocates drafted the professional practice standards for veterans' matters for inhouse advocates and private practitioners on veterans' panels.

Our partners

- Through the assigned practice, private practitioners provided representation for 382 new case grants; and conducted 6,618 duty appearances at court.

It has always been a priority of the Civil Law Program to work in close partnership with related agencies to share knowledge that can ultimately affect the progress of legislation or improve access to legal services for disadvantaged people. This year, we:

- provided representation on a range of committees relevant to housing, consumer, discrimination, social security and immigration law (see page 75);
- developed links with consumer advocates across the country; and
- contributed to the editing of telephone talks and internet advice published by Law Access.

A seminar for ex-Servicewomen in Armidale drew a large crowd eager to find out about their legal rights and entitlements.



Significant cases included:

M v A Finance Company

Our client took action against a finance company to assert breaches of the NSW Credit Code. The finance company offers loans by advertising through a major newspaper. Its standard loan document includes a business-purpose declaration, which would normally exempt it from complying with the provisions of the Credit Code. The Code seeks to protect consumers, including from excessive interest rates. Our client asserted that the company was aware that the purpose of her loan was not for business. Given the implications for borrowers if lenders are able to avoid the provisions of the Code by obtaining sham business purpose declarations, we acted for the borrower in her application to the Consumer Trader and Tenancy Tribunal to have the contract reopened.

NSW Department of Housing v K

Our client was an elderly and long-term tenant of the Department of Housing. Based on vague police information that he had been charged with criminal offences connected with his premises, the Department of Housing sought to terminate his tenancy. In the Consumer Trader and Tenancy Tribunal, we established that the Department's termination notice was invalid as it failed to provide sufficient information for the tenant to know the case he had to answer. The case has forced the Department of Housing to reconsider its termination policies and practices and provide fairer treatment to its tenants.

Minister for Immigration and Multicultural and Indigenous Affairs v NASS

We successfully defended an appeal to the Federal Court by the Minister for Immigration, in a refugee case. The Federal Court found that a member of the Refugee Review Tribunal had acted recklessly in evaluating evidence by an Iranian asylum seeker who feared persecution due to his religion. The Court found that member had misstated the evidence in numerous respects and used these misstatements as the basis for refusing the application. As a result our client had not been afforded natural justice. The matter was remitted for a re-hearing to the Refugee Review Tribunal.

AJ v Department of Immigration and Multicultural and Indigenous Affairs

Our client was an asylum seeker from Africa who arrived in Australia with no relevant documentation. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) officer who interviewed our client obtained a language analysis to confirm our client's country of origin. DIMIA refused our client's application on the basis that they did not accept his claim as to his country of origin. DIMIA refused to provide a copy of the language analysis. We appealed to the AAT under the Freedom of Information Act and obtained a copy of the

Forum opens doors on mental health

HIGHLIGHT

During Law Week (16 May 2003), our Mental Health Advocacy Service organised a one-day national conference to raise awareness about key mental health issues. *Opening Doors, Keys to Effective Mental Health Advocacy* provided training and support for lawyers conducting mental health hearings throughout the State. Approximately 120 practitioners attended, including Commission staff and private solicitors and barristers. The audience was both informed and entertained by an excellent range of speakers. Highlights included an entertaining opening address from Jeff Kennett, chairman of beyondblue, and a lively forum facilitated by Julie McCrossin of ABC Radio.

language analysis. This document supported our client's assertion as to his country of origin. The Refugee Review Tribunal later determined that our client was a refugee.

Kattenberg v Repatriation Commission

This case explained the correct manner of assessing the contributory role of war service to causal factors of disease and has had significant application in obtaining concessions in smoking related diseases and orthopaedic conditions related to repetitive strain/trauma.

Vietnam Veterans' Association of Australia (New South Wales Branch) v Specialist Medical Review Council and Ors

We successfully challenged the standard of proof applied in the Statement of Principles relating to war veterans.

Civil liberties cases

We also acted in a number of cases arising out of revelations during the NSW Police Royal Commission. These cases concern admissions by police of fabricated confessions, which led to our clients suffering loss of liberty for long periods, in one case up to 10 years. These cases involve lengthy and complex litigation in the District and Supreme Court.

Key improvement areas



A review of the Civil Law Program is currently underway. The review will focus on the inhouse program and assess issues such as our policies, our practices, our processes and systems and our resources. The review will also consider how the program is meeting the needs of communities across New South Wales and the effectiveness of partnerships with other legal service providers. The review will make recommendations on the future direction of the program to ensure it is effective, efficient and innovative.

The year ahead

We plan to improve service delivery by:

- completing a review of the civil law program and
- developing a civil law service at our Dubbo office.

Note: Civil law client profile is included as part of Family and Civil Division profile on page 17.

Case studies

Discrimination appeal goes to High Court

We acted for a 17-year-old state ward who has a brain injury in a landmark

discrimination case. This is the first case of its kind involving disability discrimination in NSW high schools. Three years ago, the Human Rights and Equal Opportunity Commission (HREOC) found that the NSW Department of Education discriminated against our client by suspending him from his high school. HREOC found that Daniel was excluded because of his behaviour, caused by his disability. The Department appealed to the Federal Court where HREOC's decision was overturned and a distinction drawn between a 'disability' on the one hand and the 'conduct which it causes' on the other.

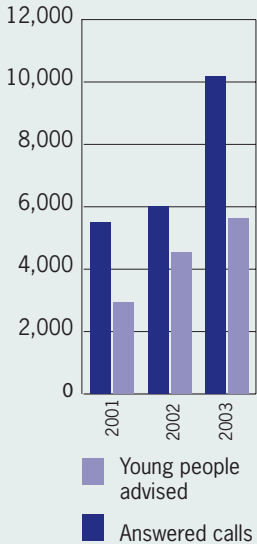
We appealed that decision to the Full Federal Court, on the ground that the distinction is artificial. The Full Court, however, agreed with Justice Emmett in finding that the behavioural manifestations of a disability should be treated as separate and distinct from the disability itself. The effect of this decision is that many people with disabilities that have behavioural manifestations will fall outside the protection of the Act.

The matter was heard by a full bench of the High Court in Canberra in April 2003 and was the first opportunity for the High Court to consider the issues of direct discrimination and the provisions of the Disability Discrimination Act. A decision is expected late 2003.

Criminal Law Division

This division forms part of the Criminal Law Program and includes Inner City Local Courts, Children's Legal Service, Advocacy Unit, Indictable and Indictable Appeals Sections, Committals Unit, Prisoners Legal Service, Youth Drug Court and Adult Drug Court

Increase in Under 18s HotLine calls taken 2001-2003



This year we advised 5,623 young people over the HotLine — an increase of 19.5% on last year

Our clients

In 2002–2003 staff in this division:

- provided representation for 7,959 new case grants;
- provided 15,114 duty services;
- provided information to 5,350 clients;
- provided advice and minor assistance to 9,989 clients;
- advised 3,494 prison inmates;
- represented 217 people in the Court of Criminal Appeal (CCA) and five people in the High Court;
- Appeal lawyers won 73 of 119 sentence appeals (61%), 23 of 62 conviction appeals (37%) and 16 of 36 Crown appeals (44%) in the CCA;
- achieved a 10.5% increase in total client services over the previous year;
- answered 10,181 calls on the HotLine and advised 5,623 young people (an increase of 41% and 19.5% respectively on last year), the majority of whom were in police custody; and
- represented 80 young people referred to the Youth Drug Court Program.

Our people

- Two senior criminal lawyers were recognised in the Australia Day Honours list: Eddie Selwyn, Relief Section, OAM and Bill Sandilands, Senior Advocate, PSM.
- Four staff gained specialist accreditation in the new area of children's law and a further seven in criminal law. The Commission now employs 45 accredited specialists in criminal law.
- Children's lawyer, Matthew Greenaway co-presented a paper at the Youth and Drugs conference in Wellington, New Zealand. The paper discussed the NSW Youth Drug Court

program, highlighting the uniqueness of the program.

- Increased the number of inhouse lawyers and support staff to meet increased workloads caused by changes to the Court of Criminal Appeal rules.

Our organisation

- Began implementing the recommendations of the Criminal Law Review as part of improving criminal law service delivery.
- Increased access to and use of video conferencing of prisoners in New South Wales Correctional Centres.
- Seconded senior criminal staff to the Grants Division to enhance the Commission's capacity to manage complex assigned criminal law matters.

Our partners

- Through the assigned practice, private practitioners provided representation for 8,929 new case grants; and conducted 42,909 duty appearances at court.
- Legal Aid staff participated in the roll out of the Magistrates Early Referral into Treatment Program that diverts drug-addicted offenders from the Local Court. The program has been a huge success, assisting clients to address their drug issues and seek treatment.
- Staff participated in many inter-agency committees and working parties. Commission participation is regularly sought (see page 83).
- Made 20 law reform submissions, including a lengthy and well-received submission on a review of the laws on manslaughter in New South Wales.
- Signed a further service level agreement with the Public Defenders Office for 2002–2003.

'No pattern of leniency', says the Court.

Legal Aid and Public Defenders collaborated to fight an application for increased penalties and made history in the process.

H I G H L I G H T

In a recent case, the Attorney General applied to the Court of Criminal Appeal (CCA) for guidelines under Section 60 (1) of the *Crimes Act*, the common assault of police officers.

It was submitted that the penalties imposed were generally too lenient and increased penalties were sought, including a full time gaol sentence if certain aggravating features were present. Legal Aid and the Public Defenders Office opposed the making of the guideline judgement on the basis that the aggravating features they highlighted were present in virtually all cases and a guideline in the terms sought would have completely

curtailed the court's discretion in dealing with such cases. It was argued the end result would have been a significant increase in the prison population, including a disproportionate number of Aboriginal people. In a unanimous decision, the five-member bench of the Court of Criminal Appeal turned down the application for guidelines, the first time it has ever done so. The Court said it was not satisfied there was a pattern of leniency in sentencing by magistrates in assault police matters in circumstances where the Crown has not exercised its right to lodge appeals against the leniency of sentences.

Case study

Client's name cleared

Heuston (2003)
NSW CCA 172

Mr Heuston was convicted of serious

offences in 1994. He was sentenced to a lengthy term of imprisonment. He has always maintained his innocence but lost an appeal against his convictions in 1995. Since 1997 the indictable appeals practice has acted for him and sought a review of his case. It was our view that he had been wrongly convicted. In 1999 an application for a review of the case was filed in the Supreme Court. It was refused in 2000. Mr Heuston had always said that the police involved in his case had behaved corruptly. In 2001 the Police Integrity Commission (PIC) commenced a hearing into the Major Crime Squad North (Operation Florida). A number of the police involved in the prosecution of Mr Heuston were members of the squad.

It became apparent that the PIC was in possession of significant evidence of corrupt behaviour of police involved in Mr Heuston's case. A number of them admitted to behaving corruptly over many years. Using evidence from the Operation Florida hearings, Legal Aid made an application for a review of Mr Heuston's convictions in 2002.

In 2003, the Attorney General concluded that there was unease about the convictions and referred the case to the Court of Criminal Appeal (CCA) to allow for a second appeal to be heard.

The CCA allowed the appeal and ordered a retrial. After the Court of Criminal Appeal allowed the appeal and ordered a new trial, the Director of Public Prosecutions (DPP) decided that the proceedings would be discontinued. The decision of the DPP brought the long fight by Mr Heuston to clear his name to a successful conclusion.



Via video conferencing, criminal lawyer, Anthony Goodridge and his client are able to take advice from Dubbo-based Public Defender, Eric Wilson.

This included funding for an additional Public Defender to undertake Commonwealth work and a 6% targeted increase in service output by the Defenders.

- Held a successful Juvenile Justice conference attended by 120 lawyers, including 80 private practitioners.
- Held a conference for 98 private practitioners highlighting changes to procedures in the Court of Criminal Appeal.

Key improvement area



The safety of staff working in high risk areas will be a priority in 2002–2003.

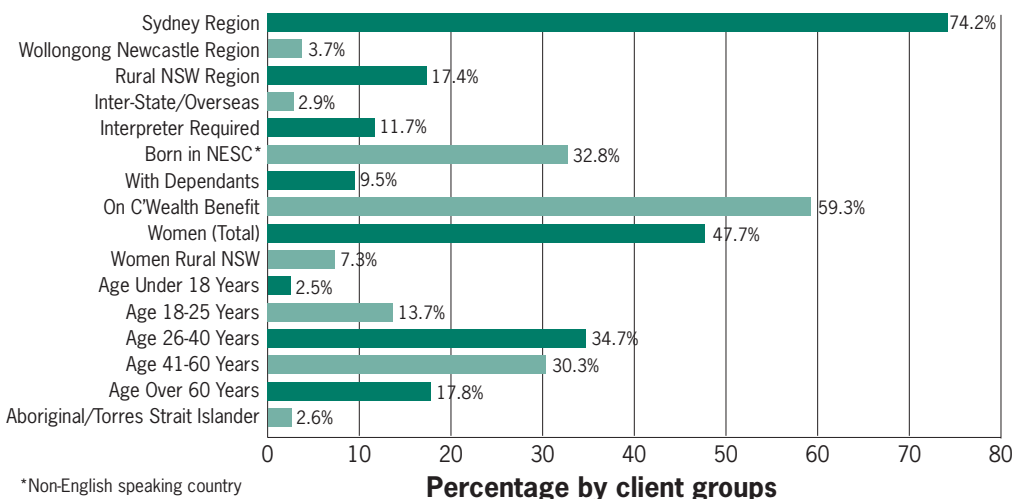
Legal Aid will collaborate with other government departments to improve occupational health and safety standards for Legal Aid staff in court complexes, gaols and other places where staff work outside of Commission offices.

The year ahead

In 2003–2004, we will consolidate key initiatives, including:

- implementing at least 50% of the recommendations from the Criminal Law Review;
- implementing panels of private solicitors in the Court of Criminal Appeal in conjunction with the Grants Division;
- piloting and developing the Electronic Briefs Pilot Project, making further cost savings and increasing our efficiency;
- increasing the availability and usage of inhouse video conferencing facilities;
- working with the Coalition Of Aboriginal Legal Services to improve the range and quality of services available to Aboriginal people;
- negotiating an improved service level agreement with the Public Defenders Office.

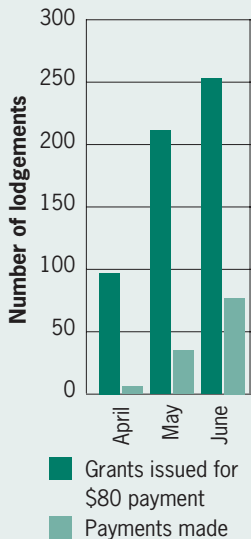
Who our clients are—Criminal Law Division



Grants Division

This division includes Operations, Policy, Panels and Professional Standards, Records and the Legal Aid Review Committee

Electronic Lodgements 2002-2003



There was an increase in electronically lodged applications after we introduced an \$80 payment to practitioners lodging a successful application in Commonwealth Family Law.

Electronic lodgements increased by 594% over the 2002-2003 period

Our clients

This year the Grants Division received 20,979 applications:

- 8,217 applications for legal aid in criminal law
- 11,659 applications for legal aid in family law
- 1,103 applications for legal aid in civil law

Grants Division staff administered 30,513 duty appearances conducted by private practitioners at courts in NSW.

Our people

- The Grants Division has been integrated into the Commission and will continue to ensure consistency in determining Legal Aid applications. This year, we continued to formalise the structure of the Division, building and improving on the Division's operational development;
- Legal education was a primary focus of the Division for inhouse staff and private practitioners. A joint Family Law and Grants Division Care and Protection Conference was held in Newcastle on 3 May 2003;
- Grants staff also enhanced and broadened their skills through training in Family, Civil, Criminal, and Veterans' Law and in E-Lodgement.

Our organisation

- The Panels and Professional Standards Branch completed the selection process for the Children's Crime panel. The panel will be operational on 1 September 2003;
- Enhancements to the Panels website in 2003, made in conjunction with the Commission's

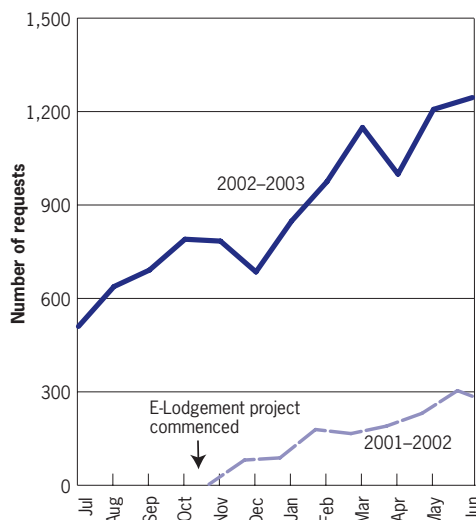
Information Management and Technology Branch, have streamlined application procedures for future panels by allowing practitioners to complete an expression of interest online and improving electronic communication;

- A number of important policy reviews were completed with a view to improving our administration procedures and practices in areas including fee options for criminal law matters, travel and accommodation expenses, criminal cost recovery procedures, and review of merit determinations in family law.

Our partners

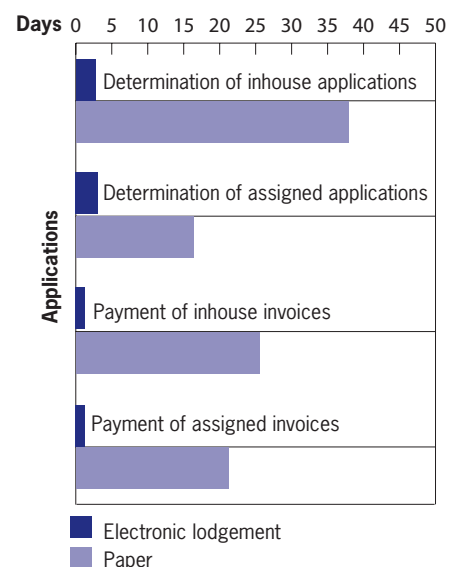
- Foundation work was completed for the remaining panels including a streamlined service agreement and selection process. Draft practice standards were settled inhouse for the Court of Criminal Appeal, Veterans' Law and the Child's Representation Panels;
- Participation in family law E-Lodgement increased, particularly amongst private practitioners. In May and June 2003 requests from private lawyers exceeded the numbers from inhouse lawyers. By June 2003, 264 firms were registered for E-Lodgement, and 40% of assigned family law legal aid applications were received electronically;
- A range of papers and pamphlets were made available online on issues including *Cost Recovery in Criminal Matters*, and *Tips and Techniques on Interviewing Children*.
- Information on fee scales and upcoming Commission conferences and events was made available online.

Increase in electronic requests received in 2001-2002 and 2002-2003



Request: initial application for legal aid or request to extend an existing grant of aid

Comparison of average days taken to process Family Law applications between E-Lodgement and paper applications 2002-2003



Key improvement area



A number of assumptions were made about the suitability of E-Lodgement across all areas of law in which the Grants Division processes legal aid applications. Significant challenges in relation to the appropriateness of E-Lodgement have arisen in the area of Local Court crime. We are looking at whether E-Lodgement is going to be the best practice approach to processing legal aid applications in this area.

The year ahead

- In the next 12 months the Grants Division will:
- create an internet portal for private practitioners to allow the Commission and private practitioners to communicate more effectively and provide real business improvements, cost and time savings;
 - make more information electronically available, including practical legal training and discussion papers;
 - finalise private practitioner panels in Care and Protection, Court of Criminal Appeal, Veterans' Law and Child's Representation; and
 - increase the use of E-Lodgement for family law, and introduce E-Lodgement for criminal law matters.

Fee enhancements

The Grants Division implemented a record number of fee enhancements during the year.

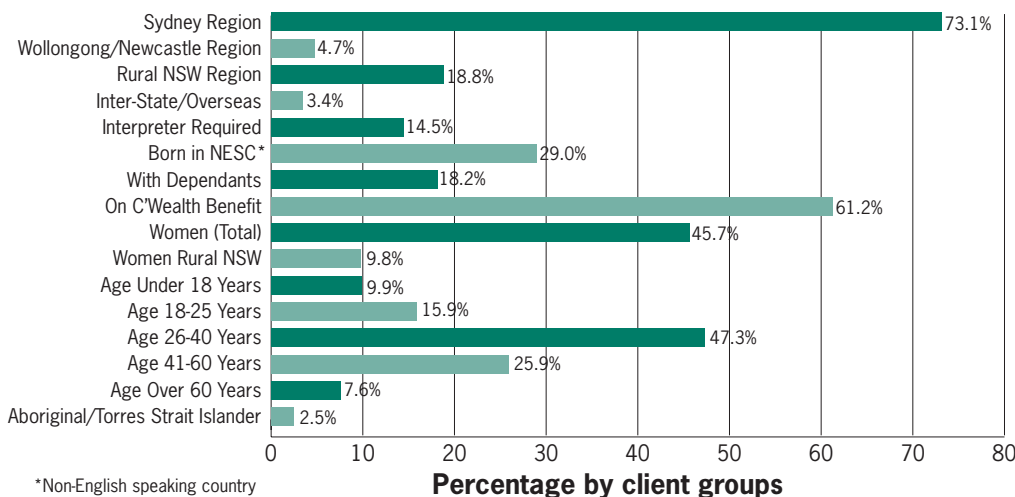
In addition a new Electronic Lodgement Fee was introduced for Commonwealth family law applications where an \$80 fee is paid to private practitioners who lodge successful applications electronically. Ten separate increases in fees paid to private practitioners were made across criminal, civil and family law. Listed below are the enhancements:

1 May 2003	The base rate for professional fees in criminal law work rose from \$110 to \$120 per hour.
1 May 2003	The rate for duty work rose to \$120 per hour.
1 May 2003	Fee rates for practitioners in mental health matters increased to \$120 per hour.
1 April 2003	Increase to the hourly rate for practitioners conducting work in respect of entitlement or assessment claims under Part II of the <i>Veterans' Entitlements Act 1986 (Cth) (the VE Act)</i> to \$120 per hour (\$150 per hour for advocacy work). Also the hourly rate for Part II <i>VE Act</i> appeals from the Administrative Appeals Tribunal rose to \$120 (\$150 for advocacy work) in circumstances where the Commission's lower civil law fee rate applies.
1 April 2003	New \$80 Electronic Lodgement fee available for family law applications.
1 Oct 2002	The rate for Commonwealth family law work was increased to \$120 per hour.
1 July 2002	Fee rates for practitioners in mental health matters increased to \$110 per hour.
1 July 2002	Base fee rates for practitioners in all criminal law matters increased to \$110 per hour (where an hourly rate did not apply, rates were increased by 10 per cent).
1 July 2002	Fee rates for practitioners in State family law matters increased to \$110 per hour.
1 July 2002	Fee rates for practitioners' duty work increased to \$110 per hour.
1 July 2002	Fee rates for practitioners in civil law matters increased by 10% but with different increases according to the classification of civil law matters, where the lower rate applies.

