

Annual Report



Legal Aid Commission of NSW
04/05

Performance highlights 2004–2005

This year, we improved the quality, range, responsiveness and accessibility of our services through innovative new programs and effective partnerships.

Our key corporate goal is to listen to and respond to the needs of our clients. In 2004–2005 we introduced a number of innovative and flexible new programs with a focus on improving access to services in rural and regional areas of New South Wales and better coordinating the delivery of services with other legal service providers. The Cooperative Legal Service Delivery model continued to showcase the Commission's commitment to working more effectively for our clients.

We worked with our partners to improve the operation of the justice system through reforms to both laws and court processes. Our law reform submissions and participation in inter-

agency networks ensured that the interests of our clients were identified and acknowledged by the justice system.

The commitment and dedication of the Commission's staff continue to strengthen the Commission's role as a professional organisation and respected legal service provider. This year, we supported our staff with more professional and personal development opportunities and with improved business tools and simplified business processes.

Our clients

In January 2005 we reached a milestone, recording one million clients from the time in 1988 when advice and applications for aid were first electronically recorded.

We held 2,022 family law conferences (mediation sessions), surpassing the Commission's target of 2,000.

We introduced a Women in Custody pilot service at five correctional centres, providing inmates with advice in civil and family matters.

We increased our civil law outreach programs to Aboriginal communities in outlying parts of Lismore and Dubbo.

An ambitious child support outreach program was launched in regional and remote New South Wales.

The duty solicitor scheme was expanded to the Sydney Family Court, Family Court sittings in Lismore, Albury, Dubbo and Federal Magistrates Court sittings in Lismore.

An evaluation of our Cooperative Legal Service Delivery model showed the pilot was successful in developing strategies to increase the availability of legal help to people in the Central Far West and the Northern Rivers regions.

Key challenges ahead

Our main priority in 2005–2006 will be to implement innovative and flexible ways to more effectively meet client and community needs. In achieving this, the main challenges will be:

- > To respond effectively to any changes in workload resulting from the Commonwealth Government's tender for the provision of legal services to Aboriginal communities.
- > To meet increasing demand for our services in a difficult financial environment, including a strategic response to additional courts sitting at Local Court level and in the District Court in the criminal jurisdiction.
- > To plan our services and resources appropriately in response to a significant number of new courts opening in Sydney West in the next few years.

Legal Aid has assisted over a million clients since 1988.

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Our people

We conducted our second *Without Prejudice Staff Survey* in March 2005, achieving a 90% response rate. Results revealed that levels of staff satisfaction across the Commission had increased since the last survey in 2003.

We piloted a Mentoring program and developed a Performance Planning and Development system.

Our organisation

A major upgrade of the Commission's IT infrastructure provided significant benefits for both clients and staff.

A new Strategic Planning Framework was implemented to drive key business activities over the next two years, providing us with improved direction and guidance.

Our partners

Reference groups were held to obtain the views of the private profession, improving the way we work together.

By June 2005, 644 firms were registered to lodge legal aid applications online, an increase of 45% on this time last year. 94% of the top 50 private law firms who do legal aid family law work are now registered for E-lodgement.

