



Legal Aid Commission of NSW

Annual Report 2003-2004

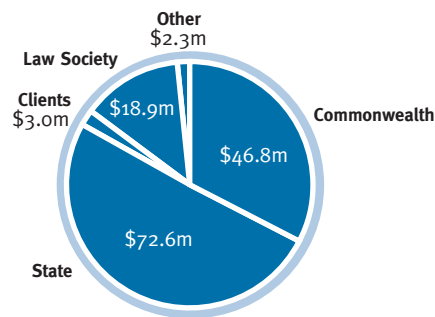


The Legal Aid Commission provides legal aid services in New South Wales. We are the largest legal aid agency in Australia.

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 the equivalent of 669 full-time staff around NSW.

We work in partnership with private practitioners who receive funding from the Commission to represent legally-aided clients. In 2003–2004, private practitioners represented 43.3% of all legal aid clients.

In 2003–2004 we provided 355,661 client services, which included representation, duty appearances, legal advice, information services and community education through our head office, 20 regional offices and private practitioners.



Where our funds come from

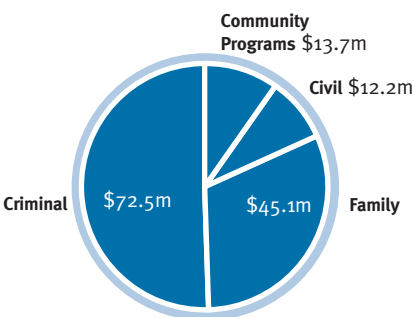
Our corporate governance framework

The Legal Aid Commission's corporate governance framework ensures the Commission delivers on its commitment to the community and operates in accordance with its corporate values and provides clients with a professional, efficient and fair service.

The Commission reports to the NSW Attorney General, the Honourable Bob Debus, MP. Under the *Legal Aid Commission Act*, an independent Board with 10 members establishes the Commission's broad policies and strategic plans. The daily management of the Commission is overseen by the Chief Executive Officer, with assistance from the Executive. In 2003–2004, the Executive of seven (members are listed on page 10) met fortnightly to make decisions on day-to-day management of the Commission.

Funding

The Commission receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions. Combined income for 2003–2004 was \$143.6 million, and expenditure was \$143.5 million. The Commission undertakes



How our funds are spent by program

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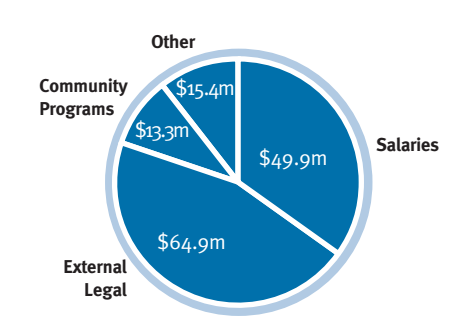
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work for the Commonwealth Government on the basis of a four-year agency agreement, which ended in 2003–2004.

A replacement agreement is being negotiated between the Commission and the Commonwealth.



Where our funds are spent

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

This year, our main emphasis was on developing client service strategies which ensure real equity of access to the law, particularly for disadvantaged people.

We made significant progress towards our corporate goals this year.

Our overall priority was finding ways of improving access to the range of legal aid services, particularly for people in rural and regional areas.

We achieved this through a range of strategies, including more outreach programs and innovative partnerships with other legal service providers. The most significant of these was the Co-operative Legal Service Delivery Model pilot program, which applies a partnership model that we hope will be duplicated across New South Wales.

Assisting staff with greater opportunities in training and self-development resulted in training attendance increasing by 273%. Combined with last year's 270% increase, this has helped to establish the Commission as a "learning organisation".

Finally, the completion of a major restructure has allowed the Commission to consolidate its working relationships and implement a system of strategic business planning and improved communication.

Our clients

- » A number of the cases we ran in civil, family and criminal law raised important legal issues and achieved benefits for the wider community.
- » In the Central Far West and the Northern Rivers regions of the State we launched a Co-operative Legal Service Delivery Model pilot scheme. The scheme brings together government, community and private sector agencies to improve legal services for people in rural communities.
- » There was a marked increase in family and civil law outreach services to clients in areas such as Taree, Murwillumbah, Ballina and Ocean Shores, Katoomba, Lithgow and Windsor.

Our people

- » Inhouse training attendance increased by 273%.
- » Fourteen of our staff attained the Diploma of Business (Frontline Management) from the UTS.
- » We supported our staff by providing them with improved service delivery tools.

Our organisation

- » We completed a major restructure and established a framework for a statewide practice model that includes consistent practice standards.
- » We commenced a planning strategy that will help ensure the rollout of better services and programs to disadvantaged communities across New South Wales.
- » We implemented key initiatives recommended in the Criminal Law Review and undertook a major review of our Civil Law Program.
- » By improving our business analysis and reporting systems we were able to provide useful online information to both inhouse staff and external stakeholders.

Our partners

- » By June 2004, 442 firms were registered for E-lodgement (lodging applications for legal aid online), an increase of 67% on this time last year. 90% of the top 50 private law firms who undertake legal aid family law work are now registered for E-lodgement.
- » 17,902 family law applications were lodged electronically in 2003–2004, an increase of 68% over the previous year.
- » The number of non-staff members attending our conferences and Mandatory Continuing Legal Education (MCLE) courses more than doubled.

Key Improvement Areas

Areas identified as a priority focus in 2004–2005:

- » Use our new service delivery tools strategically to better meet our clients' diverse needs.
- » Attain consistent statewide practices across the Commission and ensure we meet the needs of the community by delivering innovative, high quality services.
- » Strengthen our partnerships to ensure disadvantaged communities have access to improved legal services.
- » Improve services to Aboriginal, rural and regional communities.

Summary of services by program

What we spent

Services we provided

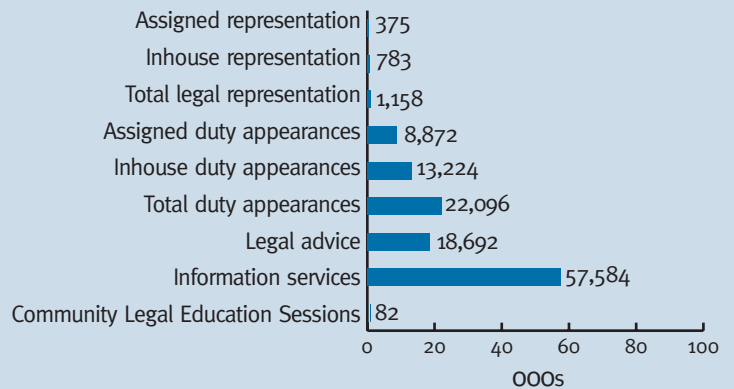
Civil Law

Facilities

Head office and 10 regional offices

Total expenditure \$12.187m
 - State \$8.258m
 - C'wealth \$3.929m

See pages 13–14 for more details



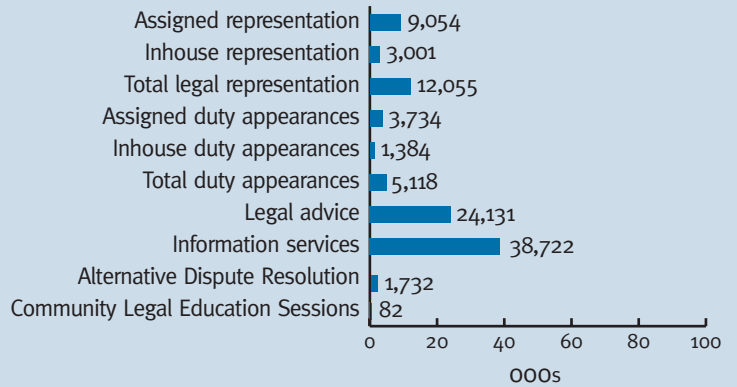
Family Law

Facilities

Head office and 20 regional offices

Total expenditure \$45.067m
 - State \$7.923m
 - C'wealth \$37.1440m

See pages 15–16 for more details



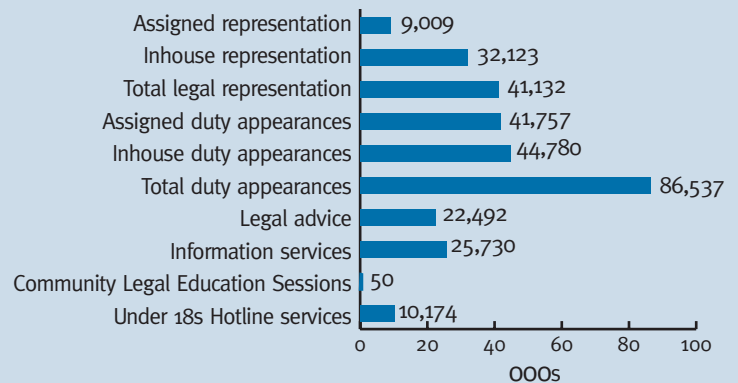
Criminal Law

Facilities:

Head office and 19 regional offices

Total expenditure \$72.462m
 - State \$67.678m
 - C'wealth \$4.784m

See pages 16–17 for more details



Community Programs

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

Facilities:

Statewide programs

Total expenditure \$13.743m
 - State \$8.565m
 - C'wealth \$5.178m

See pages 32–33, 74–75 for more details

Legend

ADR: Alternate Dispute Resolution

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

Plans for the year ahead

Civil law case representation
 Civil law legal advice and minor assistance
 General civil law information
 Alternate Dispute Resolution Conferencing
 Community Legal Education
 Veterans' Advocacy Service
 Mental Health Advocacy Service, including duty appearances before magistrates and the Mental Health Review Tribunal

- » Completed a comprehensive review of the civil law program
- » Piloted a new duty advice service for Administrative Appeals Tribunal
- » Commenced a new civil law service at our Dubbo office, with two outreach services targeted at Aboriginal communities
- » Implemented E-Lodgement of applications for legal aid in veterans' law

- » Implement major recommendations of the Civil Law Review report
- » Enhance access to the civil law program for Aboriginal people
- » Undertake a project aimed at improving outcomes for forensic patients

Family law case representation
 Duty appearances at Local and Family Courts
 Family law legal advice and minor assistance
 General family law information
 Alternate Dispute Resolution Conferencing
 Community Legal Education
 Representation and assistance in care and protection matters

- » Increased C'wealth family law duty services by 25%, and Alternate Dispute Resolution by 23%.
- » Employed extra staff resources at Lismore, Newcastle Parramatta, Wagga Wagga and Gosford
- » Established a permanent duty scheme in the Family Court and Federal Magistrates Court at Parramatta.
- » Commenced a pilot duty service to the Family Court and Federal Magistrates Court at Newcastle
- » Established outreach services at Taree, Tweed Heads, Murwillumbah, Ballina and Ocean Shores, Katoomba, Lithgow, Windsor and Kempsey
- » Established the Nowra regional office to provide family law services along the south coast to the Victorian border

- » Expand our mediation program and revise strategies for indigenous mediation
- » Consolidate our outreach program to ensure people in regional areas have improved access to legal services
- » Expand family law services to Walgett and Broken Hill as part of the Co-operative Legal Service Delivery Model
- » Work with other agencies to develop policies and procedures in care and protection cases
- » Develop practice standards for chairpersons in Alternate Dispute Resolution matters

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

- » Implemented consistent statewide service delivery practices
- » Implemented protocols for the assignment of criminal matters to private practitioners
- » Improved service delivery for clients in custody through greater use of video-conferencing facilities
- » Improved the management of expensive criminal cases
- » Conducted a three-day criminal law conference attended by 237 practitioners
- » Commenced E-Lodgement of applications for legal aid in Local Court crime and the Children's Court

- » Work with other criminal justice agencies to monitor and address factors influencing the progress of matters through the criminal justice system
- » Continue to work with Aboriginal Legal Services to enhance service delivery for indigenous persons throughout the State, and actively promote joint training initiatives
- » Develop improved systems for measuring the quantity and cost of inhouse work, in order to produce a more comprehensive profile of all work done by the Criminal Law Division
- » Expand the use of E-Lodgement of legal aid applications

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 33 WDVCAP schemes, providing assistance to women at 55 courts throughout the State
 Provide a domestic violence solicitor scheme at 12 courts to represent all women making ADVO applications

- » CLCs conducted a number of test cases and class actions with successful outcomes that benefit the wider community
- » Compiled a Best Practice Guide to assist the 33 WDVCAP Schemes in providing a consistent high quality service
- » Launched a new resource to assist Aboriginal women with domestic violence issues in accessing the legal system
- » Held a two-day conference attended by 160 people, focussing on domestic violence in ATSI communities

- » Participate in a joint State/Commonwealth review of the CLC program
- » Work with CLCs to deliver improved services to ATSI communities
- » Improve services to ATSI women experiencing domestic violence

Key result areas	Goals	Business strategies	Key targets
Our clients	We will facilitate a statewide legal aid service encompassing community education, information, advice and representation to meet community needs and high professional standards.	Implement panels in designated areas of legal practice.	Implement panels in care and protection, child representation, veterans and Court of Criminal Appeal work by 30 June 2004.
		Improve our family law services across the State to enable equitable access by our clients.	Achieve a 20% increase in Commonwealth family law services across all areas.
		Develop and implement an integrated service delivery model for client services across the State.	Pilot the integrated service delivery model in two areas and develop a framework for evaluation.
		Improve the quality and delivery of targeted civil law services across the State.	Conduct and finalise a review of the civil law program (both in-house and assigned) by 30 November 2003 and develop a process for implementation of the recommendations.
Our people	We will have a professional work culture and a positive work environment.	Implement the Communications Improvement Plan across the Commission.	Implement all accepted recommendations from the Communication Improvement Plan by 30 June 2004.
		Analyse results of the staff survey and identify key areas for organisational improvement.	Implement improvements to key areas identified by the staff survey by 30 June 2004.
		Develop a career development and performance management system for use across the Commission.	Establish a career development and performance management system for implementation in 2004-2005.
		Implement an ATSI employment strategy.	Increase the number of ATSI employees by 100%.
Our organisation	We will be an organisation with modern systems and processes which maximise the efficient and effective use of Commission resources.	Increase use of electronic lodgement.	Implement electronic lodgement in three additional legal areas by June 2004.
		Improve monitoring of the business by building better analysis and reporting systems.	Provide managers with relevant and reliable business information to assist them in service delivery and planning activities.
		Implement the Criminal Law Review.	Implement 50% of the accepted recommendations from the Criminal Law Review by 30 June 2004.
		Develop a comprehensive recruitment strategy to attract and multi-skill entry-level staff.	Develop and implement a recruitment strategy by 30 June 2004.
Our partners	We will work co-operatively with other legal service providers to deliver a range of effective and efficient legal aid services across the State; and	Develop and enhance our links with government, the courts and partners in the justice system.	Participate fully in all justice system forums and provide expert input into law reform initiatives when the Commission's views are sought.
	We will participate fully in the legal aid system to ensure the interests of the economically and socially disadvantaged are protected and enhanced.	Develop and implement strategies to enable private practitioners to deliver a better service to legal aid clients.	Develop and implement an MCLE strategy for all practitioners undertaking legal aid work by 31 December 2003.
		Develop an online resource for legal practitioners.	Ensure practitioners are able to communicate electronically with the Commission by 30 June 2004 and access online information relevant to their delivery of services to legal aid clients.
		Develop and implement an ATSI justice strategy.	Implement ATSI strategies, as funding permits, by 30 June 2004.

Achievements

Completed action to recruit practitioners for Care & Protection Panels. Implementation process is underway with full rollout expected by September 2004.

Action to recruit practitioners for the child representation and Court of Criminal Appeal panels is close to completion, with recruitment for the veterans' law panel opening in July 2004.

Achieved a 25% increase in C'th family law duty services and a 23% increase in Alternate Dispute Resolution services.

Provided extra staff at Lismore, Newcastle, Parramatta, Wagga Wagga and Gosford.

[See pages 15–16 for more details](#)

Developed a framework for a Co-operative Legal Service Delivery Model. Commenced pilots of the model in the Central/Far West and Northern Rivers regions in March 2004.

[See page 12 for more details](#)

Completed a comprehensive review of the Commission's civil law program in December 2003. A plan for implementing the recommendations of the review has been developed and is being guided by the Board's Civil Law Sub-committee.

[See page 14 for more details](#)

Enhanced the intranet site. The new site will be launched in July 2004.

Recruited a Communications Project Officer to drive the implementation of remaining recommendations.

Established a management development program and expanded staff training. Survey outcome information widely distributed across the Commission. (Also a recommendation of the staff survey).

Formed a working party to actively facilitate a balanced and positive work environment. Facilitated opportunities for dialogue through regular visits by senior executives to regional offices.

[See pages 21–22 for more details](#)

Developed a career development and performance management system that will be piloted during 2004-2005.

Increased the number of ATSI permanent employees by 60% bringing the total number of ATSI employees to 11 (1.5% of staff).

The first ATSI Employment Coordinator commenced work in August 2003 and is currently developing an ATSI Employment and Career Development Strategy. Appointed five ATSI clerical trainees to permanent positions.

[See pages 21–22 for more details](#)

Commenced electronic lodgement of applications for legal aid in the additional legal areas of Local Court crime, Children's Court crime and veterans' law.

Approximately 30% of private law firms performing criminal law legal aid work in the last 12 months are registered for E-lodgement and therefore receive faster notification of case determination results by email.

[See pages 17 & 30 for more details](#)

Prepared a revised reporting format for financial information within WebFOCUS. The new reports will be available for use during the 2004-2005 year.

Upgraded the reporting functions of the SAP financial system and the CHRIS payroll system.

[See page 26 for more details](#)

Recruited Regional Program Coordinators (RPCs) in February 2004 to give effect to the Review's recommendation for improved statewide service delivery.

Prioritised and costed the implementation of the remaining recommendations.

[See pages 24-25 for details](#)

Distributed a draft recruitment strategy to staff for comment. The strategy provides a focussed list of initiatives to attract and retain a high standard of applicant.

Completed a review of entry-level clerical/administrative roles within the Commission.

Participated in a number of justice system forums and stakeholder meetings with state and federal government departments across all areas of law.

Made submissions on 20 major law reform proposals.

[See pages 77 & 80 for more details](#)

Over 100 private practitioners attended our various civil, criminal and family MCLE seminars & law conferences.

[See page 75 for more details](#)

Improved the internet site for private practitioners and provided easy access to e-lodgement and panels registration.

Provided online access to current policies, discussion papers, fee scales, upcoming conferences & events.

[See pages 17 & 30 for more details](#)

Commenced revision of the draft Aboriginal Justice Plan to make it consistent with, and complementary to, the NSW Government's NSW Aboriginal Justice Plan 2003-2012.

Completed a formal evaluation of the ATSIFAM Program in May 2004.

[See page 19 for more details](#)



Chairman's report

The Commission is an active participant in the justice system

This is the 25th annual report of the Legal Aid Commission for the year ending 30 June 2004.

The Commission achieved an operating surplus of \$0.113 million for the year. The result was facilitated by additional funds received from the NSW Government and a favourable superannuation balance. This was a pleasing result in a climate where there is increasing demand for services of the Commission, particularly in the criminal law area.

During the year a new board was appointed for a term of three years. The new members are Mark Richardson, the Chief Executive Officer of the NSW Law Society and Simon Moran, the Principal Lawyer of Public Interest Advocacy Centre. On behalf of the board I would like to record the Commission's thanks for the outstanding contribution made to the Commission by former board members John North and Danae Harvey who retired during the year.

The Commission is conscious of the need to maintain efficiencies. To this end, the Commission has continued to review its management, organisational and reporting systems and procedures to ensure that they are consistent with best practice.

Other steps have been taken to ensure that its clients' needs are being properly and professionally attended to. For example, solicitor panels are now in place in Children's Crime with Panels due to commence shortly in Care and Protection, Child Representation and Court of Criminal Appeal. Audit and complaints procedures are being developed.

Other key developments during the course of the year include:

- » a detailed review of the Commission's civil law program with a view to identifying the areas of civil law which will be the priority areas for the Commission over the next few years. One area already identified is the needs of the indigenous community;

- » implementation of the Co-operative Legal Service Delivery Model. This is an exciting development involving more effective co-ordination of legal services in rural areas by the key participants. Currently pilots are being conducted in the Northern Rivers and Central Far West areas.

As well as administering grants of legal aid to its clients, the Commission is an active participant in the justice system.

The Commission is engaged in regular discussions with participants in the justice system (including Local, District and Supreme Courts) with a view to increasing the efficiencies of the system and improved access to justice.

One of the key areas of focus has been committals in criminal matters. The Commission has been a driver of strategies to reduce costs and to increase efficiencies and fairness in the trial process.

The Commission is also a key contributor in policy areas in the justice system. The Commission responds to new legislative and practice developments; one of its key goals is to keep the judiciary, legislators and the community apprised of the impact of potential legislative and policy initiatives on the availability of legal aid and its ability to discharge its function.

Overall, I believe that the Commission has had a successful year and I am confident that it will continue to serve the needs of its clients efficiently and effectively over the coming year.

I would like to record my heartfelt thanks to the Chief Executive Officer, Bill Grant, and his team for their continuing efforts to fulfil the Commission's charter of the provision of legal aid to those in need in NSW. I also thank the other board members of the Commission for their continuing contribution.

I am pleased to present the Commission's Annual Report for 2003–2004, which has been a challenging, yet rewarding year, at the Commission.

I am particularly pleased that the restructure of senior management positions in the Commission is now completed and we have Mr Steve O'Connor as the Deputy CEO Legal and Mr Russell Cox as the Deputy CEO Business and Client Services. The appointments of the Directors of Criminal, Family and Civil Law have also been finalised and I am very confident that the senior management team now in place can provide effective leadership for the Commission to the benefit of our clients and our staff.

One of the very important initiatives commenced by the Commission this year was the launch of the Co-operative Legal Service Delivery (CLSD) Model Project on 8 June 2004 by the Hon RJ Debus MP, Attorney General. The CLSD Project will help to address unmet legal needs in rural and regional areas of the State. This project is being piloted in the Central/Far West and Northern Rivers regions and seeks to assist all agencies providing legal services to disadvantaged persons to coordinate their activities on a regional level.

It is pleasing to note that in these difficult economic times the Commission, with the support of the NSW Treasury, recorded a small surplus in 2003–2004. At a time when there is an ever-increasing demand for the Commission's services, through both our inhouse practice and through our private practitioner colleagues, it is heartening to receive additional Treasury support for the provision of our services. I also acknowledge the support of the Trustees of the Public Purpose Fund who were able to provide additional resources to the Commission as part of our new triennial agreement.

Some of the highlights of 2003–2004 include:

- » Inhouse training attendance increasing by 273%;
- » Completion of the Civil Law Review;
- » Our first 14 members of staff graduating with a Diploma of Business in Frontline Management from UTS;
- » Outreach services increasing across rural NSW;
- » The further growth of our electronic lodgement facilities in family law and now, on a pilot basis, into areas of criminal law and veterans' work.

I look forward to a very busy and productive 2004–2005 and I am sure that with the support of the Commission's staff, we can continue to expand our range of client services to fulfil our corporate vision that the economically and socially disadvantaged can understand, protect and enforce their legal rights and interests.



CEO's report

Our corporate vision: 'that the economically and socially disadvantaged can understand, protect and enforce their legal rights and interests'

A Board with 10 Members establishes the Commission's broad policies and determines its strategic priorities.

The Board consists of the Chief Executive Officer and nine part-time Members, including the Chairman. Board Members are appointed by the Attorney General for a term of three years.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings in 2003–2004. The Board did not meet in January 2004.

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 79–80.

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 Chair. No fees are paid to Members who are salaried government employees. Not all Board Members accept payment.



Mr Jack Grahame is absent.

Board membership 1 July 2003 to 30 June 2004

Meetings attended

1	Mr Phillip Taylor BA LLB. Solicitor appointed by the Attorney General as Chair. Phillip practises in the area of banking and finance as a consultant at Freehills, where he was a partner for many years as well as Chair of the Freehills pro bono committee. He is currently a director on a number of boards.	10
2	Mr Bill Grant LLB. Appointed by the Attorney General as Chief Executive Officer (See pages 10 and 63 for more details).	11 (including 1 as Chair)
3	Rev Harry Herbert BA BD STM Dip. Legal Studies. Executive Director of UnitingCare NSW, ACT, representing consumer and community interests. Harry also chairs the Casino Community Benefit Fund and the NSW Social Justice Reference Group. He is the longest serving member of the Board.	10
4	Mr Simon Moran BA LLB. Solicitor, representing bodies providing community legal services (appointed 13 October 2003). Simon is Principal Solicitor of the Public Interest Advocacy Centre and Public Interest Law Clearing House. He is currently also a Board Member of several community legal centre groups.	6
5	Mr Mark Richardson BA, LLB(ANU), LLM(Syd). CEO of the Law Society of NSW, nominated by the Law Society (appointed 27 October 2003). Mark served as Director of the Commission 1989–1992. He is a member of several boards and is a Trustee of the Committee for Economic Development Australia.	5
6	Mr Geoff Lindsay BEc, LLB(ANU) SC. Barrister, nominated by the NSW Bar Association, Geoff has practiced principally in the Equity and Commercial jurisdiction. He is involved in legal publishing and is Secretary of the Francis Forbes Society for Australian Legal History.	11
	Ms Dan�e Harvey BA(Hons) LLB. Solicitor, representing bodies providing community legal services (Board Member from July to September 2003).	3
	Mr John North BA Dip Ed LLB. Solicitor, nominated by the Law Society of NSW (Board Member from July-September 2003).	2
	Mr Jack Grahame BA. Solicitor, Legal Aid Commission NSW, nominated by the Labor Council of NSW. A solicitor for almost 40 years, Jack was in private practice before joining the Commission's Prisoners Legal Service in 1991.	10
	Representatives who, in the opinion of the NSW Attorney General, possess skills and experience that would benefit the Commission:	
7	Ms Anne Britton BA LLB. Anne is a judicial member of the Administrative Decisions Tribunal and is also appointed to the Workers Compensation Commission and the Government and Related Employees Appeal Tribunal. She has extensive experience in industrial relations and arts and media law.	10
8	Mr Robert Corben FCPA, FCIS, FCIM. Robert has been in private practice for 25 years and was appointed by the Attorney General to the boards of the Legal Aid Commission and the Sydney Catchment Authority. His practice provides extensive accounting, taxation and financial advisory services to a diverse client base.	11
9	Ms Linda Webb OAM, BA, FAIM, MAICD. Linda is a consultant with a law firm and serves on several government boards. Her areas of expertise are governance employment, community services and transport. Her OAM was awarded to her in 2002 for service to the Australian Capital Territory through public administration and social policy.	8

① Bill Grant, LLB
Chief Executive Officer (SES Level 6)
Budget Total: \$141.8 million
Staff: (EFT) 669 Total Actual: 721

Bill has served as the Commission's CEO since 26 November 2001. Before that he was Deputy Director General of the NSW Attorney General's Department for 10 years.