HIGHLIGHT

The Grants Division implemented a record number of fee enhancements during the year

Who our clients are—Grants Division



Regional and Community Services Division

This division forms part of the Criminal, Family and Civil Law Programs and includes 20 regional offices, Community Legal Education, Publications, Client Assessment and Referral, the Community Legal Centres Funding Program and the Women's Domestic Violence Court Assistance Program

Staff in this division provided information services to 108,906 people — an 8% increase over last year

Our services

The Division has the equivalent of 253 full time staff including lawyers and other support staff. These staff are based at 20 regional locations across the State (see map on back cover) and in the central office in Sydney. Regional offices provide the full range of legal services including legal information, advice and minor assistance, community education, mediation, duty solicitor and committal services and representation in case matters in Local, District and Supreme Courts, Federal Magistrates, Family and Children's Courts and at Mental Health Magistrates hearings. The Division is also responsible for liaising with LawAccess NSW—a justice sector joint project that has responsibility for delivering legal information, advice and referral services across the State.

Regional Office Operations

Our clients

This year staff in regional offices provided the following services:

Family Law

- Information services provided to 32,938 clients.
- Advice and minor assistance provided to 17,625 clients.
- Community education (including divorce classes) on 83 occasions at suburban and country locations.

Civil Law

- Information services provided to 52,403 clients.
- Advice and minor assistance provided to 13,042 clients.
- Representation in 418 new case grants.

Criminal law

- Information services provided to 23,565 clients.
- Advice and minor assistance provided to 11,136 clients.
- Representation in 23,716 new case grants.
- Provided 29,767 duty services.

Key achievements of regional office staff this year included:

- providing greater inhouse family services to people across New South Wales in areas such as Bankstown, Parramatta, Gosford, Lismore, Tamworth, Dubbo and Wagga Wagga;
- providing extended outreach in family advice and representation services to the South Coast of NSW from Nowra to Bega;
- targeting services to remote Aboriginal communities on the Far North Coast and in Western NSW;

- consolidating civil outreach services to most offices in the Sydney metropolitan area;
- extending family law advice services in metropolitan Sydney to areas such as North Sydney;
- extending community legal education sessions (eg divorce classes) in Sydney metropolitan and country areas;
- maintaining high quality criminal law services at Local, District and Supreme Courts across the State;
- continuing to identify and address gaps in services through service delivery planning at each regional office;
- developing a mapping tool to easily identify the catchment area of each regional office and legal services offered by other agencies in each area.

Our people

- Solicitor advocate Bill Sandilands was awarded the Public Service Medal for outstanding service.
- Regional office staff completed specialist accreditation in family and criminal law including Debra Maher of the Children's Legal Service at Parramatta who came first in the children's law section.
- The second addition of *A Practitioner's Guide to Criminal Law* has been produced by the NSW Young Lawyers with contributions from staff in the Penrith office – Lester Fernandez, Angela Cook, Matthew Greenaway, Te'eres Sia, Katrina Sheen and Chris Brown; and Patricia Collins from the Wagga Wagga office.
- ATSI trainees have nearly completed their temporary employment at various regional offices and consideration is now being given to their permanent appointment.
- Staff and managers participated in a wide range of inhouse and private training programs, improving their professional skills and becoming better equipped to plan and run Commission business.

Our organisation

The role of regional offices in the Commission's new structure has been clarified ensuring effective State-wide delivery of services in each program of law—civil, family and crime.

Each regional office now has a service delivery plan against which it must report for the current year.

Regional offices now have access to a mapping tool to identify their catchment areas and identify legal resources and services offered in each area and demographic information relevant to planning service delivery in each area.

- An electronic diary system first developed in the Newcastle office is now being introduced to each regional office and head office, offering opportunities for increased efficiency over paper-based diaries.
- Regional offices have identified and helped to extract statistical information from the Legal Aid computer system (LA Office) which enabled us to better identify workloads and trends and hence more effectively plan for the future.
- Regional offices at Penrith, Dubbo, Gosford and Liverpool have moved into new accommodation offering better working conditions for staff and a more professional environment better equipped to offer improved services to clients.

Our partners

The Division developed a model of cooperative legal service delivery aimed at providing more effective legal services for people across NSW. The model is being developed in cooperation with other service delivery providers including community legal centres, Aboriginal Legal Services and private lawyers doing pro bono work.

All regional offices continued to forge close links with private firms in their catchment areas which are prepared to provide services either at Legal Aid rates or on a pro bono basis. Some offices, such as Tamworth, have offered Community Legal Education in criminal law to private practitioners in their area.

This year, recognising the important and complementary role played by other agencies in the justice system, staff in the division:

- worked closely with agencies such as the Probation and Parole Service, MERIT teams, court liaison psychiatric nurses, community aid panels and court staff;

- developed close working relationships with Aboriginal communities to improve access to legal services for indigenous people, eg Wagga Wagga Legal Aid Office has signed a Statement of Cooperation with the Coalition Of Aboriginal Legal Services (COALS); and
- participated in community events that inform the community about Legal Aid services, eg the Henty Field Day in Wagga Wagga and the Agquipp Field Day in Tamworth.

Key improvement area



To address gaps in legal service delivery across New South Wales, particularly to rural and regional residents, we are developing a Cooperative Legal Service Delivery Model (CLSDM). The model is based on cooperative planning of legal services and potential partnerships to ensure that people, wherever they live, have access to a wider range of legal services.

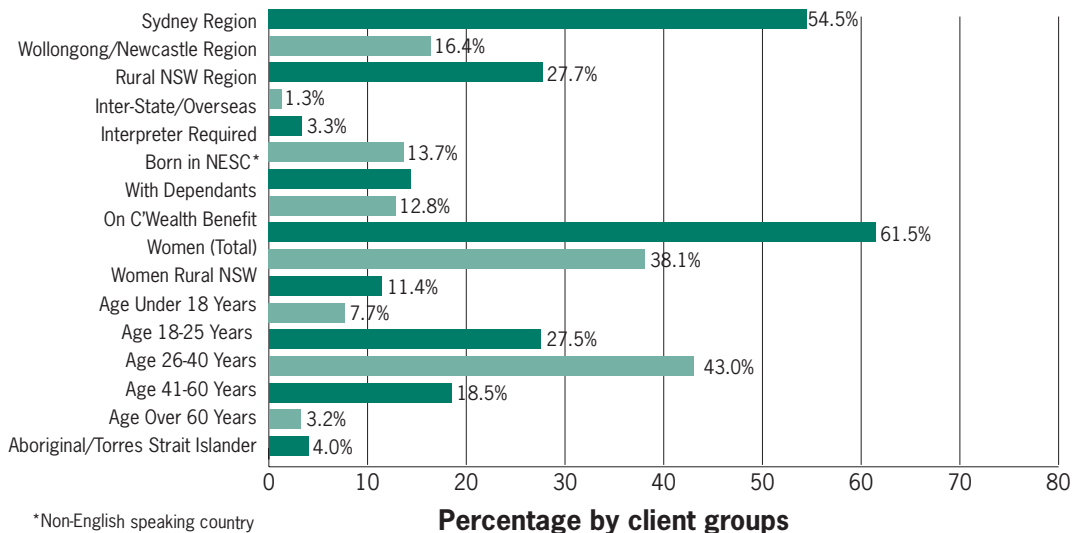
The year ahead

Key initiatives for the coming year include:

- developing and piloting the Cooperative Legal Service Delivery Model (CLSDM);
- developing a mapping tool for service delivery planning;
- completing the rollout of the e-diaries project;
- consolidating the ATSI trainee positions in regional offices;
- expanding the use of audio visual conferencing facilities at regional offices for both inhouse and private solicitors doing legal aid work; and
- working with other justice agencies to enable effective planning for initiatives impacting on our services, eg temporary closure of Bankstown court, renovations to Blacktown court and the building of new courts and change of location of existing courts.

Each regional office now has a service delivery plan

Who our clients are—Regional Division



Regional and Community Services Division

Community Information and Program Support

A new program will ensure children and young people have better access to legal services

This program draws together a range of services. Diverse in scope, they exist to ensure we meet the information needs of the general public as well as provide specialist support to our most disadvantaged clients.

Community Legal Education (CLE) moved up the agenda

In 2002–2003, the commitment of the Commission to the provision of professional and strategic community legal education across NSW was reflected in the creation of a new position within the Regional & Community Services Division, Community Legal Education (CLE) Coordinator.

Since the appointment of the CLE Coordinator, three major developments have moved the Commission toward substantial improvement in its delivery of CLE and will also contribute to significant improvements in our communications both internally and with our clients. Work commenced on:

- a long-term Community Legal Education Strategic Plan incorporating national best practice standards for CLE in a community development framework;
- a review of our budgeting and resourcing of CLE to find ways of clarifying and streamlining processes for staff wishing to conduct CLE; and
- designing an electronic information management system for CLE which will be a tool for the planning, delivery and evaluation



Right: Distributions Coordinator, Caryn Zeller, displays new multilingual resources.

of CLE by Commission staff as well as offering online registration and a calendar of events to the general public via the Commission's external internet site.

Services to children were greatly improved this year

This year we introduced a Children's Court Assistance Program that will ensure children and young people have better access to legal services.

The scheme provides a roster of trained youth workers to work with young people and their families on their court day, as well as before and after the court appearance.

Children's Court Assistance Schemes are auspiced by Community Legal Centres at Lidcombe and Campbelltown Children's Courts, Gosford/Woy Woy/Wyong and Wollongong/Port Kembla Local Courts.

Funding of \$160,000 per year for three years was provided by the NSW Law Society's Public Purpose Fund.

We provided more resources to the community

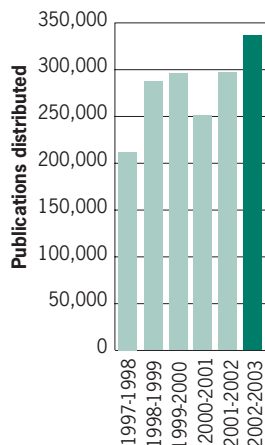
This year, our Publications Unit distributed a record number of publications—a total of 336,868. Continuing high demand and informal feedback suggest that most disadvantaged communities and small agencies that represent these communities still require hard copy information despite its availability online. Demand for our publications, although always steady, was stepped up markedly by the release of *Have you crashed your car? What to do about property damage*—a brochure for uninsured people involved in a motor vehicle accident. The brochure was launched in Law Week as part of *Campbelltown Car Day* at Campbelltown Local Court. As a result of excellent media coverage and marketing, we received 3,846 requests for this brochure in a short period of time.



Publications distributed

This year, our Publications Unit focused on translating key information into community languages, recognising the difficulties people from culturally diverse communities experience in accessing easy-to-understand legal information. We translated information for Chinese, Arabic and Vietnamese speakers attending local court and updated *Do you have a legal problem?* in seven

Publications distributed 1997-2003



languages. In total, 20,793 multilingual publications were distributed in 2002-2003.

Improving internal and external communications strategies has become a key focus. Work began this year on running focus groups and consulting with staff across the organisation on their communication needs. The results

were used by IM&T to purchase new systems and to ensure that staff concerns were addressed in all new developments.

Social workers assisted more people in regional areas

Social workers in our Client Assessment and Referral Unit excelled this year in meeting their commitment to make their services more accessible to regional offices and their clients. 2003 saw the establishment of regular clinic days at a number of regional offices. In Wollongong, social workers provided either a psychosocial report or a sentencing submission for clients involved in criminal matters. The reports resulted in a non-custodial sentence in over 66% of matters where the client was facing a custodial sentence and 16% of clients received a reduced sentence.

Two Children's Wishes Clinics were also established, one at Newcastle and one at Coffs Harbour. Children who are being represented by a legal aid solicitor in contact or residence

disputes are interviewed for a children's wishes report. This report assisted in bringing about resolution at the interim hearing stage in 75% of matters referred to Client Assessment. A similar clinic was established at Coffs Harbour which coincides with the Family Court and Federal Magistrates Circuit which visit the area four times per year.

A new part-time position was established so that civil lawyers have a key contact person at the unit to prepare psychosocial reports and make referrals for civil law clients.

The Client Assessment and Referral services provided at Penrith in care matters have undergone significant changes in the past year. A new referral criteria has been developed which means only children aged nine and under may be referred where the solicitor requires assistance to determine the best interests for that child.

The year ahead

In a number of exciting initiatives staff will:

- extend the provision of targeted effective community legal education to wider areas across NSW by involving more regional offices and practice areas in the planning and delivery of CLE as well as working more closely with other stakeholders;
- work closely with the newly created Policy and Planning Section and other sections of the Commission to effectively implement the recommendations of the communications improvement plan for the Commission;
- provide all Commission lawyers with on-the-spot referral information for their client's non-legal needs by employing a new Community Liaison and Referral Officer, commencing August 2003; and
- review the new Children's Court Assistance Program towards the end of 2003-2004 with the view towards further expansion to other centres.

Case study

Mother and son not separated – illuminating report helps

Ms Y had lived in a defacto relationship for about 25 years. Her defacto partner died after he suffered a single stab wound, inflicted by Ms Y. At the time of the incident both Ms Y and the deceased were extremely intoxicated.

In March 2003 Mr Justice Buddin convicted Ms Y of manslaughter and placed her on a four-year good behaviour bond. In doing so the Judge went to great lengths to outline the difficult life Ms Y had had and the consequences of long-term domestic violence. He quoted extensively from a report prepared by Danielle Castles, Manager of the Commission's Client Assessment and Referral Section. The Judge said that he found the report "particularly illuminating" and of considerable assistance.

The report also detailed the negative impact that Ms Y's custody would have upon her five-year old son. One of the most positive aspects of the decision of Mr Justice Buddin was that Ms Y's and her son were not to be separated.

Left: Coordinators Vik Craig and Stan Small discuss education options with two young women at Lidcombe Children's Court as part of the new Children's Court Assistance Program.



Community Legal Centres Funding Program

The Legal Aid Commission administers the State and Commonwealth Community Legal Centres Funding program for 32 Community Legal Centres throughout NSW

The number of people assisted by CLCs increased by 13% in 2002–2003

Community Legal Centres (CLCs) are independent, non-profit organisations that provide a range of legal services to address the specific needs of disadvantaged sectors of the community.

Our clients

This year, CLCs introduced a uniform client survey system to measure client satisfaction. The survey will assist in directing resources to best serve clients.

In 2002–2003 CLCs:

- provided information and advice to more than 85,000 clients;
- commenced new casework for more than 8,300 clients;
- appeared in court for over 300 clients;
- undertook more than 1,200 Community Legal Education sessions and projects across NSW; and
- contributed to 430 law reform projects.

Significant cases included:

Water rights in future water markets

The rights of Indigenous communities and residential consumers have received an important boost in future water markets and in the establishment of a national system for the trading of entitlements to use bulk water.

The Public Interest Advocacy Centre (PIAC) successfully argued that the trading system must make some allowance for the interests of 'third parties'. This would mean that parties not directly involved in the trade of water entitlements, such as indigenous communities and residential consumers, should be permitted a voice in water trade negotiations.

Finance/mortgage refunds

The Consumer Credit Legal Centre (CCLC) acted for a number of clients in matters against finance/mortgage brokers and also produced a major report for the Australian Securities and Investment Commission (ASIC) on the same topic. Most cases involved complaints about the charging of excessive fees, the charging of unreasonable fees when the loan did not proceed and/or the arranging of inappropriate loans. In most cases CCLC was able to secure a refund of most or all of the fees paid to the broker (usually amounting to several thousand dollars charged in addition to the lenders commission).

Key achievements included:

Providing resources for clients

The Combined CLC Group updated its web site at www.nswclc.org.au adding

hot links. CLCs are also publishers of a number of publications and information kits. Key examples in 2002–2003 included the *Independent Social Security Handbook* published by the NSW Welfare Rights Centre (WRC).

The handbook covers all Social Security payments and is a resource for community and government workers to assist people with social security questions and problems. In 2002–2003 Welfare Rights launched the fourth edition online and will also be producing CD-ROM and intranet versions. The web address is:

www.welfarerights.org.au/iss/

The Public Interest Advocacy Centre launched their 2nd edition of *Working the System*, a guide to advocacy for consumers and communities.

The Women's Legal Resource Centre launched the *Know Your Legal Rights Game Kit*, a set of games designed and created by young Aboriginal women about their legal rights and improving their knowledge about the legal system.

Our people

CLCs are dealing with the issue of 'burnout' of their staff. Mark McDiarmid, Solicitor at the Blue Mountains CLC, conducted research into burnout, with the consequent loss of experienced staff, and ways to identify and address this issue. Mark gave a comprehensive and in depth address on burn out at the CLCs National Conference in September 2002. Strategies will be developed in 2003–2004 to combat this issue.

Our organisation

No new CLCs were funded during 2002–2003. Key initiatives this year included:

- introducing a triennial Service Agreement between CLCs, the State and the Commonwealth. This agreement gives CLCs greater funding certainty and enables longer term planning of service delivery; and
- implementing a new electronic information system (CLISIS) that will provide more accurate and timely financial and performance reporting.

Also, this year, CLCs started to measure activities against new and enhanced Service Standards to ensure they are providing high quality services.

The year ahead

A joint State/Commonwealth review of the CLC program in NSW is envisaged to commence in 2003–2004.

Resources

The CLC Program received \$4,778,534 from the Commonwealth Government, \$4,039,464 from the State Government and \$746,500 from the Solicitors Trust Account/Public Purpose Fund. For details see page 76.

In a world first for electronic publishing, online information about social security became available to the New South Wales public. Below, Catalina Loyola, Welfare Rights, quickly updates online.



Women's Domestic Violence Court Assistance Program (WDVCAP)

We administer a program that is assisting women with domestic violence issues

The program aims to assist women who are victims of Domestic Violence to access and navigate the legal and judicial systems. It is funded by the State government and consists of 34 Women's Domestic Violence Court Assistance Schemes (WDVCSAs) servicing 52 courts across NSW. The program also funds a Training and Resource Unit, which provides scheme workers and volunteers with specialised training in all aspects of court support assistance for victims of Domestic Violence.

The schemes assist women with court support, information on obtaining Apprehended Domestic Violence Orders (ADVOs) and appropriate referrals to other services that may assist them eg housing services, counselling or material aid. Scheme staff also undertake community development and education activities to raise awareness of the issue of Domestic Violence in their local communities.

Our clients

In 2002–2003, the program assisted 30,188 women, an increase of 21.9% on last year.

A particular focus was creating employment opportunities and improving services to Aboriginal and Torres Strait Islander women and women living in rural communities.

In early 2002 community consultation commenced within the Northern Rivers Region of NSW, regarding the establishment of a model called the Pilot Cluster Model. This model of outreach-based service delivery has increased the coverage of the Lismore WDVCSA from Lismore Court only, to an additional seven courts at Casino, Kyogle, Ballina, Byron Bay, Tweed Heads, Murwillumbah and Mullumbimby. The Northern Rivers WDVCSA commenced service delivery in October 2002 and was officially launched in April 2003. The Pilot not only increased service delivery for ATSI and rural women living in the Northern Rivers area, but also provided an employment opportunity to the ATSI community when the Department of Industrial Relations granted an exemption so the position of Assistant Coordinator could be made an Identified Aboriginal Position.

Our organisation

In 2002–2003 the Program granted \$3.3m to the 34 schemes, including additional funds to cover CPI and the Social and Community Services award increase.

Our partners

The program works closely with many other agencies, especially at a local level through

scheme networks. Strong partnerships have been formed with the Department for Women, Attorney General's Department, particularly Local Courts and the Violence Against Women Unit, NSW Police and community organisations such as Immigrant Womens Speakout and the state-wide network of Community Legal Centres. This year staff from the WDVCAP participated in the International Women's Day march and rally in Sydney, walking alongside many other community and government organisations equally committed to raising awareness of the issues affecting women.

Providing opportunities for networking

Since 1998 the Program has hosted an annual conference to provide domestic violence workers with vital information and support for their work. The conference provides a unique opportunity for scheme workers to strengthen their networks with partners from other agencies. This year, the conference was held on 31 July–1 August at the YWCA in Sydney. The conference theme: *Domestic Violence is a Child Protection Issue: Government and Community Responses* invited vibrant discussion from the 139 participants who represented a range of community and government agencies.

The year ahead

We will review and improve crucial management tools, including the service agreement, WDVCAP Policies and Procedures and the Domestic Violence Solicitor Scheme.

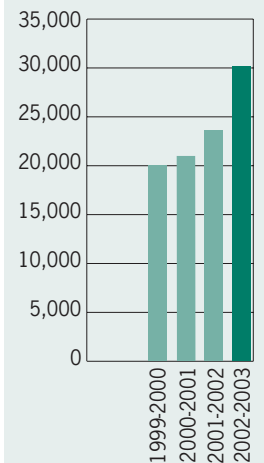
We will also produce a best practice guide for WDVCSAs, providing a toolkit that will assist them to improve service delivery to their clients.

Resources

The State Government allocated \$3,132,530.42 for this program. For details of grants see page 77.

The program has increased its services to women by **33.7%** over the past four years

Women assisted by the WDVCAP Program



Below: Brian Sandland, Director, Regional and Community Services and Sohret Hussein, Project Officer, at the launch of the Northern Rivers Women's Domestic Violence Court Assistance Scheme.



Business Services Division

This division provides support services across the Commission

Business planning and improvement

The primary objectives of the Business Planning and Improvement Branch are corporate planning, involving analysis, monitoring and reviewing operational performance to ensure that all aspects of the Commission's operations achieve quality and efficiency improvements through organisational change.

There were two main performance highlights this year. The first was the timeliness of operational reports and analysis to senior management, enabling informed decision-making at a corporate level.

In December 2002 we implemented a comprehensive rolling five-year internal audit program that will deliver 10 reviews each year. Four internal audit reviews were completed this year and their recommendations implemented.

The year ahead

We will aim to improve the efficiency and effectiveness of business processes by:

- improving the corporate management reporting requirement; and
- completing the 2003-2004 internal audit program to achieve greater organisational efficiency.

Financial services

The Branch was strengthened by the appointment of the Director Corporate Finance, as well as new appointments to the senior positions of Management Accountant and Financial Accountant.

During 2002-2003, the Financial Services Branch continued to implement the recommendations of an independent external review undertaken in 2001-2002. Particular emphasis was placed on the

review of the internal processes of the Branch, such as major accruals.

The Branch's participation in the review of contributions and payment policy will lead to improved management of the Commission's debtors in the years to come.

In addition, the Branch commenced important projects such as the upgrade of its core financial system, automation of its costing processes and the electronic delivery of remittance advices, which will be completed in the 2003-2004 financial year.

The year ahead

The Branch will focus on service delivery to its customers. Of particular importance will be improvements to the financial information available to managers across the Commission and the completion of projects commenced in 2002-2003.

Human resource management

The major achievements for the HRM Branch this year were:

- significant progress in achieving job evaluation accreditation for the Commission;
- implementing a comprehensive staff development program;
- implementing Electronic Self Service for staff in relation to a range of personnel matters such as online leave applications; and
- successful completion of the "Without Prejudice" staff survey, an independent survey that sought the views of staff on every aspect of their work as part of better communication within the workplace.

The year ahead

HRM will develop and implement:

- a comprehensive recruitment strategy;
- a career development and performance management system; and
- a range of strategies arising out of the "Without Prejudice" staff survey.

Information management and technology

Over the past year IM&T has improved the computer infrastructure and services to Commission staff. Some of the highlights were:

- roll out of new telephone system throughout the Commission;
- implementation of a new HelpDesk system to improve the support services to the Commission and to provide automatic hardware and software audit facilities;
- a core IT skills project to ensure all employees have access to training to bring their skills to a recognised level;

Web developer Alison Young consults with other staff on ways to improve IT systems and meet the individual needs of users.