Summary of services by program

What we spent

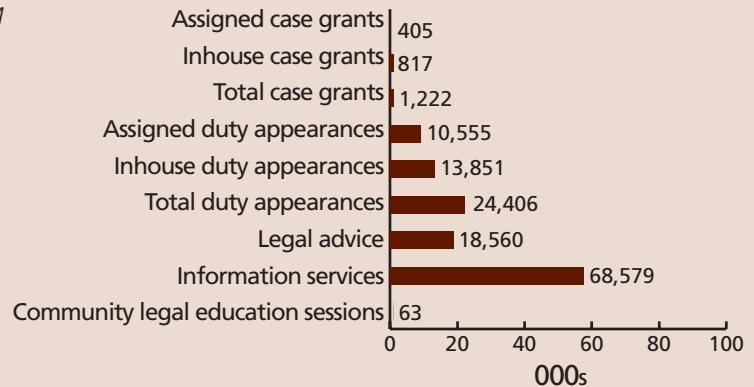
Services we provided

Civil Law

Facilities
Head office and
10 regional offices

Total expenditure \$12.931M
- State \$9.216M
- C'wealth \$3.715M

See page 13
for more details

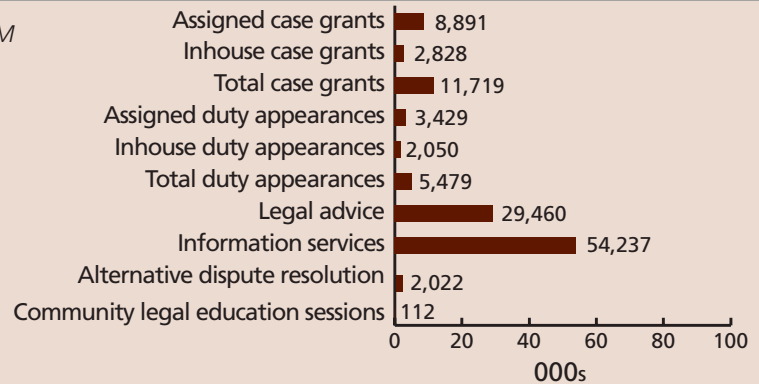


Family Law

Facilities
Head office and
20 regional offices

Total expenditure \$44.111M
- State \$8.896M
- C'wealth \$35.215M

See pages 14–15
for more details

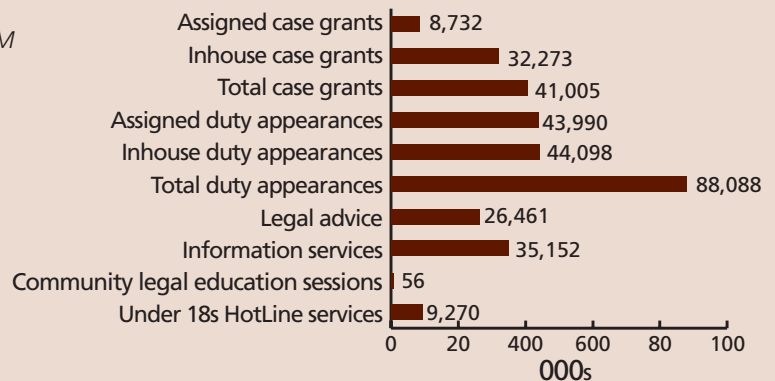


Criminal Law

Facilities:
Head office and
19 regional offices

Total expenditure \$70.146M
- State \$65.666M
- C'wealth \$4.480M

See pages 15–16
for more details



Community Programs

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

Total expenditure \$14.085m
- State \$8.930m
- Commonwealth \$5.155m

See pages 29–30
and 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
Community Legal Education
Veterans' Advocacy Service
Mental Health Advocacy Service, including duty appearances before magistrates and the Mental Health Review Tribunal

- Introduced a pilot advice service for women in custody at five correctional centres
- Improved services to Aboriginal communities in remote areas
- Initiated a pilot audio-visual link from Sydney to deliver civil law services to Gosford
- Signed a Memorandum of Understanding with the Public Interest Advocacy Centre and the Public Interest Law Clearing House
- Veterans' Advocacy Service commenced discussions with the Returned Services League for the provision of legal work for veterans' appeals
- Successfully tendered to the Department of Immigration to provide advice and representation to disadvantaged visa applicants and people in detention.
- Set up a Discrimination Lawyers Group that meets quarterly

- Expand services to clients with mental health problems
- Develop and pilot an Aboriginal client service strategy for civil law services to meet the high levels of unmet need among this client group
- Implement major recommendations of the Civil Law Review
- Increase outreach services to disadvantaged areas of NSW as part of the Cooperative Legal Service Delivery model

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

- Conducted 2,022 conferences, surpassing the Commonwealth/State target of 2,000
- Launched a comprehensive child support outreach program in regional and remote areas of NSW
- Expanded the duty solicitor scheme to the Sydney Family Court, Family Court sittings in Lismore, Albury, Dubbo and Federal Magistrates Court sittings in Lismore
- Expanded family law services to Broken Hill as part of the Cooperative Legal Service Delivery model
- Established a care and protection position at Campbelltown to act for parents and children at Campbelltown Children's Court

- Expand minor assistance program
- Pilot alternate dispute resolution for property matters by 30 June 2006
- Further expand our duty solicitor scheme to Wollongong, Coffs Harbour and Wellington
- Extend our outreach services, particularly in the far west of NSW
- Improve the delivery of child support outreach services to Aboriginal people living in far north west of NSW