A member of several boards (see pages 81-82), Bill also took on the additional role of Acting Commissioner, Health Care Complaints Commission from December 2003 to March 2004.

Bill is responsible for the provision of legal aid services through 20 regional offices and head office. Having finalised the restructure of senior management, his focus now is on attaining consistent statewide practices across the Commission and ensuring that the Commission meets the needs of the community by delivering innovative, high quality services.

② Steve O'Connor, DIP LAW (BAB) DIP CRIM
Deputy CEO Legal (SES Level 4)
Budget Total: \$54.2 million
Staff: (EFT) 276 Total Actual: 309

Steve was appointed on 1 September 2003. He was previously the Solicitor for Public Prosecutions in the NSW Office of the Director of Public Prosecutions (DPP). In 1999 Steve was appointed an acting Magistrate.

Under our recent restructure, Steve has responsibility for the statewide practices of the Criminal, Family and Civil Law Divisions. One of his first achievements was to establish the framework for the implementation of a statewide practice model for the Commission.

③ Russell Cox, BCOMM.
Deputy CEO Business and Client Services (SES Level 4)
Budget Total: \$9.3 million
Staff: (EFT) 78 Total Actual: 80

Russell was appointed on 1 September 2003 under the recent restructure to take responsibility for the Commission's corporate services functions. Before that, he worked in the Attorney General's Department of NSW as Director Management Services.

Russell has introduced a number of initiatives to improve corporate services within the Commission, including updating the Internal Audit Plan to



focus on core operational areas and introducing a new budget allocation model to better reflect the priorities of the Commission. Russell is also involved in several interagency initiatives (See page 81).

④ Richard Funston, BCOMM, LLB
Accredited Criminal Law Specialist Director, Grants (SES Level 2)
Budget Total: \$61.9 million
Staff: (EFT) 76 Total Actual: 80

Richard's earlier experience includes eight years with Legal Aid in Victoria and four years as Principal Solicitor of the Inner City Legal Centre in 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. Richard is currently undertaking the Executive Masters of Public Administration with the Australian and New Zealand School of Government.

Richard's division is responsible for determining legal aid grants, allocating matters to inhouse and private practitioners. Under Richard's leadership, major improvements have been made to all business processes that are part of the administration of grants.

⑤ Brian Sandland, BCOMM, LLB
Director, Criminal Law (SES Level 2)
Budget Total: \$29.6 million
Staff: (EFT) 130 Total Actual: 138

Brian has 23 years' experience with the Commission. Most recently, he acted as Director Regional and Community Services before taking up his current position. Brian's main initiatives this year have included developing Business Rules for each jurisdiction, conducting strategic

planning days for key services, and identifying initiatives for implementation from the Criminal Law Review.

⑥ Judith Walker, BA, DIP ED; MA (HONS)
LLB, SAB
Accredited Specialist Family Law Director, Family Law (SES Level 2)
Budget Total: \$14.5 million
Staff: (EFT) 63 Total Actual: 66

Judith's relevant experience includes working in the Department of Government and Public Administration at the University of Sydney, as a lawyer in private practice, then with the NSW Law Reform Commission and from 1987 with the Legal Aid Commission. Judith was Senior Solicitor in the Family Litigation Section before becoming Acting Director, Family Law in September 2003.

Judith's main initiatives this year have been to enhance the Commission's conferencing program and develop improved family law practice standards.

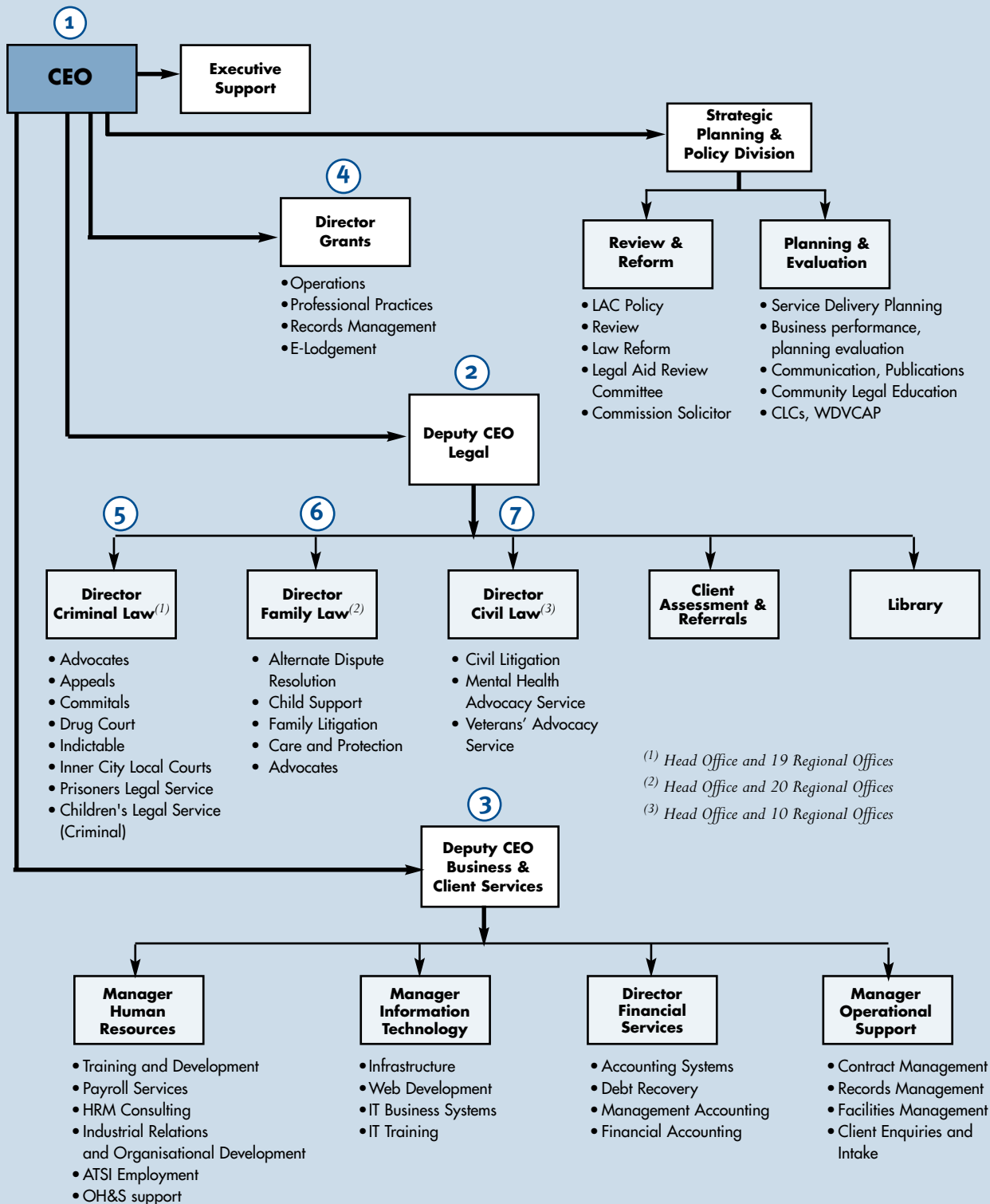
⑦ Stella Sykiotis, BCOMM LLB
Director Civil Law (Senior Officer Grade 1)
Budget Total: \$8.9 million
Staff: (EFT) 41 Total Actual: 42

Stella has worked as a community lawyer since 1988 with a particular focus on consumer protection law. She began work at the Legal Aid Commission in the Civil Law Program in 1996. Stella was appointed to her current position of Director, Civil Law in November 2003. Her main initiative this year has been to commence a new civil law service at the Commission's Dubbo office.

Organisation Chart

The Commission finalised a major organisational restructure during the year. The establishment of statewide practices in civil, family and criminal law under the control of the Deputy CEO, Legal, has improved the consistency and coordination of service provision across both head office and regional offices.

The Deputy CEO Business and Client Services assumes responsibility for coordinating the Commission's corporate service functions, while the newly established Strategic Planning and Policy Division undertakes policy development, strategic planning and business reporting across the Commission.



Clients

We coordinated an inter-agency partnership that will improve legal services in regional areas



Launching the Co-operative Legal Service Delivery Model in Dubbo are from left: Russell Ryan, local Wiradjuri Elder (Uncle Russ); Eric Wilson, Public Defender; Ros Barker, Circle Sentencing Project Officer Dubbo Court House; Beth Curran, Coordinator of Dubbo Women's Domestic Violence Court Assistance Scheme; and Deborah Sharpe, Director Community Justice Centres.

Performance goal

To facilitate a statewide legal aid service, encompassing community education, information, advice and representation to meet community needs and high professional standards.

Key results 2003–2004

We are a client-focused organisation. Customer service is the highest priority in our Corporate Plan. This year, all our divisions concentrated on introducing new programs and initiatives that help ensure real equity of access to the law, particularly for the disadvantaged people of New South Wales.

Performance highlight

During the year, the Commission developed a framework for a Co-operative Legal Service Delivery Model (CLSD). The model has been guided by a Steering Committee comprising representatives from the Legal Aid Commission, Community Legal Centres, Aboriginal Legal Services, LawAccess NSW, Local Courts and pro bono legal services.

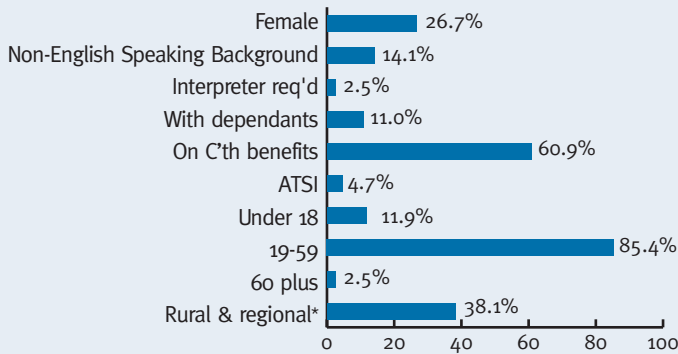
The aim of the model is to establish Co-operative sustainable regional services that meet the legal needs of disadvantaged people in New South Wales. Pilots of the model in the Central/Far West and Northern Rivers regions commenced in March 2004. The Attorney General officially launched the Central/Far West Pilot Program in Dubbo in June 2004.

To support the program, the Commission has developed a procedural manual and community information sheets as well as web-based resources, including a service delivery matrix. The matrix comprehensively maps the services provided by key agencies in a particular region.

Feedback from participating legal service providers in both regions so far has been encouraging. The pilot will run for a 12-month period. It will then be evaluated to determine whether, and how well, the model has increased access to legal services in rural and regional areas.

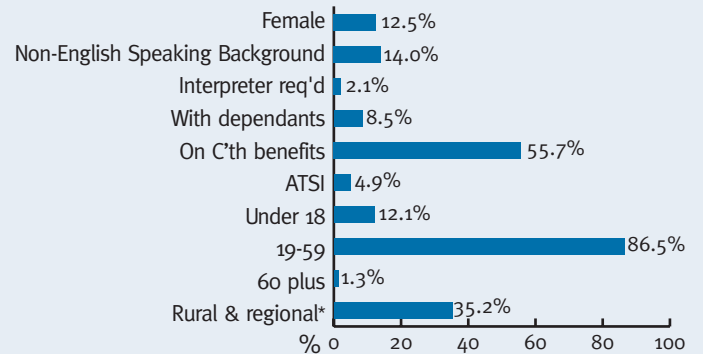
Client Profiles**

Commission-wide



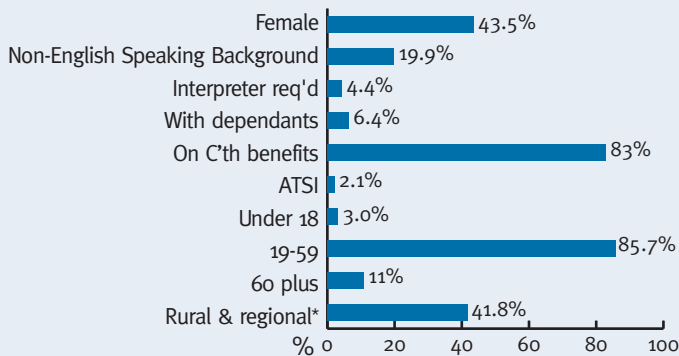
*(including Newcastle and Wollongong)

Criminal Law Division



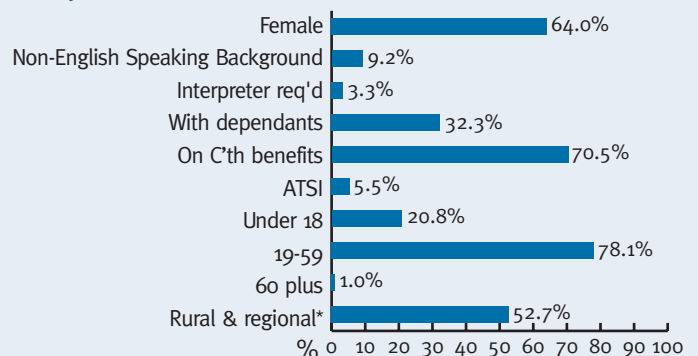
*(including Newcastle and Wollongong)

Civil Law Division



*(including Newcastle and Wollongong)

Family Law Division



*(including Newcastle and Wollongong)

**Total case and inhouse duty services

Civil Law Division

This division includes Civil Litigation, the Veterans' Advocacy Service and Mental Health Advocacy Service.

In 2003–2004, staff in this division:

- Provided 18,692 face-to-face advice and minor assistance services.
- Represented 23,254 people in case and duty matters in priority areas of mental health, veterans' entitlements, social security and migration law, consumer law, housing law and human rights law.
- Responded to 57,584 requests for information.
- Commenced a new civil law practice at our Dubbo office, which services a large area of western New South Wales. Lawyers have travelled extensively to towns in the region to promote the service and enhance access, particularly for Aboriginal communities.
- Acted for large numbers of temporary protection visa holders

This division assists people with a range of civil law problems as diverse as seeking permanent residence to preparing for a tribunal hearing.

- from Iraq and Afghanistan who are seeking permanent residence. We also commenced an important case in the Federal Court in relation to the correct interpretation of the cessation clause in the Refugees Convention (Article 1C(5)).
- Acted for a number of elderly clients of Assyrian background who face eviction from their homes as a result of guaranteeing loans by their relatives for investments in an illegal

investment scheme. These matters are currently being litigated in the Supreme Court.

- Conducted 36 visits to regional areas across New South Wales to provide advice clinics and seminars to veterans.
- Provided a regular civil law outreach advice service in 11 locations outside Commission offices, including at Aboriginal Legal Service offices.
- Conducted 19 community legal education sessions in the area of mental health law.



Legal Aid assisted over 100 East Timorese clients to apply for refugee status. After 12 long years of negotiation, Jong Kim Koe (pictured left) was one of the first to collect his new humanitarian certificate that officially gives him a home in Australia.



**Civil law cases
2003–2004: good
outcomes for clients**

W v Insurer

An insurance company refused to pay a motor mechanic after he suffered a serious injury at work. This action by the insurer placed our client in jeopardy of bankruptcy and put considerable strain on his family life. The insurer fought the claim all the way through various dispute resolution processes to the District Court before finally agreeing to settle the matter on favourable terms after our client had given evidence.

Discrimination against carers

Our client is the sole parent of a young child. She worked as an intelligence analyst on a contract basis for the Australian Crime Commission for many years. She took sick leave and carers leave within her entitlements to care for her child when he became ill. Her employer did not support this leave and her work was downgraded. Our client successfully claimed that the employer unlawfully discriminated against her on the ground of carers responsibilities. The matter was contested in the Federal Magistrates Court, the Federal Court and on appeal to the Full Federal Court. The

case was the first case to be litigated under new protection for carers in Federal discrimination laws.

Insurer v C

We applied successfully to intervene as amicus curiae (friend of the court) in a disability discrimination case in the Full Federal Court. We acted for a peak disability group and succeeded in having our submissions on the correct interpretation of the legislation adopted in the judgment. The disability group's client, who had breast cancer, had won a short holiday to Japan. She applied for travel insurance expecting that her pre-existing condition would be excluded. The insurer refused to provide any insurance cover at all. She claimed that the insurer had discriminated unlawfully against her on the basis of her disability. She was successful at the Federal Magistrates Court and on appeal to the Full Federal Court.

Kosovar Safe Visa holders

We acted for several Kosovar families who held Safe Haven visas that were due to expire in June 2003. All the families were receiving treatment for psychiatric conditions related to their traumatic experiences in Kosovo. A condition of the Safe Haven visa was that they could not apply for any other type of visa unless the Immigration

Minister gave permission. We assisted the families with representations to the Minister to allow them to lodge refugee applications. Four families were eventually recognized as refugees and granted permanent visas. The other two families were granted further safe haven visas for 12 months.

Inquest brings about product recall

Our client was the father of seven-week-old baby. He was bathing the baby in a plastic bath with a bathing cradle for support. He momentarily left the baby to fetch warm clothes when the baby slipped off the cradle and became submerged in the water. The baby died in hospital a few days later. We represented the father in the inquest. We obtained expert advice to the effect that the bathing cradle was unsuitable for the purpose for which it was used and that the warning on the item was inadequate. The Coroner agreed and recommended that the Fair Trading Minister urgently review whether the product should be removed from sale. The Minister responded by quickly removing the product from sale in NSW. The Federal Government has since announced that it will introduce national safety standards for baby bath seats.

**Civil Law Division highlights
this year included:**

Civil law program review

A comprehensive review of the Commission's Civil Law Program was completed in December 2003. Recommendations made in the review will help determine the future direction of the program and ensure that this direction is aligned with the Commission's Corporate Plan. The review has a number of recommendations for improvements both to the civil law program and to the overall business of the Commission. The Board has approved one of the key recommendations in the review—to establish a client-specific civil law service to meet the needs of Aboriginal communities.

Taking the lead in law reform

Civil lawyers made a large number of policy submissions in specialised areas where they have particular expertise such as consumer law, mental health law and migration law.

This contribution to legislative reform can provide substantial benefits to large numbers of disadvantaged people in the community. (See page 78 for details).

New advice service for people at tribunal hearings

A pilot duty advice service was launched this year at the Administrative Appeals Tribunal for applicants in social security and some migration matters. By providing telephone advice and interpreters, we have ensured that people who live in rural and regional areas or have

difficulty with English are able to access free and independent advice before appearing at the tribunal.



Civil lawyer, Bill Gerogiannis outside the Administrative Appeals Tribunal: "In a jurisdiction where 80% of people are unrepresented at hearing, this pilot is making a real difference."

Family Law Division

This division includes Family Litigation, Child Support Service, Children's Legal Service (care matters) and Alternate Dispute Resolution.

In 2003–2004, staff in this division:

- Provided over 24,000 advice and minor assistance sessions to the public.
- Assisted over 5,000 people on a duty basis at the Family Court, Local Courts and Children's Courts.
- Provided legal representation to more than 2,700 adults and children involved in Children's Court care matters around the State through the Care and Protection Legal Service.
- Provided legal representation to more than 9,000 clients in family law matters in the Family Court of Australia, Federal Magistrates Service and Local Court.
- Conducted 56 free divorce classes in head office and regional offices.
- Established the pilot duty scheme at the Family Court and Federal Magistrates Service at Newcastle and established the Parramatta duty scheme on a permanent basis.
- Provided a Child Support outreach advice and community legal education program in the Upper Hunter and launched a joint family law/child support outreach service at Taree.

Increasing services to clients through outreach programs, and settling disputes arising from family relationships in court and through mediation.

- Held 1,732 family law conferences – a 23% increase on last year's figure of 1,410. A full or partial settlement was achieved in 87% of conferences.
- Enhanced advice services at Parramatta increasing access to drop in advice for people in the western Sydney area.
- Increased services to clients by providing regular outreach services to Taree from our Newcastle office, to Tweed Heads, Murwillumbah, Ballina and Ocean Shores from our Lismore office and to Katoomba, Lithgow and Windsor from our Penrith office.
- Established the Nowra regional office to provide family law services along the south coast to the Victorian border.
- Conducted 25 community education sessions across NSW, including the Sydney fringe, Dubbo, Wagga, Wyong and Tumbarumba.
- Participated in the Women on Wheels project providing legal information and advice to communities in south eastern New South Wales, particularly disadvantaged Aboriginal communities.



Women on Wheels participants at Brungle Memorial Hall where they discussed issues facing Aboriginal women.



Family law cases

Child support windfall

We acted for a mother seeking lump sum child support for her seven-year-old son. She approached us after finding out that the child's father was selling a recently inherited house. Until then, the father had been paying minimum child support based on low job prospects. We began proceedings and after lengthy negotiations, the parties entered consent orders giving the mother a lump sum payment of \$75,000 in child support. This sum was deposited into an interest bearing

account with direct debit facilities to provide the mother with regular payments of child support.

Long-running case resolved through mediation

Since mid-2002, we had acted as the child's representative in a matter before the Family Court. The proceedings were complicated and acrimonious. The father, who lived in New Zealand, alleged that the mother had wrongfully brought the child to Australia. There were numerous interim hearings in relation to the child's holiday contact with the father. Our Alternate Dispute

Resolution Section arranged an urgent conference for a day the father was scheduled to visit Australia to attend the third interim hearing. The conference commenced in the morning and lasted a marathon nine hours, ending at 7.30pm.

In the end, a court hearing was not required because the child's parents were able to agree on all holiday contact and final consent orders were accordingly drawn up. The Family Court made the orders the next morning and a long-running saga was finally put to rest.

...Continued next page



Family law highlight case

Abducted child is recovered after seven months

The father of our client’s child advised her that he was not returning the three-year-old child after a contact visit. Earlier, the father had broken into our client’s home and taken the child’s passport. Our client believed that the father was in Australia under a false name and that he intended to take the child out of the country. In an emergency sitting of the Family Court that night, the court made orders that the child be returned to her mother and the child’s name placed on the airport watch list. The father returned the child to the mother late that night.

Less than four weeks later he abducted the child whilst the mother was walking along the street with her, and then went into hiding. We obtained a recovery order, a location order and a publication order from the Family Court permitting us to approach the media for help in recovering the child. A week after *Women’s Day* ran an article about the child’s abduction, a reader contacted the Federal Police to say that a man and child fitting the magazine description were renting a room from her.

The child was re-united with her mother after being missing for seven months and told her mother was dead. During this time the father created false identities for himself and the child. Without the publication order

from the Family Court the child would still be missing.

Lawyer (left) Jane Corcoran with client and daughter.



Criminal Law Division

This division includes Inner City Local Courts, Children’s Legal Service (criminal matters), Advocacy Unit, Indictable and Indictable Appeals Sections, Committals Unit, Prisoners Legal Service, Youth Drug and Alcohol Court and Adult Drug Court. The Division also provides criminal law services at our 19 regional offices throughout the State.

Providing legal aid services in all courts exercising a criminal jurisdiction, from the Local and Children’s Court level to the High Court.

In 2003–2004, staff in this division:

- Provided representation for 41,132 new case grants.
- Provided 86,537 duty services.
- Provided 25,730 information services.
- Provided 22,492 advice and minor assistance services.
- Advised 2,854 prisoners.
- Represented 208 people in the Court of Criminal Appeal (CCA) and seven people in the High Court.

- Appeals lawyers won 55% of sentence appeals, 55% of conviction appeals and 64% of Crown appeals in the Court of Criminal Appeal.
- Answered 10,174 calls on the Under 18s Hotline and advised 5,882 young people, the majority of whom were in police custody.
- Represented 49 young people referred to the Youth Drug and Alcohol Court Program.



Criminal law cases 2003–2004: decisions have wider impact

Lifer challenges existing legislation

We conducted an appeal before the Full Bench of the High Court in the matter of B. B and a co-accused, C, had been convicted of murder in the 1970s and received life sentences. Their papers were marked “never to be released”. People sentenced before 1990 who had their papers marked like this could make an application to have their sentences re-determined after serving eight years.

Amendments were made to the relevant legislation in 1997 (made days after C’s application for re-determination of his sentence was granted) and in 2001. These amendments meant that people given life sentences marked “never to be released” could only apply for a sentence re-determination in certain circumstances, such as they must have served 30 years of their sentence and they must establish special reasons to justify their application.

These amendments raised important constitutional issues, including that they have a retrospective effect, and were discriminatory as they targeted a

small group of people given life sentences.

This was a major constitutional case, for which the Commission instructed Senior Counsel. The Attorneys-General of all the other Australian states intervened.

A decision is expected later this year. It will be important because it will clarify the scope of the judicial power in the Constitution, and the power of the legislature to set and redetermine sentences. The decision will also be significant because of its consideration of the power to impose the most serious of all sentences, that is, life imprisonment.



Criminal law cases 2003–2004: decisions have wider impact

Prescribed Concentration of Alcohol (PCA) guideline judgement

There has been concern for some time over the growing disparity in sentences imposed in Local Courts for high range PCA offences, and in particular the extent to which magistrates determine that no conviction will be recorded for such offences. We therefore began proceedings (instructing the Public Defender's Office) to seek a guideline judgement for this kind of offence.