- redevelopment of the Intranet site, with greater emphasis on improving access to information, policies and procedures, and providing services on line;
- participation in “whole of justice” sector projects designed to increase efficiency and effectiveness in the electronic transfer of information; and
- introduction of a range of online (Internet and Extranet) services supporting both internal and external legal practitioners.

The year ahead

In 2003-2004, the emphasis will be on implementing electronic service delivery both internally and externally. The implementation of a web content management system will enable the development of electronic services to clients and the general public, and fulfill the Commission’s requirements for the government services agenda. Initiatives will include:

- redeveloping and extending our external website;
- improving the Intranet as the main communication medium of the Commission, to enable access to information and Commission systems;
- providing online training and development (e.learning) services designed to deliver a wide range of content across any bandwidth and to PCs, laptops and other technology implemented in the Commission.

The Commission is also part of a National Legal Aid initiative to source a new practice, grants and document management system. There is considerable preparation for the migration to a new system and this will be a focus for the next 12 months.

Library services

The Library provided legal source material for Commission staff, focusing this year on:

- increasing access from the desktop to a wider range of electronic products;
- adding new links for research and monitoring to the library’s existing intranet site; and
- providing training for lawyers in the use of online research services.

The year ahead

We will:

- place the library’s catalogue ‘First’ onto the intranet;
- review and update the library’s intranet content and form a strategy for ongoing development; and
- provide regular email bulletins with new developments and tips on how to use existing services with telephone support for staff experiencing problems using them.

Operational support

Initiatives carried out by Operational Support during the year resulted in a number of

improvements for our clients, our people, our organisation and our partners.

Our main focus was regional expansion. New accommodation standards implemented at our Dubbo, Penrith, Liverpool, Gosford and Nowra offices provided more ambient and comfortable client service areas. Staff accommodation also improved with specially designed office furniture.

Additional space was successfully negotiated at Campbelltown, Lismore, Wagga Wagga and Tamworth with expanded services and additional facilities created for the Alternative Dispute Resolution Program. At Dubbo and Campbelltown, the facilities were expanded to allow ATSI staff to interview their clients in an informal environment.

Other accommodation highlights included new accommodation for the Committals and Grants areas within head office to improve the support provided to our legal partners as well as improving staff office space.

We also completed a motor vehicle fleet review, which will result in a new Commission-wide car fleet, the result of a shared service opportunity negotiated with the Attorney General’s Department.

Waste reduction and purchasing policy

An increased dependence on personal computers and staff access and proficiency has assisted in our waste remaining static since 2001, which represents an achievement given the increase in staff numbers.

Our current WRAPP plan has an emphasis on education and monitoring to further achieve waste avoidance.

The year ahead

In 2003-2004, we will open a permanent office in Nowra, as well as redesign new facilities in Wollongong, Newcastle, Campbelltown, Tamworth and Wagga Wagga.

Facilities for staff will improve with the photocopy/ fax replacement program that will be implemented during 2003-2004.

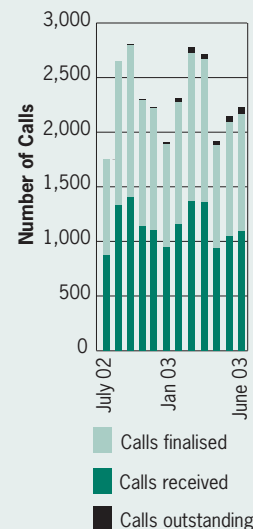


Key improvement areas

Overall, Business Services will focus on:

- improving organisational reporting for all management;
- streamlining business processes to external vendors;
- developing a comprehensive recruitment strategy to attract and multi-skill entry-level staff; and
- implementing a career development and performance management system.

Help Desk Calls 2002 to 2003



Over 90% of help desk calls were handled quickly and satisfactorily

Our partners

We developed close working relationships with other agencies to achieve better results for our most disadvantaged clients

People attending Parramatta Family Court now have the services of a duty lawyer

Families and children in Children's Court care matters

The Children's Care and Protection Legal Service is part of our Family and Civil Law Division. Legal services for both adults and children involved in the State's care and protection system are provided throughout the State by inhouse lawyers as well as private lawyers funded by Legal Aid. Both inhouse and private solicitors might act as duty solicitor in the Children's Court and/or as legal representative in on-going care matters. Both inhouse and private lawyers represent a mix of adults (such as parents, carers and other interested adults) and children in these matters.

In 2002–2003, the Service worked closely with other areas of the Commission to ensure that private lawyers doing care work were kept involved and informed about the latest developments in the care and protection jurisdiction. This included:

- organising, in conjunction with the Grants Division, a one-day conference on the care and protection jurisdiction in Newcastle, attended by more than 60 inhouse and private lawyers; and
- assisting the Grants Division in the development of practice standards and fee scales for solicitors involved in care matters, with a view to the implementation of State Care Panels.

The Service has made it a priority to establish strong external links with other agencies in the interests of clients. Over the past 12 months, lawyers participated in the Children's Court Advisory Committee, the Children's Court Clinic Advisory Committee, the Law Society's Children's Legal Issues Committee and working groups involving representatives from key Government Departments and community organisations.

In the year ahead, inhouse lawyers will:

- work closely with our partners, and in particular with the Children's Court, to ensure greater access to legal information, advice and services by adults and children who have care and protection issues but who are either not yet involved in Children's Court care proceedings or who decide to represent themselves in care proceedings;
- produce, with the input of the Department of Community Services, the third update for our extensive Children's Court Care Matters Practice Manual;
- provide assistance to the Grants Division in the establishment of State Care Panels; and
- commence a program of regular continuing legal education on issues in the care jurisdiction for both inhouse and private practitioners.

New duty lawyer service in Parramatta

Thanks to an exciting new scheme, people attending Parramatta Family Court now have the services of a duty lawyer. The Scheme started on 5 August 2002 with two Legal Aid family lawyers providing assistance to self-represented litigants.

For some years, Legal Aid family lawyers have provided duty solicitor services at Local Courts and Local Court (Family Matters) in the CBD. However, the Family Court (and the newly created Federal Magistrates Service) has not had the benefit of this service. With the numbers of litigants in person both within the Family Court and the Federal Magistrates Court increasing, current estimates place the number of litigants without representation (during at least one part of court proceedings), at approximately 40%.

An important benefit of the scheme can be demonstrated by the large number of matters that are resolved on a final basis with the assistance of a duty solicitor. With the assistance of the duty solicitor, a client has the opportunity to be assisted by legal advice which may otherwise have been unavailable to them at court. The parties avoid all the associated personal cost and stress of ongoing litigation and the Court saves both time and cost by way of early resolution.

The scheme has also received high praise from the bench. One Federal Court Magistrate has referred to the new Pilot Duty Solicitor Scheme servicing the Family Court and Federal Magistrates Court at Parramatta as "a judge's nirvana" and other judicial officers and court staff have been equally enthusiastic.

At the launch of the scheme in August (L to R): Justice David Collier, Frances Neilsen (Legal Aid) and Federal Magistrate Judy Ryan.



Photo courtesy of Family Court Parramatta



At a submariners conference, advocates Jodie Buchanan and Anastasia Toliopoulos join Aboriginal submariners in uniform – David Williams, ATSIVSA representative and Peter Wallen, Legal Aid client.

Aboriginal veterans and ex-servicewomen

Our Veterans’ Advocacy Service (VAS) made considerable progress this year in establishing strong networks within the Aboriginal war veterans and ex-servicewomen’s communities. Many of these communities had never heard of the Service until this year.

Working with the Armidale and Inverell Ex-Servicewomen’s Associations, advocates were invited to provide a post Anzac Day seminar concerning veterans’ entitlements for ex-servicewomen. Women from Armidale and surrounding areas including Inverell, Glenn Innes and Bingara attended the seminar and/or sought individual advice regarding their entitlements.

In partnership with the Aboriginal and Torres Strait Islander Veterans and Services Association (ATSIVSA), veterans advocates significantly expanded advice and minor assistance services provided to Aboriginal veterans’ and their dependants. VAS has doubled the number of Aboriginal clients assisted this year compared to last year.

In recognition of their contribution to pursuing the entitlements of Aboriginal veterans, advocates, Jodie Buchanan and Anastasia Toliopoulos were invited by the Aboriginal and Torres Strait Islander Veterans’ and Services Association to attend the 2003 Submariners’ Conference at Darling Harbour for past and present serving members. Opportunities for networking were invaluable.

Community partnerships

Throughout the year, Legal Aid employees teamed up with other legal service providers to provide legal information to the public at a number of important community events. One such day was Sunday 7 July – the National Aboriginal and Islander Day of Celebration (NAIDOC) when Holroyd Council organised a festival in the beautiful native bush of Central Gardens in Merrylands.

Hundreds of people arrived on a warm sunny day to learn more about indigenous people, their history, culture, and

artistic expression. They were greeted with many positive images of the indigenous community.

Legal Aid joined hands with LawAccess and the Macquarie Legal Centre at a stall in the main arena, where Paul Hayes, Bora Touch, John Moratelli, Loris Scahill and Tim Smith did a brisk trade in pamphlets and quick advice.



Working with the private profession

Grants Division staff focused on developing a strong partnership with the private profession, ensuring members of the profession understand the benefits of lodging applications online. A key measure introduced to increase the number of firms working online was the new \$80 fee, paid to practitioners who electronically lodge an application that gets their client a grant of aid in a Commonwealth family law matter.

Private lawyer, Kate Rafton from Parramatta law firm, Watson Stafford, lodges a legal aid application form online on behalf of a client. “We’re very happy with the quick two-day turnaround time which means our clients are not waiting long for an answer.”



L to R: Jane Pritchard and Tina Higgins, LawAccess; Maria Girdler, Macquarie Legal Centre; John Moratelli and Bora Touch, Legal Aid, at a NAIDOC Day celebration.

Financial overview

A small deficit of \$2.998m reflects a successful year: increased demand for services has been managed effectively

The Commission's small deficit of \$2.998 million reflects a successful year where increased demand for services, especially in the Criminal Law and Family Law Programs, has been managed effectively.

The deficit results from an unexpected adverse adjustment of the Commission's superannuation provision (\$4.127 million), arising from an actuarial assessment of the future liability, and a change in the accounting policy with respect to the recognition of income from client contributions (\$3.366 million, being a reduction in contribution income of \$3.181 million and an increase in other expenses of \$0.185 million). Excluding these items, the Commission would have achieved a surplus.

The Commission continues to experience increased complexity in cases in both the criminal and family jurisdictions. Coupled with an increase in the number of parties being represented in these jurisdictions, with multiple co-accused matters in the criminal jurisdiction and frequent separate representation of children and adults in the family jurisdiction, the cost of cases is increasing.

In addition, changes to legislation in the criminal jurisdiction aimed to address specific issues such as amendments to the *Bail Act* and the Standard Minimum Sentencing legislation increased the workload of the Commission.

Income

The main sources of funding for the Commission are the State and Commonwealth Governments, the Public Purpose Fund and contributions from legally aided persons.

In 2002–2003, the State Government provided \$62.536 million (\$52.071 million in 2001–2002), the Trustees of the Public Purpose Fund \$15.965 million (\$13.839 million in 2001–2002) and the Commonwealth Government \$43.691 million (\$41.513 million in 2001–2002).

Legally aided clients contributed \$2.618 million (\$1.816 million in 2001–2002). However, a change in accounting policy by the Commission to more accurately reflect contribution income resulted in a one-off negative adjustment to contribution income of \$3.181 million. Accordingly, the reported contribution income figure is \$(0.563) million.

Included in the \$62.536 million from the State Government was supplementary funding of \$0.500 million to complete the establishment of the Dubbo Regional Office, \$0.056 million for the extension of the Parramatta Drug Court and \$0.750 million to provide for salary increases for

workers employed under the Social and Community Services Award.

Capital funding of \$2.147 million was provided from the State Asset Acquisition program to fund improvements to the Commission's office accommodation, the expansion of electronic lodgement and to commence the project to replace the Commission's core business system. Commonwealth funding of \$1.823 million was also used for this purpose.

Included in the \$2.147 million capital funding from the State Government was supplementary funding of \$0.385 million for capital works associated with the establishment of the Dubbo Regional Office.

Expenditure

The Commission's major expenses are employee related expenses associated with the in-house practice (\$50.516 million) and payments made to private practitioners for services to clients for work undertaken on behalf of the Commission (\$52.704 million). The Commission delivers legal aid services in partnership with the private legal profession.

Assets

Assets have reduced slightly due to an unexpected adverse adjustment of \$4.127 million in the Commission's superannuation liability. This has reduced the existing prepaid superannuation asset to nil. In addition, the change in accounting policy with respect to contribution income reduced the receivables figure by \$3.181 million. These decreases were partially offset by an increase in the cash and plant and equipment held by the Commission.

Liabilities

Liabilities have predominantly increased as a result of the unexpected adverse superannuation adjustment referred to above, and due to compliance with the new Australian Accounting Standard AASB 1028 'Employee Benefits' which increased the value of employee entitlements recognised in the financial statements.

[To open Financials Click Here](#)

Financial report

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LEGAL AID COMMISSION OF NSW
Independent Audit Report



INDEPENDENT AUDIT REPORT

LEGAL AID COMMISSION OF NEW SOUTH WALES

GPO BOX 12
 SYDNEY NSW 2001

To Members of the New South Wales Parliament

Audit Opinion

In my opinion the financial report of the Legal Aid Commission of New South Wales:

- (a) presents fairly the Commission's financial position as at 30 June 2003 and its financial performance and cash flows for the year ended on that date, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
- (b) complies with section 45E of the Public Finance and Audit Act 1983 (the Act).

The opinion should be read in conjunction with the rest of this report.

The Chief Executive Officer's Role

The financial report is the responsibility of the Chief Executive Officer of the Legal Aid Commission of New South Wales. It consists of the statement of financial position, the statement of financial performance, the statement of cash flows, the program statement - expenses and revenues, the summary of compliance with financial directives and the accompanying notes.

The Auditor's Role and the Audit Scope

As required by the Act, I carried out an independent audit to enable me to express an opinion on the financial report. My audit provides reasonable assurance to members of the New South Wales Parliament that the financial report is free of material misstatement.

My audit accorded with Australian Auditing and Assurance Standards and statutory requirements, and I:

- evaluated the accounting policies and significant accounting estimates used by the Chief Executive Officer in preparing the financial report, and
- examined a sample of the evidence that supports the amounts and other disclosures in the financial report.

An audit does not guarantee that every amount and disclosure in the financial report is error free. The terms 'reasonable assurance' and 'material' recognise that an audit does not examine all evidence and transactions. However, the audit procedures used should identify errors or omissions significant enough to adversely affect decisions made by users of the financial report or indicate that the Chief Executive Officer had failed in his reporting obligations.

My opinion does not provide assurance:

- about the future viability of the Legal Aid Commission of New South Wales,
- that the Commission has carried out its activities effectively, efficiently and economically,
- about the effectiveness of its internal controls, or
- on the assumptions used in formulating the budget figures disclosed in the financial report.

Audit Independence

The Audit Office complies with all applicable independence requirements of Australian professional ethical pronouncements. The Act further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of public sector agencies but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office are not compromised in their role by the possibility of losing clients or income.

D.A. Jones FCPA
 Director of Audit
 SYDNEY
 20 October 2003

LEGAL AID COMMISSION OF NSW
Statement by Members of the Board

START OF AUDITED FINANCIAL STATEMENTS

Statement by Members of the Board

Pursuant of Section 41C (1B) of the *Public Finance and Audit Act 1983*, and in accordance with a resolution of the Legal Aid Commission of NSW, we declare on behalf of the Commission that in our opinion:

1. The statements have been prepared in accordance with the provision of the *Public Finance and Audit Act 1983*, the Financial Reporting Code of Budget Dependent General Government Sector Agencies, the applicable clauses of the *Public Finance and Audit Regulation 2000*, and Treasurer's Directions.
2. The accompanying financial statements exhibit a true and fair view of the financial position of the Legal Aid Commission of NSW as at 30 June 2003 and transactions for the year then ended.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.
4. It should be noted that the Commission is required to bring to account as revenue all funds received from the Commonwealth during the year. When these funds are not fully spent, the balance is held for use in subsequent years. In 2002/03 the Commission utilised \$1.959m of these funds to support its Commonwealth aid programs.

Phillip Taylor

Chairman

William Grant

Chief Executive Officer

17 October 2003

LEGAL AID COMMISSION OF NSW

Statement of Financial Performance for the Year Ended 30 June 2003

	Notes	Actual 2003 \$'000	Budget 2003 \$'000	Actual 2002 \$'000
Expenses				
Operating Expenses				
Employee related	2(a)	50,516	43,355	46,252
Other operating expenses	2(b)	10,553	10,266	9,011
Maintenance		1,141	1,719	921
Depreciation and amortisation	2(c)	2,232	2,171	1,992
Grants and subsidies	2(d)	12,717	11,988	11,365
Other expenses	2(e)	52,704	52,821	42,711
Total Expenses		129,863	122,320	112,252
Less:				
Retained Revenue				
Sale of goods and services	3(a)	38,393	41,248	38,153
Investment income	3(b)	1,998	1,650	1,497
Grants and contributions	3(c)	21,668	18,955	19,219
Other revenue	3(d)	222	150	331
Total Retained Revenue		62,281	62,003	59,200
Loss on disposal of non-current assets	4	(99)	-	(299)
Net Cost of Services	20	67,681	60,317	53,351
Government Contributions				
Recurrent appropriation	5(a)	62,536	61,230	52,071
Capital appropriation	5(b)	2,147	1,762	1,799
Total Government Contributions		64,683	62,992	53,870
SURPLUS/(DEFICIT) FOR THE YEAR FROM ORDINARY ACTIVITIES		(2,998)	2,675	519
Extraordinary Items		-	-	-
SURPLUS/(DEFICIT) FOR THE YEAR		(2,998)	2,675	519
TOTAL REVENUES, EXPENSES AND VALUATION ADJUSTMENTS RECOGNISED DIRECTLY IN EQUITY		-	-	-
TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS	16	(2,998)	2,675	519

The accompanying notes form part of these statements

LEGAL AID COMMISSION OF NSW

Statement of Financial Position as at 30 June 2003

	Notes	Actual 2003 \$'000	Budget 2003 \$'000	Actual 2002 \$'000
ASSETS				
Current Assets				
Cash	10	24,554	23,340	20,251
Receivables	11	3,168	3,686	3,599
Other	13	749	469	628
Total Current Assets		28,471	27,495	24,478
Non-Current Assets				
Receivables	11	2,700	5,790	5,621
Plant and equipment	12	9,293	8,247	7,660
Other	13	-	3,269	3,269
Total Non-Current Assets		11,993	17,306	16,550
Total Assets		40,464	44,801	41,028
LIABILITIES				
Current Liabilities				
Payables	14	14,469	16,983	15,713
Provisions	15	3,280	2,768	2,967
Total Current Liabilities		17,749	19,751	18,680
Non-Current Liabilities				
Payables	14	7	36	36
Provisions	15	10,705	7,338	7,311
Total Non-Current Liabilities		10,712	7,374	7,347
Total Liabilities		28,461	27,125	26,027
Net Assets		12,003	17,676	15,001
EQUITY				
Accumulated Funds	16	12,003	17,676	15,001
Total Equity		12,003	17,676	15,001

The accompanying notes form part of these statements

LEGAL AID COMMISSION OF NSW
**Statement of Cash Flows for
the Year Ended 30 June 2003**

	Note	Actual 2003 \$'000	Budget 2003 \$'000	Actual 2002 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(43,318)	(43,159)	(41,373)
Grants and subsidies		(12,717)	(11,988)	(11,365)
Other		(74,015)	(69,831)	(55,400)
Total Payments		(130,050)	(124,978)	(108,138)
Receipts				
Sale of goods and services		41,550	40,885	38,352
Interest received		1,997	1,650	1,497
Other		30,087	25,298	25,945
Total Receipts		73,634	67,833	65,794
Cash Flows from Government				
Recurrent appropriation		62,536	61,230	52,071
Capital appropriation		2,147	1,762	1,799
Net Cash Flows from Government		64,683	62,992	53,870
NET CASH FLOWS FROM OPERATING ACTIVITIES	20	8,267	5,847	11,526
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		32	360	199
Purchase of plant and equipment		(3,996)	(3,118)	(3,272)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(3,964)	(2,758)	(3,073)
NET INCREASE IN CASH		4,303	3,089	8,453
Opening cash and cash equivalents		20,251	20,251	11,798
CLOSING CASH AND CASH EQUIVALENTS	10	24,554	23,340	20,251

The accompanying notes form part of these statements

LEGAL AID COMMISSION OF NSW
**Program Statement
Expenses and Revenues for the year ended 30 June 2002**

AGENCY EXPENSES AND REVENUES	Program 1* Family Law		Program 2* Criminal Law		Program 3* Civil Law		Program 4* Community Legal Services		Not Attributable		Total	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
Expenses												
Operating expenses	14,899	13,068	28,400	25,464	6,852	7,414	365	306			50,516	46,252
Employee related	3,564	2,781	5,418	4,787	1,469	1,366	102	77			10,553	9,011
Other operating expenses	360	268	619	517	156	131	6	5			1,141	921
Maintenance	740	589	1,143	1,071	332	318	17	14			2,232	1,992
Depreciation and amortisation							12,717	11,365			12,717	11,365
Grants and subsidies											52,704	42,711
Other Expenses	18,751	14,533	30,793	24,579	3,160	3,599						
Total Expenses	38,314	31,239	66,373	56,418	11,969	12,828	13,207	11,767			129,863	112,252
Retained Revenue												
Sale of goods and services	(32,766)	(29,115)	(3,644)	(4,331)	(1,983)	(4,707)					(38,393)	(38,153)
Investment income	(1,208)	(694)	(481)	(483)	(309)	(320)					(1,998)	(1,497)
Grants and contributions	(1,088)	(855)	(11,844)	(9,841)	(3,046)	(2,955)	(5,637)	(5,568)	(53)		(21,668)	(19,219)
Other revenue	(19)	(42)	(14)	(59)	(25)	(12)	(1)	(1)	(163)	(217)	(222)	(331)
Total Retained Revenue	(35,081)	(30,706)	(15,983)	(14,714)	(5,363)	(7,994)	(5,638)	(5,569)	(216)	(217)	(62,281)	(59,200)
(Gain)/Loss on disposal of non-current assets	27	(7)	13	18	10	19			49	269	99	299
NET COST OF SERVICES	3,260	526	50,403	41,722	6,616	4,853	7,569	6,198	(167)	52	67,681	53,351
Government Contributions **											(64,683)	(53,870)
NET EXPENDITURE/(REVENUE) Extraordinary items	3,260	526	50,403	41,722	6,616	4,853	7,569	6,198	(64,850)	(53,818)	2,998	(519)
NET EXPENDITURE/(REVENUE) FOR THE YEAR	3,260	526	50,403	41,722	6,616	4,853	7,569	6,198	(64,850)	(53,818)	2,998	(519)

* The name and purpose of each program is summarised in Note 9

** Appropriations are made on an agency basis and not to individual programs. Consequently, government contributions must be included in the 'Not Attributable' column

	2003				2002			
	Recurrent Appropriation \$'000	Expenditure/ Net Claim on Consolidated Fund \$'000	Capital Appropriation \$'000	Expenditure/ Net Claim on Consolidated Fund \$'000	Recurrent Appropriation \$'000	Expenditure/ Net Claim on Consolidated Fund \$'000	Capital Appropriation \$'000	Expenditure/ Net Claim on Consolidated Fund \$'000
ORIGINAL BUDGET APPROPRIATION/EXPENDITURE								
Appropriation Act	61,230	61,230	1,762	1,762	50,508	689	689	689
Additional appropriations								
S21A PF&AA - special appropriation								
S24 PF&AA -Transfers of functions between departments								
S26 PF&AA -Commonwealth specific purpose payments								
OTHER APPROPRIATIONS/ EXPENDITURE								
Treasurer's Advance	556	556	385	385	1,461	1,219	1,110	1,110
Section 22 - expenditure for certain works and services	750	750			102			
Transfers from another agency (section 25 of the Appropriation Act)	1,306	1,306	385	385	1,563	1,219	1,110	1,110
Total Appropriations/ Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	62,536	62,536	2,147	2,147	52,071	1,908	1,799	1,799
Amount drawn down against Appropriation		62,536		2,147			1,799	1,799
Liability to Consolidated Fund								

Note: The Summary of Compliance is based on the assumption that Consolidated Fund moneys are spent first (except where otherwise identified or prescribed).