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

- Conducted a three-day Criminal Law Conference attended by 277 practitioners
- Held a Children's Legal Service conference attended by 98 practitioners
- Signed a new Service Level Agreement with the Public Defenders Office
- Worked with other justice agencies to reform criminal case processing.
- Rolled out audio-visual link facilities throughout the Commission, using head office technology to improve services to regional areas
- Introduced a weekend bail scheme at Gosford for both adults and children

- Develop a strategy to respond to increasing court services in Sydney's West
- Focus on reforms to committal proceedings and the earlier identification of pleas of guilty
- Conduct a pilot that will help us manage conflicts of interests in the handling of confidential information of clients
- Work closely with Aboriginal Legal Services to improve services to Aboriginal clients
- Implement our response to criminal case processing reforms

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

- WDVCAPs provided 31,146 services to women
- Launched a WDVCAP Best Practice Guide and a revised Policy Manual
- Conducted a two-day conference attended by more than 150 staff from NSW Police and the 33 WDVCAPs
- Conducted a major Commonwealth/State review of the CLC Program
- CLCs conducted a number of successful test cases and class actions

- The WDVCAP Program will mark its 10th Anniversary and plan for future challenges at its annual conference
- Undertake a review of WDVCAP funding and resources and evaluate client services
- Translate *Helping you go to court to get an Apprehended Violence Order* into 15 community languages
- Sign a new 2005-2008 Triennial Service Agreement with CLCs and the Commonwealth
- Negotiate a new Commonwealth Agreement
- Implement recommendations of the NSW CLC Review
- Review the Children's Court Assistance Scheme Program

Corporate plan 2004–2005

Key result areas	Goals	Business strategies 2004–2005
<p>Our clients</p>	<p>We will facilitate a State-wide legal aid service encompassing community education, information, advice and representation to meet community needs and high professional standards.</p>	<p>Implement the accepted recommendations of the Civil Law Review Report, as resources permit.</p> <p>Evaluate the CLSD pilot and, if appropriate, develop a proposal to rollout the accepted model across the State.</p> <p>Develop a strategy to effectively deliver a community legal education program across all areas of the State.</p> <p>Develop and implement a Complaints Management policy and system.</p>
<p>Our people</p>	<p>We will have a professional culture and a positive and productive work environment.</p>	<p>Implement a mentoring program.</p> <p>Implement key internal communication strategies consistent with the Communications Improvement Plan, and develop a three year strategy for the ongoing monitoring and improvement of internal communication processes across the Commission.</p> <p>Pilot the Performance Planning and Development system in two areas of the Commission, evaluate the pilot and implement a Performance Planning and Development System across the Commission.</p> <p>Develop and implement appropriate training programs for section heads, Solicitors-in-Charge and Office Managers.</p>
<p>Our organisation</p>	<p>We will be an organisation with modern systems and processes which maximise the efficient and effective use of Commission resources.</p>	<p>Develop a model for costing the inhouse practice.</p> <p>Pilot e-lodgement for assigned case grants in crime in two locations.</p> <p>Implement a strategic planning cycle with appropriate business plans throughout the Commission.</p> <p>Develop a set of performance indicators to allow the Commission to better measure and explain our performance.</p>
<p>Our partners</p>	<p>We will work cooperatively with other legal service providers to deliver a range of effective and efficient legal aid services across the State; and</p> <p>We will participate fully in the legal system to ensure the interests of the economically and socially disadvantaged are protected and enhanced.</p>	<p>Maximise awareness amongst legislators and other participants in the justice system of the impact of policies and legislation on our clients and on the needs of our clients.</p> <p>Work with our justice system partners to ensure procedural fairness for clients and the efficient use of legal aid resources.</p> <p>Work more effectively with Aboriginal service delivery agencies to enhance the Commission's service delivery mechanisms to Aboriginal communities.</p> <p>Conduct reference groups of practitioners to enable the Commission to obtain the views of the profession on working with Legal Aid.</p>

See pg.