The court's decision distinguished between ordinary high range PCA offences and ones involving moral culpability. The likelihood of a gaol sentence now increases if the charge is

a second or subsequent high range PCA offence, or where moral culpability is involved.

Abalone fisheries prosecution

We represented a number of Aboriginal men who have been charged with offences under the *NSW Fisheries Management Act 1994*. The charges relate to harvesting abalone and eastern rock lobster. The defendants, from an extended family on the south coast, argued that the harvesting of the abalone, although in breach of the fisheries legislation, is consistent with their cultural and religious practices. This raises a potential constitutional issue in relation to the guarantee under s116 of the Australian Constitution which provides that the Commonwealth shall not make any law prohibiting the free exercise of any religion. The case is still part heard at Bateman's Bay Local Court.

Extradition proceedings

It was alleged that Mr G was part of an organised group of internet users who breached copyright laws in the USA. Others in the group came from several countries, including England and were prosecuted for breach of copyright law in England. Mr G has never left Australia. Nevertheless, the USA sought his extradition to face prosecution for breaches of their copyright laws. The application for extradition was opposed in the Local Court and extradition was denied. The USA appealed to the Federal Court which allowed the appeal. An appeal to the Full Court of the Federal Court has been lodged and is still pending. In the meantime Mr G is still remanded in custody. The case has significant implications for people whose use of the internet may constitute an offence in another country.

Grants Division

We worked in close partnership with private lawyers who provided representation to 43.3% of all legally aided clients in New South Wales in 2003–2004.

This division makes decisions on the granting of legal aid and allocates matters to inhouse staff and private practitioners.

This year the division received 25,146 applications for legal aid, comprising:

- 8,749 applications for legal aid in criminal law
- 15,368 applications for legal aid in family law
- 1,029 applications for legal aid in civil law.

Grants Division staff also administered 29,636 duty appearances conducted by private practitioners at courts in NSW.

We achieved faster results through online practices.

This division has made it considerably easier for private practitioners to do business with the Commission. Since 2002, when we pioneered online applications in family law,

Working with private practitioners to assist a greater numbers of clients

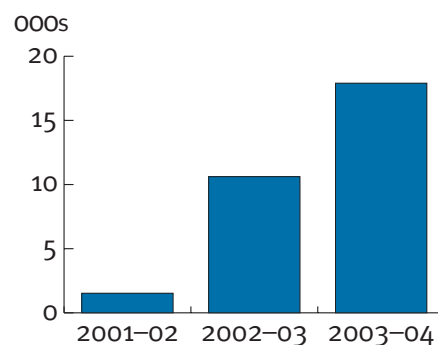
greater numbers of practitioners have been submitting legal aid applications and invoices over the internet under guarantee of a fast turnaround.

Continued online developments this year included:

- a 68% increase over last year in the electronic lodgement (E-lodgement) of family law applications;
- faster determination of applications with an average processing time of 4.2 days;
- introduction of E-lodgement for criminal law and veterans' law; and
- new web application forms, including modifying the LA Office system to include a specific disability question, allowing us to collect more comprehensive data on clients.

Communicating clearly with clients is a priority. This year, plain language information sheets were provided to criminal law and veterans' law clients to help ensure they are better informed about their grants of legal aid.

E-Lodgement requests received 2001–2004



The Professional Practices Branch completed the selection process for the Commission's Care and Protection panel. The panel is expected to be operational by September 2004.

Action to recruit practitioners for the Child Representation and Court of Criminal Appeal panels is close to completion, with recruitment for the veterans' law panel opening in July 2004.

Together, lawyers and social workers achieved good results for clients

Legal Aid clients obtained improved access to services and entitlements with the assistance of our expert social workers in the Client Assessment and Referral Unit.

A new position was established this year to respond to lawyers' requests for information and referrals, assisting specifically with clients' non-legal needs. The Community Liaison and Referral Officer developed a referral database that covers community and welfare services across the State. As a result, any legal aid lawyer can access information for their clients' non-legal needs. This is of crucial importance as legal solutions can often be undermined by unmet social needs.



Case study: Good teamwork – a strike for social justice

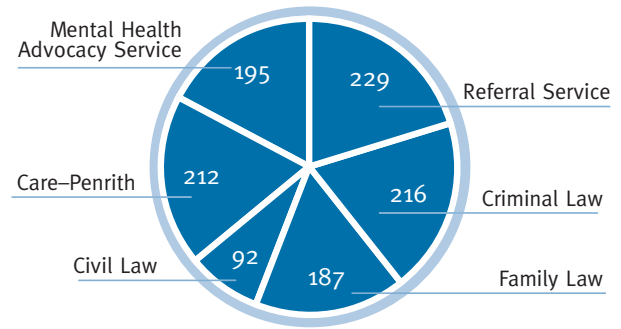
A long awaited decision in a child protection matter was handed down in September 2003 after two whole years before the courts. Teamwork between a lawyer and social worker resulted in a victory for our client despite the case being described as "impossible and hopeless".

We represented the father who has an intellectual disability. The Department of Community Services argued that his children should be in the care of the Minister until they are 18 despite evidence from numerous experts that the children had developed a strong attachment to their father and wanted to live with him. On the issue of child protection concerns, we argued that the father would manage his household and be able to parent his children sufficiently given the right support.

The argument was supported by the social work report's detailed evaluation, highlighting strong evidence of a man and his extended family with a very high commitment to his children.

The court decided the children should live with the birth father under departmental supervision for two years. This outcome reflects the critical contribution of inhouse collaboration between Client Assessment and Referral and lawyers to achieve the best results for particularly disadvantaged families.

Client assessment and referrals 2003–2004
Number of clients



Strategic Planning and Policy Division Targeting the most disadvantaged people

This division is responsible for Service Delivery Planning and Evaluation, Community Partnerships, Review and Reform and Legal Aid Review Committees.

We launched a Co-operative Legal Service Delivery Model that will help address unmet legal needs in rural and regional areas (See page 12).

Through our Access and Equity Plan, we provided improved access to justice for people with special disadvantages. For details, see pages 67–68.

People who are refused legal aid are able to appeal to independent committees for a review of their matter. This year the committees allowed appeals in 155 (17.6%) of submitted matters. The table on page 79 shows further details of committee caseload and successful appeals by program areas.

Assisting clients to access and assert their rights through education programs and free publications.

The Commission has continued to build relationships with target client groups and has made particular progress in delivering Community Legal Education (CLE) to Aboriginal and Torres Strait Islander people, young people from culturally and linguistically diverse backgrounds, women, people with disabilities, and other members of culturally and linguistically diverse communities. Family law, child support and veterans' entitlements have been the focus of a significant number of the Commission's CLE services to client

groups and relevant community and government workers during 2003–2004.

Particularly well received were sessions presented by family lawyers on domestic violence. These were delivered in collaboration with NSW Police to more than 230 community workers and leaders from Arabic and Pacific Islander communities in metropolitan and western Sydney.

The division's Publications Unit disseminates information about people's legal rights.

As well as maintaining online resources, the unit distributed a total of 320,993 printed publications on a range of topics (see page 89 for details). This compares with 250,000 in 2001–2002 and 336,868 in 2002–2003. Information about our family law conferencing program was translated into seven community languages and widely distributed.

Areas for improvement



The Criminal Law Division will be evaluating the merits of extending the Under 18s HotLine to a 24 hour service, seven days per week. The division will also be investigating ways of improving the level of service for statewide weekend bail courts.

Bringing legal services within reach of people who live in isolated parts of the state is another identified area of need.

One priority will be to expand inhouse family law services to Walgett and Broken Hill as part of the Co-operative Legal Service Delivery Model.



The year ahead

During the next 12 months, the main focus for all divisions will be on improving service delivery to clients. Special attention will be given to strategies for improving access to legal aid by Aboriginal communities, particularly in rural and regional areas.

The Commission will revise its draft Aboriginal Justice Plan to make it consistent with, and complementary to, the NSW Government's NSW Aboriginal Justice Plan 2003-2012. We will develop a model of dispute resolution for resolving community disputes, provide increased access to family and civil law services, and develop competency standards for legal practitioners representing Aboriginal people.

Over the next 12 months the **Civil Law Division** will also undertake a project aimed at improving outcomes for forensic patients.

In 2004-2005, the **Family Law Division** will expand its mediation program and revise its strategies for Aboriginal mediation.

In addition, it will review and consolidate its outreach programs to ensure that clients living in isolated areas have access to regular services, particularly in the far west of New South Wales. The outreach programs will complement the increasingly effective community legal education programs run in all areas of the State.

The division will work with the Family Court in the Children's Cases Program to develop less adversarial procedures in parenting matters. In 2004-2005, this will include monitoring cases under the program in terms of both cost effectiveness and practitioner/client satisfaction.

The **Criminal Law Division** will improve service delivery to its clients by implementing more key recommendations of the Criminal Law Review.

The division will improve outcomes for clients by providing strategic data and information to the Criminal Case Processing Committee, originally established by the Attorney General in April 2004, to monitor the various factors influencing criminal case processing for indictable matters. In 2004-2005, this will include close cooperation with other criminal justice agencies sitting on the committee, to examine the benefits of more centralised committals centres, new court time standards, and creating an environment at the committal stage which provides every opportunity for a plea of guilty.

Working with Legal Aid will become even easier for the private profession as a result of greater online efficiencies. In 2004-2005, the **Grants Division** will complete the E-Lodgement criminal law pilot. E-Lodgement of duty solicitors' invoices will also be introduced.

A key priority for the Commission next year will be to establish protocols with LawAccess NSW for the provision of information and advice services to clients and train Commission staff in the referral protocols so that the Commission's advice services are targeted at those who most need them. LawAccess NSW provides legal information, referral or advice by phone and is often the first port of call for legal aid clients.

The Conflict of Interest Committee will continue its work in dealing more effectively with the difficulties which the legal concept of Conflict of Interest, real or perceived, causes to the Commission's advice, duty and case work.

People

We ensure our staff have all the support they need to do their work more effectively



Another training landmark—the first Legal Aid graduates to complete the UTS Diploma of Business, proudly received their diplomas on Tuesday 15 June 2004. They are pictured here with CEO Bill Grant and the Dean of the Faculty of Education, UTS, Professor Andrew Gonzi.

Performance goal

To have a professional culture and a positive and productive work environment.

Key results 2003–2004

Improved level of staff skills and knowledge, focusing on uniformity of service delivery and managerial skills.

Performance highlight

Inhouse training attendance increased by 273% this year, which has helped to establish the Commission as a “learning organisation”. As part of this trend, 14 graduates completed an intensive training course equipping them to be managers in a modern, progressive work environment.

The nationally recognised Diploma of Business (Frontline Management) is provided in partnership with the University of Technology Sydney’s Training and Development Services. It proved a huge success with staff, who found it gave them greater confidence to suggest new ideas as well as increasing their skills base.

A total of 61 managers and supervisors have been accepted into the program since it began in June 2003.

Learning and development highlights

For the second year in a row there have been significant increases in training and development opportunities for our staff, with the introduction of many new and innovative programs (See page 76 for details). Inhouse training attendance increased by 273% as Training and Development played a lead role in establishing the Commission as a “learning organisation”.

Key achievements for 2003–2004 included:

- Providing greater management development opportunities (See facing page);
- Conducting team development sessions focussing on the results of the *Without Prejudice Survey* and involving staff in analysis and improvement of their workplace;
- Establishing a range of programs in the Client Services area which can attract Mandatory Continuing Legal Education points (Detailed list on page 76);
- Establishing a number of programs to improve staff skills on the job. (Detailed list on page 76); and
- Delivering 31 corporate and IT training sessions at regional centres.

The Commission also maintained various other training and development services. Ongoing programs included:

- Mandatory Continuing Legal Education;
- Delivering conferences and seminars attended by over 1,000

Commission, community legal centres and private lawyers;

- Approving 72 applications for Study Leave and granting fee assistance through the Further Education Financial Assistance Program to 34 of these; and
- Specialist Accreditation Program – The commission has 70 lawyers with specialist accreditation: 38 in criminal law; 23 in family law; four in children’s law; three in advocacy and two in personal injury.

Equal employment opportunity achievements

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

- Appointing an ATSI Employment Officer in the Human Resource Management Branch;
- Appointing five Aboriginal and Torres Strait Islander (ATSI) trainees to Clerical Officer positions at Bankstown, Gosford, Parramatta, Tamworth and Head Office. These appointments occurred after trainees successfully completed their clerical traineeships which consisted of on-the-job clerical training combined with a formal TAFE component of training in a certificate in Business/Administration;
- Developing initiatives under an ATSI Justice Plan to provide employment and career opportunities for ATSI people and ensure service delivery to ATSI clients is culturally sensitive;
- Implementing Flexible Work Practices Policy to improve

Over 900 people attended our conferences this year compared with 377 last year.

equitable access to flexible work options for the Commission’s staff members. Amongst other things, the policy introduces formal working from home arrangements for a number of staff members;

- Regular Aboriginal Awareness training sessions for staff members who interact with Aboriginal people;
- Introducing regular *Demystifying Mental Illness* courses to provide staff members with improved understanding and communication skills which will help them deal with clients who have mental illnesses;
- Developing a new course, *Working with Muslim Clients*, which will be available in the next financial year. The course will include an overview of Islam, interaction with Australian society, cultural and family issues and Islam and the Australian legal system.
- Regular induction programs for new staff members to ensure that all new starters are aware of the Commission’s policies and procedures;
- Ongoing *Selection Techniques and Selection Techniques Refresher* courses to ensure that all selection panel convenors are able to undertake merit selection processes;
- developing a *Harassment Free Workplace* Policy; and
- Finalising a Reasonable Adjustment policy which was incorporated into a broader policy document.

Occupational health and safety and workers’ compensation

The Occupational Health and Safety (OH&S) Committee met regularly to review OH&S issues in the

Staff numbers over last five years

Years	FTE [†] figures* financial year end	Actual staff numbers financial year end
2004	669	721
2003	634	683
2002	565	612
2001	566	611
2000	586	643

* (see page 76 for more details)

[†] Full Time Equivalent



Aboriginal trainees celebrate the successful completion of their traineeship before going on to accept permanent clerical positions.

Commission. A major achievement was to improve communication with all staff about OH&S matters. The OH&S Committee reviewed and endorsed the following policies:

- Client Services Strategy – Managing Aggressive Clients and Difficult Situations
- First Aid Policy
- Managing and Reporting Unsafe Incidents
- Draft Workers Compensation and Injury Management policy and procedures
- Standards for staff safety in external work environments.

An OH&S Corporate Induction Program is conducted on a regular basis to provide information about OH&S to new employees. Regular training was delivered to staff on OH&S, stress management, ergonomics, visiting gaols safely,

managing aggressive behaviour, dealing with difficult clients and conflict management (See page 76 for details).

Worker’s Compensation

There has been an increase in the number of reports relating to workplace incidents in the last financial year. This has arisen as a result of increased awareness on the requirement to report on incidents that occur in the workplace to assist the Commission to undertake risk assessments and implement preventative strategies to minimise the OH&S risks in the workplace. Awareness of the need to report workplace incidents has been increased this financial year through:

- continued OH&S induction for all new staff members;
- issuing all induction material to existing managers and staff members; and

- ongoing work of the OH&S Committee and OH&S representatives in regions.

The cost incurred to 30 June 2004 of new claims reported in 2003–2004 was \$34,138 compared to \$116,931 in 2002–2003, a decrease of \$82,793.

The number of accepted claims decreased from 20 in 2002–2003 to 18 in 2003–2004.

The number of full-time equivalent (FTE) staff (on average) for this financial year was 664, an increase of 30 from 634 in 2002–2003. This equates to an average claim cost of \$51.41 per staff member compared to \$184.43 per staff member in 2002–2003.

Employee Relations

We continually reviewed our operations to ensure we are delivering services of the highest standards and with the utmost professional integrity.

This included:

- Reviewing, updating and disseminating our recruitment policy and procedures; and
- Developing a Performance Planning and Development system for piloting in 2004–2005.

Code of Conduct

As the previous Code of Conduct was developed in September 1993, the Commission was committed to updating the Code to reflect its current values, vision and mission. The new Code of Conduct was released in January 2004 with significant changes incorporating the principles and requirements which now apply to all NSW Public Service agencies. It also includes a new Guide to Ethical Decision Making, more comprehensive Conflict of Interest guidelines, and new information on reporting corrupt conduct, maladministration and waste in accordance with the *Protected Disclosures Act 1994*. (See pages 83–86 for our new Code of Conduct).

Other staff achievements

Civil Law Division

Aside from casework, staff made other contributions:

- Updated the chapters on veterans’ entitlements, refugee law, debt and credit in the 9th edition of the *Law Handbook*;

Workers’ Compensation Claims		
Type of Claims	2002–2003 No. of Claims	2003–2004 No. of Claims
Workplace	9	8
On Duty not at Office	5	3
Journey	4	6
Lunchtime	2	1
Property Claim Only	-	-
Total Claims Accepted	20	18
Claims Declined	3	2

Work Related Injury/Incidents		
Type of Injury/Incident	No. of Reports	No. of Reports
Workplace	13	30
On Duty not at Office	6	6
Journey	16	15
Lunchtime	4	3
Total Injuries/Incidents	41	54

- Updated the chapters on credit and veterans' entitlements in the *Lawyers Practice Manual*;
- Presented a paper at a Lawyers Reform Association forum on the treatment and detention of mentally ill offenders; and
- Presented a paper to the Asian Women's Fund on women in immigration detention.

Criminal Law Division

- At the invitation of the Human Rights and Equal Opportunity Commission (HREOC,) Will Hutchins from the Prisoners Legal Service presented a paper in Xian (China) on "Human Rights Protection for Detainees and Prisoners". The conference was organised by HREOC and the Supreme Peoples Procuratorate (SPP) in China.
- Approved a Training Officer position as identified in the Criminal Law Review.
- Finalised recruitment in relation to the restructure for senior positions of Director Criminal Law, and Regional Program Coordinator Crime.
- Four staff members attained the Diploma of Business (Frontline Management) and eight more are currently undertaking this course.
- Bryan Robinson from the Penrith Legal Aid office, delivered five guest lectures to 270 trainee police detectives, on the respective roles of police and Legal Aid lawyers in the judicial system.

Family Law Division

- Lawyer Debra de Fina assisted in the third update of the *Children's Court Care Matters Practice Manual*.
- Lawyers Alex Wearne, Jane Costigan,

Below: Newcastle lawyer Margaret Wood and Lisa Greenwood from Greater Taree City Library celebrate Law Week in Taree.



Atoa Aiolupotea made an important contribution to spreading the word about Legal Aid amongst the Pacific Islander community.

Norman O'Dowd and Frances Neilson presented papers at our statewide family law conferences.

- Conducted training programs for family conference organisers and chairpersons.
- Conducted a care and protection training conference for private practitioners practising in this area.

Atoa Aiolupotea (photo, above) from Manly Legal Aid office has greatly expanded the Commission's delivery of legal education to the Pacific Islander community, developing partnerships with community leaders and delivering radio interviews, information sessions, and an information stand at the Pacific Unity Day festival in Waterloo.

Grants Division

- Recruited a senior criminal lawyer to manage the implementation of electronic lodgement for criminal law matters.
- Staff improved their skills through training in family, civil, criminal and veterans' law and in E-lodgement processes.
- All Team Leaders completed the New Managers and Supervisors course. Two staff members graduated in the Diploma of Business (Frontline Management) and three others are currently enrolled in this course.

Law Week

Commission staff showed outstanding dedication to *Opening the Door to the Law* during Law Week 2004 (16-22 May), organising and participating in educational events

across NSW, including Sydney, Dubbo, Taree, Wollongong, Nowra, Bega, Lismore, Newcastle and Kyogle. Events included seminars, Law Fairs, competitions, and performing and creative arts events.

A new brochure promoting the Women's Domestic Violence Court Assistance Program to Aboriginal and Torres Strait Islander people was launched in Taree (see page 33), along with the official launch of the Commission's Family Law Advice Outreach Service to Taree.

Wollongong staff and veterans' advocates conducted a three-day program of seminars in Wollongong, Nowra and Bega focusing on legal issues for older people.

Area for improvement



The Commission will continue to review and improve its administrative operations in line with good corporate governance and cost-effective principles.



The year ahead

The CEO and all directors will ensure that the needs of staff are considered in plans for the year ahead, particularly their ongoing development and job satisfaction.

Human Resources will focus on:

- Implementing a pilot of the Performance and Development system.
- Developing and implementing a Mentoring Program.
- Developing and implementing a comprehensive Risk Management System to ensure we have effective Hazard Management and Risk Assessment processes.
- Implementing the Commission's new Recruitment Strategy.

Organisation

A major restructure was completed and a framework for a statewide practice model was established



Regional Administrative Co-ordinator Christine Johnson, and Regional Program Co-ordinators Paul Hayes (Crime), Alex Colquhoun (Family), and Tim Smith (Civil) played a critical role in the new organisational structure.

Performance goal

To use modern systems and processes which maximise the efficient and effective use of Commission resources.

Key results 2003–2004

We improved our business systems and processes to provide easier access to information and services and more timely and accurate responses for our partners, clients and staff.

Performance highlight

This year legal practice areas worked collaboratively towards achieving consistent statewide practices. To facilitate this, three Regional Program Coordinators (RPCs) were appointed in the areas of civil, family and criminal law. The RPCs will ensure there is effective communication between the Solicitors-in-Charge of regional offices and Program Directors, in order to achieve the Commission's service delivery goals. They will also act as a resource for regional staff, assisting them to perform in their various roles. Since their appointment in February 2004, the RPCs have contributed to defining business and service delivery plans and assisted the directors to settle practice standards and achieve various practical improvements to service delivery.

A Regional Administrative Coordinator was also appointed to work with Office Managers in regional offices and to assist the Deputy CEO Legal to establish consistent statewide practices.

This year, each division assumed greater responsibility for establishing more efficient work practices and improving business planning decisions.

Civil Law Division

- Developed guidelines to ensure consistent file review standards across the civil law program.
- Developed an intranet facility to enable civil lawyers to more effectively collate and distribute case reports, case precedents, law reform submission and legal education resources. This facility is now in the testing phase.
- Set up a committee to work on developing proposals for implementing the recommendations of the Civil Law Review, which was conducted in 2003.

Family Law Division

- Set more rigorous practice standards for the statewide family law program for application in regional offices, with the assistance of the new Regional Program Coordinator.
- Launched a more flexible means test pilot in family law conferencing. This resulted in more clients being able to benefit from our mediation services.
- Established a permanent duty scheme in the Family Court and Federal Magistrates Court at Parramatta.
- Commenced a pilot duty service in the Family Court and Federal Magistrate's Court at Newcastle.
- Established the Nowra regional office to provide family law services along the south coast to the Victorian border.
- Consolidated the outreach service from Lismore to the Tweed and surrounding areas as a permanent service.
- Developed practice standards and service agreements for family conferencing chairpersons.
- Implemented, through the Lawdocs precedent system, a range of precedents specially developed for the work of the statewide inhouse family law practice.

Clearly defined practice standards and better case management were just some of the ways our legal practice areas successfully met their organisational challenges.

- Assisted the Grants Division in the implementation of panels for the care and protection jurisdiction.

Criminal Law Division

- Identified priorities for implementation from the Criminal Law Review. These included a review of clerical support gradings, an expanded relief unit, rotation policy, restructure at head office, and additional solicitor advocate positions.
- Developed a means of calculating average duty and case Local Court workloads so that more accurate assessments and comparisons can now be made.
- Further expanded access to and usage of audio-visual (AVL) conferencing of prisoners in New South Wales Correctional Centres and other locations.
- Seconded senior criminal staff to the Grants Division to enhance the Commission's capacity to manage complex assigned criminal law matters.
- Conducted planning days for Children's Legal Service, Criminal Relief, Advocacy and Committals Units to identify priorities for legal service delivery and the means of achieving those priorities.

- Participated in the Grants Crime Coordination Committee (GCCC) to introduce business rules for the conduct of criminal law cases across the Criminal Law Division, highlighting the procedures that should be attended to when granting or refusing legal aid and when assigning matters to private practitioners.

Grants Division

- Fully implemented E-lodgement for family law matters in Commonwealth and State jurisdictions. All inhouse practitioners and nearly 55% of private practitioners now lodge family law applications electronically.
- Approved 3,138 payments of the \$80 E-lodgement Fee (ELF) for Commonwealth family law matters, and conducted an evaluation of the ELF incentive.
- Changed the Grants Online and LA Office systems to improve services in family law and make E-lodgement available in Children's Court criminal law, Local Court criminal law and veterans' advocacy matters.
- Commenced a pilot of E-lodgement for Children's Court criminal law, Local Court criminal law and veterans' advocacy matters.



The Pilot Audit Team members begin the review process.

- A survey of inhouse grants practices for criminal law applications allowed the Grants Crime Coordination Committee to develop Business Rules for the Criminal Law Program. The Business Rules set a consistent approach in the granting of applications to the inhouse practice and private practitioners. The Business Rules include an 'Assignment Protocol' and will be reproduced in a Procedures Manual for staff.
- An audit of private practitioners who use E-lodgement facility, to assess compliance with the E-lodgement guidelines and invoice certification procedures.

The Strategic Planning and Policy Division

The division established a Community Legal Education (CLE) Reference Group to undertake strategic planning of the Commission's CLE services.

The Community Legal Education Management System (CLEMS), a web-based database system designed to facilitate the coordination, evaluation and reporting of the Commission's CLE services, has progressed into its second phase of development. CLEMS will be accessible to all staff via the Commission's Intranet and will also allow the general public to register for CLE events via the Commission's website.

Section and regional managers are better able to plan their services thanks to the development of a number of service delivery tools including:

- *Ethnic Demographic Profiles for Regional Offices*, an electronic snapshot of population growth data and the ethnic make-up in regional areas.
- Electronically available demographic information on the extent of disadvantage in communities, showing the location of Commission offices, courts, community legal centres and other legal service providers relevant to our potential client groups.

Business and Client Services Division

Implementing systems that improve overall efficiency

Our **Business and Client Services Division** worked to improve our business analysis and reporting systems and to connect financial, human resources and operational information.