LEGAL AID COMMISSION OF NSW
**Notes to and forming part of the Financial Report
 for the Year Ended 30 June 2003**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Legal Aid Commission of NSW (the Commission), as a reporting entity, comprises all the operating activities under the control of the Commission. Transactions relating to the Legal Aid Commission Trust Account and the General Trust Fund are not included in the Statement of Financial Performance, Statement of Financial Position or Statement of Cash Flows of the Commission, as the Commission does not control or use these funds for the achievement of its objectives.

(b) Basis of Accounting

The Commission's financial statements are a general purpose financial report which has been prepared on an accruals basis and in accordance with applicable Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB), Urgent Issues Group (UIG) Consensus Views, the requirements of the Public Finance and Audit Act and Regulations, and the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer under section 9(2)(n) of the Act.

The Statement of Cash Flows has been prepared using the 'direct method' in accordance with AAS 28 "Statement of Cash Flows" by adjusting items in the Statement of Financial Performance for Non-Cash items.

Where there are inconsistencies between the above requirements, the legislative provisions have prevailed.

In the absence of a specific Accounting Standard, other authoritative pronouncement of the AASB or UIG Consensus View, the hierarchy of other pronouncements as outlined in AAS 6 "Accounting Policies" is considered.

The financial statements are prepared in accordance with the historical cost convention. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Change in Accounting Policy

The Commission has changed its accounting policy with respect to the recognition of revenue from contributions by legally aided clients. Previously, the Commission utilised a statistical model to estimate the value of contributions made by legally aided clients. In the light of the changing nature of cases undertaken by the Commission, industry practice and the uncertainty of judgements made in Court cases, the Commission will recognise revenue associated with client contributions at the conclusion of a case only when a judgement has been made by a Court with respect to the costs in a particular matter. Refer to Note 1(e)ii, 3(a) & 11.

The change in accounting policy has a one-off effect of a:

- reduction in the Revenue item 'Sale of goods and services' of \$3.181m;
- reduction in the Current Assets item 'Receivables' of \$0.743m;
- reduction in the Non-Current Assets item 'Receivables' of \$2.438m;
- increase in the Expense item 'Other Expenses' of \$0.185m and
- increase in the Current Liability item 'Payables' of \$0.185m.

(d) Administered Activities

The Commission does not administer or control any activities on behalf of the Crown Entity.

(e) Revenue Recognition

Revenue is recognised when the Commission has control of the good or right to receive, it is probable that the economic benefits will flow to the Commission and the amount of revenue can be measured reliably. Additional comments regarding the accounting policies for the recognition of revenue are discussed below.

(i) Parliamentary Appropriations and Contributions from other Bodies

Parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as revenues when the agency obtains control over the assets comprising the appropriations and contributions. Control over appropriations and contributions are normally obtained upon the receipt of cash.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

An exception to the above is when appropriations are unspent at year-end. In this case, the authority to spend money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are now accounted for as liabilities rather than revenue. The Commission had no liability to the Consolidated Fund as at 30 June 2003.

(ii) Sale of Goods and Services

Revenue from the sale of goods and services comprises contributions by legally aided clients toward the cost of the service provided by the Commission and funding provided by the Commonwealth for the provision of legal assistance to clients under Commonwealth law. Contributions by legally aided clients and the Commonwealth funding are recognised as revenue when the Commission obtains control of the assets that result from them. Refer to Note 1(c).

(iii) Investment income

Interest revenue from investments with TCorp and deposits with the Commonwealth Bank of Australia is recognised as it accrues.

(f) Employee Benefits and other provisions

(i) Salaries and Wages, Annual Leave, Sick Leave, Accrued Flex Leave and On-costs.

Liabilities for salaries and wages (including non-monetary benefits), annual leave and accrued flex leave are recognised and measured in respect of employees' services up to the reporting date at nominal amounts based on the amounts expected to be paid when the liabilities are settled.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the entitlements accrued in the future.

The outstanding amounts of payroll tax and workers' compensation insurance premiums which are consequential to employment, are recognised as liabilities and expenses where the employee entitlements to which they relate have been recognised. Refer to Note 15.

(ii) Accrued salaries and wages – reclassification

As a result of the adoption of Accounting Standard AASB 1044 "Provisions, Contingent Liabilities and Contingent Assets", accrued salaries and wages and on-costs has been reclassified to "payables" instead of "provisions" in the Statement of Financial Position and the related note disclosures, for the current and comparative period. On the face of the Statement of Financial Position and in the notes, reference is now made to "provisions" in place of "employee entitlements and other provisions". Total employee benefits (including accrued salaries and wages) are reconciled in Note 15 "Provisions".

(iii) Long Service Leave

Provision has been made for amounts expected to be paid to employees for long service leave based on the employer's liability at balance date. Provision has been made to meet the liability for long service leave entitlements of all employees with a minimum of five years appropriate service, based on the remuneration rates at year-end. In relation to the Australian Accounting Standard AAS 30 "Accounting for Employee Entitlements", the Commission has adopted the nominal or undiscounted method as it is considered that the use of the discounted or present value method would not result in a material difference in the financial statements. Refer to Note 15.

(iv) Superannuation

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The Commission's superannuation position is calculated based on economic assumptions determined by the independent actuary, William Mercer Ltd, as advised by the SAS Trustee Corporation. Any variation between the Commission's gross superannuation liability and employer reserve account balance is recognised in the Statement of Financial Position as an unfunded liability or prepaid contribution. Refer to Notes 2(a), 6(i), 13 & 19.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

(g) Insurance

The Commission's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government agencies. The expense (premium) is determined by the Fund Manager based on past experience.

(h) Accounting for the Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except:

- the amount of GST incurred by the Commission as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense.
- receivables and payables are stated with the amount of GST included.

(i) Acquisition of Assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by the Commission. Cost is determined as the fair value of the assets given as consideration plus the costs incidental to the acquisition. Fair value means the amount for which an asset could be exchanged between a knowledgeable, willing buyer and a knowledgeable, willing seller in an arm's length transaction. Items of plant and equipment having a purchase cost of more than \$1,000 are capitalised and depreciated over their estimated useful life. Assets of \$1,000 or less that are at risk of theft, are monitored, kept on a register, and treated as an expense in the month of purchase.

(j) Revaluation of Physical Non-Current Assets

Due to the nature of assets held by the Commission, the written down value of the non-current assets is considered to be representative of the market value of these assets. Most of the Commission's assets are either minor office fitouts, which are being depreciated over the term of the lease or information technology projects. As a result of this, no external revaluation of these assets has been conducted over the 5 year period.

The recoverable amount test has not been applied, as the Commission is a not-for-profit entity whose service potential is not related to the ability to generate cash flows.

(k) Depreciation of Non-Current Physical Assets

Depreciation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Commission. Leasehold improvements are amortised over the unexpired period of the lease or estimated useful life whichever is the lesser. Contractor's fees relating to the Computer Replacement Project and the E-Lodgement project are capitalised and depreciated at the rate of 20% per annum. The depreciation rate of 7% for motor vehicles is based on historical realisation values. Refer to Notes 1(i), 2(c), & 12.

	%	
Computer Equipment	20	
Contractors Fees relating to Computer	20	
Replacement & E-Lodgement Projects	20	
Office Equipment	15	
Furniture and Fittings	12.5	Or the term of lease
Motor Vehicles	7	

(l) Maintenance and Repairs

The costs of maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated.

(m) Trust Funds

The Commission receives monies in a trustee capacity for trusts as set out in Note 21. As the Commission performs a custodial role in respect of these monies, and because the monies cannot be used for the achievement of the Commission's own objectives, they are not brought to account in the financial statements.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

(n) Estimated Commitment for Legal Expenditure

An estimate of the net cost of work in progress by external legal practitioners for referred casework undertaken but not invoiced as at balance date has been included as a provision in the financial statements. Refer to Notes 2(e) & 14. The estimated net cost of referred work that is yet to be performed on current grants of aid is disclosed by way of a note. Refer to Note 17(b). An assessment of the future commitment of incomplete in-house cases has not been undertaken as the present costing systems do not allocate costs to individual cases.

(o) Receivables

Receivables are recognised and carried at the original invoice amount less a provision for any uncollectable debts. An estimate for doubtful debts is made when collection of the full amount is no longer probable. Bad debts are written off as incurred.

(p) Leases

Operating lease payments are charged to the Statement of Financial Performance in the periods in which they are incurred. The Commission does not have any finance leases. Refer to Note 17(c).

(q) Budgeted amounts

The budgeted amounts are drawn from the budgets as formulated at the beginning of the financial year and with any adjustments for the effects of additional appropriations, s 21A, s 24 and/or s 26 of the *Public Finance and Audit Act 1983*.

The budgeted amounts in the Statement of Financial Performance and the Statement of Cash Flows are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Statement of Financial Position, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts ie per the audited financial statements (rather than carried forward estimates). Refer to Note 19.

2. EXPENSES

(a) Employee related expenses comprise the following specific items:

	2003 \$'000	2002 \$'000
Salaries and wages (including recreation leave)	37,715	35,662
Superannuation	8,126	6,723
Long Service Leave	1,932	1,495
Workers' compensation insurance	364	286
Payroll tax	2,379	2,086
Total	50,516	46,252

Salaries and wages include payment of salaries and allowances, leave loading, leave on termination, recreation leave, medical examination costs and redundancy payments.

Salaries and wages expenditure capitalised in 2002/03 was \$0.086m (Nil in 2001/02).

The Commission's Prepaid Superannuation Contributions Reserve (PSCR) for 2002/03 decreased by \$4.127m (\$4.204m in 2001/02) as a result of the actuarial review of the State Authorities Superannuation Board Pooled Fund as at 30 June 2003. The superannuation expense item includes the \$4.127m (\$4.204m in 2001/02) decrement. The decrease of the PSCR is shown as an Individually Significant item. Refer to Notes 1(e)(iii), 6(i), 13, 15 and 19.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

(b) Other operating expenses

	2003 \$'000	2002 \$'000
Operating lease rental - minimum lease payments	3,735	3,362
Telephone	589	488
Library resources	479	502
Consultants	175	193
Stationery, stores and provisions	456	387
Computer running costs	613	931
Printing	179	181
Records management	377	282
Travel compensation	496	331
Interpreters' fees (non-case)	212	202
Postage	361	253
Cleaning	146	149
Practicing certificates	139	131
Electricity and gas	148	143
Insurance	99	98
Auditor's remuneration - audit or review of financial reports	88	98
Courier and freight	56	85
Internal audit and audit of Trust Account	32	41
Bad and doubtful debts - Provision adjustment	235	139
Operating lease payments	913	218
Other	1,025	797
Total	10,553	9,011

(c) Depreciation and amortisation expenses

Fit Out Costs - Office accommodation	1,125	941
Equipment	32	39
Motor Vehicles	47	46
Computer equipment	436	88
Computer Replacement Project	566	840
Low value assets	26	38
Total	2,232	1,992

Refer to Notes 1(j) & 12.

(d) Grants and Subsidies

Domestic Violence Court Assistance Program	3,132	2,696
Community Legal Centres	9,585	8,669
Total	12,717	11,365

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

(e) Other expenses

Solicitor services provided by private practitioners	31,754	24,837
Barrister services provided by private practitioners	14,839	11,571
Disbursements	6,111	6,303
Total	52,704	42,711

Includes a provision for the estimated net cost of work in progress by external legal practitioners who have provided services but not submitted an invoice to the Commission at balance date.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
3. REVENUES		
(a) Sale of goods and services		
Family Law ¹	907	905
Criminal Law ¹	455	525
Civil Law ¹	(1,925)	386
Commonwealth funding ²	38,956	36,337
Total	38,393	38,153
¹ A change in accounting policy with respect to the recognition of revenue from contributions by legally aided clients has resulted in an overall reduction of \$3.181m in 2002/03. Refer to Note 1(c).		
² Base funding of \$38.956m (\$36.337m in 2001/02) was received from the Commonwealth Government under the Provision of Legal Assistance Agreement. This is a four-year agreement between the Commission and the Commonwealth that commenced on 1 July 2000. In this the third year of the agreement, expenditure exceeded income by \$1.959m (income exceeded expenditure by \$1.541m in 2001/02).		
(b) Investment Income		
Interest on outstanding accounts	130	137
Interest on deposits at call	1,868	1,360
Total	1,998	1,497
Refer to Notes 1(d)(iii) & 22(c)		
(c) Grants and contributions		
Law Society Public Purpose Fund ¹	15,965	13,839
Commonwealth Government Community Legal Centre base grants ²	4,798	4,802
Other grants and contributions ³	905	578
Total	21,668	19,219
¹ Law Society Public Purpose Fund. This fund provided a grant of \$15.218m (\$13.000m in 2001/02) to provide legal aid services in State matters. Other specific grants from this fund include: Environmental Defenders Office	260	260
Public Interest Advocacy Centre	414	414
Expansion of Court assistance to children	73	-
Maintenance of private practitioner services in NW NSW	-	165
Total	747	839
² \$4.798m in Community Legal Centre (CLC) base grants (\$4.802m in 2001/02) received from the Commonwealth Government were distributed to various CLCs. The amount of the grant to individual CLCs is determined by the Commonwealth.		

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
³ Other Grants and contributions include:		
• Part of the Commonwealth Government Community Legal Centre base grants used to meet administrative costs	94	92
• Commonwealth Government special purposes funds for refugee matters under separate contract	93	77
• Commonwealth Indigenous People's Primary Dispute Resolution Scheme	313	205
• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	147	144
• State Attorney General's Department Youth Drug Court	60	60
• State Attorney General's Department - to establish and run video conferencing facilities within the Commission	120	-
• State Attorney General's Department - to develop and deliver training to legal practitioners and judicial officers in the MERIT program	25	-
• State Premiers Department - funding for the Commission's Electronic Self Service project	53	-
Total	905	578
(d) Other revenue		
Miscellaneous	222	331
Total	222	331
4. GAIN/(LOSS) ON DISPOSAL OF NON-CURRENT ASSETS		
Proceeds from disposal of plant and equipment	32	199
Less: Written down value of assets disposed	131	498
Net gain/(loss) on disposal of plant and equipment	(99)	(299)
5. APPROPRIATIONS		
(a) Recurrent Appropriations		
Funds were received through the Consolidated Fund (per summary of compliance) to meet operational requirements as follows: Total recurrent drawdowns from Treasury (per Summary of Compliance) ¹	62,536	52,071
Total	62,536	52,071
Comprising: Recurrent appropriations (per Statement of Financial Performance)	62,536	52,071
Total	62,536	52,071
¹ The Consolidated Fund Appropriation includes State Government's special purpose recurrent funding and other specific schemes.		
(b) Capital Appropriations		
Total capital drawdowns from Treasury (per Summary of Compliance)	2,147	1,799
Total	2,147	1,799
Comprising: Capital appropriations (per Statement of Financial Performance)	2,147	1,799
Total	2,147	1,799

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
6. INDIVIDUALLY SIGNIFICANT ITEMS		
(i) The decrease in the Prepaid Superannuation Contribution reserve as at 30 June was taken up as superannuation expense Refer to Notes 1(e)(iii), 2(a), 13, 15 & 19.	4,127	4,204
(ii) The change of accounting policy for Revenue Recognition Refer to Note 1(c).	3,366	-
Total	7,493	4,204

7. ACCEPTANCE BY THE CROWN ENTITY OF EMPLOYEE ENTITLEMENTS AND OTHER LIABILITIES

There are no liabilities and/or expenses that have been assumed by the Crown Entity or other government agencies.

8. TRANSFER PAYMENTS

The Commission did not have any transfer payments in 2002/03.

9. PROGRAMS/ACTIVITIES OF THE COMMISSION

Program 1

Legal Aid and Other Legal Services for Eligible Persons in Disputes Arising from Family Relationships

Objective:

To provide legal services for eligible persons under Commonwealth Family law and relevant State legislation.
To promote the role of alternative dispute resolution in family law matters.

Program 2

Legal Aid and Other Legal Services for Eligible Persons in Criminal Law Matters

Objective:

To provide legal services for eligible persons in relation to criminal charges, including domestic violence.

Program 3

Legal Aid and Other Legal Services for Eligible Persons in Civil Law Matters

Objective:

To provide legal services for eligible persons in civil law matters that fall within Commission guidelines.

Program 4

Funding for Community Legal Centres and Other Community Legal Services

Objective:

To provide community based legal services in generalist and specialised legal areas. To provide court assistance and other support to female victims of domestic violence. To undertake community legal education and provide advice to the socially and economically disadvantaged.

10. CURRENT ASSETS - CASH

	2003 \$'000	2002 \$'000
Cash at bank and on hand	1,553	3,290
Deposits at call and short term	23,001	16,961
Total Cash	24,554	20,251

Refer to Notes 22(a) & 22(c).

For the purposes of the Statement of Cash Flows, cash includes cash on hand, cash at bank and deposits on call and short term.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
Cash assets recognised in the Statement of Financial Position are reconciled to the cash at the end of the financial year as shown in the Statement of Cash Flows as follows:		
Cash (per Statement of Financial Position)	24,554	20,251
Closing Cash and Cash Equivalents (per Statement of Cash Flows)	24,554	20,251

11. CURRENT/NON-CURRENT ASSETS - RECEIVABLES

Current

Client contributions/recoveries receivable	1,400	1,203
Less: Provision for doubtful debts	339	286
	1,061	917
Other debtors	269	137
GST recoverable from Australian Taxation Office	1,838	1,802
Estimated receivables on legal matters in progress ¹	-	743
Total Current	3,168	3,599

Non-Current

Client contributions/recoveries receivable	4,228	4,751
Less: Provision for doubtful debts	1,528	1,568
	2,700	3,183
Estimated receivables on legal matters in progress ¹	-	2,438
Total Non-Current	2,700	5,621

¹ Following a change of accounting policy the Commission will now recognise revenue associated with client contributions at the conclusion of a case only when a judgement has been made by a Court with respect to the costs in a particular matter. Refer to Note 1(c).

Client contributions/recoveries receivable (both current and non-current) in the amount of \$3.683m (\$3.934m in 2001/02) are secured by way of caveat.

12. NON-CURRENT ASSETS - PLANT AND EQUIPMENT

Plant and Equipment

At Cost	20,423	17,558
Less: Accumulated Depreciation at Cost	11,130	9,898
Total Plant and Equipment At Net Book Value	9,293	7,660

Refer Notes 1(j) & 2(c).

Reconciliations

Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the current and previous financial year are set out below.

Plant and Equipment

Carrying amount at start of year	7,660	6,878
Additions	3,996	3,272
Disposals	(1,131)	(1,870)
Depreciation expense	(2,232)	(1,992)
Write back on disposal	1,000	1,372
Carrying amount at end of year	9,293	7,660

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

		2003 \$'000	2002 \$'000
The Commission continues to derive service potential and economic benefits from the following fully depreciated assets:			
Number of Items	Description		
83	Computer Replacement Project	1,433	1,148
27	Fit Out - Office Accommodation	673	673
7	Other Computer & Related	18	82
41	Office Equipment	138	120
886	Low Value Assets	229	228
1,044	Total	2,491	2,251

13. CURRENT/NON-CURRENT ASSETS - OTHER

Current

Prepayments - Other	749	628
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Total Current

	749	628
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Non-Current

Prepaid Superannuation Contributions Reserve ¹	-	3,269
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Total Non-Current

	-	3,269
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¹ Represents the balance of the Prepaid Superannuation Contributions Reserve held by the SAS Trustee Corporation (STC). The Prepaid Superannuation Contributions Reserve includes interest earned by the reserve. Refer to Notes 1(e)(iii), 2(a), 6(i), 15 & 19.

14. CURRENT/NON-CURRENT LIABILITIES - PAYABLES

Current

Accrued salaries, wages and on-costs	1,334	1,112
Legal	2,692	5,311
Administrative	1,551	1,776
Prepaid grants received	159	346
Provision for estimated legal expenses ¹	8,733	7,168

Total Current

	14,469	15,713
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Non-Current

Legal	-	10
Provision for estimated legal expenses ¹	7	26

Total Non-Current

	7	36
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¹ Being provision for the estimated net cost of work in progress by external legal practitioners who have not submitted an invoice to the Commission at balance date. The allocation between current and non-current is system generated, based on the experience of payment of accounts within 1 year and over 1 year of the work done by external legal practitioners. Refer to Notes 1(m) & 2(e).

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
15. CURRENT/NON-CURRENT LIABILITIES - PROVISIONS		
Current		
Employee benefits and related on-costs		
Provision for recreation leave	2,483	1,758
Provision for long service leave	401	671
Provision for related on-costs	396	538
Total Current	3,280	2,967
Non-Current		
Employee benefits and related on-costs		
Provision for recreation leave	1,199	1,077
Provision for long service leave	7,448	5,828
Provision for related on-costs	1,200	406
	9,847	7,311
Other Provisions		
Superannuation liability funding deficiency ¹	858	-
	858	-
Total Non-Current	10,705	7,311
Aggregate employee benefits and related on-costs		
Provisions - current	3,280	2,967
Provisions - non-current	9,847	7,311
Accrued salaries, wages and on-costs (Note 14)	1,334	1,112
	14,461	11,390

¹ Represents the balance of the Prepaid Superannuation Contributions Reserve held by the SAS Trustee Corporation (STC). The Prepaid Superannuation Contributions Reserve includes interest earned by the reserve. Refer to Notes 1(e)(iii), 2(a), 6(i), 13 & 19.