Key targets 2004–2005

Results

13,23	Determine the accepted recommendations of the Civil Law Review Report by 31 December 2004 and implement these recommendations by 30 June 2005.	Majority of recommendations implemented or underway. Highlights include: outreach advice service at Blacktown; pilot of AVL advice service at Gosford; additional civil law resource at Lismore; visiting legal service for women in custody targeted to Aboriginal women.
17	Evaluate the CLSD pilot by 31 May 2005 and submit any proposals for rollout to the Board by 30 June 2005.	Draft evaluation report endorses model, subject to recommendations for improvements, and recommends implementing the CLSD model across NSW.
25	Establish a CLE reference group which will oversee the development of a 3-year strategic plan by 31 December 2004.	CLE Reference Group established, strategic plan developed and is being implemented across the Commission.
17	Develop a Complaints Management Policy by 30 Sept 2004 and implement it across the Commission by 31 March 2005.	Complaints Management policy developed and published for comment. Policy to be implemented early in 2005/2006.
19	Develop and commence a trial of a mentoring program in two areas of the Commission by 30 September 2004. Evaluate the trial and implement a mentoring program across the Commission by 30 June 2005.	Pilot Mentoring program commenced in February 2005 and will be reviewed in December 2005.
25	Implement key internal communication strategies by 30 September 2004 and develop a 3-year strategy for the ongoing monitoring and improvement of communication processes across the Commission by 31 March 2005.	Review of Communications Improvement Plan finalised.
19	Commence the Performance Planning and Development System pilot in two areas by 1 October 2004 and implement the accepted system across the Commission by 1 June 2005.	Pilot Performance Planning and Development system commenced and will be evaluated shortly.
20,76	Develop the training programs by 31 December 2004 and implement across the Commission by 1 April 2005.	Programs developed and implemented include: Finance Matters for Managers; Performance Planning and Development; and HR Matters.
	Develop the costing model by 31 December 2004 and submit to the Board in February 2005.	Three different costing methodologies investigated and pilot cost analysis completed in one area of the Commission. Costing methodology will be applied to two other areas of the Commission and results evaluated.
16,23,24	Design and commence the pilot by 1 September 2004. Evaluate the pilot by 30 April 2005.	Pilots undertaken and evaluation recommends wider implementation of e-Lodgement for case matters crime in 2005–2006.
23	Develop the Commission's strategic planning cycle by 31 August 2004 and implement by 31 October 2005.	Board approved strategic planning framework in February 2005. Framework has been incorporated into the Commission's business planning activities.
25	New performance indicators to be developed by 30 September 2004.	Key performance indicators have been approved by the CEO and working groups are implementing the KPIs.
81,82	Develop a strategy for increasing awareness of the Commission's functions and responsibilities and an effective two-way consultation process and submit to the Board by 31 August 2004 and to the Attorney General by 30 September 2004.	Presentations on activities and services of the Commission made to a range of government agencies and MPs. CEO and staff raised profile of the Commission at interagency forums, emphasising need for consultation with the Commission on justice system proposals.
27	Establish protocols with LawAccess NSW by 30 September 2004 and train Commission staff to ensure clients receive appropriate information and telephone advice services so that Commission advice services are targeted at those who most need them.	Memorandum of Understanding, covering a range of cooperative strategies, has been prepared with LawAccess NSW. Guidelines for making appointments with clients developed.
13,17,67	Review our existing delivery mechanisms targeting Aboriginal communities by 30 September 2004. Pilot an enhanced model of service delivery in two areas by 31 March 2005.	Strategies to improve Aboriginal access to legal services being built into planning and service delivery strategies in two CLSD pilot regions. Internal Aboriginal Justice Committee established to coordinate and develop ATSI service delivery projects.
26	Conduct a reference group for each practice area by 31 December 2004 and provide a report to the Board by March 2005.	Reference groups for family and criminal law held on 23 and 24 November 2004. Reference group for civil/veterans' law practitioners also held.

Chairman's report



“The Commission is an active participant in seeking ways to improve the legal system and access to justice for its clients.”

I am delighted to present the 26th Annual Report of the Legal Aid Commission of New South Wales.

In 2004–2005 the Commission has successfully balanced increasing demand for legal aid services against limited resources. The Commission ends 2004–2005 in a positive financial position – the result of increased efficiencies in the management of assigned grants and additional funding from the Expensive Commonwealth Criminal Cases Fund.

Finding innovative ways to provide legal services has provided the impetus for many initiatives in 2004–2005. The Cooperative Legal Service Delivery (CLSD) Model has now been operating successfully in the Central/Far West and Northern Rivers Regions for 12 months. Linking government, private and community legal service providers, the CLSD model will improve access to legal services for communities in regional, rural and remote areas. I look forward to seeing this successful initiative expanded throughout New South Wales in 2005–2006.