The Commission has selected the WebFOCUS product to provide information electronically across the organisation.

The reporting format for financial information has been prepared and is currently being developed within WebFOCUS. The revised reporting format varies significantly from current reporting formats, and introduces new associated financial accountabilities and responsibilities for management. New training programs for staff are being developed to support the introduction of the new reports. The new reports will be available for use by 31 December 2004.

As an initial step to improve reporting both the SAP financial system and the CHRIS payroll system have been successfully upgraded during the year.

Draft indicative performance indicators have also been prepared. The final set of indicators will be available in 2004-2005.

The Operational Support Unit:

- Established a new permanent office in Nowra and refurbished our Newcastle office to provide additional facilities for Alternate Dispute Resolution and Video Conferencing.
- Reviewed our Records Management System to identify requirements for an updated system to be introduced Commission-wide.

- Extended the current purchasing relationship with the Attorney General's Department to achieve maximum aggregation benefits through a shared tendering system for stores and stationery.
- In accordance with the Waste Reduction and Purchasing Policy (WRAPP), ordered file covers from recycled cardboard only and ensured that only recycled toner cartridges were used.

Human Resource Management Branch's achievements this year included:

- Updating the Code of Conduct.
- Developing a set of new policies/procedures, including the Use of Email and Internet Policy and Procedures, and updating the Commission's Induction Manual and Procedures for Reasonable Adjustment and Health Assessment.
- Gaining accreditation in Job Evaluation to enable us to classify and grade positions inhouse.
- Developing a generic position description for legal support officers to facilitate recruitment and provide more staff development opportunities, including job rotation and more flexible staff movements.
- Providing increased learning and development opportunities to staff across the Commission.

The **Information Management and Technology Branch** upgraded several of our corporate systems and developed an IT Strategic Plan. Achievements this year included:

- Introducing a website for registering and managing private practitioners on Legal Aid panels.
- Bringing the internet site inhouse (It was previously hosted at the Attorney General's Department) and implementing a new content management system.
- Replacing printers throughout the Commission.
- Piloting implementation of a new Intranet, with many new features.

A Corporate Reporting project has been underway, with the goal of improving the information available to people in the Commission. Some improvements are already in place, and more are planned with the development of a data warehouse. When implemented, this will give 'point and click' access to information within all of the corporate systems.

Electronic services to our partners were increased during the year.

Highlights included:

- The Panels Expressions of Interest website has 549 registered users, and during 2003–2004 received 462 completed panels applications.
- Introducing an enhanced Community Legal Education System to coordinate the training programs provided to the general community.
- An online referrals system providing information to partner organisations on both legal and non-legal service providers on a geographic basis.

The **Financial Services Branch** has improved the financial information available to the Commission about its business processes during 2003–2004. The Branch upgraded its financial system (SAP) to the latest version (Version 4.7 Enterprise), making the Commission the first government agency to do so.

During the year, NSW Treasury made significant changes to the budget process. The Branch adapted to these new requirements, and advocated strongly on the Commission's behalf during the process.



Areas for Improvement

The Commission will be working to develop a model for costing our inhouse practices and finalising a set of performance indicators to better measure and explain our performance.

The **Grants Division** will explore the feasibility of introducing proposals for change related to indictable crime cost issues, including the introduction of lump sum fees.



The year ahead

As part of the Corporate Services Reform Strategy, a statewide initiative to share corporate services, the Commission will investigate sharing resources in Asset Management, Fleet Management, Records Management and Procurement, in our ongoing quest to reduce overall costs and achieve greater efficiencies.

The Commission will be working with other legal aid commissions across the country to develop a national IT case management system. The new system, which is expected to be ready for delivery in 2005-2006, will improve the Commission's ability to manage its caseload and service provision as well as providing improved information to support business decisions.

We will finalise development of key performance indicators to allow us to better measure and explain our performance.

By adopting government-wide policies, consistent throughout the Justice Portfolio, we will streamline procedures. This will also improve our capacity to measure business performance.

Our Records Management Program will be updated to the newest release, and comprehensive staff training will be provided to meet corporate needs.

Over the next year the purchasing policy will be reviewed to ensure that suppliers accept returns of their packaging and any re-usable containers.

In particular, our **Criminal Law Division** will:

- Access improved business data to evaluate the importance of early preparation and plea negotiation in committal matters.
- Provide strategic data and information to the Criminal Case Processing Committee to enhance efficiencies in the processing of matters in the criminal justice system, in a way which does not adversely impact on the Commission's costs.
- Identify issues concerning criminal indictable cases to enable more effective interaction with the prosecution, and to further improve case management of matters in the court system.
- Further develop and implement business rules to ensure consistency across the Commission's inhouse practices.
- Implement the initiatives identified and accepted from planning days conducted with the Advocacy, Committals, Relief and Children's Legal Service Units.
- Continue to increase the usage of in-house video conferencing facilities by inhouse and assigned practitioners undertaking criminal work.

Our **Civil Law Division** will implement the agreed recommendations of the Civil Law Review.

A new three-year Strategic Plan will enable us to effectively deliver a community legal education program across all areas of the State.

Partners

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



Celebrating five year's of Legal Aid's involvement in the NSW Drug Court. From right: Senior solicitor Eleanor Thornton, Director, Criminal Law, Brian Sandland and lawyers Scott Schaudin and Ian Rodgers.

Performance goal

To work cooperatively with other legal service providers to deliver a range of effective and efficient legal aid services across the State.

To participate fully in the legal system to ensure the interests of economically and socially disadvantaged people are protected and enhanced.

Key results 2003–04

We developed close working relationships with other agencies and through law reform and inter-agency networking, were a key player in the justice system.

Performance highlight

A ceremonial sitting to commemorate the fifth anniversary of the NSW Adult Drug Court was held on 5 February 2004 at Parramatta in Western Sydney. Legal Aid lawyers attended as part of the Drug Court team.

The Drug Court was launched in 1999 as a radical legal experiment taking a therapeutic rather than a punitive approach to the issue of recidivism rates amongst drug using offenders. As part of this new approach, drug users who plead guilty to their crimes, take part in programs to get over their addiction rather than go to gaol. An independent evaluation found that the program compared well to custodial alternatives.

The team approach is one of the most innovative aspects of the Drug Court, using a unique combination of legal and health professionals to assist participants through the program. In 2003–2004, Legal Aid lawyers working on the Drug Court team advised 437 clients.

Civil Law Division

Working in partnership with key agencies, staff in this division achieved high results in each of their performance targets, from wins at court, to law reform and undertaking record numbers of community education programs.

Achievements this year included:

- Through the assigned practice, private practitioners provided representation for 375 new case grants and conducted 8,872 duty appearances at court.
- The Veterans' Advocacy Service and volunteer veterans' advocates conducted joint advice seminars for veterans' advocates in regional areas.
- Veterans' advocates participated in the Veterans' Practitioner Consultative Group, a forum established by the Legal Aid Commission to build links with private practitioners in the area of veterans' entitlements.
- The senior solicitor of the Mental Health Advocacy Service served on the state government reference group considering the review of the *Mental Health Act*.
- Consumer lawyers worked with consumer advocates on a range of policy issues including debt collection, mortgage brokers, consumer dispute resolution schemes, and review of insurance law.
- Human rights lawyers worked with disability advocates to address the issue of discrimination by insurers against people with a disability. This included acting for People with Disability Australia, in a successful amicus intervention in the Federal Court (See page 14).
- Housing lawyers worked with tenants' advocates on submissions to the state government to lessen the adverse impact of the *Residential Tenancies Amendment (Public Housing) Bill 2004*, on public housing tenants.
- Housing lawyers conducted legal training sessions for tenants' advocates, on housing law and legal aid policies and services.

Strong partnerships supported a greater client focus

- Civil lawyers from our Dubbo and Lismore offices, participated in the regional Co-operative Legal Service Delivery pilot projects which sought to bring together partners in the justice sector in regional areas, to develop strategies to improve client services and referrals. (See page 12 for details).
- Our Wollongong lawyers initiated a regular e-newsletter on activities of the civil law practice, for local private practitioners and other legal service providers.
- Staff presented submissions on a wide range of law reform issues (See page 78) and were members in a number of external cross-agency committees (See page 81).

Family Law Division

Formal networking increased benefits to clients

As well as conducting a busy caseload, staff in this division focused on initiatives as wide-ranging as law reform, inter-agency training and collaborative online projects.

Initiatives this year included:

- Through the assigned practice, private practitioners provided representation for 9,054 new case

- grants and conducted 3,734 duty appearances at court.
- Participated in the working group and steering committee to establish the Children's Cases Program in the Family Court at Sydney and Parramatta (See page 19).
- Worked with our partners in the Child Support Agency, Centrelink and the Australian Government Solicitor to present an interactive child support training day for Legal Aid and Community Legal Centres staff.
- Drafted fact sheets for children and parents involved in care and protection matters for use on both the Children's Court and Legal Aid Commission websites.
- In conjunction with the Department of Community Services, our Senior Solicitor for Care and Protection has written the update for the Children's Court Care Matters Practice Manual.
- Staff presented submissions on a wide range of law reform issues (See page 78) and were members in a number of external cross-agency committees (See page 82).

Below: By sharing an information stall, Maria Girdler (Macquarie Legal Centre) and Rana Sabih (Parramatta Legal Aid) attracted a large number of people at Granville Multicultural Festival in May 2004, proving that partnerships work.



Criminal Law Division

Fostering partnerships through a range of initiatives including training, conferences and law reform

- Through the assigned practice, private practitioners provided representation for 9,009 new case grants; and conducted 41,757 duty appearances at court.
- Criminal staff participated in the organisation and delivery of 10 training sessions for practitioners across NSW on the Magistrates Early Referral into Treatment (MERIT) 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 81).
- Made 20 independent law reform submissions (See page 78).
- Negotiated a new Service Level Agreement with the Public Defender's Office.
- Conducted a three-day criminal law conference attended by 306 practitioners from Legal Aid, Aboriginal Legal Services, Community Legal Centres and private practitioners.
- Held a Children's Legal Service conference in Dubbo targeting joint criminal law enterprises identification issues, attended by 36 practitioners from regional NSW including delegates from Aboriginal Legal Services, Public Defenders, private practitioners and Legal Aid.
- Increased the resources available to Aboriginal and Torres Strait Islander Legal Services (ATSILS) to provide criminal law assistance to Aboriginal people, including access to advocates, specialised training and library resources.

Grants Division

Developing better ways of working with the private profession

Private practitioners are our key partners in delivering cost-effective and efficient legal aid services to the public of New South Wales. This year, we improved our online practices, and developed systems and standards to ensure long-term equitable partnerships with all practitioners working on behalf of legally assisted clients.

Achievements included:

- A significant increase in the number of private practitioners lodging family law applications online. By June 2004, 442 firms were registered for E-lodgement, an increase of 67% on this time last year. 90% of the top 50 private law firms who do legal aid family law work are now registered for E-lodgement.
- Processed electronic applications in 4.2 days on average and paid electronic invoices on average within one day.
- Ten private legal firms took part in the pilot for E-lodgement in Children's Court and Local Court criminal law matters.
- Twenty-eight private legal firms took part in a pilot audit of E-lodged family law and care and protection matters.
- Implemented the private practitioner panel in Children's Crime and completed the selection process for the Care and Protection, Child Representation and Court of Criminal Appeal panels. Private practitioners appointed to panels enter into a service agreement and agree to adhere to practice standards for the delivery of quality legal services.
- Produced a new Grants Online user manual for inhouse and private practitioners. Context-sensitive help screens were incorporated within Grants Online for practitioners to use while completing online applications.

- Maintained the Duty Solicitor Scheme through the support and cooperation of the private legal profession in the NSW Courts.
- Provided assistance to three Aboriginal and Torres Strait Islander Legal Services (Sydney, Western Aboriginal Legal Service, Kamilaroi) to enable them to provide increased family law advice and representation.

Strategic Planning and Policy Division

Forging new partnerships in co-operative service delivery.

This division plays a key role in reviewing and evaluating existing programs and services, identifying gaps in service delivery and highlighting opportunities for improvement through its Community Partnerships Unit. This year, the division coordinated a major new partnership that includes building strong relations with the private profession and other legal service providers in their allocated regions (see page 12).

Areas for improvement

The need for ongoing evaluation and assessment has been identified as an area for improvement. One way of addressing this is to develop partnerships with other agencies who can provide independent expertise. To this end, the Family Law Division will conduct a durability study of family conferencing settlements in partnership with the University of Western Sydney.

The 'For Legal Practitioners' (FLP) subsite—part of our website at: www.legalaid.nsw.gov.au—is an excellent resource which offers the Commission many opportunities to provide a better service to private practitioners. The Grants Division will aim to enhance the FLP site to communicate with practitioners more effectively using email, resulting in real business improvements.



Significant wins: Grants Division cases 2003–2004

In 2003–2004 private practitioners achieved some outstanding victories in their representation of legally aided clients. Highlights included:

Residence Application for a younger sister

Legal aid was granted to a 19-year-old woman for a Residence Application for her 14-year-old sister. The younger sister had been taken to a Middle Eastern country by the mother, and left with relatives in order to marry their 15-year-old son. The mother is mentally ill, but the father sanctioned the mother's actions. Both young women were born in Australia and had never visited these relatives. The older sister was not permitted to talk to her sister in English and the younger sister was not allowed to return to Australia. The country involved is not a member of the Hague Convention.

After some initial difficulties, the older sister obtained the Residence Order in the Family Court. She then travelled to the country where her sister was and, with the help of a friend, managed to transport her sister across the border and bring her home. Now that the sisters are back in Australia, the Residence Order prevents either of the parents from taking the younger sister out of the country and gives her older sister responsibility for her ongoing care and welfare.

'Accrued Jurisdiction' clarified in federal arena

A guard closed a carriage door without warning as a disabled passenger and her husband were about to board the train. A claim for discrimination was made under the *Disability Discrimination Act* (Commonwealth jurisdiction), as well as a separate claim for damages for negligence (State jurisdiction). The matter was heard in the Federal Magistrate's Court.

The Federal Magistrate accepted he could hear both matters, which clarified the issue of "Accrued Jurisdiction" in the Federal arena. The applicant was awarded damages and costs.

Safer road crossings for visually impaired pedestrians

A claim was made for indirect discrimination by a local council in relation to the use of 'Wombat' crossings at pedestrian crossing points in a country town centre. The claimant, who is blind and assisted by a seeing-eye dog, alleged that the Wombat crossings were not safe for visually impaired people as they had no features alerting these pedestrians to the crossings, and as a result he had lost confidence in doing business in the town. The matter was satisfactorily settled with Zebra crossings with tactile ground surface indicators replacing the Wombat crossings at two locations.



The year ahead

We will strengthen our partnerships to ensure disadvantaged communities have better access to the law. A key means of achieving this will be the Co-operative Legal Services Delivery Model being piloted in Lismore and Dubbo.

We plan to evaluate the model with a view to further rollout across the State.

The Commission will work co-operatively with the Coalition of Aboriginal Legal Services, as they face the uncertainty associated with the Federal Government's tendering process, to ensure that quality and accessible criminal, family and civil legal services are delivered to Aboriginal people in NSW.

In other initiatives the **Strategic Planning and Policy Division** will:

- improve the organisation's policy and law reform networks to encourage more direct consultation in relation to law and justice issues; and

- explore partnerships to enable effective delivery of training about Legal Aid and other legal services and issues to students studying social work and welfare at TAFE and university.

The **Family Law Division** will work with the Children's Court and Department of Community Services to develop policies and procedures to ensure efficient court management and speedy resolution of care and protection cases involving children under three years of age. Another focus is to develop practice standards for chairpersons engaged in Alternate Dispute Resolution.

The **Criminal Law Division** will work cooperatively with the Public Defender's Office to minimise costs and in particular to retain high profile District and Supreme Court trials.

So that we can improve the way we work with the private profession, the **Grants Division** will conduct reference groups of practitioners, seeking their views on working with Legal Aid.

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.

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. Their services provide a valuable adjunct to services provided through the Legal Aid Commission.

Our clients

CLCs ran a number of test cases and class actions with the aim of improving social justice for disadvantaged people and assisting people to assert their human rights. Highlights included:

- Shoalcoast Legal Centre ran a successful victims compensation matter for a member of the stolen generation who had been subjected to abuse by her foster father.
- Womens Legal Services NSW is conducting a "stolen wages" test case for Aboriginal women who were denied payments for work done on rural properties in the 1930s. The NSW Government is still holding the money in trust accounts.
- Marrickville Legal Centre filed application for special leave to appeal to the High Court on behalf of a protected tenant.
- Illawarra Legal Centre lodged a class action in the Human Rights and Equal Opportunity Commission (HREOC) relating to the failure of the Child Support Agency to adequately collect child support and child maintenance.
- Disability Discrimination Legal Centre ran a case relating to the allocation of accessible seating at sporting events.
- The Public Interest Advocacy Centre (PIAC), acted for Amnesty International in the High Court in the refugee children's rights matter

B v B; and acted for a number of indefinitely detained asylum seekers in habeas corpus applications in the Federal Court.

- PIAC also appeared as amicus curiae (friend of the court) in Minister for Industry v Mobil Oil in the Full Federal Court arguing for the adoption of processes which ensure public confidence in the judicial decision-making process.

Our people

This year, the Community Restorative Centre (CRC) Justice Court Support Scheme's volunteers were awarded the 2003 Law and Justice Foundation Volunteer Award for their 'outstanding commitment to improving access to justice in NSW'. Forty volunteers attended 15 courts each day, and assisted more than 50,000 people with information on court procedure and sources of legal assistance as well as offering emotional support in court.

Court Support volunteers assisted more than 50,000 people this year.

Our organisations

This year saw some notable anniversaries of service to the community. Macquarie Legal Centre celebrated 25 years, the Welfare Rights Centre and Marrickville each celebrated 20 years of service, and the Disability Discrimination Legal Centre celebrated 10 years of service.

Our partners

Innovative Service Delivery

Community Legal Centres worked closely with their local communities and with other service providers to develop new ways of assisting clients.

Kingsford Legal Centre developed a subject focus for first year indigenous law students, on interviewing skills.

Illawarra Legal Centre initiated Contact & Residency Classes in partnership with the Family Court in the Illawarra region, the first of its kind to be trialled in NSW.



Macquarie Legal Centre lawyer Jasmine Lee was instrumental in building the centre's new website that was launched in September 2003 as part of the centre's 25th birthday celebrations.

An independent evaluation of the Hawkesbury Nepean Legal Centre's Aboriginal Legal Access Project found the project had significantly increased access of indigenous people to legal services.

Five legal centres: Redfern, Inner City, Kingsford, Warringa Baiya Aboriginal Women's and Marrickville, launched a report regarding the feasibility of establishing an indigenous cadetship program in community legal centres.

The Environmental Defender's Office appointed an inhouse scientific advisor to complement its legal practice.

Resources

The CLC Program received \$5,087,764 from the Commonwealth Government, \$3,934,753 from the State Government and \$1,083,183 from the Solicitors Trust Account/ Public Purpose Fund. For details see page 75.

The Combined CLC Group's web site is at www.nswclc.org.au with connections to individual CLC web sites.



The year ahead

- A joint State/Commonwealth review of the CLC program in NSW will commence in 2004-2005.
- We will work more cooperatively with CLCs to deliver improved services to Aboriginal people.
- We will develop a 2005-2008 Triennial Service Agreement.

Women's Domestic Violence Court Assistance Program (WDVCAP)

We administer a program that assists women with domestic violence issues. The Women's Domestic Violence Court Assistance Program (WDVCAP) helps women who are experiencing domestic violence to access and navigate the legal system.

Women are assisted with court support, information on seeking Apprehended Domestic Violence Orders (ADVOs) and appropriate referrals to other useful services. The Program has 33 schemes that service 55 courts around the state. Workers on these schemes also undertake community education activities addressing the issue of violence against women.

Our clients

In 2003–2004 the Program assisted 33,618 women, compared with 30,188 last year.

This year, the Program focussed on domestic violence in Aboriginal and Torres Strait Islander (ATSI) communities. The WDVCAP Annual conference, held at Sydney University in July 2003, adopted as its theme *Achievements and Challenges: Violence in Aboriginal and Torres Strait Islander Communities*. Attended by 160 people, this two-day event featured many

outstanding speakers and covered topics such as understanding and engaging indigenous men in violence prevention and grass roots indigenous anti-violence strategies.

A revised brochure – *Helping you go to court to get an Apprehended Violence Order* was also launched at the conference. After consultation with the Program's Aboriginal Specialist Workers, a second brochure providing the same information in language aimed at Aboriginal women, was launched in Taree on 18 May during the Commission's 2004 Law Week celebrations.

Our organisation

In 2003–2004, the Program granted \$3,166,347 to the 33 schemes, including additional funds to cover CPI and Social and Community Services award increases.

A year of review and refinement

This year the Program worked on reviewing its policy manual and service agreement, as well as compiling a Best Practice Guide. Together, they will support the work undertaken by the 33 schemes by providing tools for effective management and useful resources ensuring optimum service delivery. They will be issued to schemes in October 2004.



Law Week 2004: Trish Ping, police domestic violence worker, and Victoria Colebrook, ATSI Specialist launch the Program's new brochure.

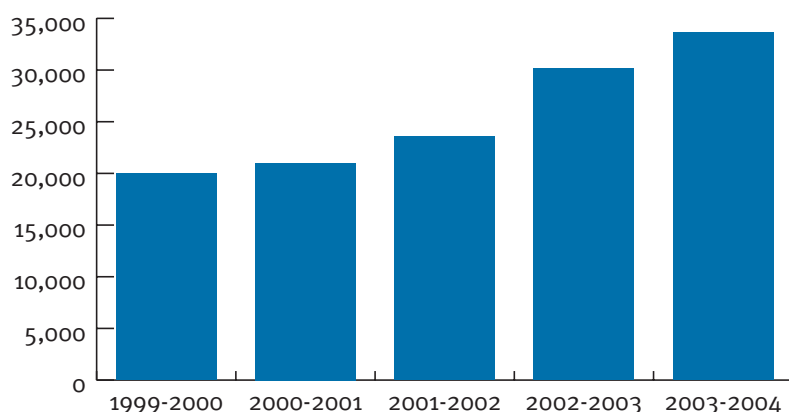
Our partners

The Program worked closely with many other agencies. Strong partnerships were maintained with the Department for Women, Attorney General's Department's Local Courts and Violence Against Women Units, NSW Police and community organisations such as Women's Legal Resources Centre and Immigrant Women's Speak-out and the state-wide network of community legal centres.

Resources

The State Government allocated \$3,166,347 for this Program. For details of grants to specific schemes, see page 74.

Number of Women assisted by the WDVCAP Program



The year ahead

In the year ahead we will aim to improve services to marginalised women, such as women living in isolated rural areas or women with special needs.

The Commission’s small surplus of \$0.113 million reflects a successful year where increased demand for services, especially in the Criminal Law and Family Law programs, has been managed effectively with the support of NSW Treasury.

The surplus results from a \$4 million supplementation of the Commission’s budget by NSW Treasury. Of this amount, \$1.230 million represents the partial restoration of funds that had been incorrectly removed from the budget. The supplementation by NSW Treasury addressed clearly identified cost pressures in the State Criminal Law and State Family Law Programs. Excluding these items, the Commission’s result would have been a deficit, which had been budgeted for through the use of available Commonwealth funds.

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.

A continuing trend is the increasing level of expensive criminal law cases being funded by the Commission. The chart below shows the growth in expenditure on matters where the cost of the matter (including co-defendants) exceeds \$100,000.

In addition, changes to legislation in the criminal law jurisdiction, and changes by our justice sector partners that flow through to the Legal Aid Commission, continued to increase 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 2003–2004, the State Government provided \$71.499 million (compared to \$62.536 million in 2002–03), the Trustees of the Public Purpose Fund \$18.918 million (\$15.965 million in 2002–2003) and the Commonwealth Government \$46.626 million (\$43.754 million in 2002–2003).

Legally aided clients contributed \$2.965 million (\$2.618 million in 2002–2003 excluding the impact of a change in accounting policy).

Despite the trend toward more complex and expensive cases, we managed our budget effectively.

Included in the \$71.499 million from the State Government was supplementary funding of \$1.230 million for partial restoration of a savings adjustment, and \$2.770 million for legal assistance in state family law and state criminal law matters.

Capital funding of \$0.796 million was provided from the State Asset Acquisition program to fund improvements to the Commission’s office accommodation, the expansion of electronic lodgement and the project to replace the Commission’s core business system. Commonwealth funding of \$0.709 million was also used for this purpose.

Expenditure

The Commission’s major expenses are employee related expenses associated with the inhouse practice (\$49.919 million) and payments made to private practitioners for services to clients for work undertaken on behalf of the Commission (\$64.883 million).

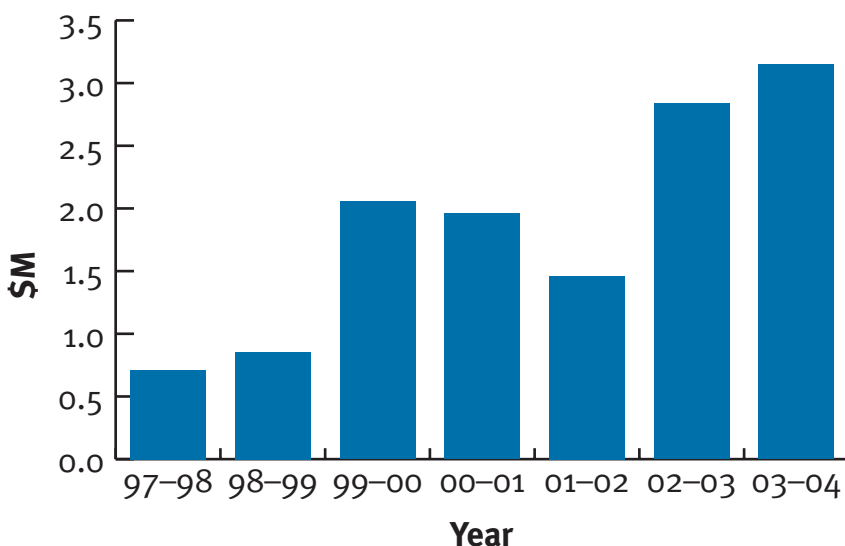
Assets

Assets have increased slightly due to an unexpected positive adjustment of \$1.073 million in the Commission’s superannuation position, and by an increase in the cash held by the Commission.