The position of the superannuation funds at 30 June 2003 is as follows:

	SASS Employer's Reserve \$'000	SANCS Reserve \$'000	SSS Employer's Reserve \$'000	Total \$'000
Accrued Liability	7,286	2,867	21,472	31,625
Less: Estimated Reserve Account				
Closing Balance as at 30/06/03	5,987	2,886	21,894	30,767
Prepaid Contributions as at 30/06/03	(1,299)	19	422	(858)

The calculation of SSS, SASS and SANCS liabilities is based on the requirements of AAS25. The SAS Trustee Corporation advised the financial assumptions applied by the Actuary, William Mercer Ltd, for the calculations are:

	2003/04 %	2004/05 %	2005/06 %
Rate of investment return	7.0	7.0	7.0
Rate of Salary increase	4.0	4.0	4.0
Rate of increase in CPI	2.5	2.5	2.5

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
16. CHANGES IN EQUITY		
Accumulated Funds		
Balance at the beginning of the financial year	15,001	14,482
(Deficit)/Surplus for the year	(2,998)	519
Balance at the end of the financial year	12,003	15,001
17. COMMITMENTS FOR EXPENDITURE		
(a) Capital Commitments		
Aggregate capital expenditure contracted for at balance date and not provided for in the financial statements:		
Not later than one year - including GST	49	84
Total	49	84
(b) Other Expenditure Commitments		
Aggregate other expenditure contracted for at balance date and not provided for in the financial statements:		
Not later than one year		
Redundancy commitments ¹	-	374
Outstanding purchase orders ²	66	186
Estimated future net commitment of external legal services ^{2,3}	38,184	28,640
Later than one year and not later than 5 years		
Estimated future net commitment of external legal services ^{2,3}	7,513	5,235
Total	45,763	34,435
(c) Operating Lease Commitments		
Future non-cancellable operating lease rentals not provided for and payable:		
Not later than one year	5,444	4,650
Later than one year and not later than 5 years	7,788	8,585
Later than 5 years	74	-
Total (including GST)	13,306	13,235

Refer to Note 1(o).

The above operating lease commitments relate to the rental of office accommodation and supply of computer hardware.

18. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Commission has no contingent liabilities in 2002/03.

Amounts of \$0.004m, \$4.160m and \$1.298m (2001/02 \$0.008m, \$3.184m and \$1.203m) for Capital, Other Expenditure and Operating Lease Commitments respectively, represent the Contingent Asset GST recoverable from the Australian Taxation Office (ATO) when the items included in Commitments for Expenditure are paid (Refer to Note 17).

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

19. BUDGET REVIEW

Budget Overview

The Commission's 2002/03 overall budget position was affected by:

- a non-cash adjustment of \$4.127m in the value of prepaid Superannuation Contribution Reserve held by the SAS Trustee Corporation. Refer notes 1(e)(iii), 2(a), 6(i), 13 & 15.
- an increase in long service leave and related on-costs from adopting the present value methodology of calculating the liability.
- a one-off effect of \$3.366m resulting from a change in accounting policy with respect to the recognition of revenue from contributions by legally aided clients.

Refer notes 1(c), 3(a) & 6(ii)

Statement of Financial Performance

Net Cost of Services

The Net Cost of Services was over budget by \$7.364m or 12.2% due primarily to:

- Employee Related expenditure exceeding budget by \$7.161m due mainly to a \$4.127m change in the Commission's future liability for superannuation and \$3.021m from increased employee benefits and related on-costs, most of which result from applying present value methodology to the calculation of long service leave and related on-costs.
- additional grants expended on the Domestic Violence Court Assistance Program and Community Legal Centres to provide for salary increases to workers employed under the Social and Community Services Award.
- a one-off effect of \$3.366m resulting from a change in accounting policy with respect to the recognition of future revenue from contributions by legally aided clients.
- an increase of \$2.218m in grants received from The Law Society Public Purpose Fund providing for increased private practitioner fees.
- an increase of \$0.348m in investment income resulting from higher average cash balances held during the year.

Recurrent Appropriation

The variation of \$1.306m or 2.1% reflects increased funding from the State Government during 2002/03 to provide for:

- a salary increase for workers employed under the Social and Community Services Award (\$0.750m),
- recurrent costs of the new Dubbo office of the Commission (\$0.500m),
- funding of the Parramatta Drug Court extension (\$0.056m).

Capital Appropriation

The variation of \$0.385m or 21.9% reflects increased funding from the State Government during 2002/03 to provide for capital works at the Dubbo office of the Commission (\$0.385m).

Statement of Financial Position

Assets and Liabilities

Current Assets

Cash - \$1.214m or 5% over budget

The variation is mainly due to underexpenditure in the Commonwealth program.

Receivables - \$0.518m or 14% under budget

The reduction in receivables reflects, mainly, a change in accounting policy with respect to the recognition of revenue from contributions by legally aided clients. Refer Note 1(c).

Non-Current Assets

Receivables - \$3.090m or 53% under budget

The reduction in receivables reflects, mainly, a change in accounting policy with respect to the recognition of revenue from contributions by legally aided clients. Refer Note 1(c).

Plant and equipment - \$1.046m or 13% over budget

The increase reflects additional capital works at the Dubbo office of the Commission (\$0.385m) funded by the State Government and additional fitout costs relating to other regional offices.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

Other - \$3.269m or 100% under budget

The reduction reflects the reduction of the Prepaid Superannuation Contributions Reserve of \$3.269m as at 30 June 2002 to nil at 30 June 2003.

Current Liabilities

Payables - \$2.514m or 15% under budget

The variation is due to:

- an increase in the value of assigned work undertaken by private legal practitioners but not invoiced at balance date.
- a decrease in the value of claims received but not paid.
- the GST component of the accruals for 2002/03 has been included

Non-Current Liabilities

Provisions - \$3.367m or 46% over budget

The variation is due to:

- increased employee benefits and related on-costs, most of which result from applying present value methodology to the calculation of long service leave and related on-costs.
- a deficiency in the funding of employee superannuation benefits as at 30 June 2003.

Statement of Cash Flows

Cash Flows from Operating Activities

Payments

Other - \$4.176m or 6% over budget

The variation reflects

- an increase in the value of claims received and paid at year-end.
- the payment of GST to suppliers, which was not fully reflected in the budget.

Receipts

Other - \$4.789m or 19% over budget

The variation is mainly due to the refund of GST from the Australian Taxation Office, which was not fully reflected in the budget.

Cash Flows from Government

Recurrent Appropriation - \$1.306m or 2% over budget

Reflects increased funding from the State Government during 2002/03 to provide for:

- a salary increase for workers employed under the Social and Community Services Award (\$0.750m),
- recurrent costs of the new Dubbo office of the Commission (\$0.500m),
- funding of the Parramatta Drug Court extension (\$0.056m).

Cash Flows from Operating Activities

Purchase of plant and equipment - \$0.878m or 28% over budget.

The increase reflects additional capital works at the Dubbo office of the Commission (\$0.385m) funded by the State Government and additional fitout costs relating to other offices of the Commission.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

	2003 \$'000	2002 \$'000
20. RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES		
Reconciliation of cash flows from operating activities to the net cost of services as reported in the Statement of Financial Performance:		
Net cash used on operating activities	(8,267)	(11,526)
Cash flows from Government/Appropriations	64,683	53,870
Depreciation	2,232	1,992
(Increase)/decrease in provision for doubtful debts	(53)	2
Increase in provisions	3,707	675
Decrease in prepayments and other assets	6,553	4,360
(Decrease)/increase in creditors	(1,273)	3,679
Net loss/(gain) on disposal of plant and equipment	99	299
Net cost of services	67,681	53,351
21. TRUST FUNDS		
The Commission administers, but does not control the funds in the following trusts:		
Legal Aid Commission General Trust Fund ¹		
Cash balance at the beginning of the financial year	391	149
Add: Receipts	132	267
Less: Expenditure	79	25
Cash balance at the end of the reporting period	444	391
Legal Aid Commission Trust Account ²		
Cash balance at the beginning of the financial year	559	307
Add: Receipts	803	1,309
Less: Expenditure	1,135	1,057
Cash balance at the end of the reporting period	227	559

As the Commission performs only a custodial role in respect of trust monies, and because the monies cannot be used for the achievement of its objectives, that is the definition criteria for assets is not met, trust funds are not brought to account in the financial statements, but are included here for information purposes. Refer to Note 1(i).

¹ Legal Aid Commission General Trust Fund

Pursuant to Section 63(3) of the *Legal Aid Commission Act 1979*, a separate account is maintained for verdict and settlement moneys held on behalf of legally aided persons represented by private practitioners, substantially in the civil law program. The Commission may recover some costs upon finalisation of these matters.

² Legal Aid Commission Trust Account

Pursuant to Section 64A of the *Legal Aid Commission Act 1979*, a Legal Aid Commission Trust Account is maintained for verdict and settlement moneys held on behalf of legally aided persons represented by Commission in-house practitioners. The Commission may recover some costs upon finalisation of these matters.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2003

22. FINANCIAL INSTRUMENTS

(a) Cash

Cash comprises cash on hand and Commission funds that are held in advance accounts, the general operating bank account and deposits on call with TCorp. Interest is earned on the daily balances of the bank accounts and deposits on call with TCorp. Refer to Notes 10, & 22(c).

(b) Receivables

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Debts, which are known to be uncollectable, are written off. A provision for doubtful debts is raised when some doubt as to collection exists. The credit risk is the carrying amount (net of any provision for doubtful debts). Interest is earned on overdue trade debtors' account under section 71A of the *Legal Aid Commission Act 1979* as amended. The carrying amount approximates net fair value.

(c) Authority Deposits

The Commission has placed funds on deposit with TCorp, which has been rated "AAA" by Standard and Poors. These deposits are similar to money market or bank deposits and can be placed "at call" or for a fixed term. The interest rate payable by TCorp is negotiated initially and is fixed for the term of the deposit.

	2003 Carrying Amount \$'000	2003 Net Fair Value \$'000	2002 Carrying Amount \$'000	2002 Net Fair Value \$'000
At call	8,001	8,001	6,981	6,961
Less than one year	15,000	15,000	10,000	10,000
one to five years	-	-	-	-
greater than five years	-	-	-	-
Total	23,001	23,001	16,981	16,961

The deposits at balance date were earning an average interest rate of 4.76% (2001/02 4.76%), while over the year the average interest rate was 4.79% (2001/02 4.57%) on a weighted average balance during the year of \$36.933m (2001/02 \$27.488m).

(d) Bank Overdraft

The Commission does not have a bank overdraft facility.

(e) Trade Creditors and Accruals

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Commission paid no penalty interest for late payment.

23. AFTER BALANCE DATE EVENTS

No events have occurred subsequent to balance date, which will materially affect the financial statements

END OF FINANCIAL STATEMENTS

Other information

1 Payment performance

(a) Payments to Creditors

The Commission processed 89.58% of invoices received within 30 days during 2002/03 compared to 86.07% in 2001/02.

Period	2003		2002	
	Invoices	%	Invoices	%
Within 30 days	65,669	89.58	53,944	86.07
Over 30 days	7,640	10.42	8,733	13.93
Total	73,309	100.00	62,677	100.00

Creditors aged analysis at the end of each quarter is as follows:

Quarter	Current (ie within due date) \$'000	Less than 30 days overdue \$'000	Between 30 and 60 days overdue \$'000	Between 60 and 90 days overdue \$'000	More than 90 days overdue \$'000
September Quarter	3,390	398	134	72	1,134
December Quarter	2,689	344	158	76	862
March Quarter	2,885	98	58	573	1,145
June Quarter	1,969	97	56	9	561

Accounts paid within 30 days by quarter as follows:

Quarter	Target %			Actual %		Total Amount Paid	
	Target %	Actual %	\$'000	\$'000	\$'000	\$'000	
September Quarter	100.0	88.96	19,649	22,034			
December Quarter	100.0	89.40	20,901	20,173			
March Quarter	100.0	89.23	15,086	17,340			
June Quarter	100.0	90.61	22,942	25,740			

(b) Ageing of Unpaid Creditors (Private Practitioners)

Legal creditors at 30 June 2003 and 2002 were aged as follows:

0 - 60 days		61 - 90 days		91 - 120 days		Over 120 days		Total	
2002/03 \$'000	2001/02 \$'000	2002/03 \$'000	2001/02 \$'000	2002/03 \$'000	2001/02 \$'000	2002/03 \$'000	2001/02 \$'000	2002/03 \$'000	2001/02 \$'000
2,066	3,164	56	184	9	290	561	1,682	2,692	5,320
76.8%	59.5%	2.1%	3.5%	0.3%	5.4%	20.8%	31.6%	100%	100%

The above table indicates 76.8% (2001/02 59.5%) of invoices on hand are aged within 60 days of invoice date.

Due to the complexity of some matters, payment of private practitioner accounts may be deferred for a number of reasons, including:

1. The account is not sufficiently detailed and further information has to be obtained from the private practitioner.
2. There is a dispute over whether the work billed for was actually authorised under the terms of the grant of aid.
3. The account has been prepared using an inappropriate scale of fees and has to be amended by the Commission.
4. The private practitioner has rendered an account before a court judgement has been handed down, and assessment of the account has been deferred until judgment, in order to ensure the application of the appropriate scale of fees.
5. The private practitioner has not responded to an inquiry initiated by the Commission as a result of the proceedings, which may finalise in a Section 46 cost recovery.
6. Party/party costs in favour of the legally assisted person have yet to be recovered.

In these circumstances, a large proportion of the "overdue" accounts are not in fact overdue, but deferred. This is especially so in the civil law practice.

Other information

2. Annual Reporting Legislation Requirements

The following information, not disclosed elsewhere in these accounts and reports, is required to be disclosed under annual reporting legislation.

The *Legal Aid Commission Act 1979* prescribes the method by which the Commission is to administer its finances. The Act provides for the establishment of a Legal Aid Fund for legal and administrative payments, and the maintenance of a separate account for monies received for and on behalf of legally assisted persons represented by private practitioners and those represented by Commission solicitors.

Funding

A new 4-year agreement between the Commission and the Commonwealth to provide legal aid services in Commonwealth matters commenced from 1/7/00.

The agreement provides annual funding as follows;

Year	\$'000
2000/01	33,719
2001/02	36,337
2002/03	38,956
2003/04	41,574
Total	150,586

Refer to Note 3(a).

The State Government provides annual funding for State based matters from the Consolidated Fund and for capital projects including the progressive upgrade of the Commissions information systems.

An annual contribution is also received from the Public Purpose Fund for State based matters. Refer to Note 3(c).

Certain clients utilising legal aid contribute to the cost of their representation. Refer to 3(a).

Audit Remuneration

	2003 \$'000	2002 \$'000
Audit fees comprise		
Deloitte Touche Tohmatsu	39	39
Audit Office of NSW	79	98
Thomas Davis	2	2
Total (Refer to Note 2(b).)	120	139

Consultants

Amounts paid to consultants during the year totalled \$0.175m (2001/02 \$0.193m).

	2003		2002	
	Number	\$'000	Number	\$'000
(a) Consultancies costing more than \$30,000	2	127	1	130
(b) Consultancies costing less than \$30,000 individually	3	48	10	63
Total Refer to Note 2(b)	5	175	11	193

Charitable and Deductible Gift Recipient Institution

The Commission is a Charitable Institution and a Deductible Gift Recipient institution under The New Tax System. Gifts to the Commission of monies or property with a value of \$2, or more, may be claimed by the donor as a tax deduction.

Unclaimed Monies

Pursuant to Section 14 of the Public Finance and Audit Act 1983, all unclaimed monies are forwarded to the Treasury for credit to the Consolidated Fund and are available for refund from that account. No unclaimed amounts have been held in the accounts of the Legal Aid Commission.

Other information

Risk Management

The Commission maintains insurance policies for motor vehicles, workers compensation, miscellaneous, property and liability with the NSW Treasury Managed Fund.

The 2002/03 premiums for workers compensation insurance increased by 48.7% to \$310,920 (2001/02 \$209,118), whilst the premium for motor vehicles increased by 5.6% to \$26,500 (2001/02 \$25,097). The premiums were based on a mixture of claims experience benchmarks for similar organisations and a premium incentive system.

Worker's Compensation

The cost incurred to 30 June of new claims reported in 2002/03 was \$116,931 (2001/02 \$41,530), a increase of \$75,401 over 2001/02. The number of claims increased from 21 in 2001/02 to 23 in 2002/03.

There were 3 stress related claims amounting to \$45,446 or 39% of the value of workers compensation claims incurred in 2002/03 compared to 4 claims amounting to \$21,769 or 52% of the value of claims incurred in 2001/02. There were 12 Fall/Slip and Body Stress related claims amounting to \$50,954 in 2002/03 compared to 11 claims in 2001/02 with a value of \$15,169.

The number of full time equivalent staff (FTE) (on average) for the year was 634, an increase of 68 from 566 in 2001/02. This equates to an average claim cost of \$184 per employee (\$73 in 2001/02).

Motor Vehicle Claims

The number of claims was 12 in 2002/03 (10 in 2001/02) which incurred a cost of \$20,723 (\$27,210 in 2001/02). The number of vehicles in the Commission fleet increased by 1 to 45 in 2002/03 (an increase of 4 to 42 in 2001/02), giving an average claim cost per vehicle of \$461 (\$648 in 2001/02).

Investment Performance

The Commission is authorised under section 65 of The Legal Aid Commission Act 1979 to invest funds that are not immediately required. The avenues of investment are restricted to any securities approved by the Treasurer on the recommendation of the Minister.

During 2002/03 the Commission invested its available funds in the Treasury Corporation's 11am call account. The average yield for this account was 4.70% (2001/02 : 4.47%). Since November 2000, the Commission invested available funds in 30 days Fixed Term deposits with the Treasury Corporation. The average yield from this deposit was 4.83% (2001/02 : 4.56%). The Commission provides for its daily expenditure needs via an on call account which is domiciled with the Commonwealth Bank of Australia. The average yield obtained from this account was 4.25% (2001/02 : 4.02%).

Income of \$1.998m was derived from the investment of Commission funds during 2002/03 compared to \$1.497m in 2001/02. The variation is due to higher average cash balances held during the year.

2003/04 Budget Estimates

	\$'000
Total Income	136,629
Total Expenditure	141,949
Operating (Deficit)/Surplus	(5,320)

Performance Statement

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**PERFORMANCE STATEMENT
CHIEF EXECUTIVE OFFICER, LEGAL AID COMMISSION OF NSW**

NAME: Bill Grant
POSITION: Chief Executive Officer, Legal Aid Commission of NSW (SES 6)
PERIOD: 1 July 2002 to 30 June 2003

Results

During the period 1 July 2002 to 30 June 2003 the Commission, under the direction of Bill Grant, Chief Executive Officer, has undertaken a broad range of new initiatives, many linked to the Commission's 2002-2003 Corporate Plan aimed at expanding client services across the State and improving business performance.

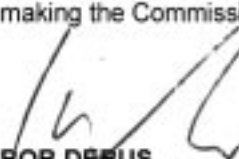
One matter of great significance to the Commission is its strong relationship with private practitioners who undertake legal aid work on behalf of legal aid clients. With funding increases from the State Government and the Public Purpose Fund the Commission has been able to increase its fees for legal aid work across a broad spectrum of work categories.

The Commission's electronic lodgement initiative in family law matters has steadily grown throughout 2002-2003. One hundred percent of the Commission's in-house family law matters are now lodged electronically and forty percent of all applications received from private practitioners are lodged electronically. Over 260 private firms are now registered to lodge their family law applications electronically.

The Commission has greatly expanded its family law services across the State. It has done this by encouraging more private practitioners to undertake legal aid work and by increasing its in-house family law practitioners in a number of its regional offices across the State including Wagga Wagga, Lismore, Tamworth, Gosford and Parramatta. The Commission has piloted a duty law service at the Parramatta Family Court and Federal Magistrates Court which has proved to be very successful. The Commission has also established an office in Nowra providing family law services to the South Coast of NSW.

During 2002-2003 the Commission opened its new office in Dubbo providing a full range of services to Western NSW. Of particular significance is the fact that the Commission now, for the first time, provides a full range of civil law services in Western NSW and the Commission considers that this new office will provide an excellent springboard for enhanced service delivery to its clients and to Aboriginal communities.

During the year, the Commission's Board and staff participated in the development of the Commission's new Corporate Plan for 2003-2004. When implemented the strategies in the new Corporate Plan will further enhance the Commission's delivery of services to its clients across the State, strengthen its partnerships with its justice system partners and continue the process of making the Commission a positive and productive work environment for its staff.


BOB DEBUS

Our policies in brief

We have developed a range of policies about who is eligible for legal aid

The Commission is a state funded body providing legal assistance in matters arising under New South Wales law ("state law"). The Commission has an agreement with the Commonwealth to provide legal assistance in matters arising under Commonwealth law.

We have a range of policies about who is eligible for legal aid. Advice on these policies is available from all our offices. Our policies help us to make decisions which are fair, consistent and financially responsible and target those individuals in the community who have been determined as having high priority for our services.

Who makes the policies?

The Board members decide our policies for state law matters. When developing policies they consider the relevant matters including the need for legal aid to be accessible to disadvantaged people and the resources available to the Commission.

The Commonwealth Government decides the priorities and guidelines for Commonwealth law matters.

What are our policies?

We have four tests which may be used when deciding whether a person is eligible for legal aid:

- Jurisdiction test: looks at the type of case and the area of law of the matter for which aid is sought
- Merit test: looks at whether the case will succeed and other issues
- Means test: looks at the income and assets of the person applying for legal aid and usually also the means of any persons providing financial support to them ('financially associated persons')
- Availability of funds test: legal aid will only be granted if the Commission determines that sufficient funds are available.

Summary of our policies

The jurisdiction, merit and means tests are summarised below. It is important to note that this is only a summary and that when we make a decision about who gets aid the full policies are used.

Jurisdiction Test

Areas of law where legal aid is available as at 1 July 2003:

Family Law – State Law

- *De facto Relationships Act 1984* matters
- Adoption

Family Law – Commonwealth Law

Matters arising under the *Family Law Act 1975*, the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988*, limited to

- Separate representation of children
- Parenting plans and orders
- Location and recovery orders
- Other orders relating to children
- Injunctions relating to family violence
- Child support
- Child and spousal maintenance
- Divorce in certain circumstances
- Some property matters

Civil Law – State Law

- Anti-discrimination cases
- Certain consumer protection matters
- Cases where there is a likelihood that the person will lose his/her home
- Cases involving questions of civil liberties, such as false imprisonment and malicious prosecution
- Public interest environment matters
- Inquests in limited circumstances
- *Protected Estates Act 1983* matters

Applicants at special disadvantage

Applicants at special disadvantage may be granted assistance in a wider range of matters, including personal injury, professional negligence and employment matters.

Applicants are at special disadvantage when "proceedings are taken by or for the benefit of a child or a person having substantial difficulty in dealing with the legal system by reason of a substantial psychiatric condition, developmental disability, intellectual impairment or physical disability".

Civil Law – Commonwealth Law

Matters arising under a Commonwealth statute limited to:

- A decision affecting the receipt or amount of Commonwealth employees' compensation or a Commonwealth pension, benefit or allowance
- A decision or action by a Commonwealth authority that has a real prospect of affecting a person's capacity to continue in their usual

- occupation
- Discrimination
- Migration matters, in limited circumstances (Aid is also available under the Immigration Advice & Application Assistance Scheme (IAAAS) contract between the Commission and the Commonwealth Government)
- Consumer protection

Veterans' Pension Matters

Appeals in the Administrative Appeals Tribunal and higher courts from decisions of the Veterans' Review Board about war-caused disability pension entitlement or assessment claims and war-caused death claims under Part II of the *Veterans' Entitlements Act 1986*.