Improving the quality of service for legally aided clients continues to be an important focus of the Commission. For example, in 2004–2005 the Commission has implemented a range of specialist private practitioner panels and continued to develop and improve auditing arrangements for private practitioners.

The Commission is an active participant in seeking ways to improve the legal system and access to justice for its clients.

To this end, it is in continuing dialogue with the main stakeholders in the justice system. For example, this year the Commission took a leading role in pursuing changes to committal proceedings that will result in better outcomes for legally aided clients, and increased efficiencies for the Commission and the criminal justice system. The Commission also critically examined fee structures in criminal matters and issued a discussion paper on lump sum fees.

I believe that 2004–2005 has been a successful year for the Commission. In 2005–2006 the Commission will need to address additional demands caused by additional local courts and population shifts, particularly in Sydney West.

On behalf of the Board I would like to thank Board member Bob Corben, who retired in April. Bob was the Chair of the Audit and Finance Committee and has made an outstanding contribution to the Commission.

I also thank the other Board members for their continuing contribution to the work of the Commission.

The Chief Executive Officer, Bill Grant, and his team have worked hard in 2004–2005 to ensure that the Commission continues to meet its charter. I remain impressed by the quality of the Commission's staff and their unwavering commitment to legal aid in New South Wales. This is supported by this year's staff survey which reveals a dynamic and highly motivated workforce dedicated to serving the needs of the Commission's clients.

A large, stylized handwritten signature in orange ink that reads "Phillip Taylor".

CEO's report

*“Improved business operations
...has led to an excellent
financial result.”*

I am pleased to present the Commission's Annual Report for 2004–2005, which has been a year of consolidation and innovation.

Improved business operations, flowing from consistent practices across Divisions, has led to an excellent financial result with the Commission having a surplus in State funding and a small surplus in Commonwealth funding.

Following lengthy negotiations I am pleased to have settled a Service Agreement for 2004–2008 with the Commonwealth Government. The Commission also received, for the first time, additional funding from the Expensive Commonwealth Criminal Cases Fund which has boosted our Commonwealth revenue.

Key initiatives in 2004–2005 include:

- Establishing new duty services at the Family Court and Federal Magistrates Court at Newcastle, Sydney, Dubbo and Lismore;
- Improving family law representation, advice and education in rural and remote communities by providing duty services to Family Court circuits;
- Piloting a new visiting civil law advice service for women in custody;
- Reviewing lump sum fees in crime;
- Introducing electronic lodgement for criminal law and duty matters; and
- Overseeing the conduct of an evaluation of the Cooperative Legal Service Delivery model, which endorsed the model and made recommendations for its further rollout across the State.



The Commission performed well in the “Without Prejudice: Mark II” survey, which was completed by 90% of staff in March. There were significant improvements across the Commission and the results were

excellent when compared to private and other public sector organisations. I am committed to creating a productive and positive environment for Commission staff. Performance planning and development and mentoring programs piloted in 2004–2005 will be introduced across the Commission in 2005–2006.

In 2005–2006 the Commission will continue to face challenges in meeting increasing demand for its services in a difficult financial environment. We are already aware of plans to sit additional courts at Local Court level, and in the District Court in its criminal jurisdiction.

We will continue to find ways to adapt our services to meet community needs, and to engage in long term strategic planning for service delivery throughout New South Wales. With a significant number of new courts opening in Sydney West in the next few years, it is imperative that the Commission plans its services and resources appropriately.

I am confident that the Commission's management team will meet the challenges which lie ahead in the interests of our clients and our staff.

A large, stylized handwritten signature in orange ink, written in a cursive script. The signature is positioned at the bottom of the page, overlapping the footer area.

The Board of the Legal Aid Commission

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

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

Meetings of the Board

The Board meets monthly (except in January), unless a special meeting is convened. There were 11 meetings in 2004–2005.

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 78–79.

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 Chairperson. No fees are paid to Members who are salaried government employees.