Liabilities

Liabilities have increased as a result of increases in the value of work done but not yet invoiced by private legal practitioners, and entitlements owed to employees. This has been partially offset by the unexpected positive adjustment in the Commission’s superannuation position referred to above.

Total cost of State criminal law assigned cases above \$100,000 (including co-accused)



Financial report

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INDEPENDENT AUDIT REPORT

GPO BOX 12
SYDNEY NSW 2001

LEGAL AID COMMISSION OF NEW SOUTH WALES

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 2004 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).

My 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 not fulfilled 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.

Handwritten signature of David A. Jones in black ink.

D.A. Jones FCPA
Director of Audit
SYDNEY

7 October 2004

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 2004 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 2003-04 the Commission utilised \$4.239m of these funds to support its Commonwealth aid programs.



Phillip Taylor

Chairman

William Grant

Chief Executive Officer

29 September 2004

STATEMENT OF FINANCIAL PERFORMANCE
FOR THE YEAR ENDED 30 JUNE 2004

	Note	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
Expenses				
Operating Expenses				
Employee related	2(a)	49,919	46,782	50,516
Other operating expenses	2(b)	11,921	10,796	10,553
Maintenance		1,226	1,300	1,141
Depreciation and amortisation	2(c)	2,238	2,454	2,232
Grants and subsidies	2(d)	13,272	13,500	12,717
Other expenses	2(e)	64,883	66,972	52,704
Total Expenses		143,459	141,804	129,863
Less:				
Retained Revenue				
Sale of goods and services	3(a)	44,539	43,396	38,393
Investment income	3(b)	2,195	1,733	1,998
Grants and contributions	3(c)	24,458	23,702	21,668
Other revenue	3(d)	148	154	222
Total Retained Revenue		71,340	68,985	62,281
Loss on disposal of non-current assets	4	(63)	-	(99)
Net Cost of Services	20	72,182	72,819	67,681
Government Contributions				
Recurrent appropriation	5(a)	71,499	67,499	62,536
Capital appropriation	5(b)	796	2,179	2,147
Total Government Contributions		72,295	69,678	64,683
SURPLUS/(DEFICIT) FOR THE YEAR FROM ORDINARY ACTIVITIES		113	(3,141)	(2,998)
Extraordinary Items		-	-	-
SURPLUS/(DEFICIT) FOR THE YEAR		113	(3,141)	(2,998)
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	113	(3,141)	(2,998)

The accompanying notes form part of these statements.

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2004

	Note	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
ASSETS				
Current Assets				
Cash	10	26,738	18,949	24,554
Receivables	11	3,037	3,628	3,168
Other	13	1,206	749	749
Total Current Assets		30,981	23,326	28,471
Non-Current Assets				
Receivables	11	2,555	2,700	2,700
Plant and equipment	12	8,100	10,530	9,293
Other	13	215	-	-
Total Non-Current Assets		10,870	13,230	11,993
Total Assets		41,851	36,556	40,464
LIABILITIES				
Current Liabilities				
Payables	14	15,410	13,128	14,469
Provisions	15	3,658	3,854	3,280
Total Current Liabilities		19,068	16,982	17,749
Non-Current Liabilities				
Payables	14	-	-	7
Provisions	15	10,634	10,712	10,705
Other	14	33	-	-
Total Non-Current Liabilities		10,667	10,712	10,712
Total Liabilities		29,735	27,694	28,461
Net Assets		12,116	8,862	12,003
EQUITY				
Accumulated Funds	16	12,116	8,862	12,003
Total Equity		12,116	8,862	12,003

The accompanying notes form part of these statements.

STATEMENT OF CASH FLOWS FOR YEAR ENDED 30 JUNE 2004

	Note	Actual 2004 \$'000	Budget 2004 \$'000	Actual 2003 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(50,936)	(46,208)	(43,318)
Grants and subsidies		(13,272)	(13,500)	(12,717)
Other		(85,563)	(88,410)	(74,015)
Total Payments		(149,771)	(148,118)	(130,050)
Receipts				
Sale of goods and services		44,557	42,759	41,550
Interest received		2,148	1,733	1,997
Other		34,063	32,034	30,087
Total Receipts		80,768	76,526	73,634
Cash Flows from Government				
Recurrent appropriation		71,499	67,499	62,536
Capital appropriation		796	2,179	2,147
Net Cash Flows from Government		72,295	69,678	64,683
NET CASH FLOWS FROM OPERATING ACTIVITIES	20	3,292	(1,914)	8,267
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		410	-	32
Purchase of plant and equipment		(1,518)	(3,691)	(3,996)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(1,108)	(3,691)	(3,964)
NET INCREASE IN CASH		2,184	(5,605)	4,303
Opening cash and cash equivalents		24,554	20,251	20,251
CLOSING CASH AND CASH EQUIVALENTS	10	26,738	14,646	24,554

The accompanying notes form part of these statements.

PROGRAM STATEMENT Expenses and Revenues for the year ended 30 June 2004

AGENCY EXPENSES AND REVENUES	Program 1* Family Law		Program 2* Criminal Law		Program 3* Civil Law		Program 4* Community Legal Services		Not Attributable		Total	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Expenses												
Operating expenses												
Employee related	15,154	14,899	27,720	28,400	6,709	6,852	336	365			49,919	50,516
Other operating expenses	3,834	3,564	6,166	5,418	1,801	1,469	120	102			11,921	10,553
Maintenance	385	360	657	619	173	156	11	6			1,226	1,141
Depreciation and amortisation	750	740	1,154	1,143	330	332	4	17			2,238	2,232
Grants and subsidies							13,272	12,717			13,272	12,717
Other Expenses	24,944	18,751	36,765	30,793	3,174	3,160					64,883	52,704
Total Expenses	45,067	38,314	72,462	66,373	12,187	11,969	13,743	13,207			143,459	129,863
Retained Revenue												
Sale of goods and services	(35,043)	(32,766)	(4,038)	(3,644)	(5,458)	(1,983)					(44,539)	(38,393)
Investment income	(1,405)	(1,208)	(489)	(481)	(301)	(309)					(2,195)	(1,998)
Grants and contributions	(833)	(1,088)	(13,572)	(11,844)	(3,770)	(3,046)	(6,283)	(5,637)		(53)	(24,458)	(21,668)
Other revenue	(33)	(19)	(30)	(14)	(6)	(25)	(2)	(1)		(77)	(148)	(222)
Total Retained Revenue	(37,314)	(35,081)	(18,129)	(15,983)	(9,535)	(5,363)	(6,285)	(5,638)		(77)	(71,340)	(62,281)
(Gain)/Loss on disposal of non-current assets	28	27	24	13		10				11	63	99
NET COST OF SERVICES	7,781	3,260	54,357	50,403	2,652	6,616	7,458	7,569		(66)	72,182	67,681
Government Contributions **												
NET EXPENDITURE/(REVENUE)	7,781	3,260	54,357	50,403	2,652	6,616	7,458	7,569		(72,295)	(113)	2,998
Extraordinary items												
NET EXPENDITURE/(REVENUE) FOR THE YEAR	7,781	3,260	54,357	50,403	2,652	6,616	7,458	7,569		(72,361)	(113)	2,998

* 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

SUMMARY OF COMPLIANCE WITH FINANCIAL DIRECTIVES
FOR THE YEAR ENDED 30 JUNE 2004

	2004				2003			
	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	67,499	67,499	2,179	796	61,230	1,762	1,762	1,762
Additional appropriations								
S21A PF&AA - special appropriation								
S24 PF&AA - Transfers of functions between departments								
S26 PF&AA - Commonwealth specific purpose payments								
	67,499	67,499	2,179	796	61,230	1,762	1,762	1,762
OTHER APPROPRIATIONS/ EXPENDITURE								
Treasurer's Advance	1,230	1,230			556	385	385	385
Section 22 — expenditure for certain works and services	2,770	2,770			750			
Transfers from another agency (section 25 of the Appropriation Act)	4,000	4,000	-	-	1,306	385	385	385
	71,499	71,499	2,179	796	62,536	2,147	2,147	2,147
Total Appropriations/Expenditure/ Net Claim on Consolidated Fund (includes transfer payments)								
Amount drawn down against Appropriation								
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).

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

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.

The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

(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*.

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) Administered Activities

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

(d) 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.

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 2004.

(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.

(iii) Investment income

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

(e) 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) Long Service Leave and Superannuation

AASB 1028 requires that employee benefit liabilities such as long service leave, that are expected to be settled more than 12 months after the reporting date, must be measured as the present value of the estimated future cash outflows to be made by the employer in respect of services provided by employees up to the reporting date. This calculation must take into account future increases in

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

remuneration rates as they will increase the amount that the employer is required to pay to settle the liability.

AASB 1028 also states that on-costs ie. costs that are consequential to the employment of employees, but which are not employee benefits, are recognised as liabilities and expenses when the employee benefits to which they relate are recognised and are accordingly measured as the present value of the estimated cash outflows.

Provision has been made to meet the liability for long service leave entitlements of all employees with a minimum of five years appropriate service and are based on the remuneration rates at year-end measured as the present value of future cash outflows as 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.

(iii) Other Provisions

Other provisions exist when the entity has a present legal, equitable or constructive obligation to make a future sacrifice of economic benefits to other entities as a result of past transactions or other past events. These provisions are recognised when it is probable that a future sacrifice of economic benefits will be required and the amount can be measured reliably. Any provisions for restructuring are recognised either when a detailed formal plan has been developed or will be developed within prescribed time limits and where the entity has raised a valid expectation in those affected by the restructuring that it will carry out the restructuring.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 Replacement & E-Lodgement Projects	20
Office Equipment	15
Furniture and Fittings	12.5
Motor Vehicles	7

Or the term of lease

(k) Maintenance and Repairs

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

(l) 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

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

monies cannot be used for the achievement of the Commission's own objectives, they are not brought to account in the financial statements.

(m) 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.

(n) 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.

(o) 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).

(p) 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.

(q) International Financial Reporting Standards (AIFRS)

The Commission will apply the Australian Equivalents to International Financial Reporting Standards (AIFRS) from the reporting period beginning 1 July 2005.

The Commission is managing the transition to the new standards by allocating internal resources to analyse the pending standards and Urgent Issues Group Abstracts to identify key areas regarding policies, procedures, systems and financial impacts affected by the transition.

As a result of this exercise, the Commission has taken the following steps to manage the transition to the new standards:

- the Commission's AIFRS Implementation Committee is overseeing the transition. The Director Corporate

Finance is responsible for the project and reports regularly to the Committee on progress against the plan.

- the following phases that need to be undertaken have been identified. Target completion dates have also been identified:
 - Analyse AIFRS to identify impact on agency **30 Sep 2004**
 - Identify impact of NSW Treasury mandated accounting treatment **31 Oct 2004**
 - Prepare draft 2004-05 Opening Balance Sheet under AIFRS **15 Dec 2004**
 - Prepare final 2004-05 Opening Balance Sheet under AIFRS **31 Mar 2005**
 - Develop note disclosure for 2004-05 annual financial statements in accordance with AASB 1047 **31 Aug 2005**
 - Prepare 2004-05 comparative data under AIFRS for 2005-06 annual financial statements **30 Jun 2005**
 - Prepare 2005-06 annual financial statements under AIFRS **Mid Jul 2006**
- To date, officers of the Commission have attended briefings provided by NSW Treasury, and have commenced identification of the impact of adoption of AIFRS on the Commission. Briefings have been provided to the Commission's Chief Executive Officer and the Audit and Finance Committee of the Board of Directors.

NSW Treasury is assisting the Commission to manage the transition by developing policies, including mandates of options; presenting training seminars, providing a website with up-to-date information to keep the Commission informed of any new developments; and establishing an IAS Agency Reference Panel to facilitate a collaborative approach to the change.

The Commission has identified a number of significant differences in accounting policies that will arise from adopting AIFRS. Some differences arise because AIFRS requirements are different from existing AASB requirements. Other differences could arise from options in AIFRS. To ensure consistency at the whole of government level, NSW Treasury has advised the Commission of options it is likely to mandate, and will confirm these during 2004–05. This disclosure reflects these likely mandates.

The Commission's accounting policies may also be affected by a proposed standard designed to harmonise accounting standards with Government Finance Statistics (GFS). This standard is likely to change the impact of AIFRS and significantly affect the presentation of the income statement. However, the impact is uncertain, because it depends on when this standard is finalised and whether it can be adopted in 2005–06.

Based on current information, the following key differences in accounting policies are expected to arise from adopting AIFRS:

- AASB 1 *First-time Adoption of Australian Equivalents to International Financial Reporting Standards* requires

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

retrospective application of the new AIFRS from 1 July 2004, with limited exemptions. Similarly, AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors* requires voluntary changes in accounting policy and correction of errors to be accounted for retrospectively by restating comparatives and adjusting the opening balance of accumulated funds. This differs from current Australian requirements, because such changes must be recognised in the current period through profit or loss, unless a new standard mandates otherwise.

- AASB 116 *Property, Plant and Equipment* requires the cost and fair value of property, plant and equipment to be increased to include restoration costs, where restoration provisions are recognised under AASB 137 *Provisions, Contingent Liabilities and Contingent Assets*. Major inspection costs must be capitalised and this will require the fair value and depreciation of the related asset to be reallocated.
- AASB 117 *Leases* requires operating lease contingent rentals to be recognised as an expense on a straight-line basis over the lease term rather than expensing in the financial year incurred.
- AASB 119 *Employee Benefits* requires the defined benefit obligation to be discounted using the government bond rate as at each reporting date rather than the long-term expected rate of return on plan assets. This will increase the amount and future volatility of the unfunded superannuation liability and the volatility of the employee benefit expense.
- The Commission will either continue to apply the current requirements in AASB 1004 *Contributions* where grants are normally recognised on receipt, or alternatively apply the proposals on grants included in ED 125 *Financial Reporting by Local Governments*. If the ED 125 approach is applied, revenue and/or expense recognition will be delayed until the agency supplies the related goods and services (where grants are in-substance agreements for the provision of goods and services) or until conditions are satisfied.
- AASB 136 *Impairment of Assets* requires an entity to assess at each reporting date whether there is any indication that an asset is impaired and if such indication exists, the entity must estimate the recoverable amount. However, the effect of this Standard should be minimal because all the substantive principles in AASB 136 are already incorporated in Treasury's policy *Valuation of Physical Non-Current Assets at Fair Value*.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
2. EXPENSES		
(a) Employee related expenses comprise the following specific items:		
Salaries and wages (including recreation leave)	42,347	37,715
Superannuation	2,839	8,126
Long Service Leave	1,316	1,932
Workers' compensation insurance	326	364
Payroll tax	3,091	2,379
Total	49,919	50,516

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 2003–04 was \$0.229m (\$0.086m in 2002–03).

The Commission's Prepaid Superannuation Contributions Reserve (PSCR) for 2003–04 increased by \$1.073m (decreased by \$4.127m in 2002–03) as a result of the actuarial review of the State Authorities Superannuation Board Pooled Fund as at 30 June 2004. The superannuation expense item includes a reduction of the \$1.073m (increase of \$4.127m in 2002–03). The increase of the PSCR is shown as an Individually Significant Item. Refer to Notes 1(e)(ii), 6(i), 13, 15 and 19.

(b) Other operating expenses

Operating lease rental - minimum lease payments	4,091	3,735
Telephone	647	589
Library resources	624	479
Consultants	155	175
Stationery, stores and provisions	468	456
Computer running costs	1,025	613
Printing	207	179
Records management	420	377
Travel compensation	554	496
Interpreters' fees (non-case)	274	212
Postage	299	361
Cleaning	192	146
Practicing certificates	193	139
Electricity and gas	192	148
Insurance	109	99
Auditor's remuneration - audit or review of financial reports	92	88
Internal audit and audit of Trust Account	46	32
Courier and freight	45	56
Bad and doubtful debts - Provision adjustment	35	235
Operating lease payments	1,166	913
Other	1,087	1,025
Total	11,921	10,553

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
(c) Depreciation and amortisation expenses		
Fit-out costs - Office accommodation	930	1,125
Equipment	169	32
Motor Vehicles	26	47
Computer equipment	540	436
Computer Replacement Project	560	566
Low value assets	13	26
Total	2,238	2,232

Refer to Notes 1(i), 1(j) & 12.

(d) Grants and Subsidies		
Domestic Violence Court Assistance Program	3,166	3,132
Community Legal Centres	10,106	9,585
Total	13,272	12,717

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	38,992	31,754
Barrister services provided by private practitioners	18,715	14,839
Disbursements	7,176	6,111
Total	64,883	52,704

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.

3. REVENUES

(a) Sale of goods and services

Family Law	1,043	907
Criminal Law	635	455
Civil Law	1,287	(1,925)
Commonwealth funding ¹	41,574	38,956
Total	44,539	38,393

¹Base funding of \$41.574m (\$38.956m in 2002-03) 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 the final year of the agreement, expenditure exceeded income by \$4.239m (expenditure exceeded income by \$1.959m in 2002-03).

(b) Investment Income

Interest on outstanding accounts	117	130
Interest on deposits at call	2,078	1,868
Total	2,195	1,998

Refer to Notes 1(d)(iii) & 22(c)

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004	2003
	\$'000	\$'000
(c) Grants and contributions		
Law Society Public Purpose Fund ¹	18,918	15,965
Commonwealth Government Community Legal Centre base grants ²	5,052	4,798
Other grants and contributions ³	488	905
Total	24,458	21,668

¹This fund provided a grant of \$17.780m (\$15.218m in 2002–03) to provide legal aid services in State matters.

Other specific grants from this fund include:

Environmental Defenders Office	562	260
Public Interest Advocacy Centre	476	414
Expansion of Court assistance to children	100	73
Total	1,138	747

²\$5.052m in Community Legal Centre (CLC) base grants (\$4.798m in 2002–03) received from the Commonwealth Government were distributed to various CLCs. The amount of the grant to individual CLCs is determined by the Commonwealth.

³Other Grants and contributions include:

• Part of the Commonwealth Government Community Legal Centre base grants used to meet administrative costs	92	94
• Commonwealth Government special purposes funds for refugee matters under separate contract	82	93
• Commonwealth Indigenous People's Primary Dispute Resolution Scheme	-	313
• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	166	147
• 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	88	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	488	905

(d) Other revenue

Miscellaneous	148	222
Total	148	222

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
4. GAIN/(LOSS) ON DISPOSAL OF NON-CURRENT ASSETS		
Proceeds from disposal of plant and equipment	410	32
Less Written down value of assets disposed	473	131
Net gain/(loss) on disposal of plant and equipment	(63)	(99)

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	71,499	62,536
Total	71,499	62,536

Comprising:

Recurrent appropriations (per Statement of Financial Performance)	71,499	62,536
	71,499	62,536

¹The 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)	796	2,147
Total	796	2,147

Comprising:

Capital appropriations (per Statement of Financial Performance)	796	2,147
	796	2,147

6 INDIVIDUALLY SIGNIFICANT ITEMS

(i) The increase in the Prepaid Superannuation Contributions Reserve from a shortfall of \$0.858m in 2002-03 to a surplus of \$0.215m as at 30 June 2004 was taken up as a reduction in superannuation expense for the year. Refer to Notes 1(e)(ii), 2(a), 13, 15 & 19.	(1,073)	4,127
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(ii) The change of accounting policy for Revenue Recognition ¹	-	3,366
Total	(1,073)	7,493

¹In 2002-03 the Commission 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 recognises 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(d)ii, 3(a) & 11.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

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 2003–04.

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

	2004 \$'000	2003 \$'000
Cash at bank and on hand	3,537	1,553
Deposits at call and short term	23,201	23,001
Total Cash	26,738	24,554

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.

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)	26,738	24,554
Closing Cash and Cash Equivalents (per Statement of Cash Flows)	26,738	24,554

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
11. CURRENT/NON-CURRENT ASSETS - RECEIVABLES		
Current		
Client contributions/recoveries receivable	1,193	1,400
Less: Provision for doubtful debts	283	339
	910	1,061
Other debtors	108	269
GST recoverable from Australian Taxation Office	2,019	1,838
Total Current	3,037	3,168
Non-Current		
Client contributions/recoveries receivable	4,000	4,228
Less: Provision for doubtful debts	1,445	1,528
Total Non-Current	2,555	2,700

Client contributions/recoveries receivable (both current and non-current) in the amount of \$3.315m (\$3.683m in 2002-03) are secured by way of caveat.

12. NON-CURRENT ASSETS – PLANT AND EQUIPMENT

Plant and Equipment

At Cost	20,635	20,423
Less: Accumulated Depreciation at Cost	12,535	11,130
Total Plant and Equipment At Net Book Value	8,100	9,293

Refer Notes 1(i), 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	9,293	7,660
Additions	1,518	3,996
Disposals	(1,560)	(1,131)
Depreciation expense	(2,238)	(2,232)
Write back on disposal	1,087	1,000
Carrying amount at end of year	8,100	9,293

The Commission continues to derive service potential and economic benefits from the following fully depreciated assets:

Number of Items	Description		
18	Computer Replacement Project	1,276	1,433
14	Fit Out—Office Accommodation	4,030	673
4	Other Computer & Related	65	18
38	Office Equipment	133	138
921	Low Value Assets	256	229
995	Total	5,760	2,491

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
13. CURRENT/NON-CURRENT ASSETS – OTHER		
Current		
Prepayments - Other	1,206	749
Total Current	1,206	749
Non-Current		
Prepaid Superannuation Contributions Reserve ¹	215	-
Total Non-Current	215	-

¹Represents the balance of the Prepaid Superannuation Contributions Reserve (Liability of \$0.858m in 2002–03) held by the SAS Trustee Corporation (STC). The Prepaid Superannuation Contributions Reserve includes interest earned by the reserve. Refer to Notes 1(e)(ii), 2(a), 6(i), 15 & 19.

14. CURRENT/NON CURRENT LIABILITIES - PAYABLES

Current		
Accrued salaries, wages and on-costs	225	1,334
Legal	2,806	2,692
Administrative	1,777	1,551
Prepaid grants received	284	159
Provision for estimated legal expenses ¹	10,318	8,733
Total Current	15,410	14,469
Non-Current		
Provision for estimated legal expenses ¹	-	7
Other ²	33	-
Total Non-Current	33	7

¹Being provision for the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Commission at balance date. The allocation between current and non-current is system-generated and 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).

²Represents the written down value of a \$40,000 lease incentive received for renewing the lease for Newcastle office accommodation in January 2004. The lease incentive will be written off against rental expense over 3 years.

15. CURRENT/NON CURRENT LIABILITIES – PROVISIONS

Current		
Employee benefits and related on-costs		
Provision for recreation leave	2,703	2,483
Provision for long service leave	410	401
Provision for related on-costs	545	396
Total Current	3,658	3,280

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
Non-Current		
Employee benefits and related on-costs		
Provision for recreation leave	1,354	1,199
Provision for long service leave	8,359	7,448
Provision for related on-costs	921	1,200
	10,634	9,847
Other Provisions		
Superannuation liability funding deficiency ¹	-	858
	-	858
Total Non-Current	10,634	10,705
Aggregate employee benefits and related on-costs		
Provisions - current	3,658	3,280
Provisions - non-current	10,634	9,847
Accrued salaries, wages and on-costs (Note 14)	225	1,334
	14,517	14,461

¹Represents the balance of the Prepaid Superannuation Contributions Reserve held by the SAS Trustee Corporation (STC) in 2002-03 (Surplus \$0.215m in 2003-04). The Prepaid Superannuation Contributions Reserve includes interest earned by the reserve. Refer to Notes 1(e)(ii), 2(a), 6(i), 13 & 19. The position of the superannuation funds at 30 June 2004 is as follows:

	SASS Employer's Reserve \$'000	SANCS Reserve \$'000	SSS Employer's Reserve \$'000	Total \$'000
Accrued Liability	8,539	3,420	22,785	34,744
Less: Estimated Reserve Account				
Closing Balance as at 30/06/04	6,991	3,305	24,663	34,959
Prepaid Contributions as at 30/06/04	(1,548)	(115)	1,878	215

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:

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

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
16. CHANGES IN EQUITY		
Accumulated Funds		
Balance at the beginning of the financial year	12,003	15,001
(Deficit)/Surplus for the year	113	(2,998)
Balance at the end of the financial year	12,116	12,003

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
Total	-	49

(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

Outstanding purchase orders ¹	85	66
Estimated future commitment of external legal services ^{1,2}	34,074	38,184

Later than one year and not later than 5 years

Estimated future commitment of external legal services ^{1,2}	6,684	7,513
Total	40,843	45,763

¹Inclusive of GST.

²Represents the estimated future commitment for external legal services provided for both inhouse and assigned grants of aid. The future internal cost of cases conducted by the Commission's inhouse practice has been excluded because the amount of the liability cannot be reliably measured.

(c) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

Not later than one year	6,099	5,444
Later than one year and not later than 5 years	18,087	7,788
Later than 5 years	5,302	74
Total (including GST)	29,488	13,306

Refer to Note 1(o).

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

Notes and forming part of the Financial Report for the Year Ended 30 June 2004

18. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Commission has no contingent liabilities or assets in 2003–04.

19. BUDGET REVIEW

STATEMENT OF FINANCIAL PERFORMANCE

Net Cost of Services

Net Cost of Services was under budget by \$0.637m and was due primarily to:

- an increase in the value of the prepaid Superannuation Contribution Reserve held by the SAS Trustee Corporation resulting in a downward non-cash adjustment of \$1.073m in the superannuation liability, and corresponding reduction in Employee Related expenses. Refer notes 1(e)(ii), 2(a), 6(i), 13 & 15.
- over budget expenditure on Employee related expenses partially offset by under budget expenditure on Other expenses, reflecting a different allocation of work between in-house practitioners and external legal practitioners than had been anticipated in the budget; and
- higher than anticipated contributions by legally aided persons towards the cost of their representation.