Criminal Law – State Law

- In the Local Court for:
- Criminal proceedings commenced by a court attendance notice issued by a police officer where the offence carries a term of imprisonment as an available penalty, or exceptional circumstances exist
 - Criminal proceedings commenced by a court attendance notice issued by a person other than a police officer where there is a real possibility of a term of imprisonment being imposed, or exceptional circumstances exist
 - Committal proceedings
 - Domestic violence proceedings for complainants and, in some limited circumstances, defendants
 - Annulment applications under Part 2 of the *Crimes (Local Courts Appeal and Review) Act 2001*
 - Motor traffic offences, only where there is a real possibility of a term of imprisonment being imposed, or exceptional circumstances exist

In the District, Supreme and High Courts for:

- Indictable matters
- Appeals
- Inquiries under Part 13A of the *Crimes Act 1900* arising from evidence taken at the Police Royal Commission
- Defendants in prosecutions in the Land and Environment Court under environmental protection legislation in some limited circumstances
- Drug Court matters

Criminal Law – Commonwealth Law

- Defended charges arising under Commonwealth statute (excluding the *Proceeds of Crime Act 1987*) in certain circumstances
- Pleas of guilty in limited circumstances

Mental Health Matters – State Law

- Magistrates inquiries under the *Mental Health Act 1990*
- Most proceedings before the Mental Health Review Tribunal
- Representation of forensic patients
- *Guardianship Act 1987* matters
- *Protected Estates Act 1983* matters

Children's Matters – State and Commonwealth Law

- Children's criminal matters
 - proceedings in the Children's Court
 - committal proceedings
 - sentence matters and trials in the District Court and Supreme Court
 - criminal appeals
 - Drug Court (Youth)
- Children's care matters (children, parents, guardians and others)
 - proceedings in the Children's Court, Supreme Court and High Court
 - proceedings in the Community Services Division of the Administrative Decisions Tribunal
 - proceedings in the Guardianship Tribunal concerning special medical procedures

Child Support Matters – Commonwealth Law

Representation and assistance for certain child maintenance/child support matters under *Child Support (Assessment) Act 1989* and *Family Law Act 1975*.

Prisoners' Matters – State Law and Commonwealth Law

- Visiting justice proceedings
- Parole Board review hearings
- Life resentencing applications
- Review of segregation directions
- Advice and minor assistance in other matters

Merit Test

There are two merit tests – one for state law matters and another for Commonwealth law matters.

In applying the merit test for state law

matters, we ask the question: Is it reasonable in all the circumstances to grant legal aid?

Several matters are considered in answering this question. The main ones are:

- The benefit to the applicant if aid is granted or the detriment that the applicant may suffer if aid is refused
- Whether the case has reasonable prospects of success

The merit test for Commonwealth law matters has three parts. These are:

- A test of the legal and factual merits – the 'reasonable prospects of success' test
- The 'prudent self-funding litigant' test
- The 'appropriateness of spending limited public legal aid funds' test

A merit test applies in:

- Most non-criminal matters (civil law, family law and veterans' matters)
- Appeals in criminal matters
- Supreme Court Bail matters
- Some matters associated with Children's Court proceedings (eg appeals from the Children's Court to the District Court)

A merit test does NOT apply for:

- Criminal law matters (except appeals and Supreme Court Bail applications)
- Children in the Children's Court
- Separate representation of a child in Guardianship Tribunal proceedings for consent to carry out a special medical procedure on the child
- For disabled persons for matters before the Guardianship Tribunal
- Separate representation of children in Family Court proceedings
- Some *Mental Health Act 1990* matters

Means Test

We apply different means tests depending on the type of matter for which legal aid is sought.

Our means tests are all income and assets tests. Eligibility is determined by assessing the net assessable income (after allowable deductions) and the assets of the applicant and financially associated persons.

The means tests apply to both State and Commonwealth matters.

The means test does NOT apply for:

- Legal advice
- Family law duty matters where the applicant is in custody
- Children in the Children's Court and appeals to the District Court in care matters
- Children in the Community Services Division of the Administrative Decisions Tribunal and appeals to the Supreme Court from the Tribunal and for proceedings in the Supreme Court for prerogative relief or pursuant to the Court's inherent jurisdiction
- Separate representation of a child in Guardianship Tribunal proceedings for consent to carry out a special medical procedure on the child
- Children where an order for separate representation is made by the Family Court
- First appearance bail applications in the Local Court
- Most Mental Health Advocacy Service matters
- *Veterans' Entitlements Act 1986* matters to ex-service personnel and their dependents (except for war service pension claims)
- Disabled persons before the Guardianship Tribunal and in Supreme Court appeals
- Drug Court matters

All other matters are means tested.

Contributions

A person receiving a grant of legal aid is usually required to pay a contribution at the beginning of the case based on their income and assets. If the contribution is greater than the estimated cost of the proceedings, the person is ineligible for aid.

If the person recovers a sum of money or other asset, or if there is a substantial improvement in their financial situation, then they are also usually required to make a contribution at the end of the case.

The final contribution is usually the full cost of the grant of legal aid.

For further details of our policies contact the Legal Policy Unit on (02) 9219 5882 or (02) 9219 5034.

1 July 2003

Access and Equity Plan

Includes Ethnic Affairs Priority Statement (EAPS), Disability Plan and NSW Government Action Plan for Women

The Commission's efforts to ensure equitable access to legal services by disadvantaged groups was boosted when in September, 2002 it filled a permanent part-time position dedicated to promoting access and equity in the organisation. The Access and Equity Co-ordinator's role involves developing, monitoring and reporting on strategies to enhance access for people of culturally and linguistically diverse (CALD) backgrounds and people with disabilities.

Increasing access to Legal Aid for:

People from culturally and linguistically diverse (CALD) backgrounds.

The Commission has been identified by the Minister for Community Relations as a 'key agency' in the delivery of services to people from CALD backgrounds. To meet this commitment, we develop and implement an Ethnic Affairs Priority Statement (EAPS) Plan and report on that Plan to the Community Relations Commission.

Achievements in 2002–2003

- Across all of the Commission's services, 13.3% of our clients were born in a non-English speaking country and 3.9% were assisted with use of interpreters.
- A permanent part-time Access and Equity Co-ordinator was appointed in September 2002.
- Two new Criminal Law pamphlets – *Are You Pleading Guilty to a Drink Driving Charge* and *Character References* were translated into Chinese, Vietnamese and Arabic.
- The ongoing management of the Community Language Allowance Scheme (CLAS) was reviewed to assist the organisation to better match the language skills of staff to language needs of clients. Currently, 25 staff receive the CLAS allowance and between them cover 15 community languages.
- LAC's most popular pamphlet, *Do you have a legal problem?* was updated in Croatian, Khmer, Serbian, Laotian, Italian and Turkish.
- Regular divorce classes were held across the state, with the assistance of interpreters when necessary.
- A number of advice and community

legal education sessions were conducted with the East Timorese and Thai communities.

- The Family Law Conference included a paper on *Cultural conflict impacting on family law—a Vietnamese perspective*.
- The Women's Domestic Violence Court Assistance Program (WDVCAP) Conference in 2002 covered domestic violence as a child protection issue. It featured workshops in cross-cultural awareness and discussed topics from the perspectives of indigenous and migrant women. As a result of increased funding for specialist worker positions at four schemes, in 2002–2003 a total of 3,052 women from Non English Speaking Backgrounds (NESB) accessed the program compared to 2,757 in 2001–2002.
- Regional offices also worked to actively pursue access and equity outcomes. Some of the highlights included:
 - participating in information days in conjunction with migrant resource centres
 - working with partners such as local council and police cultural liaison officers to increase access to law and legal information for non-English speaking communities.
 - regular advice sessions to the Cambodian and Laotian communities, using a Khmer speaking legal officer.
 - extensive usage of over the phone and face to face professional interpreters at interviews, community legal education sessions and court hearings.

Plans for 2003–2004

- The Care and Protection Legal Service (within the Family and Civil Law Division) will translate fact sheets aimed at providing basic information to parents and children involved in the Court's care jurisdiction into 5 major community languages.
- An EAPS-specific intranet site will be developed to hold policies and resources to assist staff to service culturally and linguistically diverse clients. Limited access to the site will be made available to panel solicitors.
- Assistance will be given to Regional Offices to compile demographic profiles of their area using the 2001

ABS Census package located in Head Office.

- The Veterans' Advocacy Service will conduct a workshop at the Vietnam Veterans' Association where participants will include volunteers assisting Vietnamese allied veterans to lodge claims for service pensions.

People with a disability

The Commission was advised by the Department of Ageing, Disability and Home Care (DADHC) that a new Disability Action Plan would be required for the 2003–2006 period. Widespread internal and external consultations were conducted to formulate the new three-year Plan, while the current Plan was reviewed and achievements noted.

Achievements in 2002–2003

- 6.1% of the Commission's staff reported having a disability, while 2.2% reported requiring workplace adjustment for their disability.
- A proposal was forwarded to include questions about disability in the Commission's paper and electronic application forms, to capture numerically, the number of Legal Aid clients who have a disability. Our paper application forms were modified to capture qualitative data about clients' disabilities and the impact these might have on the running of their case.
- The Care and Protection Legal Service held a conference for inhouse and private solicitors on care and protection issues. A major paper was delivered by the Intellectual Disability Rights Service on the communication and legal issues facing clients with an intellectual disability.
- The Commission held a major conference organised by the Mental Health Advocacy Service and the Law Society of NSW *Opening Doors: Keys to effective mental health advocacy*. The conference was very well attended by both inhouse and private solicitors.
- The Client Assessment and Referral Unit commenced recording the number of clients with disabilities that it provided psychosocial reports for and the impact that disability had on the client's legal circumstances.
- The Veterans' Advocacy Service increased the opportunity for access to services for people with disability by

conducting advice clinics in regional NSW, home visits, hospital and nursing home visits.

- Lawyers undertook training in EEO and anti-discrimination law as part of their Mandatory Continuing Legal Education (MCLE).
- Regional offices also worked to actively pursue access and equity outcomes. Some of the highlights included:
 - providing training workshops to mental health workers at psychiatric hospitals.
 - liaising with non-government organisations that support parents of children with intellectual disabilities.
 - conducting a major test case on behalf of a mentally ill client who suffered injuries whilst an inpatient.
 - all refurbishments and outfitting of new offices have been done with a view to maximising access for people with disabilities.
 - developing or strengthening ties with mental health court liaison services in order to refer clients with severe mental health disorders.

Plans for 2003–2004

- a new 3-year Disability Action Plan will be endorsed and implementation will begin on strategies within the Plan.
- a Disability Advisory Group will be formed to oversee the implementation of the Plan and advise the Commission on disability issues generally.
- a disability-specific intranet site will be launched, with policies and resources for inhouse solicitors. The site will also include fact sheets on cross-cultural issues and how these relate to disability. Private lawyers on Commission panels will also have access to this site.
- new training on mental illness issues will be offered to staff and through enhanced databases, better monitoring and reporting of training attended by staff will occur.
- Tamworth Regional Office plans to run workshops for staff of disability support services who increasingly are playing a support role for clients with disabilities who become part of the criminal justice system.

Women

The NSW Government Action Plan for Women identifies the Legal Aid Commission as a 'related agency' under the sections: *Violence and Safety* and *Access to Justice and Equity Before the Law*. Accordingly, we reviewed our achievements for the year.

Achievements in 2002–2003

- 39.7% of the Commission's clients were women.
- 69% (474 out of 683) of our staff are women.
- Of the 32 Community Legal Centres (CLCs) across NSW funded by Legal Aid, three centres specifically target women: the Domestic Violence Advocacy Service; Wirringa Baiya Aboriginal Women's Legal Centre; and the Women's Legal Resource Centre. Funding administered to these three centres accounts for 17% of the total budget for CLCs.
- 33 Women's Domestic Violence Court Assistance Schemes assisted 30,188 women in courts throughout NSW, an increase of 21.9% on last year. An unfunded Scheme was set up at Orange Court in response to an identified gap. It is a joint initiative between Legal Aid, the Department for Women and the NSW Attorney General, and although presently unfunded, it has been set up under WDVCAP guidelines so that it can easily be incorporated into the Program should funding become available.
- The Veterans' Advocacy Service conducted a seminar in Armidale for ex-service women regarding veterans' entitlements. Women from Armidale, Inverell, Glen Innes and Bingara attended and sought advice regarding disability or war widows' pensions.
- For the second year in a row, family lawyers participated in Women on Wheels, a project co-ordinated by the Department for Women. The group travelled to remote areas in the north west of NSW, providing outreach services to women in remote areas.
- The Child Support Service focussed on providing services to isolated women in western NSW. Operating from the new Dubbo Office, the legal officer travelled extensively, assisting low-income Aboriginal women who had not previously been able to obtain assistance with their child

support issues.

- The Alternative Dispute Resolution (ADR) Unit provided specific training on women, domestic violence issues and power imbalances for its conference mediators at a number of venues across the State.
- Regional offices also worked to actively pursue access and equity outcomes. Highlights included:
 - running regular divorce classes, attended predominantly by women;
 - participating in seminars, information days and show days at a variety of locations, always with a view to taking information and advice to women who may be culturally or geographically isolated;
 - family lawyers regularly taking part in the AVO rosters at local courts;
 - lawyers continuing a long involvement with issues surrounding sexually transmitted debt—an issue impacting significantly on women; and
 - working closely with women's refuges by providing information about family law issues.

Plans for 2003–2004

- Wollongong office will make services more accessible to women by holding regular community legal education (CLE) and information days.
- Tamworth will provide advice and assistance to communities beyond Tamworth, specifically targeting women in remote locations and Aboriginal women.
- The 2003 WDVCAP Conference will focus on violence in Aboriginal and Torres Strait Island communities and its effect on indigenous women and children.
- The Women's Domestic Violence Best Practice Project will identify ways to improve service delivery and access for marginalised women.

Aboriginal and Torres Strait Islander (ATSI) people

Achievements in 2002–2003

- The Aboriginal Justice Advisory Council (AJAC) and Community Justice Centres, in collaboration with the Commission, held a forum in May 2003 to discuss a new approach to dispute settlement for indigenous people.

Access and Equity Plan cont'd

- Wagga Wagga Legal Aid office signed a Statement of Cooperation with the Coalition of Aboriginal Legal Services. The Statement aims to improve access to legal services for indigenous people.
- Developed protocols for lawyers working in child care matters involving ATSI children and their families.
- The Aboriginal and Torres Strait Islander Family Mediation (ATSIFAM) program being piloted in Dubbo and South West Sydney held 18 mediations in Dubbo and South West Sydney.
- The Veterans' Advocacy Service doubled the number of Aboriginal clients assisted.
- Established a Traineeship Working Party in May 2003 to develop and implement a best practice legal cadetship program for the Commission; employment practices, that acknowledge and value the contribution of Aboriginal and Torres Strait Islander employees, employees with disabilities and employees from culturally and linguistically different backgrounds in all aspects of the organisation; review the Commission's current traineeship arrangements and make recommendations to enable these arrangements to meet best practice.
- Recruited eight Aboriginal/Torres Strait Islander trainees to provide clerical support at Bankstown, Burwood, Dubbo, Gosford, Parramatta, Tamworth and Head Office. Trainees undertook on-the-job clerical training combined with a formal TAFE component of training in Business/Administration Certificate.
- Developed initiatives under an ATSI Justice Plan to provide employment and career opportunities for ATSI people and improve culturally sensitive service delivery to ATSI clients.
- Conducted recruitment action to fill the ATSI Career Development Officer position in the HRM Branch.

Plans for 2003–2004

- Explore the feasibility of providing an out-of-hours telephone advice service to Aboriginal clients who are in custody.
- Provide outreach family law services to Aboriginal communities in Taree, Kempsey and Port Macquarie which have large indigenous populations.
- Establish a pilot 12 month graduate-at-law program within the Commission and review the ATSI traineeship program with a view to making recommendations for improvements to the program such as establishing paralegal positions, developing a marketing strategy, developing recruitment and selection processes, an induction and training program, and supervision and assessment procedures. The aim is to commence the program in December 2003.

People in regional and rural areas

Achievements in 2002–2003

- Our Child Support Service held regular outreach programs in the Upper Hunter, Central West, Albury, Northern Tablelands, and the far north and far west of the State. Regular outreach services were also established in Bathurst, Cowra, Coonabarabran, Forster, Gilgandra, Kempsey, Mudgee, Parkes, Port Macquarie and Orange.
- Veterans' advocates conducted 25 regional advice clinics across the State. Veterans from Batemans Bay to Lismore and inland from Armidale to Wagga Wagga were targeted during the year.
- By locating new family lawyers in Dubbo, Gosford, Lismore and Tamworth, advice and representation in family law increased by 25%.

Plans for 2003-2004

- In 2002–2003, a key priority was to identify unmet legal needs across the State with particular focus on regional and isolated areas. In 2003-2004, we will address these needs by employing additional staff in key offices, increasing outreach services and working closely with other legal service providers to implement our Cooperative Service Delivery Model.

Significant cases and legislative amendments

There were no significant cases relating to the provision of legal aid this year.

No amendments to the *Legal Aid Commission Act 1979* were passed or introduced during 2002–2003.

Privacy and personal information protection

The *Privacy and Personal Information Protection Act 1998* introduces a set of privacy standards for New South Wales public sector agencies. As required by section 33 of the Act, the Commission has prepared a privacy management plan including policies and practices to ensure compliance with the information protection principles contained in the Act. These principles have been modified through a Privacy Code of Practice for the Legal Aid Commission approved by the Attorney General.

The Commission has received no applications for internal review of its conduct under Part 5 of the *Privacy and Personal Information Protection Act* during the reporting year.

Freedom of Information Report

Name of Agency: Legal Aid Commission of NSW

Period: from 1 July 2002 to 30 June 2003

Agency Reference Number: 48

Nil Return: No

Contact Name: David Cox,
Telephone (02) 9219 5003

The Legal Aid Commission is an "agency" under the *Freedom of Information Act 1989* (the "FOI Act"). As an agency, the Commission is required to publish certain information and to determine requests for access to, or amendment of, information held by the Commission.

In accordance with its obligations under the *FOI Act*, the Commission published its Summary of Affairs in December 2002 and June 2003, and its Statement of Affairs in June 2003.

As in previous years, the Commission received few FOI applications and the administration of the *FOI Act* did not cause any major diversion of the Commission's resources and had no impact on the Commission's activities.

During 2002–2003 the Commission continued to make information about legal aid and other matters available to the public, where possible, free of charge. The Commission also provided specific information without requiring a formal application and application fee.

The Commission provides advice to staff, members of the public and others about the use and application of the *FOI Act*.

FOI Requests	2001–2002			2002–2003		
	Personal	Other	Total	Personal	Other	Total
New (includes transferred in)	4	1	5	6	0	6
Brought forward	0	1	1	0	0	0
Total to be processed	4	2	6	6	0	6
Completed	4	1	5	6	0	6
Transferred out	0	0	0	0	0	0
Withdrawn	0	1	1	0	0	0
Total Processed	4	2	6	6	0	6
Unfinished (Carried Forward)	0	0	0	0	0	0
Results of FOI Requests						
Granted in full	2	0	2	5	0	5
Granted in part	2	1	3	1	0	1
Refused	0	0	0	0	0	0
Deferred	0	0	0	0	0	0
Completed	4	1	5	6	0	6
Ministerial Certificates						
Issued	0	0	0	0	0	0
Amendment of Personal Records						
Requests	0	0	0	0	0	0
Narration of Personal Records						
Requests	0	0	0	0	0	0
Basis of Disallowing or Restricting Access						
Section 19 (Application incomplete, wrongly directed)	0	0	0	0	0	0
Section 22 (Deposit not paid)	0	0	0	0	0	0
Section 22 (Diversion of resources)	0	0	0	0	0	0
Section 25 (1)(a) (Exempt)	2	1	3	0	0	0
Section 25(1)(b),(c),(d) (Otherwise available)	0	0	0	0	0	0
Section 28(1)(b) (Documents not held)	1	0	1	1	0	1
Section 24(2) (Deemed refused – over 21 days)	0	0	0	0	0	0
Section 31(4) (Released to Medical Practitioner)	0	0	0	0	0	1
Total	3	1	4	1	0	1
All Completed Requests						
Assessed Costs	\$960	0	\$960	0	0	0
FOI Fees Received	\$255	\$105	\$360	\$105	0	\$105
Type of Discount Allowed						
Public Interest	0	0	0	0	0	0
Financial Hardship Pensioner/Child	3	0	3	5	0	5
Financial Hardship Non Profit Organisation	0	0	0	0	0	0
Total	3	0	3	5	0	5
Days to Process						
0-21 days	4	0	4	6	0	6
22-35 days	0	0	0	0	0	0
Over 35 days	0	1	1	0	0	0
Total	4	1	5	6	0	6
Processing Hours						
0-10 hrs	4	1	5	4	0	4
11-20 hrs	0	0	0	2	0	2
21-40 hrs	0	0	0	0	0	0
Over 40 hrs	0	0	0	0	0	0
Total	4	1	5	6	0	6
Number of requests requiring formal consultation(s)						
	0	0		0	0	
Reviews and appeals						
Number of internal reviews finalised	0	0		0	0	
Number of Ombudsman reviews finalised	0	0		0	0	
Number of Administrative Decisions	0	0		0	0	
Tribunal appeals finalised	1	1		0	0	
Internal Review Results						
	Personal	Other		Personal	Other	
	Upheld	Varied	Upheld	Upheld	Varied	Upheld
Access refused	0	0	0	0	0	0
Deferred	0	0	0	0	0	0
Exempt matter	0	0	0	0	0	0
Unreasonable charges	0	0	0	0	0	0
Charge unreasonably incurred	0	0	0	0	0	0
Amendment refused	0	0	0	0	0	0
Totals	0	0	0	0	0	0

Legal program operational statistics

Commission total

Legal Program Operational Statistics — Commission total

	2000–2001 ⁽¹⁾	2001–2002 ⁽¹⁾	% change to previous year	2002–2003	% change to previous year
Case Matters					
Applications Received	32,700	59,274	81.3 %	62,750	5.9 %
Applications Refused	7,468	10,054	34.6 %	8,998	-10.5 %
Inhouse Grants	10,303	32,041	211.0 %	35,350	10.3 %
Assigned Grants	13,590	16,304	20.0 %	17,908	9.8 %
Total Case Grants	23,893	48,345	102.3 %	53,258	10.2 %
Grant Rate	76.2 %	82.8 %	8.7 %	85.5 %	3.3 %
Applications Determined	31,361	58,399	86.2 %	62,256	6.6 %
Applications Undetermined	1,402	920	-34.4 %	518	-43.7 %
Grants Finalised	22,107	41,002	85.5 %	50,114	22.2 %
Current Grants On Hand@Year End	21,086	30,974	46.9 %	36,188	16.8 %
Duty Appearances					
Inhouse Appearances	117,234	59,906	-48.9 %	57,500	-4.0 %
Assigned Appearances	51,496	54,176	5.2 %	53,319	-1.6 %
Total Duty Appearances	168,730	114,082	-32.4 %	110,819	-2.9 %
Other Services					
Advice and Minor Assistance	43,515	49,769	14.4 %	64,356	29.3 %
Information	93,853	106,625	13.6 %	131,927	23.7 %
Total Other Services	137,368	156,394	13.9 %	196,283	25.5 %
Total Client Services⁽³⁾	329,991	318,821	-3.4 %	360,360	13.0 %
Criminal Law					
Case Matters					
Applications Received	18,364	43,455	136.6 %	45,321	4.3 %
Applications Refused	3,041	5,834	91.8 %	4,330	-25.8 %
Inhouse Grants	7,540	29,024	284.9 %	31,675	9.1 %
Assigned Grants	6,980	7,972	14.2 %	8,929	12.0 %
Total Case Grants	14,520	36,996	154.8 %	40,604	9.8 %
Grant Rate	82.7 %	86.4 %	4.5 %	90.4 %	4.6 %
Applications Determined	17,561	42,830	143.9 %	44,934	4.9 %
Applications Undetermined	828	650	-21.5 %	397	-38.9 %
Grants Finalised	13,833	31,884	130.5 %	39,133	22.7 %
Current Grants On Hand @ Year End	11,409	18,428	61.5 %	21,246	15.3 %
Duty Appearances					
Inhouse Appearances	104,435	48,541	-53.5 %	44,881	-7.5 %
Assigned Appearances	41,091	44,668	8.7 %	42,909	-3.9 %
Total Duty Appearances	145,526	93,209	-36.0 %	87,790	-5.8 %
Other Services					
Advice and Minor Assistance	9,187	15,458	68.3 %	20,833	34.8 %
Information	22,582	24,904	10.3 %	29,098	16.8 %
Total Other Services	31,769	40,362	27.0 %	49,931	23.7 %
Total Client Services⁽³⁾	191,815	170,567	-11.1 %	178,325	4.5 %

(1) In July 2001, changes to case grant and duty appearance service definitions brought the Commission closer to national legal aid standard service delivery definitions.