Recurrent Appropriation

Compared to budget, the positive variation of \$4.000m or 5.9% reflects increased funding from the State Government during 2003–04 to address increased expenditure on State Family and State Criminal Law matters.

Capital Appropriation

The Capital Appropriation was under budget by \$1.383m or 63.5%, which is predominantly due to unexpected delays in the project to replace the Commission's core operating system (LA Office). This project is being undertaken as part of a national consortium consisting of all Legal Aid Commissions (excluding Queensland) and New Zealand.

STATEMENT OF FINANCIAL POSITION

Assets and Liabilities

Current Assets

Cash—\$7.789m or 41% over budget

The variation is due mainly to an over-estimation of payments to private legal practitioners undertaking work on behalf of the Commission in the 2003–04 budget. Refer to comments on 'Payments' in the Cash Flow Statement below.

Receivables—\$0.591m or 16% under budget

The reduction in receivables reflects lower than anticipated debts owing from clients. This is predominantly due to the higher than anticipated collections of debts during the year, meaning less debt than anticipated remains to be collected in the future.

Non-Current Assets

Plant and equipment—\$2.430m or 23% under budget

The decrease in capital assets is predominantly due to unexpected delays in the project to replace the Commission's core operating system (LA Office). This project is being undertaken as part of a national consortium consisting of all Legal Aid Commissions (excluding Queensland) and New Zealand.

Other—\$0.215m or 100% over budget

The increase reflects an increase in the Prepaid Superannuation Contributions Reserve of \$1.073m from a liability of \$0.858m as at 30 June 2003 to a surplus of \$0.215m as at 30 June 2004.

Current Liabilities

Payables—\$2.282m or 17% over budget

The variation is predominantly due to:

- an increase in the estimate of work assigned to private legal practitioners but not invoiced at balance date; and
- an increase in the value of claims received from creditors but not paid.

Non-Current Liabilities

Other—\$0.033m or 100% over budget

The variation is due to the receipt of a lease incentive for office accommodation in 2003–04 that will be written off against rental expenses over 3 years. Refer note 14.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

STATEMENT OF CASH FLOWS

Cash Flows from Operating Activities

Payments

Employee Related—\$4.728m or 10% over budget

The variation is due mainly to:

- cash payments being made for 27 pay periods against a budget for 26; and
- a different allocation of work between in-house practitioners and external legal practitioners than had been anticipated in the budget, which resulted in higher payments to employees and lower payments to private practitioners.

Other—\$2.848m or 3% under budget

The variation predominantly reflects a different allocation of work between in-house practitioners and external legal practitioners than had been anticipated in the budget, which resulted in higher payments to employees and lower payments to private practitioners.

Receipts

Interest Received—\$0.415m or 24% over budget

This variation is due to higher than expected cash balances held during the year.

Other— \$2.029m or 6% over budget

The variation is mainly due to additional funds being received from the Public Purpose Fund and Commonwealth Government than had been anticipated in the budget.

Cash Flows from Government

Recurrent Appropriation—\$4.000 million or 6% over budget

Reflects increased funding from the State Government during 2003–04 to address increased expenditure on State Family and State Criminal Law matters.

Capital Appropriation—\$1.383m or 63% under budget

The lower than budget capital appropriation is predominantly due to unexpected delays in the project to replace the Commission's core operating system (LA Office). This project is being undertaken as part of a national consortium consisting of all Legal Aid Commissions (excluding Queensland) and New Zealand.

Cash Flows from Investing Activities

Proceeds from sale of plant and equipment—\$0.410m or 100% over budget

Reflects the sale of motor vehicles and computer equipment not provided for in the budget.

Purchase of plant and equipment—\$2.173m or 59% under budget

Less than was anticipated was expended on plant and equipment predominantly due to unexpected delays in the project to replace the Commission's core operating system (LA Office). This project is being undertaken as part of a national consortium consisting of all Legal Aid Commissions (excluding Queensland) and New Zealand.

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:

	2004	2003
	\$'000	\$'000
Net cash used on operating activities	(3,292)	(8,267)
Cash flows from Government/Appropriations	72,295	64,683
Depreciation	2,238	2,232
(Increase)/decrease in provision for doubtful debts	139	(53)
Increase in provisions	307	3,707
Decrease in prepayments and other assets	(535)	6,553
(Decrease)/increase in creditors	967	(1,273)
Net loss/(gain) on disposal of plant and and equipment	63	99
Net cost of services	72,182	67,681

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 \$'000	2003 \$'000
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	444	391
Add: Receipts	-	132
Less: Expenditure	249	79
Cash balance at the end of the reporting period	195	444
Legal Aid Commission Trust Account ²		
Cash balance at the beginning of the financial year	227	559
Add: Receipts	2,326	803
Less: Expenditure	2,109	1,135
Cash balance at the end of the reporting period	444	227

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, the definition criteria for assets is not met and trust funds are not brought to account in the financial statements, but are included here for information purposes. Refer to Note 1(l).

¹Legal 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.

²Legal 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.

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' accounts 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.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2004

	2004 Carrying Amount \$'000	2004 Net Fair Value \$'000	2003 Carrying Amount \$'000	2003 Net Fair Value \$'000
At call	8,201	8,201	8,001	8,001
Less than one year	15,000	15,000	15,000	15,000
one to five years	-	-	-	-
greater than five years	-	-	-	-
Total	23,201	23,201	23,001	23,001

The deposits at balance date were earning an average interest rate of 5.34% (2002–03 4.76%), while over the year the average interest rate was 5.14% (2002–03 4.79%) on a weighted average deposit of \$37.771m (2002–03 \$36.933m) during the year.

(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 did not incur any penalty interest for late payment of claims.

23. AFTER BALANCE DATE EVENTS

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

END OF AUDITED FINANCIAL REPORT

Other information

1. PAYMENT PERFORMANCE

(a) Payments to Creditors

The Commission processed 92.93% of invoices received within 30 days during 2003/04 compared to 89.58% in 2002/03.

Period	2004		2003	
	Invoices	%	Invoices	%
Within 30 days	74,276	92.93	65,669	89.58
Over 30 days	5,651	7.07	7,640	10.42
Total	79,927	100.00	73,309	100.00

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

Quarter	Current (ie within due date)	Less than 30 days overdue	Between 30 and 60 days overdue	Between 60 and 90 days overdue	More than 90 days overdue
	\$'000	\$'000	\$'000	\$'000	\$'000
September	2,371	86	46	22	431
December	1,467	432	25	63	284
March	2,694	73	31	24	420
June	2,202	109	59	36	400

Accounts paid within 30 days by quarter is as follows:

Quarter	Target	Actual	Total Amt Paid	
	%	%	\$'000	\$'000
September	100	89.63	20,294	22,643
December	100	92.11	23,906	25,953
March	100	92.21	18,467	20,027
June	100	90.90	22,210	24,434

(b) Ageing of Unpaid Creditors (Private Practitioners)

Legal creditors at 30 June 2004 and 2003 were aged as follows:

0 – 60 days		61 – 90 days		91 – 120 days		Over 120 days		Total	
2003/04	2002/03	2003/04	2002/03	2003/04	2002/03	2003/04	2002/03	2003/04	2002/03
\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
2,337	2,066	34	56	36	9	399	561	2,806	2,692
83.3%	76.8%	1.2%	2.1%	1.3%	0.3%	14.2%	20.8%	100%	100%

The above table indicates 83.3% (2002/03 76.8%) 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 4-year agreement, commenced on 1/7/00, between the Commission and the Commonwealth to provide legal aid services in Commonwealth matters ended on 30/6/04.

The agreement provided 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) in the Financial Report.

A new 4-year agreement is under negotiation.

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 Note 3(a).

Audit Remuneration

Audit fees comprise

	2004 \$'000	2003 \$'000
Deloitte Touche Tohmatsu	44	39
Audit Office of NSW	92	79
Thomas Davis	2	2
Total (Refer to Note 2(b))	138	120

Consultants

Engagements equal to or more than \$30,000

Consultant	Cost \$	Purpose
Alpha West Pty Ltd	67,032	IT Strategic Plan/Procedure Project
Professor Chris Cunneen	38,000	Evaluation of the ATSIFAM pilot program
Total	105,032	

Engagements equal to or less than \$30,000

Total Number:	6	49,536
Total Cost (Refer to Note 2(b))		154,568

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.

Other information

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.

Risk Management

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

The 2003/04 premiums for workers compensation insurance increased by 6.2% to \$330,070 (2002/03 \$310,920), whilst the premium for motor vehicles increased by 15.2% to \$30,540 (2002/03 \$26,500). 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 2004 of new claims reported in 2003/04 was \$34,138 compared to \$116,931 in 2002/03, a decrease of \$82,793. The number of accepted claims decreased from 20 in 2002/03 to 18 in 2003/04. There were 2 provisionally accepted stress related claims (these were later declined after investigation) in 2003/04, amounting to \$15,696 or 46 per cent of the cost of all worker's compensation claims incurred in that year. In comparison, 3 stress related claims (one was declined after investigation) were processed in 2002/03 with an amount of \$45,446 or 39 per cent of the cost of all claims incurred in the year. There were 9 Fall/Slip and Body Stress claims amounting to \$9,987 in 2003/04 compared to 12 claims in 2002/03 with a value of \$50,954. The number of full-time equivalent (FTE) staff (on average) for this financial year was 664, an increase of 30 from 634 in 2002/03. This equates to an average claim cost of \$51.41 per staff member compared to \$184.43 per staff member in 2002/03.

Motor Vehicle Claims

The number of claims was 12 in 2003/04 (12 in 2002/03) which incurred a cost of \$41,212 (\$20,723 in 2002/03). The number of vehicles in the Commission fleet decreased by 2 to 43 in 2003/04 (an increase of 1 to 45 in 2002/03), giving an average claim cost per vehicle of \$958 (\$461 in 2002/03).

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 2003/04 the Commission invested its available funds in the Treasury Corporation's 11am call account. The average yield for this account was 5.03% (2002/03 : 4.70%). Since November 2000, the Commission invested available funds in 30 day Fixed Term deposits with the Treasury Corporation. The average yield from this deposit was 5.15% (2002/03 : 4.83%). 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 4.56% (2002/03 : 4.25%). Income of \$2.195m was derived from the investment of Commission funds during 2003/04 compared to \$1.998m in 2002/03. The variation is due to higher average cash balances held during the year.

2004/05 Budget Estimates

	\$'000
Total Income	147,136
Total Expenditure	146,234
Operating (Deficit)/Surplus	902

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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 2003 to 30 June 2004

During the period 1 July 2003 to 30 June 2004 the Commission, under the direction of Chief Executive Officer, Bill Grant, has consolidated its achievements from its last two Corporate Plans with an emphasis on improving its practices and processes to assist both its clients and staff. The Commission has now finalised its restructure of senior management which included the appointment of two Deputy CEOs in Legal and Business and Client Services. The finalisation of the restructure with its emphasis on the development of State-wide legal practices has focused the Commission on delivering consistent and effective services across its legal programs throughout NSW.

Against a key target to increase Commonwealth family law services by 20%, the Commission achieved an increase in its ADR services of 26.6% and family law duty services of 23.2%. While other Commonwealth family law services did not attain such a high percentage increase, the results were extremely positive.


In March 2004 the Commission commenced pilots of the Cooperative Legal Service Delivery model in the Central/Far West and Northern Rivers regions. The model is aimed at developing and implementing a cooperative and sustainable regional service delivery model for the provision of effective legal services to disadvantaged people in NSW. The pilots will run for a 12-month period and will be evaluated to determine the impact of the model on increasing access to legal services in regional areas. The evaluation will also consider the merits of rolling out the program across NSW.

A comprehensive review of the civil law program was completed in December 2003. At its meeting in March 2003, the Commission's Board resolved that a new client focused civil law service should be developed for Aboriginal people. In order to advise the Board on the implementation of other recommendations from the Review the Civil Law sub-committee of the Board has reconvened.

In the last year, E-lodgement has been commenced in three additional legal areas in the Commission, being Local Court crime, Children's Court crime and for Veteran's matters. E-Lodgement for family law matters is now fully implemented and all in-house family law matters and 55% of applications from private practitioners are now being lodged electronically which is an increase of 40% since July 2003.

The Commission has demonstrated a strong commitment to working with other law and justice agencies to ensure its scarce resources are utilised as effectively and efficiently as possible. It is participating in many cross-agency initiatives to advance the interests of its clients.

The Commission's Board and staff have again formulated a one year Corporate Plan for 2004/05 and the successful implementation of its business strategies will see further improvements in client service delivery and in internal business processes.



BOB DEBUS

The Commission has 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.

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 2004:

Family Law – State Law

- Adoption
- *De facto Relationships Act 1984* matters

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, malicious prosecution
- Public interest environment matters
- Inquests in limited circumstances
- *Protected Estates Act 1983* matters
- Public Health Order 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 and 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*
- 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 in certain circumstances
- Pleas of guilty in limited circumstances
- Proceedings under the *Proceeds of Crime Act 2002*

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
- Youth Drug and Alcohol Court
- 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:

1. A test of the legal and factual merits – the ‘reasonable prospects of success’ test
2. The ‘prudent self-funding litigant’ test
3. 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 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 Review and Reform Unit in the Strategic Planning and Policy Division on (02) 9219 5859 or (02) 9219 5034.

1 July 2004

The Access and Equity Plan includes the 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 continued throughout 2003–2004.

Highlights for 2003–2004

In consultation with internal and external stakeholders, the Commission developed two important strategic planning documents – the EAPS Forward Plan and the Disability Action Plan. These are both plans of action, which articulate specific strategies that the Commission will undertake over the next three years to improve access to its services by people with a disability or from culturally and linguistically diverse (CALD) backgrounds. These Plans were distributed widely throughout the organisation.

In 2003–2004 the Legal Aid Commission has worked at increasing access to legal aid for people from (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, the Commission has developed and implemented an Ethnic Affairs Priority Statement (EAPS) Plan and reports on that Plan annually to the Community Relations Commission.

Achievements in 2003–2004

Improving the Intranet

An EAPS-specific intranet site was developed to hold the EAPS Policy, EAPS Implementation Plan and other relevant resources. This will assist all staff to service culturally and linguistically diverse clients. A link was also created from the Training intranet site to an on-line training manual on how to work with interpreters.

Regional Offices throughout the state were provided with demographic profiles of their areas using the 2001 ABS Census data. All profiles were placed on the EAPS intranet site.

A Harassment Free Workplace Policy was adopted and posted on LAC's intranet. The Policy refers to the organisation's commitment to a workplace that is free

of harassment on the basis of ethnicity or belonging to a racial or religious minority and outlines clearly the procedure for addressing any such harassment.

Training

Elements of cross-cultural training are now included in induction and customer service training.

Over 100 staff attended training courses focussing on understanding and assisting clients suffering mental illnesses. The selection criteria for private practitioners undertaking Legal Aid work includes the requirement that practitioners demonstrate the ability to identify, understand and address cross-cultural and legal issues facing socially or economically disadvantaged people.

Updated Publications

- A new Fact Sheet called *Family Law Conferencing* was translated into seven languages: Chinese, Vietnamese, Arabic, Laotian, Thai, Cambodian and Spanish. LAC's most popular pamphlet, *Do you have a legal problem?* was updated in Chinese and Arabic.
- The Children's Legal Service in collaboration with Chatswood Intensive English Language Centre delivered CLE sessions about the law and Legal Aid services—including the Under 18s HotLine—to young recent migrant and refugee students as part of their preparation for entry to mainstream high school.
- Fairfield Legal Aid office collaborated with Mimosa House Women's Refuge on an information stand at the Vietnamese New Year Festival in Warwick Farm.
- CLE sessions on domestic violence, delivered in collaboration with NSW Police to more than 230 community workers and leaders from Arabic and Pacific Islander communities were very well received and generated requests for the Commission to run more CLE sessions in future.

Improving services for women from CALD backgrounds

The Women's Domestic Violence Court Assistance Program (WDVCAP) data provided by schemes showed that NESB specialist workers were allocated in areas of highest demands.

Regional offices have developed service delivery plans that address gaps in

services to particular targeted groups within their region. They continue to develop and maintain close liaison with ethnic community organisations.

Looking ahead to 2004–2005

The Commission will further develop its success in Training and Development courses to improve staff knowledge and ability in working with people from CALD backgrounds. The Training and Development Unit will develop and run *Working with Muslim Clients* modules in 2004–2005.

Statistics

- Across case, in house duty and advice services NESB people made up 16.6% of clients.
- 19.8% of our staff reported being from a racial, ethnic or ethno-religious minority group, while 14.8% spoke a language other than English.
- A total of 29 staff received a language allowance under the Community Language Allowance Scheme (CLAS) (compared to 25 in 2002–2003). Between then, the CLAS accredited staff speak 16 community languages (compared to 15 in 2001–2002).
- Extensive use was made of over the phone and face-to-face professional interpreters at interviews, community legal education sessions and court hearings.
- A total of \$494,836 was spent on interpreters' fees in 2003–2004. 35% of clients referred to the Mental Health Advocacy Service were from a CALD background; 31% of psychosocial and background reports prepared for civil law matters were for clients of CALD backgrounds; 16% of psychosocial and sentencing submissions prepared for criminal matters were for clients of CALD background.

People with a disability

The Commission adopted a new Disability Action Plan for the 2003–2006 period, after a process of widespread internal and external consultations.

Technology

A disability-specific intranet site was launched, with policies and resources for in-house solicitors.

Necessary technological changes were carried out to enable all LAC staff to be able to utilise the National Relay Service

(NRS) in order to communicate with speech and hearing-impaired clients.

Instructions on how to use the NRS were posted on the intranet.

The new version of the Grants Online web application form for all law types includes a specific question on whether the applicant has a disability.

The Commission’s electronic data recording system LA Office was expanded to include questions about disability and the revised version of the paper form includes a specific question asking clients whether they have a disability.

The HR branch disseminated a reasonable adjustment policy as part of a broader Health Assessment Policy and regularly engages an AUSLAN interpreter to attend staff and other meetings to enable hearing-impaired staff to participate in those forums.

The Client Assessment and Referral (CAR) Unit allocated 25% of its resources to clients who have a disability through the Mental Health Advocacy Service.

Training and Development ran the course “Demystifying Mental Illness”. The course was overwhelmingly popular and was conducted seven times and attended by 130 staff. Solicitors also undertook training in EEO and Anti Discrimination law as part of their Mandatory Continuing Legal Education (MCLE). Two courses were conducted on intellectual disabilities court support workers.

The Women’s Domestic Violence Court Assistance Program (WDVCAP) *Best Practice Guide* includes resources to improve services to women with a disability.

Community Legal Education targeted people with a disability

A Session was run by Lismore office for people with diabetes about Power of Attorney. 10 other CLE sessions were reported in LA Office as targeting people with disabilities and delivered to community workers, professionals and the general public.

Relevant Statistics:

- 6.24% of the Commission’s staff reported having a disability, while 2.36% reported requiring a workplace adjustment for their

disability. This compares with 6.15% and 2.20% respectively last year.

- In the 2003-04 year, 12% of CAR reports prepared in criminal matters were for clients with a disability, while for civil matters, 50% of reports were for clients with disabilities.

Looking ahead to 2004–2005:

Audits of compliance with Community Legal Centres Service Standards will be carried out, which includes access for people with disabilities.

LAC staff will attend disability training offered by Attorney General’s Department.

The WDVCAP will review its service delivery to marginalised women, including services to women with a disability.

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.

The 2003 WDVCAP Conference addressed domestic violence in Aboriginal and Torres Strait Islander communities and its effect on indigenous women and children

Of the 32 Community Legal Centres (CLCs) across NSW funded by LAC, three Centres specifically target women: The Domestic Violence Advocacy Service, Wirringa Baiya Aboriginal Women’s Legal Centre and the Women’s Legal Service. In addition two Centres, Northern Rivers Legal Centre and Western NSW LC receive specific funding for Rural Women’s Outreach Programs in addition to their generalist funding. Funding provided to these Centres accounts for 18% of CLC core funding. 33 Women’s Domestic Violence Court Assistance Schemes assisted 33,618 women in 55 courts throughout NSW, compared with 30,188 last year.

Community Legal Education targets women

- At Law Week a half-day seminar in Blacktown targeted community workers whose clients are young financially disadvantaged mothers.
- Bankstown office ran seminars about Legal Aid Family Law policies and Child Support for community

workers, TAFE students, single mothers and the general public that aimed to increase awareness about Legal Aid services and improve referrals for women. As a result, contacts were made with family support services, Centacare, Muslim women, and community health centres – all of whom target services to women. 45.1% of the Commission’s clients for case, in-house duty, advice and information services were women.

- 70.32% of our staff are women. This has increased from 69.40% last year.

Privacy and personal information protection

The Privacy and Personal Information Protection Act 1998 (PPIP Act) introduces a set of privacy standards for New South Wales public sector agencies. Following an audit of privacy protection practice the Commission drafted a privacy management plan including policies and practices to ensure compliance with the Information Protection Principles contained in the *PPIP Act* as modified by the Privacy Code of Practice for the Legal Aid Commission approved by the Attorney General. The Commission is currently reviewing and updating this plan to reflect changes in its practices and developments in the law relating to privacy.

Part 5 of the *PPIP Act* provides that a person who is aggrieved by the conduct of a public sector agency is entitled to a review of that conduct. The Commission has received no applications for internal review under Part 5, and no internal reviews were conducted in 2003–2004.

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 2003–2004.

Name of Agency:**Legal Aid Commission of NSW****Period:** 1/07/03 – 30/06/04**Agency Reference Number:** 48**Nil Return:** No**Contact Name:** Sally McAtee (02) 9219 5034

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 2003 and June 2004, and its Statement of Affairs in June 2004. 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 2003–2004 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

	2002–2003			2003–2004		
	Personal	Other	Total	Personal	Other	Total
New (includes transferred in)	6	0	6	8	1	9
Brought forward	0	0	0	0	0	0
Total to be processed	6	0	6	8	1	9
Completed	6	0	6	8	0	8
Transferred out	0	0	0	0	0	0
Withdrawn	0	0	0	0	0	0
Total Processed	6	0	6	8	0	8
Unfinished (Carried Forward)	0	0	0	0	1	1
Results of FOI Requests						
Granted in full	5	0	5	3	0	3
Granted in part	1	0	1	5	0	5
Refused	0	0	0	0	0	0
Deferred	0	0	0	0	0	0
Completed	6	0	6	8	0	8
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)	0	0	0	5	0	5
Section 25(1)(b),(c),(d) (Otherwise available)	0	0	0	0	0	0
Section 28(1)(b) (Documents not held)	1	0	1	0	0	0
Section 24(2) (Deemed refused - over 21 days)	0	0	0	0	0	0
Section 31(4) (Released to Medical Practitioner)	0	0	0	1	0	1
Total	1	0	1	6	0	6
All completed requests						
Assessed Costs						
FOI Fees Received	\$105	0	0	\$150	0	0
Type of Discount Allowed						
Public Interest	0	0	0	0	0	0
Financial Hardship Pensioner/Child	5	0	5	7	0	7
Financial Hardship Non Profit Organisation	0	0	0	0	0	0
Total	5	0	5	7	0	7
Days to Process						
0-21 days	6	0	6	7	0	7
22-35 days	0	0	0	0	0	0
Over 35 days	0	0	0	1	0	1
Total	6	0	6	8	0	8
Processing Hours						
0-10 hrs	4	0	4	7	0	7
11-20 hrs	2	0	2	1	0	1
21-40 hrs	0	0	0	0	0	0
Over 40 hrs	0	0	0	0	0	0
Total	6	0	6	8	0	8
Number of requests requiring formal consultation(s)	0	0	0	0	0	0
REVIEWS AND APPEALS						
	Issued	Total	Issued	Total		
Number of internal reviews finalised	0	0	0	0		
Number of Ombudsman reviews finalised	0	0	0	0		
Number of Administrative Decisions Tribunal appeals finalised	0	0	0	0		
	Personal	Other	Personal	Other		
Internal Review Results	Upheld	Varied	Upheld	Varied	Upheld	Varied
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
Total	0	0	0	0	0	0

Primary Legal Programs

Commission total					
	2001-02	2002-03	% change from previous year	2003-04	% change from previous year
Case Matters					
Applications Received	59,274	62,750	5.9%	62,804	0.1%
Applications Refused	10,054	8,998	-10.5%	8,140	-9.5%
Inhouse Grants	32,041	35,350	10.3%	35,907	1.6%
Assigned Grants	16,304	17,908	9.8%	18,438	3.0%
Total Case Grants	48,345	53,258	10.2%	54,345	2.0%
Grant Rate					
	82.8%	85.5%	2.7%	87.0%	1.5%
Applications Determined	58,399	62,256	6.6%	62,485	0.4%
Applications Undetermined	920	518	-43.7%	348	-32.8%
Grants Finalised	41,002	50,114	22.2%	56,958	13.7%
Current Grants on Hand@year end	30,974	36,188	16.8%	35,200	-2.7%
Duty Appearances					
Inhouse Appearances	59,906	57,500	-4.0%	59,388	3.3%
Assigned Appearances	54,176	53,319	-1.6%	54,363	2.0%
Total Duty Appearances	114,082	110,819	-2.9%	113,751	2.6%
Other Services					
Advice and Minor Assistance Information	49,769	64,356	29.3%	65,315	1.5%
	106,625	131,927	23.7%	122,036	-7.5%
Total Other Services	156,394	196,283	25.5%	187,351	-4.6%
Total Client Services	318,821	360,360	13.0%	355,447	-1.4%
Criminal Law					
Case Matters					
Applications Received	43,455	45,321	4.3%	44,994	-0.7%
Applications Refused	5,834	4,330	-25.8%	3,634	-16.1%
Inhouse Grants	29,024	31,675	9.1%	32,123	1.4%
Assigned Grants	7,972	8,929	12.0%	9,009	0.9%
Total Case Grants	36,996	40,604	9.8%	41,132	1.3%
Grant Rate					
	86.4%	90.4%	4.0%	91.9%	1.5%
Applications Determined	42,830	44,934	4.9%	44,766	-0.4%
Applications Undetermined	650	397	-38.9%	249	-37.3%
Grants Finalised	31,884	39,133	22.7%	44,247	13.1%
Current Grants on Hand@year end	18,428	21,246	15.3%	19,169	-9.8%
Duty Appearances					
Inhouse Appearances	48,541	44,881	-7.5%	44,780	-0.2%
Assigned Appearances	44,668	42,909	-3.9%	41,757	-2.7%
Total Duty Appearances	93,209	87,790	-5.8%	86,537	-1.4%
Other Services					
Advice and Minor Assistance Information	15,458	20,833	34.8%	22,492	8.0%
	24,904	29,098	16.8%	25,730	-11.6%
Total Other Services	40,362	49,931	23.7%	48,222	-3.4%
Total Client Services	170,567	178,325	4.5%	175,891	-1.4%

Note: The Commission's figures for advice and information services provided during 2003-2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Family Law

	2001–02	2002–03	% change from previous year	2003–04	% change from previous year
Case Matters					
Applications Received	13,769	15,291	11.1%	15,719	2.8%
Applications Refused	3,272	3,689	12.7%	3,584	-2.8%
Inhouse Grants	2,314	2,949	27.4%	3,001	1.8%
Assigned Grants	7,963	8,596	7.9%	9,054	5.3%
Total Case Grants	10,277	11,545	12.3%	12,055	4.4%
Grant Rate					
	75.9%	75.8%	-0.1%	77.1%	1.3%
Applications Determined	13,549	15,234	12.4%	15,639	2.7%
Applications Undetermined	238	62	-73.9%	87	40.3%
Grants Finalised	7,792	9,615	23.4%	11,307	17.6%
Current Grants on Hand @ year end	9,690	12,274	26.7%	13,546	10.4%
Duty Appearances					
Inhouse Appearances	1,010	1,389	37.5%	1,384	-0.4%
Assigned Appearances	3,849	3,792	-1.5%	3,734	-1.5%
Total Duty Appearances	4,859	5,181	6.6%	5,118	-1.2%
Other Services					
Advice and Minor Assistance	19,929	24,165	21.3%	24,131	-0.1%
Information	38,305	42,338	10.5%	38,722	-8.5%
Total Other Services	58,234	66,503	14.2%	62,853	-5.5%
Total Client Services	73,370	83,229	13.4%	80,026	-3.8%

Total Civil Law⁽¹⁾

Case Matters					
Applications Received	2,050	2,138	4.3%	2,091	-2.2%
Applications Refused	948	979	3.3%	922	-5.8%
Inhouse Grants	704	727	3.3%	783	7.7%
Assigned Grants	368	382	3.8%	375	-1.8%
Total Case Grants	1,072	1,109	3.5%	1,158	4.4%
Grant Rate					
	53.1%	53.1%	0.0%	55.7%	2.6%
Applications Determined	2,020	2,088	3.4%	2,080	-0.4%
Applications Undetermined	32	59	84.4%	12	-79.7%
Grants Finalised	1,326	1,366	3.0%	1,404	2.8%
Current Grants on Hand @ year end	2,856	2,668	-6.6%	2,485	-6.9%
Duty Appearances					
Inhouse Appearances	10,355	11,230	8.5%	13,224	17.8%
Assigned Appearances	5,659	6,618	16.9%	8,872	34.1%
Total Duty Appearances	16,014	17,848	11.5%	22,096	23.8%
Other Services					
Advice and Minor Assistance	14,382	19,358	34.6%	18,692	-3.4%
Information	43,416	60,491	39.3%	57,584	-4.8%
Total Other Services	57,798	79,849	38.2%	76,276	-4.5%
Total Client Services	74,884	98,806	31.9%	99,530	0.7%

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

Note: The Commission's figures for advice and information services provided during 2003–2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Veterans' Advocacy Service					
	2001-02	2002-03	% change from previous year	2003-04	% change from previous year
Case Matters					
Applications Received	377	343	-9.0%	313	-8.7%
Applications Refused	42	23	-45.2%	29	26.1%
Inhouse Grants	125	140	12.0%	113	-19.3%
Assigned Grants	207	209	1.0%	169	-19.1%
Total Case Grants	332	349	5.1%	282	-19.2%
Grant Rate					
Applications Determined	374	372	-0.5%	311	-16.4%
Applications Undetermined	3	5	66.7%	5	0.0%
Grants Finalised	374	305	-18.4%	360	18.0%
Current Grants on Hand @ year end	514	547	6.4%	490	-10.4%
Other Services					
Advice and Minor Assistance	1,229	1,694	37.8%	2,153	27.1%
Information	42	221	426.2%	74	-66.5%
Total Other Services	1,271	1,915	50.7%	2,227	16.3%
Total Client Services	1,603	2,264	41.2%	2,509	10.8%
Mental Health Advocacy Service					
Case Matters					
Applications Received	159	138	-13.2%	157	13.8%
Applications Refused	43	10	-76.7%	23	130.0%
Inhouse Grants	87	32	-63.2%	41	28.1%
Assigned Grants	28	12	-57.1%	28	133.3%
Total Case Grants	115	44	-61.7%	69	56.8%
Grant Rate					
Applications Determined	158	54	-65.8%	92	70.4%
Applications Undetermined	1	6	500.0%	17	183.3%
Grants Finalised	94	73	-22.3%	137	87.7%
Current Grants on Hand @ year end	358	292	-18.4%	277	-5.1%
Duty Appearances					
Inhouse Appearances	10,355	11,230	8.5%	9,701	-13.6%
Assigned Appearances	5,659	6,618	16.9%	7,783	17.6%
Total Duty Appearances	16,014	17,848	11.5%	17,484	-2.0%
Other Services					
Advice and Minor Assistance	611	227	-62.8%	235	3.5%
Information	918	634	-30.9%	500	-21.1%
Total Other Services	1,529	861	-43.7%	735	-14.6%
Total Client Services	17,658	18,753	6.2%	18,288	-2.5%
Alternate Dispute Resolution					
Family Law					
Number of conferences	1,402	1,410	0.6%	1,732	22.8%
Agreements reached	1,259	1,189	-5.6%	1,509	26.9%
Agreement rate	89.8%	84.3%	-5.5%	87.1%	2.8%

Note: The Commission's figures for advice and information services provided during 2003-2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Inhouse and private practitioner allocation of legal work

	Inhouse Practitioner	Inhouse Practitioner %	Private Practitioner	Private Practitioner %	Total
Family Law					
Duty Appearances	1,384	27.0%	3,734	73.0%	5,118
Grants of Legal Aid	3,001	24.9%	9,054	75.1%	12,055
Total	4,385	25.5%	12,788	74.5%	17,173
Criminal Law					
Duty Appearances	44,780	51.7%	41,757	48.3%	86,537
Grants of Legal Aid	32,123	78.1%	9,009	21.9%	41,132
Total	76,903	60.2%	50,766	39.8%	127,669
Civil Law					
Duty Appearances	13,224	59.8%	8,872	40.2%	22,096
Grants of Legal Aid	783	67.6%	375	32.4%	1,158
Total	14,007	60.2%	9,247	39.8%	23,254
Commission Total					
Duty Appearances	59,388	52.2%	54,363	47.8%	113,751
Grants of Legal Aid	35,907	66.1%	18,438	33.9%	54,345
Total	95,295	56.7%	72,801	43.3%	168,096

Commonwealth and State allocation of Legal Aid services

	State Matter	State Matter %	C'wealth Matter	C'wealth Matter %	Total
Family Law					
Grants of Legal Aid	2,788	23.1%	9,267	76.9%	12,055
Duty Appearances	4,041	79.0%	1,077	21.0%	5,118
Advice & Minor Assistance	1,795	7.4%	22,336	92.6%	24,131
Information Services	4,651	12.0%	34,071	88.0%	38,722
Total	13,275	16.6%	66,751	83.4%	80,026
Criminal Law					
Grants	40,556	98.6%	576	1.4%	41,132
Duty Appearances	85,922	99.3%	615	0.7%	86,537
Advice & Minor Assistance	21,460	95.4%	1,032	4.6%	22,492
Information Services	24,750	96.2%	980	3.8%	25,730
Total	172,688	98.2%	3,203	1.8%	175,891
Civil Law					
Grants	596	51.5%	562	48.5%	1,158
Duty Appearances	22,088	100.0%	8	0.0%	22,096
Advice & Minor Assistance	13,137	70.3%	5,555	29.7%	18,692
Information Services	53,475	92.9%	4,109	7.1%	57,584
Total	89,296	89.7%	10,234	10.3%	99,530
Commission Total					
Grants	43,940	80.9%	10,405	19.1%	54,345
Duty Appearances	112,051	98.5%	1,700	1.5%	113,751
Advice & Minor Assistance	36,392	55.7%	28,923	44.3%	65,315
Information Services	82,876	67.9%	39,160	32.1%	122,036
Total	275,259	77.4%	80,188	22.6%	355,447

Note: The Commission's figures for advice and information services provided during 2003-2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Women's Domestic Violence Court Assistance Program (WDVCAP) Budget 2003–2004

We funded 33 WDVCASs and the Program's Training and Resource Unit

Auspice Organisation		Corresponding WDVCAS	Total Amount Provided
1	Albury/Wodonga Women's Centre	Albury WDVCAS*	\$54,312
2	Bankstown Community Services Co-op	Bankstown WDVCAS	\$76,061
3	Blue Mountains Community Legal Centre	Blue Mountains/ Lithgow WDVCAS	\$81,278
4	Botany Family & Children's Centre Inc.	Waverley WDVCAS	\$82,260
5	Broken Hill Family Support Service	Broken Hill WDVCAS	\$78,217
6	Burwood Community Welfare Service	Inner West WDVCAS	\$106,166
7	Central Court	Central Coast WDVCAS	\$129,278
8	Centacare	Hornsby WDVCAS	\$53,655
9	Dubbo Women's Housing	Dubbo WDVCAS	\$105,183
10	Edith Edwards Women's Centre	Bourke/ Brewarrina WDVCAS	\$82,380
11	Hawkesbury Nepean Community Legal Centre	Hawkesbury WDVCAS	\$62,602
12	Hunter Community Legal Centre	Hunter WDVCAS	\$138,685
13	Hunter Community Legal Centre	Maitland WDVCAS	\$54,312
14	Kempsey Family Support Service Inc.	Kempsey WDVCAS	\$70,249
15	Macarthur Community Legal Centre	Macarthur WDVCAS	\$99,206
16	Macquarie Legal Centre	Parramatta/Ryde WDVCAS	\$97,492
17	Manly Warringah Women's Resource Centre	Manly-Warringah WDVCAS	\$82,260
18	Manning Valley Neighbourhood Service	Taree WDVCAS	\$70,249
19	Marrickville Legal Centre	Newtown WDVCAS	\$68,092
20	Moree Family Support	Moree WDVCAS	\$78,217
21	Northern Rivers Community Legal Centre	Northern Rivers WDVCAS	\$226,298
22	Pam's Place Inc.	Blacktown WDVCAS	\$97,492
23	Penrith Women's Health Centre	Penrith/Mt Druitt WDVCAS	\$150,789
24	Redfern Legal Centre	Redfern WDVCAS	\$97,492
25	Sister's Housing Enterprises Inc.	Wagga WDVCAS	\$70,749
26	South West Sydney Legal Centre	Liverpool/Fairfield WDVCAS	\$131,040
27	Southern Women's Group	Bega WDVCAS	\$48,949
28	Sutherland Shire Family Support Service	Southern Sydney WDVCAS	\$107,134
29	The Women's Shelter Armidale Inc.	Armidale WDVCAS	\$64,892
30	UnitingCare Burnside	Hastings WDVCAS	\$55,812
31	Warrina Women's & Children's Refuge	Coffs Harbour WDVCAS	\$54,312
32	Wollongong Women's Centre	Illawarra WDVCAS	\$100,562
33	YWCA NSW	Nowra WDVCAS	\$70,249
34	Domestic Violence Advocacy Service TRU	Training and Resource Unit	\$220,423
TOTAL			\$3,166,347

* Women's Domestic Violence Court Assistance Scheme

Community Legal Centres (CLCs) Funding Program Budget 2003–2004

We funded 32 community legal centres across New South Wales.

Community Legal Centre	Commonwealth Funding	CLSIS Upgrade*	State Funding	PPF**	Total Funding
Blue Mountains CLS	\$90,140	\$4,609	\$140,323		\$235,072
Central Coast LC	\$179,842	\$1,591	\$13,912	\$17,500	\$212,845
Combined CLC Group			\$220,177		\$220,177
Consumer Credit LC	\$124,136	\$5,059	\$103,759		\$232,954
Court Support Scheme	\$29,593		\$4,930	\$5,000	\$39,523
Domestic Violence Advocacy Service			\$344,774		\$344,774
Environmental Defender's Office	\$84,169	\$624	\$150,713	\$506,900	\$742,406
Far West CLC	\$223,251	\$455			\$223,706
Hawkesbury/Nepean CLC	\$124,270	\$6,491	\$100,781		\$231,542
HIV/AIDS LC	\$55,385	\$3,564	\$67,485		\$126,434
Hunter CLC	\$187,723		\$201,231	\$8,000	\$396,954
Illawarra LC	\$358,648	\$4,872	\$158,721	\$17,500	\$539,741
Immigration Advice & Rights Centre	\$87,529		\$191,182		\$278,711
Inner City LC	\$90,138	\$3,282	\$127,454		\$220,874
Kingsford LC	\$151,895	\$2,099	\$102,436		\$256,430
Macarthur LC	\$197,319	\$1,701	\$156,437	\$17,500	\$372,957
Macquarie LC	\$139,144	\$3,281	\$217,948	\$35,000	\$395,373
Marrickville LC	\$137,571	\$12,193	\$226,848		\$376,612
Mt Druitt & Area CLC	\$175,627	\$3,763	\$13,894		\$193,284
NSW Disability Discrimination LC	\$180,087	\$2,845	\$30,864		\$213,796
North & North West CLS	\$180,564	\$2,482	\$13,965		\$197,011
Northern Rivers CLC	\$245,473	\$3,636	\$18,895		\$268,004
Public Interest Advocacy Centre	\$102,344	\$1,810	\$96,754	\$475,783	\$676,691
Redfern Legal Centre	\$140,051	\$11,047	\$197,876		\$348,974
Shoalcoast CLC	\$224,510	\$5,804	\$96,221		\$326,535
South West Sydney LC	\$176,312	\$6,076	\$186,871		\$369,259
Tenants' Union of NSW	\$65,812	\$1,657	\$96,511		\$163,980
The Aged-care Rights Service	\$30,271		\$1,967		\$32,238
Welfare Rights Centre	\$203,713	\$968	\$97,462		\$302,143
Western NSW LC	\$248,691		\$19,120		\$267,811
Warringa Baiya AWLC			\$279,565		\$279,565
Women's Legal Service	\$761,182	\$1,623	\$255,677		\$1,018,482
TOTAL	\$4,995,390	\$92,374	\$3,934,753	\$1,083,183	\$10,105,700

*Community Legal Service Information System

**Public Purpose Fund

Courses Conducted 1 July 2003 to 30 June 2004

Course Title	Sessions	Participants	External Participants
Internal Training Programs (some sessions also attract MCLE points)			
Aboriginal Awareness	8	95	
Advocacy – Bail/Sentencing	4	31	
Business Writing Skills	1	8	
Corporate Induction Program	7	79	
Demystifying Mental Illness	7	111	
Diploma of Business (FLM)	33	497	
EEO Committee Training	1	10	
EEO & Anti Discrimination	3	34	
Interpersonal Skills	4	14	
Job Seeking Skills	5	38	
Job Seeking Follow-up	5	20	
Local Court Tours	2	11	
Managing Aggressive and Violent Behaviour	8	74	
Manual Handling	1	12	
More Effective Meetings	2	13	
New Managers & Supervisors	5	56	
Office Ergonomics	11	100	
OHS Generic	7	49	
OHS Induction	8	66	
Organising Conferences & Seminars	2	32	
Policy Process (The)	1	20	
Project Management	2	28	
Resolving Workplace Conflict	4	28	
Selection Techniques	8	62	
Selection Techniques Refresher	1	1	
Stress Management	2	20	
Team Development Workshops	6	145	
Time Management	1	11	
Train Small Groups	6	30	
Visiting Gaols Safely	1	16	
Subtotal	156	1711	
Mandatory Continuing Legal Education			
		Internal	External
Civil Law Seminars	3	81	21
Criminal Law Seminars	12	165	96
Family Law Seminars	2	41	6
ADR Chairpersons	21	151	129
Other Law Seminars	4	71	50
Subtotal	42	509	302
Conferences			
		Internal	External
Civil Law Conferences	-	-	-
Criminal Law Conferences	1	247	59
Family Law Conferences	2	198	0
OM & SIC Combined	1	76	0
WDVCAP Conference	1	163	159
Subtotal	5	684	218
External Programs			
Attendance at external training programs	21	39	
Attendance at external seminars	63	128	
Attendance at external conferences	11	24	
Subtotal	95	191	
Information Management and Technology			
Courtnet	8	32	
E-lodgement	19	72	
Excel (various)	7	22	
Internet Search skills sessions	6	16	
LA Office	12	16	
LA Office (new employees)	48	124	
Lawdocs	19	56	
Outlook	4	9	
PowerPoint	5	21	
One on one & other	35	71	
Subtotal	163	439	
Grants Officer Training			
Criminal Session	5	20	
E-lodgement (Grants Run)	2	5	
Family Clinic	30	12	
Family Session	4	8	
Veterans Session	10	8	
Subtotal	51	53	

Head office/regional (FTE) staff as at 30 June 2004

Head Office	414
Regional Offices	255
Total staff	669

Equivalent full-time (FTE) staff as at 30 June 2004

CEO/SES	6
Legal Officers	312
Legal and Admin Support Staff	351
Total staff	669

Number of actual staff by employment basis

Work type	Total staff	Men	Women	ATSI	Minority ⁽¹⁾	1st language not English	PWD ⁽²⁾	PWD ⁽²⁾ Workplace adjustment
Permanent Full Time	492	171	321	5	113	86	35	11
Part-time	99	7	92	0	13	9	4	1
Temporary Full Time	98	28	70	4	16	10	5	3
Part-time	26	3	23	2	2	2	1	2
Contract SES	6	5	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	721	214	507	11	144	107	45	17
Staff Percentages	100%	29.68%	70.32%	1.53%	19.97%	14.84%	6.24%	2.36%

Number of actual staff by level

Salary Range	Total staff	Men	Women	ATSI	Minority ⁽¹⁾	1st language not English	PWD ⁽²⁾	PWD ⁽²⁾ Workplace adjustment
<\$30,146	5	0	5	2	2	2	1	1
\$30,146–\$39,593	172	13	159	2	33	21	12	2
\$39,594–\$44,264	26	8	18	0	9	8	4	3
\$44,265–\$56,012	124	21	103	5	26	22	4	2
\$56,013–\$72,434	227	81	146	1	46	36	14	5
\$72,435–\$90,543	149	80	69	1	27	17	10	4
> \$90,543 (non SES)	12	6	6	0	1	1	0	0
> \$90,543 (SES)	6	5	1	0	0	0	0	0
Total	721	214	507	11	144	107	45	17

Number of actual staff by area of work⁽³⁾

	Head Office	Regional	Total
Legal Officers	177	155	332
Administrative	258	131	389
Grand total	435	286	721

⁽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.

We participated in law reform debates, drawing on staff expertise.

This year, the Commission was involved in a number of law reform initiatives, either providing independent submissions or contributing to joint National Legal Aid submissions in response to a number of inquiries.

The focus of our participation in these initiatives has been to advocate on behalf of our clients and to gain greater acknowledgement of the impact of law reform proposals on downstream justice system agencies. As a result, the Commission's views are increasingly being sought on justice system issues.

National submissions

We contributed to several joint National Legal Aid submissions including:

- Senate Inquiry into Access to Justice.
- Australian Law Reform Commission Inquiry into Protecting Classified Information (Discussion Paper No.67).
- Joint Committee of Public Accounts and Audit Indigenous Law and Justice Inquiry.
- Amendments to *Bankruptcy Act 1966* and *Family Law Act 1975*.
- Proposed Aboriginal and Torres Strait Islander Legal Services Tender Agreement.
- Comments on Aboriginal and Torres Strait Islander Legal Services Tendering Proposal.
- Federal Civil Justice Strategy Paper.
- Senate Veterans Inquiry.

Independent submissions

Aside from contributing to several joint National Legal Aid submissions, we also presented independent submissions to:

- Senate Inquiry into the *Australian Human Rights Commission Legislation Bill 2003*.
- Senate Inquiry into Access to Justice (also gave evidence).
- Australian Law Reform Commission Inquiry into Protecting Classified Information (Discussion Paper No.67).
- Joint Committee of Public Accounts and Audit Indigenous Law and Justice Inquiry (also gave evidence).

The Civil Law Division made submissions to:

- Human Rights and Equal Opportunity Commission Inquiry into Children in Detention.
- Senate Select Committee Inquiry on Ministerial Discretion in Migration Matters (also gave evidence).
- Standing Committee of Officials of Consumer Affairs Working Party on Unfair Contract terms.
- Review of the *Insurance Contracts Act 1984* (Commonwealth) undertaken by the Review Panel of the Australian Department of Treasury.
- Review of the cooling off provisions of the *Motor Dealers Act 1974 (NSW)*, conducted by the Office of Fair Trading.
- Review of the Introduction Agency Industry in New South Wales, conducted by the Office of Fair Trading.
- Regulatory Impact Statement in relation to the *Landlord and Tenant (Rental Bonds) Regulation 2003*, conducted by the Office of Fair Trading.
- Veteran and Military Compensation and Income Support Inquiry conducted by the Senate Finance and Public Administration Committee (also gave evidence).
- Review of the *Mental Health Act 1990 (NSW)*.
- Review of the *Protected Estates Act 1983 (NSW)* and regulations.
- Review of the *Inebriates Act 1912 (NSW)*.

The Family Law Division made submissions to:

- Audit Report on the Family Court.
- Report on Duty Schemes in the Family Court and Federal Magistrates Court to the Family Court's Self Represented Litigants Group.
- Commonwealth Parliamentary Inquiry into Joint Residence Arrangements in the Event of Family Separation.
- Reforms to the *Child Support (Assessment) Act 1989*.

The Criminal Law Division made submissions to:

- Attorney General's Dept on:
 - the merits of establishing a Gun Court in NSW.
 - Review of *Evidence (Children) Act 1997*.

- Proposal to amend s31 of *Children (Criminal Proceedings) Act 1987*.
- Review of the *Evidence (Audio and Audio Visual Links) Act 1998*.
- Criminal Appeal Amendment (*Double Jeopardy*) Bill 2003.
- Proposed amendments to the *Criminal Appeal Act 1912*.
- Proposed increases in the Sentencing Jurisdiction of the Local Court.
- Victim Impacts Statements in the Local Court.
- Proposed changes to Court of Criminal Appeal Procedures.
- Proposed amendments to the *Criminal Appeal Act 1912*.
- Statutory Review of the *Criminal Procedure Amendment (Pre Trial Disclosure) Act 2001*.
- Impact Statement for the *Young Offenders Act*.
- NSW Sentencing Council on:
 - Firearms offences and the standard non parole sentencing scheme.
 - Consistency in Sentencing in the Local Court.
 - Proposal to abolish prison sentences of six months or less.
- Victorian Parliament's Law Reform Committee review (by way of public hearing at Parliament House) into the administration of justice offences.
- NSW Ombudsman on:
 - Discussion paper: *Crimes Legislation Amendment (Penalty Notice Offences) Act*.
 - Discussion paper: *Justice Legislation Amendment (Non Association and Place Restriction) Act*.
- Cabinet Office, Office of Drug and Alcohol Policy re Compulsory Drug Treatment Correctional Centre Bill.
- Committee Chair of the Standing Committee on Law and Justice, Legislative Council re enquiry into Pre Trial Disclosure.
- Legislative Council re enquiry into Pre Trial Disclosure at Parliament House. (Director, Criminal Law, Brian Sandland gave evidence at Parliament 7/6/2004).

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 155 of the 881 submitted matters. The table below shows further details of committee caseload and successful appeals by program areas.

Committee membership as at 30 June 2004:

Legal Aid Review Committee No 1

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

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 Mr D Sword)

Legal Aid Review Committee No 2

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

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

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

Legal Aid Review Committee No 3

Mr K Garling, Chairperson, Minister's Nominee (alternates Ms J Denehy and Ms G Mahony)

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 C Goodhand and Ms A Tomlin)

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

Ms Anina Johnson, Chairperson, Minister's Nominee (alternates Mr J

Committees played an important role in helping us achieve our aims in 2003–2004.

McDonnell and Ms A Stanizzo)

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 2003–2004

- Legal Aid Review Committee No 1 met on 10 occasions and held 5 ad hoc meetings.
- Legal Aid Review Committee No 2 met on 9 occasions. No ad hoc meetings were held.
- Legal Aid Review Committee No 3 met on 6 occasions and held 4 ad hoc meetings.
- Family Law Committee No 1 met on 8 occasions and held 3 ad hoc meetings.
- Family Law Committee No 2 met on 10 occasions and held 1 ad hoc meeting.

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 2003–2004, 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 Board.