(2) Includes Civil Law, Veteran's Advocacy Service and Mental Health Advocacy Service matters.

(3) Includes Grants of Legal Aid, Duty Appearances, Advice and Minor Assistance and Information Services.

Legal program operational statistics

Primary Programs

Family Law

	2000/2001 ⁽¹⁾	2001/2002 ⁽¹⁾	% change to previous year	2002/2003	% change to previous year
Case Matters					
Applications Received	12,164	13,769	13.2 %	15,291	11.1 %
Applications Refused	3,510	3,272	-6.8 %	3,689	12.7 %
Inhouse Grants	2,080	2,314	11.2 %	2,949	27.4 %
Assigned Grants	6,199	7,963	28.5 %	8,596	8.0 %
Total Case Grants	8,279	10,277	24.1 %	11,545	12.3 %
Grant Rate	70.2 %	75.9 %	8.0 %	75.8 %	-0.1 %
Applications Determined	11,789	13,549	14.9 %	15,234	12.4 %
Applications Undetermined	407	238	-41.5 %	62	-73.9 %
Grants Finalised	6,716	7,792	16.0 %	9,615	23.4 %
Current Grants On Hand @ Year End	6,686	9,690	44.9 %	12,274	26.7 %
Duty Appearances					
Inhouse Appearances	3,261	1,010	-69.0 %	1,389	37.5 %
Assigned Appearances	4,234	3,849	-9.1 %	3,792	-1.5 %
Total Duty Appearances	7,495	4,859	-35.2 %	5,181	6.6 %
Other Services					
Advice and Minor Assistance	20,872	19,929	-4.5 %	24,165	21.3 %
Information	35,241	38,305	8.7 %	42,338	10.5 %
Total Other Services	56,113	58,234	3.8 %	66,503	14.2 %
Total Client Services⁽³⁾	71,887	73,370	2.1 %	83,229	13.4 %
Civil Law⁽²⁾					
Case Matters					
Applications Received	2,172	2,050	-5.6 %	2,138	4.3 %
Applications Refused	917	948	3.4 %	979	3.3 %
Inhouse Grants	683	704	3.1 %	727	3.3 %
Assigned Grants	411	368	-10.5 %	382	3.8 %
Total Case Grants	1,094	1,072	-2.0 %	1,109	3.5 %
Grant Rate	54.4 %	53.1 %	-2.4 %	53.1 %	0.1 %
Applications Determined	2,011	2,020	0.4 %	2,088	3.4 %
Applications Undetermined	167	32	-80.8 %	59	84.4 %
Grants Finalised	1,558	1,326	-14.9 %	1,366	3.0 %
Current Grants On Hand@ Year End	2,991	2,856	-4.5 %	2,668	-6.6 %
Duty Appearances					
Inhouse Appearances	9,538	10,355	8.6 %	11,230	8.5 %
Assigned Appearances	6,171	5,659	-8.3 %	6,618	16.9 %
Total Duty Appearances	15,709	16,014	1.9 %	17,848	11.5 %
Other Services					
Advice and Minor Assistance	13,456	14,382	6.9 %	19,358	34.6 %
Information	36,030	43,416	20.5 %	60,491	39.3 %
Total Other Services	49,486	57,798	16.8 %	79,849	38.2 %
Total Client Services⁽³⁾	66,289	74,884	13.0 %	98,806	31.9 %

(1) In July 2001, changes to case grant and duty appearance service definitions brought the Commission closer to national legal aid standard service delivery definitions.

(2) Includes Civil Law, Veteran's Advocacy Service and Mental Health Advocacy Service matters.

(3) Includes Grants of Legal Aid, Duty Appearances, Advice and Minor Assistance and Information Services.

Legal program operational statistics

Civil Law Sub-Programs

Civil Law					
	2000–2001 ⁽¹⁾	2001–2002 ⁽¹⁾	% change to previous year	2002–2003	% change to previous year
Case Matters					
Applications Received	1,607	1,514	-5.8%	1,657	9.4%
Applications Refused	856	863	0.8%	946	9.6%
Inhouse Grants	546	492	-9.9%	555	12.8%
Assigned Grants	172	133	-22.7%	161	21.1%
Total Case Grants	718	625	-13.0%	716	14.6%
Grant Rate	45.6%	42.0%	-7.9%	43.1%	2.6%
Applications Determined	1,574	1,488	-5.5%	1,662	11.7%
Applications Undetermined	150	28	-81.3%	48	71.4%
Grants Finalised	1,154	858	-25.6%	988	15.2%
Current Grants On Hand @ Year End	2,241	1,984	-11.5%	1,829	-7.8%
Other Services					
Advice and Minor Assistance	12,033	12,542	4.2%	17,437	39.0%
Information	34,758	42,456	22.1%	59,636	40.5%
Total Other Services	46,791	54,998	17.5%	77,073	40.1%
Total Client Services⁽³⁾	47,509	55,623	17.1%	77,789	39.9%

Veterans' Advocacy Service					
	2000–2001 ⁽¹⁾	2001–2002 ⁽¹⁾	% change to previous year	2002–2003	% change to previous year
Case Matters					
Applications Received	404	377	-6.7%	343	-9.0%
Applications Refused	45	42	-6.7%	23	-45.2%
Inhouse Grants	111	125	12.6%	140	12.0%
Assigned Grants	222	207	-6.8%	209	1.0%
Total Case Grants	333	332	-0.3%	349	5.1%
Grant Rate	88.1%	88.8%	0.8%	93.8%	5.7%
Applications Determined	378	374	-1.1%	372	-0.5%
Applications Undetermined	15	3	Not Applicable	5	66.7%
Grants Finalised	349	374	7.2%	305	-18.4%
Current Grants On Hand @ Year End	469	514	9.6%	547	6.4%
Other Services					
Advice and Minor Assistance	904	1,229	36.0%	1,694	37.8%
Information	59	42	-28.8%	221	426.2%
Total Other Services	963	1,271	32.0%	1,915	50.7%
Total Client Services⁽³⁾	1,296	1,603	23.7%	2,264	41.2%

(1) In July 2001, changes to case grant and duty appearance service definitions brought the Commission closer to national legal aid standard service delivery definitions.

(3) Includes Grants of Legal Aid, Duty Appearances, Advice and Minor Assistance and Information Services.

Mental Health Advocacy Service					
	2000–2001 ⁽¹⁾	2001–2002 ⁽¹⁾	% change to previous year	2002–2003	% change to previous year
Case Matters					
Applications Received	161	159	-1.2%	138	-13.2%
Applications Refused	16	43	168.8%	10	-76.7%
Inhouse Grants	26	87	234.6%	32	-63.2%
Assigned Grants	17	28	64.7%	12	-57.1%
Total Case Grants	43	115	167.4%	44	-61.7%
Grant Rate	72.9%	72.8%	-0.1%	81.5%	11.9%
Applications Determined	59	158	167.8%	54	-65.8%
Applications Undetermined	2	1	-50.0%	6	500.0%
Grants Finalised	55	94	70.9%	73	-22.3%
Current Grants On Hand @ Year End	281	358	27.4%	292	-18.4%
Duty Appearances					
Inhouse Appearances	9,538	10,355	8.6%	11,230	8.5%
Assigned Appearances	6,171	5,659	-8.3%	6,618	16.9%
Total Duty Appearances	15,709	16,014	1.9%	17,848	11.5%
Other Services					
Advice and Minor Assistance	519	611	17.7%	227	-62.8%
Information	1,213	918	-24.3%	634	-30.9%
Total Other Services	1,732	1,529	-11.7%	861	-43.7%
Total Client Services⁽³⁾	17,484	17,658	1.0%	18,753	6.2%

Inhouse and private practitioner allocation of legal work

	Inhouse Practitioner	Inhouse Practitioner%	Private Practitioner	Private Practitioner%	Total
Family Law					
Duty Appearances	1,389	26.8%	3,792	73.2%	5,181
Grants of Legal Aid	2,949	25.5%	8,596	74.5%	11,545
Total	4,338	25.9%	12,388	74.1%	16,726
Criminal Law					
Duty Appearances	44,881	51.1%	42,909	48.9%	87,790
Grants of Legal Aid	31,675	78.0%	8,929	22.0%	40,604
Total	76,556	59.6%	51,838	40.4%	128,394
Civil Law					
Duty Appearances	11,230	62.9%	6,618	37.1%	17,848
Grants of Legal Aid	727	65.6%	382	34.4%	1,109
Total	11,957	63.1%	7,000	36.9%	18,957
Commission Total					
Duty Appearances	57,500	51.9%	53,319	48.1%	110,819
Grants of Legal Aid	35,350	66.4%	17,908	33.6%	53,258
Total	92,850	56.6%	71,227	43.4%	164,077

(1) In July 2001, changes to case grant and duty appearance service definitions brought the Commission closer to national legal aid standard service delivery definitions.

(3) Includes Grants of Legal Aid, Duty Appearances, Advice and Minor Assistance and Information Services.

Legal program operational statistics

Commonwealth and State allocation of Legal Aid Services

	State Matter	State Matter%	C'wealth Matter	C'wealth Matter%	Total
Family Law					
Grants	2,657	23.0%	8,888	77.0%	11,545
Duty Appearances	4,316	83.3%	865	16.7%	5,181
Advice & Minor Assistance	2,107	8.7%	22,058	91.3%	24,165
Information Services	6,281	14.8%	36,057	85.2%	42,338
Total	15,361	18.5%	67,868	81.5%	83,229
Criminal Law					
Grants	40,094	98.7%	510	1.3%	40,604
Duty Appearances	87,285	99.4%	505	0.6%	87,790
Advice & Minor Assistance	20,000	96.0%	833	4.0%	20,833
Information Services	25,066	86.1%	4,032	13.9%	29,098
Total	172,445	96.7%	5,880	3.3%	178,325
Civil Law					
Grants	487	43.9%	622	56.1%	1,109
Duty Appearances	17,837	99.9%	11	0.1%	17,848
Advice & Minor Assistance	14,261	73.7%	5,097	26.3%	19,358
Information Services	52,240	86.4%	8,251	13.6%	60,491
Total	84,825	85.9%	13,981	14.1%	98,806
Commission Total					
Grants	43,238	81.2%	10,020	18.8%	53,258
Duty Appearances	109,438	98.8%	1,381	1.2%	110,819
Advice & Minor Assistance	36,368	56.5%	27,988	43.5%	64,356
Information Services	83,587	63.4%	48,340	36.6%	131,927
Total	272,631	75.7%	87,729	24.3%	360,360

Alternative Dispute Resolution (ADR)

	Family Law Conferencing			Civil Law Conferencing			Total ADR			Latest Year Variation Against Previous Year
	00-01	01-02	02-03	00-01	01-02	02-03	00-01	01-02	02-03	
No. Conferences/Mediations	905	1,402	1,410	5	2	2	910	1,404	1,412	0.6%
Agreements Reached	807	1,259	1,189	3	2	2	810	1,261	1,191	-5.6%
Agreement Rate	89.2%	89.8%	84.3%	60.0%	100.0%	100.0%	89.0%	89.8%	84.3%	-6.1%

Law reform

We participated in law reform debates, drawing on staff expertise

Civil Law

Submissions were made to:

- Senate Legal and Constitutional Legislation Committee (as part of the National Legal Aid submission) on the Australian Human Rights Commission Legislation Bill 2003.
- Department of Fair Trading in relation to draft legislation on unfair contract.
- Human Rights and Equal Opportunity Commission in relation to discrimination against disabled people by insurers in relation to the terms of insurance policies.

Civil lawyers met with representatives of the Consumer Trader Tenancy Tribunal for the Penrith and Parramatta registries and made informal submissions on the operation of the Tribunal.

Criminal Law

Submissions were made to:

NSW Attorney General's Department on:

- Proposed amendments to the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001*.
- Criminal Procedure Amendment (Community Aid Panels Intervention Program) Regulation, 2003.
- Comments on Legislative Council Standing Committee on Law and Justice Report on Child Sexual Assault Prosecutions.
- Comments on proposals for the introduction of appeal rights on a refusal to grant a re-hearing pursuant to Section 100D.
- Comments on Legal Aid Commission views about a proposal to amend Sections 18 and 19 of the *Crimes (Appeal and Review) Act 2001*.
- Comments on the operation of the NSW Court of Criminal Appeal.
- The availability of certificates under Section 2 of the *Costs in Criminal Cases Act 1967* following a special hearing under Section 19 of the *Mental Health (Criminal Procedure) Act, 1990*.
- The introduction of Commonwealth Legal Aid Guidelines concerning National Security and *Proceeds of Crime Act, 2002* matters.
- Proposed amendments to the *Evidence (Audio and Audio Visual Links) Act 1990*.

- Proposed legislative amendments for consideration by the Criminal Law Review Division.
- Various proposed amendments to the laws relating to sentencing.
- Chief Magistrate on:
 - Comments on draft Practice Note concerning representations for withdrawal and time standards.
 - Comments on draft Practice Note on committals involving co-defendants.
 - Comments on Committal Proceeding Directions by Consent.
- Inspector of the Police Integrity Commission on Inquiry and Report into Police Integrity Commission Practices and Procedures.
- Inspector General of Corrective Services on Comments on Review of the Operation of Department of Corrective Services in relation to its responsibilities to those under its supervision in the community.
- Commonwealth Attorney General's Department on Independent Review of Part 1D of the *Crimes Act 1914*.
- The Honourable Mervyn Finlay, QC on The review of the law of manslaughter in NSW.
- Law Reform Commission on Issues Paper 22, Questioning of Complainants by Unrepresented Accused in Sexual Assault Trials.
- Legislative Council Standing Committee on Social Issues, the Legislative Council on Inquiry into the Equal Age of Consent.

Family Law

Submissions were made to:

- Chief Justices Committee on Guidelines for the Child's Representative.
- Family Court Review of Family Violence Policies.
- Redrafting of the Rules of the Family Court as part of a National Legal Aid submission.
- Reform of the law relating to Expert Witnesses as part of a National Legal Aid submission.
- Court Advisory Committee's subcommittee on the possibility of AVOs in Children's Court care proceedings.

- Senior Children's Magistrate on the proposal for Practice Directions about Emergency Care and Protection Orders and Assessment Orders.
- Department of Community Services on the proposal for legislative and administrative change regarding Temporary Care Arrangements.

Through our involvement in the Regional Registrar's Advisory Panel and the Child Support Legal Liaison meetings, we have supported the imminent reform to the objection procedure in the *Child Support (Assessment) Act 1989*.

Community Legal Centres (CLCs) Funding Program Budget 2002–2003

We funded 32 community legal centres across New South Wales

	Commonwealth Funding \$000s	CLISIS* \$000s	State Funding \$000s	Public Purpose Fund \$000s	Centre Total Funding \$000s
1 Blue Mountains CLS	86,202		143,195		229,397
2 Central Coast LC	168,175		18,868	17,500	204,543
3 Combined CLC Group			220,422		220,422
4 Consumer Credit LC	118,713		107,302		226,015
5 Court Support Scheme	28,300		5,775	2,500	36,575
6 Domestic Violence Advocacy Service			344,934		344,934
7 Environmental Defender's Office	80,491		146,438	260,000	486,929
8 Far West CLC	213,498				213,498
9 Hawkesbury/Nepean CLC	118,841		104,374		223,215
10 HIV/AIDS LC	58,044		67,877		125,921
11 Hunter CLC	179,521	1,623	204,731		385,874
12 Illawarra LC	345,502		169,187	17,500	532,188
13 Immigration Advice & Rights Centre	83,704	4,255	192,882		280,841
14 Inner City LC	86,200		130,050		216,250
15 Kingsford LC	145,260		99,530		244,790
16 Macarthur LC	188,699		162,430	17,500	368,629
17 Macquarie LC	133,065		220,270	17,500	370,835
18 Marrickville LC	131,561	523	230,825		362,909
19 Mt Druitt & Area CLC	167,954		18,845		186,799
20 NSW Disability Discrimination LC	234,748	1,332	25,815		261,895
21 North & North West CLS	172,218		34,815		207,033
22 Northern Rivers CLC	168,867		18,943		187,810
23 Public Interest Advocacy Centre	97,873		99,681	414,000	611,553
24 Redfern Legal Centre	133,932		192,262		326,194
25 Shoalcoast CLC	214,701		102,770		317,471
26 South West Sydney LC	168,610		192,039		360,649
27 Tenants' Union of NSW	64,342		98,450		162,791
28 The Aged-care Rights Service	28,949	1,713	1,912		32,573
29 Welfare Rights Centre	194,814		103,242		298,056
30 Western NSW LC	237,826	10,782	26,131		274,739
31 Wirringa Baiya Aboriginal Women's LC			278,238		278,238
32 Women's Legal Resources Centre	727,928		277,231		1,005,159
TOTAL	4,778,534	20,228	4,039,464	746,500	9,584,725

*Community Legal Service Information System

Women's Domestic Violence Court Assistance Program (WDVCAP) Budget 2002–2003

We funded 34 WDVCAP schemes in NSW

	Auspice Organisation	Corresponding WDVCAS	Centre Funding* Incl. GST \$000s
1 Bankstown Community Service	Bankstown	Bankstown WDVCAS	74,078.96
2 Blacktown Community Cottage Club Ltd	Blacktown	Blacktown WDVCAS	94,944.47
3 Blue Mountains Community LC	Blue Mountains	Blue Mountains/Lithgow WDVCAS	79,158.07
4 Broken Hill	Broken Hill	Broken Hill WDVCAS	76,178.34
5 Burnside	Hastings	Hastings WDVCAS	52,903.11
6 Burwood Community Welfare Service	Inner West	Inner West WDVCAS	103,389.51
7 Catholic Development Club	Hornsby	Hornsby WDVCAS	50,803.67
8 Central Coast	Central Coast	Central Coast WDVCAS	125,892.32
9 Domestic Violence Advocacy Service	Domestic Violence Advocacy Service	Domestic Violence Advocacy Service	214,632.69
10 Dubbo Women's Housing	Dubbo	Dubbo WDVCAS	102,433.32
11 Eastern Suburbs DV Committee	Waverley	Waverley WDVCAS	80,114.25
12 Edith Edwards Women's Centre	Bourke/Brewarrina	Bourke/Brewarrina WDVCAS	96,130.86
13 Hawkesbury/Nepean Community LC	Hawkesbury	Hawkesbury WDVCAS	60,975.12
14 Hunter Community LC	Hunter	Hunter WDVCAS	135,051.46
15 Kempsey	Kempsey	Kempsey WDVCAS	68,419.95
16 Macarthur LC	Macarthur	Macarthur WDVCAS	96,613.67
17 Macquarie LC	Parramatta/Ryde	Parramatta/Ryde WDVCAS	94,944.47
18 Maitland City Council	Maitland	Maitland WDVCAS	52,903.11
19 Manly/Warringah Women's Resource Centre	Manly - Warringah	Manly - Warringah WDVCAS	80,114.25
20 Manning Valley Neighbourhood Service	Taree	Taree WDVCAS	68,419.95
21 Marrickville LC	Newtown	Newtown WDVCAS	66,320.51
22 Moree Family Support Inc	Moree	Moree WDVCAS	76,178.34
23 Northern Rivers Pilot Cluster Model	Lismore/Northern Rivers	Lismore/Northern Rivers WDVCAS	256,722.90
24 Penrith Women's Health Centre	Penrith/Mt Druitt	Penrith/Mt Druitt WDVCAS	146,835.99
25 Redfern LC	Redfern	Redfern WDVCAS	94,944.47
26 Sister Housing Enterprise Inc	Wagga	Wagga WDVCAS	68,419.95
27 South West Sydney LC	Liverpool/Fairfield	Liverpool/Fairfield WDVCAS	127,607.72
28 Southern Women's Group Inc	Bega	Bega WDVCAS	47,681.90
29 Sutherland Shire Family Support Service	Southern Sydney	Southern Sydney WDVCAS	104,332.46
30 Warrina Women's Children's Refuge	Coffs Harbour	Coffs Harbour WDVCAS	52,903.11
31 Wollongong Women's Info Centre	Illawarra	Illawarra WDVCAS	97,934.07
32 Women's Centre Albury Wodonga Inc	Albury	Albury WDVCAS	52,903.11
33 Women's Shelter Armidale	Armidale	Armidale WDVCAS	63,224.39
34 YWCA Sydney	Nowra	Nowra WDVCAS	68,419.95
TOTAL			3,132,530.42

Legend: LC: Legal Centre

Staff training and development

Courses conducted 1 July 2002 to 30 June 2003

Course Title	Sessions	Participants
Internal Training Programs		
Aboriginal Awareness	3	27
Corporate Induction Program	3	45
First Aid	2	18
Interpersonal Skills	2	27
Job Analysis	2	26
Job Seeking Follow-up	4	15
Job Seeking Skills	4	33
Management Development Program- Session 1	1	17
Managing Aggressive and Violent Behaviour	1	11
OHS Consultation/Committees	1	14
OHS Induction	3	45
Presentation Skills	2	20
Project Management	1	8
Selection Techniques	3	27
Selection Techniques Refresher	3	15
Social Security Training	1	23
Stress Management	2	28
Telephone Techniques	1	10
Time Management	1	15
Visiting Local Courts	3	35
Subtotal	43	459
Mandatory Continuing Legal Education		
Civil Law Seminars	2	50
Criminal Law Seminars	1	121
Family Law Seminars	5	202
Other Law Seminars	10	260
Subtotal	18	633
Conferences		
Civil Law Conferences	1	47
Criminal Law Conferences	2	218
Family Law Conferences	1	28
OM & SIC Combined	3	42
Office Manager's Conferences	3	20
Solicitor-In-Charge Conferences	3	20
WDVCAAP	1	2
Subtotal	14	377
Total	75	1,469
External Training Programs		
Attendance at external training programs	93	174
Attendance at external seminars	51	105
Attendance at external conferences	10	15
Total	154	294
Information Management and Technology		
LA Office	59	151
LA Office (all other)	24	39
Lawdocs	29	104
E-Lodgement (IM&T run courses)	7	45
E-Lodgement (non IM&T run courses)	4	24
Word	7	31
Excel	24	88
PowerPoint	17	70
Outlook & Intra/Internet	14	70
Internet	9	39
Windows Explorer	7	41
Other	11	44
On-line learning	1	28
External	14	18
Total	227	792
Grants Officer Training		
Criminal Session	60	532
E-Lodgement (Grants Run)	30	532
Family Clinic	60	532
Family Session	90	532
Veterans Session	16	112
Total	256	2,240

People

Human resource information

Head Office/Regional EFT Staff as at 30 June 2003

Head Office	381
Regional Offices	253
Total Staff	634

Effective Full-time EFT Staff as at 30 June 2003

CEO/SES	5
Legal Officers	296
Legal and Admin Support Staff	333
Total	634

Number of Actual Staff by Employment Basis

Salary Range	Total Staff	Men	Women	ATSI	Minority ⁽¹⁾	1st Language not English	PWD ⁽²⁾	PWD requiring work-related adjustment
Permanent Full Time	474	169	305	3	103	80	34	11
Part-time	86	8	78	0	13	9	3	2
Temporary Full Time	90	26	64	7	13	6	2	0
Part-time	28	2	26	0	4	2	3	2
Contract SES	5	4	1	0	0	0	0	0
Non-SES	0	0	0	0	0	0	0	0
Casual	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	683	209	474	10	133	97	42	15

Number of Actual Staff by Level

Salary Range	Total Staff	Men	Women	ATSI	Minority ⁽¹⁾	1st Language not English	PWD ⁽²⁾	PWD requiring work-related adjustment
< \$28,710	9	1	8	5	1	1	1	1
\$28,710-\$37,708	155	13	142	0	30	20	12	4
\$37,709-\$42,156	21	6	15	0	8	6	2	1
\$42,157-\$53,345	123	20	103	3	31	24	4	1
\$53,346-\$68,985	221	83	138	2	36	29	14	4
\$68,986-\$86,231	140	76	64	0	27	17	9	4
> \$86,231 (non SES)	9	6	3	0	0	0	0	0
> \$86,231 (SES)	4	3	1	0	0	0	0	0
\$227,374 (SES 6)	1	1	0	0	0	0	0	0
Total	683	209	474	10	133	97	42	15

Number of Actual Staff by Area of Work⁽³⁾

	Head Office	Regional	Total
Legal Officers	153	170	323
Administrative	234	126	360
Total	387	296	683

⁽¹⁾People from racial, ethnic, ethno-religious minority groups.

⁽²⁾PWD: People with a disability.

⁽³⁾Does not include leave without pay (LWOP), Maternity LWOP and staff seconded to other agencies where LAC is paying less than 50% of salary.

Significant committees of the Commission

Committees that played a significant role during 2002–2003

Legal Aid Review Committees

Five Legal Aid Review Committees determine appeals which relate to legal aid applications and grants of legal aid.

They consider:

- appeals against refusals of legal aid
- conditions imposed on grants of legal aid
- variations and terminations of grants
- decisions to decline payment of costs ordered against legally assisted clients.

The committees allowed appeals in 154 of submitted matters. The table below shows further details of committee caseload and successful appeals by program areas.

Committee membership as at 30 June 2003:

Legal Aid Review Committee No 1

Mr I Linwood, Chairperson, Minister's Nominee (alternates Mr P Anet and Ms W McMichael)

Mr J A McCarthy, QC, Bar Association/Law Society Nominee (alternates Mr P Menzies QC and Mr P Blacket SC)

Ms W Faulkes, Lay Member (alternate Mrs Y Maley)

Legal Aid Review Committee No 2

Mr D Norris, Chairperson, Minister's Nominee (alternates Ms C Johnpulle and Ms G Fuller)

Mr D Higgs, SC, Bar Association/Law Society Nominee (alternates Mr W Terracini SC and Ms A Healey)

Mr D Kelly, Lay Member (alternate Dr W Porges)

Legal Aid Review Committee No 3

Mr K Garling, Chairperson, Minister's Nominee (alternates Ms M Adofaci and Ms N Johnston)

Mr W Ball, Bar Association/Law Society Nominee (alternates Mr G Walsh and Mr D Scarlett)

Ms T Heness, Lay Member (alternate Mr D Kelly)

Family Law Legal Aid Review Committee No 1

Ms D Ward, Chairperson, Minister's Nominee (alternates Ms G Basaglia and Mr B Cantrill)

Mr G Moore, Bar Association/Law Society Nominee (alternates Mr R Schonell and Ms A Rees)

Ms B Smith, Lay Member (alternate Ms R Kusuma)

Family Law Legal Aid Review Committee No 2

Mr J McDonnell, Chairperson, Minister's Nominee (alternates Ms A Stanizzo and Ms A Lye)

Mr D Holmes, Bar Association/Law Society Nominee (alternates Mr P Lewis and Ms S Christie)

Ms L Fisher, Lay Member (alternate Ms R Kusuma)

Committee Activities 2002–2003

Legal Aid Review Committee No 1 met on 9 occasions and held 5 ad hoc meetings.

Legal Aid Review Committee No 2 met on 7 occasions and held 2 ad hoc meetings.

Legal Aid Review Committee No 3 met on 10 occasions and held 2 ad hoc meetings.

Family Law Committee No 1 met on 11 occasions and held 1 ad hoc meetings.

Family Law Committee No 2 met on 9 occasions and held 1 ad hoc meetings.

Board Committees

Section 68 of the *Legal Aid Commission Act 1979* enables the Commission to establish special consultative committees in order to advise the Board in the exercise of its functions under the Act.

In 2002–2003, a range of committees made recommendations to the Board in matters relating to the Commission's operations. In doing that, they each sought the advice of senior staff and considered all relative options as a pre-requisite to framing recommendations to the Commission.

Audit and Finance Committee

Made recommendations on accounting, budgetary and financial operations and matters of audit relative to the concerns and operation of the Commission.

The members are:

Robert Corben (Chair), Board Member
Phillip Taylor, Chair of the Board of Members

Bill Grant, CEO, Legal Aid Commission and Board Member

Margaret Brodie, Director Business Services Division, Legal Aid Commission (to April 2003)

Stephen O'Malley, Director Corporate Finance, Legal Aid Commission (from May 2003)

Civil Law Sub-Committee

Made recommendations in relation to general law matters.

The members are:

Danaë Harvey (Chair), Board Member

Margaret Curran, NSW Law Society

Jane Needham, Bar Association

Chris Whitelaw, Barrister

Frances Gibson, Kingsford Legal Centre

Kim Cull, Director Family and Civil Law Division, Legal Aid Commission

Community Legal Centres Funding Sub-Committee

Advised the Board on funding for Community Legal Centres.

The members are:

Rev Harry Herbert, Board Member

Janet Loughman

Danaë Harvey, Board Member

Brigid Inder, Director of the Combined Community Legal Centres

Monique Hitter, Client Services Coordinator, Legal Aid Commission

Dennis Roach, Manager CLC Funding, Legal Aid Commission

Criminal Law Sub-Committee

Made recommendations in relation to criminal law matters relative to the concerns and operation of the Commission.

The members are:

John North (Chair), Board Member

Jack Grahame, Board Member

Brett Thomas, NSW Law Society

Steven Odgers, SC, Bar Association

Doug Humphreys, Director Criminal Law Division, Legal Aid Commission

Family Law Sub-Committee

Made recommendations about family law matters regarding the concerns and operation of the Commission.

The members are:

Geoff Lindsay, SC (Chair), Board Member

Denese Vale, NSW Law Society

Robert Lethbridge, Bar Association

Catherine Carney, Women's Legal Resources Centre

Kim Cull, Director Family and Civil Division, Legal Aid Commission

Grants Committee

Made recommendations to the Board in relation to the work of the Grants Division.

The members are:

Phillip Taylor (Chair), Board Member

Richard Gulley, NSW Law Society

Geoff Lindsay, SC, Bar Association, Board Member

Ian Temby, QC, Bar Association

Richard Funston, Director Grants Division, Legal Aid Commission

Advisory Committees

Environmental Committee

Advised the Board on public interest environmental law matters and made recommendations on whether grants of legal aid should be made.

The members are:

Michael Connors, (Chair)

Professor David Farrier, University of Wollongong

Dr Alan Jones, Australian Museum

Professor Ben Boer, University of Sydney

(alternate member)

Associate Professor Paul Adam, University of NSW (alternate member)

Andrew Kelly, University of Wollongong (alternate member)

Lyndsay Brooker, Manager, Policy, Grants Division, Legal Aid Commission

Women's Domestic Violence Court Assistance Program Committee

Consulted on the implementation, administration and guidelines of the Program, including funding priorities.

The members are:

Vicki Burge, Director Regional and Community Services Legal Aid Commission (until 10/02)

Tracey Corbin-Matchett, Manager WDVCAP, Legal Aid Commission (from 12/02)

Monique Hitter, Regional Client Services Coordinator, Legal Aid Commission (from 09/02)

Jacqui Lane, Project Officer WDVCAP, Legal Aid Commission (until 09/02)

Sohret Hussein, Project Officer Legal Aid Commission

Genevieve O'Neill, Project Officer Legal Aid Commission

Louise Chambers, WDVCAS Network Rep

Lyndal Gowland, WDVCAS Network Rep

Daphne Munro, WDVCAS Network Rep
Danaë Harvey, Legal Aid Commission Board Member

Zoe Petridis, Department for Women

April Pham, VAW Specialist Unit AG's

Julie Harrison, Local Courts Attorney General's Department

Tony Quigley, Coordinator Domestic Violence Advocacy Service (until 02/03)

Internal Committees

Aboriginal and Torres Strait Islander (ATSI) Justice Plan Committee

Established to examine a range of strategies aimed at improving and expanding Legal Aid services to indigenous people in NSW.

The members are:

Bill Grant (Chair): CEO

Carol Logan, Manager, HRM, Business Services Division

Lynne Bruce (Committee assistant)
Acting Senior Consultant, Personnel and Equity, HRM, Business Services Division

Dennis Roach, Manager, Community Legal Centres

Michelle Crowther, Legal Officer, Criminal Law Section

Kate Escobar, Solicitor in Charge, Bankstown office, Family Law representative

Louise Blazejowska, Executive Officer, Executive

Ellen Downing, Senior Conference Organiser, Alternative Dispute Resolution, Family and Civil Law Division

Barry Cain, ATSI Field Officer, Alternative Dispute Resolution, Family and Civil Law Division

Frances Ralph, ATSI Field Officer, Alternative Dispute Resolution, Family and Civil Law Division

Communications Improvement Steering Committee

Advised the CEO on how to improve internal communications.

The members are:

Brian Sandland (Chair), Director, Regional and Community Services Division

Neville Brien, Information Management and Technology

Pip Brown, Grants Division

Jennifer Bulkeley, Director, Human Resources Management

Bronwyn Chamberlain, Newcastle office

Wayne Grogan, Wagga Wagga office

Paul Hayes, Fairfield office

John Moratelli, Parramatta office

Tim Smith, Parramatta office

Antony Townsden, Criminal Law Division

Alex Wearne, Family Law Division

Equal Employment Opportunity (EEO) Steering Committee

Provided advice to the CEO on strategies to promote EEO within the Commission.

The members are:

Richard Funston (Chair), Director Grants Division

Program Area	Allowed	Disallowed	Withdrawn	Deferred	Total Appeals	Appeals Allowed %
Family Law	65	207	2	22	296	22.0
Criminal Law	74	316	2	16	408	18.1
Civil Law	15	160	0	46	221	6.8
Total	154	683	4	84	925	16.6

Significant committees of the Commission cont'd

Bronwyn McCutcheon (Executive Officer), HRM, Business Services Division

Lisa Staples (Committee Assistant), HRM, Business Services Division

Sue Emery (PSA representative), Family and Civil Law Division

Kylie O'Neill (PSA representative), Regional and Community Services Division

Sharonne Brainenberg, Family and Civil Law Division and Grants Division

Beth Jarman, Regional and Community Services Division

Julie Morgan, Criminal Law Division and Grants Division

Loris Scahill, Regional and Community Services Division

John Sheldon, Family and Civil Law Division

Bora Touch, Regional and Community Services Division

Elizabeth Watkins, Regional and Community Services Division

Edwina Hunter (Alternate PSA representative), Regional and Community Services Division

Helen Doyle, Grants Division

Atousa Khadem, Family and Civil Law Division

Information Technology Steering Committee

Provided advice to the CEO on IT strategies within the Commission.

The members are:

Doug Humphreys, Director Criminal Law Division (Chair)

Heather Cullen, Manager, Information Management and Technology, Business Services Division

Julie Ausburn, Regional and Community Services Division

Tony Lynch, Criminal Law Division

Mary Whitehead, Grants Division

Alex Colquhoun, Family and Civil Law Division

Greg West, PSA representative

Kylie O'Neill, PSA representative

Internal Audit Committee

The role of the committee is to assist the Board in fulfilling its responsibilities relating to accounting and reporting practices of the Commission.

The members are:

Bill Grant, Chief Executive Officer

Stephen O'Malley, Director, Corporate Finance, Business Services Division

Alan Turner, Manager Regional Operations, Regional and Community Services Division

Richard Kozanecki, Senior Solicitor Indictable, Criminal Law Division

Dora Dimos, Manager Audit, Professional Standards & Panels, Grants Division

Leshia Bubniuk, Coordinator, Family and Civil Law Division

Garry Somerville, Manager Business Planning & Improvement, Business Services Division

Occupational Health and Safety (OH&S) Committee

In accordance with s18 of the *Occupational Health and Safety Act*, the role of the OH&S Committee is to ensure the health, safety and welfare of persons in the workplace.

The members are:

Susan Davitt, Fairfield office, Regional and Community Services Division, employee representative and Chair

Paul Batley, Coffs Harbour office, Regional and Community Services Division, employee representative

Kylie O'Neill, Wollongong office, Regional and Community Services Division, employee representative

Elizabeth Sadlier, Bankstown, Regional and Community Services Division, Alternate employee representative

Susan Emery, Family and Civil Law Division, employer representative

Adam Halstead, Family and Civil Law Division, employee representative

Jacqueline Green, Human Resource Management, Business Services Division, employer representative

Richard Funston, Director Grants Division, Employer Representative

Jennifer Bulkeley, Manager, Human Resource Management, Business Services Division, employer representative

June Woolcott, Manager, Operational Support, Business Services Division, employer representative

Antony Townsden, Senior Solicitor, Criminal Law Division, employer representative

Kate Escobar, Solicitor-in-Charge, Parramatta office, employer representative

Traineeship Working Party

Established in May 2003 to develop and implement a best practice legal cadetship program and employment practices that acknowledge and value the contribution of Aboriginal and Torres Strait Islander employees, employees with disabilities and employees from culturally and linguistically different backgrounds in all aspects of the organisation.

The members are:

Louise Blazejowska (Chair), Executive

Kim Cull, Director, Family and Civil Law Division

Jennifer Bulkeley, Manager, Human Resources, Business Services Division

Doug Humphreys, Director, Criminal Law Division

Brian Sandland, Acting Director, Regional and Community Services Division

Frith Way, Legal Officer, Criminal Law Division

Stephen O'Malley, Director, Corporate Finance, Business Services Division

Sandra Degrassi, Manager, Training and Development, HRM, Business Services Division

Work with other organisations

Working closely with other organisations in the community achieved better results for our clients.

National Legal Aid Committees

Grants Benchmarking Committee
Mary Whitehead, Tracey Bosnich

Legal Education Group
Penny Adams

National Legal Aid
Bill Grant (Member)

National Legal Aid—Australian Total Legal Aid Solution Subcommittee
Bill Grant (Board Member)

Statistics Working Party
Richard Funston, Mary Whitehead

Law Society of NSW

Children's Law Specialist Accreditation Advisory Committee
Doug Humphreys, Richard Funston

Children's Legal Issues Committee of the Law Society
Teresa O'Sullivan, Julie Morgan (until Jan 03), Deborah de Fina

Client Capacity Sub-Committee of the Ethics Committee
Robert Wheeler

Corporate Lawyers' Liaison Group
Kim Cull (Chair)

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Brian Van Zuyle, Annmarie Lumsden, Doug Humphreys, Lester Fernandez

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Equal Employment Opportunity Committee
Kim Cull (Chair)

Ethics Committee
Justin Hutchinson

Family Law Committee
Judith Walker

Government Solicitors' Committee
Kim Cull (Chair)

Law Week Planning Committee
Penny Adams

Membership Committee
Doug Humphreys

Personal Injury Committee
Kim Cull

President, Law Society of NSW
Kim Cull (2002)

Specialist Accreditation Committee
Estelle Hawdon

Unrepresented Litigants Committee
Justin Hutchinson

Voluntary Membership Taskforce
Kim Cull (Chair)

Young Lawyers Civil Litigation Committee

Jean-Anne Searson

Young Lawyers Criminal Law Committee
Lester Fernandez (Chair), Simon Healy (Deputy Chair), Te' res Sia, Nerissa Keay, Catherine Colquhoun, Angela Cook, Patricia Collins, Elissa Gordon

Young Lawyers Family Law Committee
Alex Colquhoun, Jean-Anne Searson

Aboriginal Issues

Attendance before Coalition Of Aboriginal Legal Services of NSW
Bill Grant, Richard Funston, Doug Humphreys

Civil Law Committees

Administrative Appeals Tribunal Practice Committee
Bill Gerogiannis

Administrative Decisions Tribunal Rules Sub-Committee
Atousa Khadem, Elaine Harrison, John Sheldon

Asylum Seekers Interagency
Geraldine Read, Phillipa Martin

Asylum Seekers Interagency Legal Working Party
Phillipa Martin

Asylum Seekers Centre
Geraldine Read (Management Committee)

Australian Lawyers for Human Rights
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Australian Securities Investment Committee, Consumer Advisory Panel
Ingrid Gubbay

Boarders and Lodgers Action Group
Damien Hennessey

Coffs Harbour Reconciliation Group
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Consumer Liaison Group (Department of Fair Trading)
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Damien Hennessey

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Ingrid Gubbay (Alternative Consumer Director)

Financial Industry Complaints Service, Rules Committee

Ingrid Gubbay

Illawarra Legal Centre
Michael Sergent (volunteer)

Immigration Advice and Rights Centre
Lyn Payne, Phillipa Martin (volunteers)

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Alex Grosart, David Coorey, Guy Donnella

Insurance Council of Australia, Subcommittee on Code Rewrite
Ingrid Gubbay

Insurance Council of Australia, Subcommittee on Flood Liaison
Ingrid Gubbay

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Kingsford Legal Centre
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Robert Wheeler (Member)

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Robert Wheeler (Member)

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Antony Townsden

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Janet Witmer

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Jan 03)**

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Policy Association Shopping Centre
Protocol Committee
Chris Grant

Youth Action Policy Association (YAPA)
Board
Mia Prodigalidad

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Arts Law Centre
Maya Ovenden (volunteer)

Child Support Agency Registrar's
Advisory Panel
Ruth Pilkinton

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Committee
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Australian Institute of Judicial Administration
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CHRIS Users Group

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Pilot Cluster Model Consultative
Committee

**Sohret Hussein, Jacqui Lane (until 09/02),
Tracey Corbin-Matchett (until
12/07/02)**

Premiers Department Public Sector
Management and Employment Act 2002
Working Party
Jennifer Bulkeley

Privacy Advisory Committee
Bill Grant (Chair)

Public Interest Advocacy Centre
Bill Grant (Board Member)

Salvation Army Oasis Centre Committee
Cheryl Brown

Victims' Advisory Board
Bill Grant (Chair)

Women's Legal Resources Centre
Debra Maher (Director)

**Aboriginal and Torres Strait Islander
(ATSI)**

A person who identifies as Aboriginal or
Torres Strait Islander.

Advice

Legal advice provided to a client by Legal
Aid solicitors. Includes advice given over
the telephone.

Alternative Dispute Resolution (ADR)

A non-adversarial dispute resolution
process facilitated by a neutral third
party, resolving disputes by consensus.

Applications approved/granted

Applications for legal aid that have been
approved within this reporting period.
Includes authorisations under s33 of the
LAC Act 1979.

Applications determined

Applications that have been approved or
refused within the reporting period.

Applications received

Applications for legal aid received within
this reporting period.

Applications refused

Applications for legal aid that have been
refused within this reporting period.

Applications undetermined

Applications for legal aid where no
determination has been made, including
applications which are pending or
suppressed (e.g. while the client is asked
to provide further material in order to
determine the application).

Assigned

Refers to legal services performed by
private lawyers.

Casework

Civil, family, criminal, administrative
law, mental health and veterans' matters
for which legal aid is granted. Does not
include duty appearances.

Community Legal Education (CLE)

Information sessions about legal aid and
the law given to the public, professional
groups, community organisations and
agencies.

Current applications on hand

Applications for legal aid which have not
been finalised by the end of the reporting
period.

Dependant

A person who is financially dependent
on the legal aid client, whether or not
they reside with the legal aid client.

Determination date

In casework matters, the date when an
application is approved or refused.

Duty appearances

Representation appearances at Local
Courts on behalf of legally aided clients.

EEO

Equal Employment Opportunity.

EFT

Effective full-time. Represents the
number of staff positions equating to 35
hour per week.

E-Lodgement

Electronic Lodgement/transfer of an
application or proforma invoice from a
private practitioner's practice or inhouse
family law office.

Grants of aid

Approval for casework matters, including
s33 authorisations.

Information

General information services about the
justice system or information about legal
aid services provided by Legal Aid staff.

Inhouse

Refers to any legal or other service
provided by employees of the
Commission.

Means test

Income and assets test used to determine
eligibility for legal aid. Applies to both
State and Commonwealth matters.

MERIT (Magistrates Early Referral Into Treatment)

A diversionary program designed to open
the door to medical treatment rather than
custody for those accused of non-violent
drug-related crimes.

Merit test

Test used to determine the eligibility for
aid. There are different merit tests for
State and Commonwealth matters.

Minor assistance

Advice and work done in the giving of
advice (i.e. simple correspondence,
phone call) but not where a formal legal
aid application is submitted.

Reporting period

From 1 July 2002 to 30 June 2003.

Section 33 authorisations

Approval for expenditure under s33 Legal
Aid Commission Act 1979 (e.g. medical
reports or counsel opinion) to determine
the merit of a matter in the granting of
aid.

Total assistance

Total of numbers of applications
approved, s33 authorisations granted,
advice, minor assistance and community
information services provided.

TTY

Telephone Type Writer for people with a
speech or hearing impairment.

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Legal Aid HotLine

1800 10 18 10

TTY available at offices marked with
TTY symbol

Legal Aid
NEW SOUTH WALES

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