Committees that played a significant role during the year were:

Audit and Finance Committee

Made recommendations on accounting, budgetary and financial operations and matters of audit. The members are:

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

Bill Grant, CEO and Board Member
Russell Cox, Deputy CEO Business and Client Services, LAC*

Stephen O'Malley, Director Corporate Finance, LAC*

Civil Law Sub-Committee

Made recommendations in relation to general law matters. The members are:

Anne Britton (Chair), Board Member

Simon Moran, Board Member

Anthony Payne, Bar Association

Pauline Wright, NSW Law Society

Stella Sykotis, Director, Civil Law Division, LAC*

Community Legal Centres Funding Sub-Committee

Advised the Board on funding for Community Legal Centres. The members are:

Rev Harry Herbert, (Chair) Board Member

Simon Moran, Board Member

Jane Cipants, Chairperson of the Combined CLC Group

Polly Porteous, Director of the Combined CLC Group

Anita Anderson, Director Strategic Policy and Planning, LAC*

Monique Hitter, Manager Service Delivery Planning and Evaluation, LAC*

Dennis Roach, Manager CLC Funding, LAC*

Criminal Law Sub-Committee

Made recommendations in relation to criminal law matters. The members are:

John North (Chair), Board Member

Jack Grahame, Board Member

Brett Thomas, NSW Law Society

Steven Odgers, SC, Bar Association

Brian Sandland, Director Criminal Law Division, LAC*

Appeals before Legal Aid Review Committee during 2003–2004

Program Area	Allowed	Disallowed	Withdrawn	Deferred	Total Appeals	Appeals Allowed (%)
Family Law	66	305	2	20	393	16.8
Criminal Law	64	193	3	22	282	22.7
Civil Law	25	148	1	32	206	12.1
Total	155	646	6	74	881	17.6

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
Judith Walker, Director, Family Law Division, LAC*

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
Richard Funston, Director Grants, LAC*

Advisory Committees

Cooperative Legal Service Delivery Model Steering Committee

Advised the CEO on the implementation of the CLSD pilot project (See page 12). The members are:

Monique Hitter, (Chair) Service Delivery Planning and Evaluation, LAC*
Alan Turner, Manager Operations, LAC*
Paul Hayes, Regional Program Coordinator Criminal, LAC*
Louise Blazejowska, Executive Officer
Genevieve Muir, Project Officer, LAC*
Kate Escobar, Solicitor In Charge, Parramatta Office, LAC*
Anne Cregan, Blake Dawson Waldron
Deborah Sharp, Community Justice Centres
Grant Arbutnot, Tenants Advice Advocacy Program
Jane Cipants, NSW Community Legal Centres
Jenny Lovrich, National Pro Bono Resource Centre
John McKenzie, Coalition of Aboriginal Legal Services
Julie Baker, Attorney Generals Department
Julie Harrison, Local Courts
Kate Wandmaker, Western Community Legal Centre
Lauren Finestone, LawAccess NSW
Sandra Stevenson, Public Interest Law Clearinghouse
Sue Scott, NSW Law and Justice Foundation
Sue Walden, Legal Information Access Centre

Environmental Consultative Committee

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

The members are:

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, Review & Reform Unit, Strategic Planning & Policy, LAC*

Women's Domestic Violence Court Assistance Program Committee

Advised the CEO on the implementation, administration and guidelines of the Program, including funding priorities. The members are:

Monique Hitter, (Chair) Manager, Service Delivery Planning and Evaluation, LAC*
Deborah Sykes, Moree WDVCA's Coordinator
Tracey Corbin-Matchett, Manager, WDVCA, LAC*
Cheryl Alexander, Penrith WDVCA's Coordinator
Julie Harrison, Local Courts Attorney General's Department
Monica Neville, DV Advocacy Service
Catherine Carney, A/Principal Solicitor
Lyndal Gowland, Redfern WDVCA's Coordinator
April Pham, VAW Specialist Unit, Attorney General's Department
Jacqui Lane, Project Officer, WDVCA, LAC*

Internal Committees

The Commission has two committees that met regularly to ensure staff's employment opportunities and health and safety needs were addressed.

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
Bronwyn McCutcheon (Executive Officer), HRM
Lisa Staples (Committee Assistant), HRM
Kylie O'Neill (PSA representative), Wollongong Office
Alex Grosart (PSA rep), Civil Law
Carmel Caggegi (Access and Equity Coordinator), Strategic Planning and Policy
Christine Dawson, Inner City Local Courts
Julie Morgan, Grants
Laurel Russ (ATSI Officer), HRM
Loris Scahill, Parramatta Office
Deirdre Scott, IM&T
Edwina Hunter (Alternate PSA representative), Newcastle Office
Clinton Banfield-Briggs (resigned April

2004), Bankstown Office

John Sheldon (until February 2004), Civil Litigation

Members on Leave:

Sharonne Brainenberg, Grants
Helen Doyle, Grants
Sue Emery (PSA representative) Grants
Beth Jarman, Parramatta Office
Atousa Khadem, Civil Litigation
Elizabeth Watkins, Manly/Dubbo Offices

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, Chair and employee representative, Southern Region
Nohad Ghibely, Executive Officer
Employer Representatives:

Russell Cox (Executive)
Jennifer Bulkeley, June Woolcott,
Antony Townsend, Kate Escobar

Employee Representatives:

Carolyn Dean, Northern Region
Paul Batley, Northern Region
Paul Gallagher, Northern Region
Kylie O'Neil, Southern Region
Adam Halstead, Metropolitan Region
Jacqueline Green, Metropolitan Region
Siobhan Mullany, Metropolitan Region
Elizabeth Sadlier, Alternate, Southern Region
Kathy Trajkovski, Alternate, Metropolitan Region

Other Committees

Throughout 2003–2004, a number of working parties and steering committees met regularly to discuss particular areas of the Commission's work. They included:

- Community Legal Education Reference Group
- Conflict of Interest Committee
- E-Diary Steering Committee
- E-lodgement Steering Committee
- Identification of Pleas of Guilty Committee
- Grants Crime Coordination Committee
- Grants Expensive Cases Committee
- Grants Records Management Working Party
- Human Resource Consultative Committee
- Information Technology Executive Committee
- Peak Consultative Committee with PSA
- PCC/Information Technology Consultative Committee
- Training and Development Consultative Committee

National Legal Aid Committees

Australasian Total Legal Aid System (ATLAS)
Working Party: **Mary Whitehead,**
Wayne Gale

Finance Directors Working Party:
Stephen O'Malley

National Legal Aid Community Legal Education (CLE) Group: **Penny Adams**

National Legal Aid Family Law Working Group: **Judith Walker**

Primary Dispute Resolution Working Group:
Elaine Harrison

Law Society of NSW Committees

Children's Legal Issues Committee:
Deborah de Fina, Teresa O'Sullivan,
Mia Prodigalidad

Criminal Law Committee: **Brian Sandland, Annemarie Lumsden, Brian Van Zuylen, Lester Fernandez**

Criminal Law Committee, NSW Young Lawyers: **Lester Fernandez, Simon Healy, Te'res Sia, Nerissa Keay, Angela Cook, Patricia Collins, Elissa Gordon, Sarah Ellison, Rosemarie Slip, Michelle Swift, Chris Brown, Katrina Sheen**

Criminal Law Specialist Accreditation Advisory Committee: **Pip Brown, Estelle Hawdon**

Family Law Committee: **Judith Walker, Norman O'Dowd**

Family Law Committee, NSW Young Lawyers: **Olivia Conolly, Anna Tydd, Alex Colquhoun**

Government Solicitors Committee:
Mary Whitehead

LawWeek Planning Committee: **Penny Adams**

NSW Government Interagency Committees

Standing Committee of Criminal Justice System CEOs: **Bill Grant**

NSW Aboriginal Justice Cluster Plan:
Louise Blazejowska

Aboriginal and Torres Strait Islander Legal Services

Attendance before Coalition of Aboriginal Legal Services of NSW: **Steve O'Connor, Brian Sandland**

Legal Aid Commission of NSW and Sydney Regional Aboriginal Legal Service Corporation Working Group: **Steve O'Connor, Louise Blazejowska, Brian Sandland**

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

Civil Law Committees

Administrative Appeals Tribunal Practice Committee: **Bill Gerogiannis**

Administrative Decisions Tribunal, Guardianship and Protected Estates User Group: **Robert Wheeler**

Asylum Seekers Interagency: **Geraldine Read**

Asylum Seekers Interagency Working Party:
Phillipa Martin

Asylum Seekers Centre: **Geraldine Read (Management Committee)**

Boarders and Lodgers Action Group:
Damien Hennessey

Consumer Credit Legal Centre: **Stella Sykiotis (Management Committee)**

Fairfield Migrant Resource Centre: **Sarah Burke (Management Committee)**

Health Department, Mental Health Review Systems Committee: **Robert Wheeler**

Industrial Relations Commission User Group: **David McMillan**

Insurance Council of Australia, Committee for Consumer Consultation: **Alex Grosart, David Coorey, Guy Donnellan**

International Committee of Jurists:
Elizabeth Biok

Illawarra Forum, Mental Health Committee:
Mathew Turner

Mental Health Advocacy Network:
Robert Wheeler

Minister for Fair Trading, Retirement Villages Advisory Council: **Lynne Wilkins**

Minister for Fair Trading, Residential Parks Consultative Committee: **Lynne Wilkins**

National Asylum Seekers and Refugee Forum: **Bill Gerogiannis**

Office of Fair Trading, Consumer Trader and Tenancy Tribunal Commercial Division Consultative Forum: **Paul Batley, Cvetanka Jankulovska, David McMillan**

Office of Fair Trading, Consumer Trader and Tenancy Tribunal Tenancy Division Consultative Forum: **Damien Hennessey**

Office of Fair Trading, Uniform Consumer Credit Code Working Party: **David McMillan**

Park and Village Forum: **Lynne Wilkins**

Public Housing Issues Working Party:
Damien Hennessey

Refugee Review Tribunal Liaison Committee:
Geraldine Read

Start Out Right Steering Committee (for Illawarra Youth): **Mathew Turner**

Temporary Protection Visa Project:
Phillipa Martin

Tenancy Legal Working Party: **Lynne Wilkins, Damien Hennessey**

Welfare Rights Centre: **Elizabeth Biok (Management Board)**

Criminal Law Committees

Attorney General's Crime Prevention Division: **Matthew Greenaway**

Criminal Case Processing Committee:
Steve O'Connor

District Court Users Group:
Richard Kozanecki

E-Brief Steering Committee: **Brian Sandland, Steve O'Connor**

Intellectual Disability Rights Service – Court Support System: **Heather Anderson, Michelle Crowther**

Intensive Court Supervision Bourke & Brewarrina Project: **Matthew Greenaway**

Interdepartmental Committee Reviewing Mental Health (Criminal Procedure) Act:
Brian Sandland

Interdepartmental Working Group considering the recommendations of Professor Mark Findlay's independent review of the Crimes (Forensic Procedures) Act 2000:
Lester Fernandez

Macquarie Legal Centre: **Shalini Perera (Chair, Management Committee)**

Standing Interagency Committee on Court Security: **Brian Sandland, Russell Cox**

Sub-committee to the Sentencing Council advising on the abolition of sentences of six months or less: **Brian Sandland**

Supreme Court Users Group: **Brian Sandland, Estelle Hawdon, Narelle Marshall**

Cross Justice Agency Video-conferencing Steering Committee: **Brian Sandland, Russell Cox**

Western NSW Community Legal Centre:
Michelle Swift (Board member)

Youth Action Policy Association Board:
Mia Prodigalidad

Youth Justice Advisory Committee:

Teresa O’Sullivan

Youth Justice Coalition: **Mia Prodigalidad**

Youth Drug and Alcohol Court Project Team:

Matthew Greenaway

Family Law Committees

Child Support Legal Liaison Committee:

Ruth Pilkinton

Child Support Network: **Ruth Pilkinton,**

Karen Shea

Child Support Regional Registrars Advisory

Panel: **Ruth Pilkinton, Karen Shea**

Children’s Court Advisory Committee:

Deborah de Fina

Children’s Court Clinic Advisory Committee:

Deborah de Fina

Children’s Law News Editorial Board:

Deborah de Fina

Family Court, Reference Group and Steering

Committee for Children’s Cases Program:

Judith Walker

Family Court, Family Violence Reference

Group: **Judith Walker**

Family Law Council: **Michelle Giacomo,**

Clyllyn Sperling

HIV AIDS Legal Centre: **Paul Guterres**

(Volunteer)

Immigration Advice and Rights Centre:

Katie Wrigley (Volunteer)

Manly Warringah Pittwater Interagency

Association: **Atoa Aiolupotea**

Marrickville Legal Centre: **Katie Wrigley**

(Volunteer)

Refugee Coalition Action Group:

Anne Himmelreich (Member)

St James Users Forum: **Karen Shea**

Other committees

Apprehended Violence Legal Issues

Committee: **Tracey Corbin-Matchett**

CHRIS User Group: **Stephen May**

Courtlink Interagency Reference Group:

Steve O’Connor, Robin Nahum,

Julie Morgan

Juvenile Justice Legal Aid Commission

Minimum Safety Standards Working Group:

Nohad Ghibely

Law and Justice Foundation, Legal Referral

Forum: **Steve Cassar**

NSW Community Legal Centres Community

Legal Education Working Group:

Penny Adams

Privacy Advisory Committee: **Bill Grant**

CEO

Public Interest Advocacy Centre: **Bill Grant**

(Board Member)

Shared Corporate Services Project

Management Committee: **Russell Cox,**

Stephen O’Malley

Parramatta Justice Precinct, Office Working

Party: **Russell Cox**

Stop Domestic Violence Day Committee:

Tracey Corbin-Matchett

Victims’ Advisory Board: **Bill Grant (Chair)**

CEO

We revised our Code of Conduct this year to reflect current organisational and government values, vision and mission.

1. Introduction

1.1 Commission's function and obligations

The Legal Aid Commission of New South Wales is an independent statutory body established under the *Legal Aid Commission Act 1979* to provide legal aid and other legal services to the people of NSW.

The Commission's Vision is:

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

The Commission's Mission is:

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

The Commission's Values are:

Client focus
Integrity
Professionalism
Efficiency
Equity

The people of New South Wales have a right to expect our business to be conducted with efficiency, fairness, impartiality and integrity.

Commission staff are expected to behave in a manner which promotes and maintains community and government confidence in our work in accord with legislation, Commission's policies and procedures.

1.2 To whom does this Code apply?

The Code of Conduct applies to every person employed by the Commission, including permanent public servants, temporary staff or appointees, contractors and consultants.

The Code is designed to complement existing codes of conduct for Public Sector Executives.

1.3 Purpose of the Code

This Code of Conduct provides an ethical framework for the decisions, actions and

behaviour of all Commission staff. It identifies the principles underlying appropriate conduct and the minimum standards of behaviour expected of Commission staff. The Code incorporates the standard principles and requirements set out in the *Model Code of Conduct for NSW public agencies (1997)*, Section 8 of the Personnel Handbook.

The Code is not intended to be read as a set of rules, where each word is scrutinised for its legal meaning, rather, it is intended to convey in plain words the obligations and the behaviour expected of all Commission Staff.

Failure to comply

Staff who fail to comply with this Code of Conduct, any lawful directive, or the Commission's policies and procedures may be required to explain their actions. If staff conduct is contrary to the Code's requirements, a range of management options may be instituted including disciplinary action

Legislation

A number of the obligations and standards set out in the Commission's Code are based on legislative requirements including:

- *Legal Aid Commission Act 1979*
- *Public Sector Employment and Management Act 2002*
- *Public Finance and Audit Act 1983*
- *Legal Profession Act 1987*
- *Anti-Discrimination Act 1977*
- *Commonwealth Disability Discrimination Act 1992*
- *Crimes Act 1900*
- *Freedom of Information Act 1989*
- *Government and Related Staff Appeal Tribunal Act 1980*
- *Independent Commission Against Corruption Act 1988*
- *Industrial Relations Act 1996*
- *Crown Staff (Public Service Conditions of Employment 1997) Award*
- *Occupational Health and Safety Act 2000 and Regulations 2001*
- *Workplace Injury Management and Workers Compensation Act 1998*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Public Service of New South Wales Personnel Handbook*
- *Protected Disclosures Act 1994*

2. Principles

2.1 General ethical principles

The attitudes and behaviour expected of all Commission staff are:

*Client focus
Integrity
Professionalism
Efficiency
Equity*

2.2 Professional codes of ethics

All staff will comply with the codes of ethics and standards of conduct applicable to any professional group to which they may belong. Such Codes take precedence over this Code.

All solicitors employed by the Commission are obliged to abide by the professional ethics and standards of conduct which apply to all solicitors in their dealings with clients, the courts, and other members of the legal profession.

Where there is conflict, professional ethics and standards override the Code of Conduct. In the case of legal staff, it is recommended that staff refer to the NSW Solicitors Manual or the Ethics Committee of the Law Society of NSW for further information and assistance.

2.3 Responsibility to the State Government of the day

Commission staff are required to impartially implement the policies and decisions of the State Government. Staff must comply with any relevant legislative, industrial and administrative requirements, and Commission's policies and procedures.

2.4 Respect for people

Staff should treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their dignity, rights and obligations and at all times, behave with courtesy and respect for one another.

Staff are obliged to perform their duties in a professional and responsible manner. Staff should ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances. Decisions shall be based on a consideration of all the relevant facts, supported by adequate documentation, and comply with the Commission's policies and procedures.

2.5 Integrity and public interest

Staff should promote confidence in the integrity of public administration, acting in the public interest and not in their private interest.

Staff are not to engage in activities, at work or outside work, that would bring the Commission into disrepute.

2.6 Responsive service

Staff should provide a relevant and responsive service to their clients providing necessary and appropriate assistance whilst fulfilling the Commission's service performance standards.

Staff should provide information promptly and in a format that is easy for the recipient to understand ensuring the information is clear, accurate, and relevant.

2.7 Economy and efficiency

Staff should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of public administration.

The Commission is obliged to ensure that adequate resources and training are provided to maintain and enhance individual expertise and practice standards.

3. Guide to ethical decision making

To assist in fostering a climate of ethical awareness, conduct and decision-making in the Commission. Staff may find it useful to refer to or consider, either by themselves or in consultation with others, such as their peers or supervisor, the following points:

1. Is the decision or conduct ethical?
2. Is the decision or conduct consistent with Government policy and in line with the Commission's objectives, Code of Conduct, policies and procedures?
3. Are the outcomes for the staff member, work colleagues, the Commission, and other parties, fair and equitable?
4. Do these outcomes raise a conflict of interest or lead to private gain at public expense?
5. Is the decision or conduct in the public interest?
6. Is the conduct lawful?

3.1 Conflicts of Interest

Conflicts of interest exist when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty.

Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

Some personal interests that may give rise to a conflict of interest include:

- financial interests in a matter the Commission deals with or having friends or relatives with such an interest that the employee is aware of;
- personal beliefs or attitudes that influence the impartiality of advice given;
- personal relationships that go beyond the level of a professional working relationship; and
- secondary employment that compromises the integrity of the staff member and/or the Commission.

An individual staff member may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to their supervisor or other senior staff.

If staff are uncertain whether a conflict exists, they should discuss the matter with their supervisor and attempt to resolve any conflicts of interest that may exist.

To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include:

- recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- the employee relinquishing the personal interest; and/or
- the employee transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task where the conflict arises.

3.2 Acceptance of gifts or benefits

Staff should not accept a gift or benefit that is intended to, or likely to, or be perceived to cause them to act in a partial manner in the course of their duties.

Directors may approve the acceptance of token gifts or benefits under certain circumstances provided that there is no possibility that the recipient might be, or might appear to be, compromised in the process.

Staff should advise an appropriate senior member of staff if they believe they have been offered a bribe or if they have been offered or received a favour or benefit.

Staff dealing with or having access to sensitive matters or commercially or legally sensitive information should be particularly alert to inappropriate attempts to influence them.

4. Discrimination and harassment

Staff must not harass or discriminate against their colleagues or members of the public on the grounds of sex, pregnancy, marital status, race, colour, nationality, ethnic or national origin, ethno-religious identity, descent, age, disability, sexual preference, transgender identity or carers' responsibilities. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*.

Staff must not harass or discriminate on the grounds of political conviction.

Supervisors must make sure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that staff they supervise are informed of these principles. Supervisors should take all necessary steps, such as training and other active measures, to prevent and deal with harassment and discrimination in their work area.

If you consider that you have experienced or are experiencing harassment or discrimination you can discuss with or seek advice from either your supervisor, Director, Manager HRM or a senior HRM consultant.

5. Public comment on the work of the Commission

Staff, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. There are some circumstances in which this is inappropriate. For example, situations when the public comment, although made in a private capacity, may appear to be an official comment on behalf of the Commission. In such circumstances, staff should preface their remarks with a comment that they are made in a private or union capacity and do not represent the official view of the Commission.

Commission staff must not make any public comment on matters relating to the Commission or its work unless they are authorised to do so by the Chief Executive Officer.

Comments made on matters pertaining to union business by members of unions in their capacity as a local delegate within the Commission or by union office holders employed by the Commission are permissible under this Code.

6. Protecting confidential information

All Commission staff who have access to any confidential or sensitive personal, commercial or political information must take special precautions to ensure that it is not disclosed or used without clear authority.

Official information must only be used for the work-related purpose intended and not for personal benefit.

Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage. The integrity and credibility of the Commission may be damaged if it appears unable to keep its information secure.

Staff must make sure that confidential information, in any form (e.g. client files, computer files) cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the agency, who are authorised to have access to it.

Any formal request to produce information or documents (e.g. by subpoena or under the *Freedom of Information Act 1989*) should be referred to the relevant Director and to the Commission Solicitor, Legal Policy Unit.

7. Use of official equipment and facilities

Staff are expected to be efficient and economical in their use and management of public resources, including their own work time.

Official facilities and equipment should only be used for private purposes when official permission has been given. This may include limited private local telephone calls private use of facsimile, email and internet facilities that does not disrupt official work. Staff should be aware of the Commission's Use of Email and Internet Policy and Procedures and abide by its provisions

Directors may also approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which staff are volunteers as long as there is no significant cost to the Commission.

Union delegates and official are to be given access to official facilities and equipment in accordance with relevant industrial instruments, sector-wide guidelines and organisation-level agreements.

8. Secondary employment

Commission Staff must have the approval of the Chief Executive Officer before they engage in any form of paid employment outside their official duties.

The CEO will usually approve secondary employment that is not in conflict with the Commission's Mission.

Staff must also carefully consider whether the organisation offering them secondary employment may adversely affect the performance of their Public Service duties and responsibilities or give rise to a conflict of interest. This applies whether they are working full time, part time or only temporarily employed.

9. Political and community participation

Staff must make sure that any participation in party political activities

does not conflict with their primary duty as a public employee to serve the government of the day in a politically neutral manner.

This is important because of the need to maintain Ministerial and public confidence in the impartiality of the actions taken and advice given by staff. What is considered appropriate by the Chief Executive Officer in any particular case will depend on the nature of the issue, the position held by the employee, the extent of the employee's participation, and their public prominence.

If staff become aware that a potential conflict of interest has arisen or might arise, they should inform the Chief Executive Officer and may have to stop the political activity or withdraw from the areas of their work where a conflict exists.

Special arrangements apply to staff who are contesting State or Federal elections. Details of these arrangements are in the *Personnel Handbook 5–10 Staff contesting Federal and State elections*.

Within the context of the requirements of this Code, staff are free to fully participate in voluntary community organisations and charities and in professional associations providing their participation does not have the potential to bring the Commission into disrepute.

10. Reporting corrupt conduct, maladministration and waste

Employees are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources.

The *Protected Disclosures Act 1994* provides certain protections against reprisals for employees who voluntarily report such matters either to the Chief Executive Officer or one of the Divisional Directors, or to one of the three investigative bodies: the ICAC, the Auditor General or the Ombudsman. (Such protections do not apply in cases of vexatious or malicious allegations.)

Where disclosures are made to an external investigating body, those concerning corrupt conduct should be made to the ICAC, disclosures concerning maladministration should be made to the Ombudsman, and

disclosures concerning substantial waste of public money should be made to the Auditor General.

In addition, under circumstances specified in this *Act*, protected disclosures may be made to a Member of Parliament or a journalist.

Corrupt conduct is defined in the *Independent Commission Against Corruption Act 1988*. The key notion is the misuse of public office. Commonly it involves the dishonest or biased exercise of official functions or the misuse of information or material that has been acquired in the course of official functions. The *Independent Commission Against Corruption Act 1988*, requires that the Commission report all instances of suspected corrupt conduct to the Independent Commission Against Corruption (ICAC). Failure to report corrupt conduct or suspected corrupt conduct may itself be regarded as a form of corruption.

Managers must ensure that all employees have information about the Commission's internal reporting procedures as detailed in the Commission's Protected Disclosures policy/procedural document. The person dealing with the protected disclosure should notify the employee who made the disclosure of the action taken or proposed to be taken in relation to the disclosure and the outcome of such action.

The Commission is committed to ensuring that there will be no recriminations against those who report suspected corrupt conduct, maladministration or serious and substantial waste. In the case of a "protected disclosure" recriminations are unlawful. If you feel that you are being subjected to recriminations, you should report it directly to the Chief Executive Officer.

More information about protected disclosures is available in Premier's Memorandum 96-24 and the Ombudsman's Protected Disclosures Guidelines and in the Commission's Protected Disclosures Policy/procedural document.

11. Future employment and use of confidential information

Staff should not use their position to obtain opportunities for future employment. Staff are not to allow themselves or their work to be influenced by plans for, or offers of, employment outside the Commission. If they do, there is a conflict of interest and the integrity of the employee and their Commission is at risk.

Former staff should not use, or take advantage of, confidential information that may lead to gain or profit obtained in the course of their official duties until it has become publicly available.

All staff should be careful in their dealings with former staff of the Commission and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

12. Review

The Code of Conduct will be reviewed by the PCC 12 months from the implementation date 04/02/2004.

HRM will provide a Report annually to the PCC on the operation of The Code.

Dated: January 2004.

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.

Alternate 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.

CALD

Clients from culturally and linguistically diverse backgrounds.

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.

EAPS

Ethnic Affairs Priority Statement.

EEO

Equal Employment Opportunity.

EFT

Effective full-time. Represents the number of staff positions equating to 35 hours 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.

NESB

Non English-Speaking Background

Reporting period

From 1 July 2003 to 30 June 2004.

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

If there is no office near you, call
LawAccess NSW on 1300 888 529 for
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