*Back row from left: Simon Moran, Rev. Harry Herbert, Linda Webb, Geoff Lindsay, Anne Britton, Mark Richardson.
Front row from left: Jack Grahame, Bill Grant, Phillip Taylor Absent: Robert Corben*

Board membership 1 July 2004 to 30 June 2005

	Meetings attended
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
Mr Bill Grant LLB. Appointed by the Attorney General as Chief Executive Officer (See pages 10 and 62 for more details).	10 (including one as Chair)
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.	9
Mr Simon Moran BA LLB. Solicitor, representing bodies providing community legal services. 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.	9
Alternate: Ms Catherine Carney	2
Mr Mark Richardson BA, LLB(ANU), LLM(Syd). CEO of the Law Society of NSW, nominated by the Law Society. 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.	11
Alternate: Ms Pauline Wright BA LLB	0
Mr Geoff Lindsay BEc, LLB(ANU) SC. Barrister, nominated by the NSW Bar Association, Geoff practises principally in the Equity and Commercial jurisdictions. He is involved in legal publishing and is Secretary of the Francis Forbes Society for Australian Legal History.	11
Alternate: Mr Phillip Boulten LLB BEc SC	0
Mr Jack Grahame BA. Solicitor, Legal Aid Commission of 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.	9
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.	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. Robert resigned from the Board in April 2005.	8
Ms Linda Webb OAM, BA, FAIM, MAICD. Linda is a consultant and serves on several government boards. Her areas of expertise are governance, community services and procurement. Her OAM was awarded to her in 2002 for service to the Australian Capital Territory through public administration and social policy.	8

Senior directors

Bill Grant, LLB **Chief Executive Officer** **(SES Level 6)**

Budget Total: \$146.2 million
Staff: (EFT) 657.86 Total Actual: 730

Bill was appointed as Chief Executive Officer on 26 November 2001. He was previously Deputy Director General of the NSW Attorney General's Department for 10 years.

Bill is responsible for the provision of legal aid services throughout New South Wales at 20 regional offices and head office. In 2004–2005, he focused on ensuring the Commission met community needs by providing innovative and high quality services. He also consolidated the Commission's partnership with the private profession and continued to promote staff development.

Steve O'Connor Dip. Law (BAB), Dip. Crim, Deputy CEO Legal **(SES Level 4)**

Budget Total: \$55.6 million
Staff: (EFT) 257.43 Total Actual: 291

Steve was appointed in September 2003. Previously, he was the Solicitor for Public Prosecutions in the NSW Office of the Director of Public Prosecutions (DPP). In 1999 Steve was appointed an acting Magistrate.

Steve is responsible for the statewide practices of the Criminal, Family and Civil Law Divisions. His major achievement this year was playing a key role in the criminal case processing reforms, to achieve better outcomes for clients, the committal process and budget benefits for the Commission and its partners.

Russell Cox BComm **Deputy CEO Business and Client** **Services (SES Level 4)**

Budget Total: \$13.8 million
Staff: (EFT) 77.92 Total Actual: 79

Russell was appointed as the Commission's Deputy CEO, Business and Client Services in September 2003. Before that he was Director of Management Services in the NSW Attorney General's Department.

The daily management of the Commission is overseen by the Chief Executive Officer, with assistance from six senior directors.



*Back row from left: Russell Cox, Steve O'Connor, Judith Walker, Stella Sykiotis.
Front row: Bill Grant, Brian Sandland, Richard Funston.*

Russell has responsibility for the provision of Corporate Services to the Commission. This includes the business functions of Corporate Finance, Information Technology, Human Resources, Operational Support and Internal Audit.

This year, Russell was responsible for a major upgrade of the Commission's IT infrastructure, which is expected to provide significant benefits for both clients and staff.

Richard Funston BComm, LLB **Accredited Criminal Law Specialist** **Director, Grants (SES Level 2)**

Budget Total: \$58.5 million
Staff: (EFT) 80.26 Total Actual: 85

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. During his eight years with the Legal Aid Commission of NSW, Richard held leadership roles in the Children's Legal Service and the Family and Civil Law Division before being appointed Director Grants in October 2002.

Richard's division is responsible for determining legal aid applications and allocating matters to inhouse and private practitioners. This year, after consulting widely with members of the private profession, the division has introduced major improvements to its business processes.

Brian Sandland BComm, LLB, **Director, Criminal Law (SES Level 2)**

Budget Total: \$29.7 million
Staff: (EFT) 131.40 Total Actual: 137

Brian has 24 years of experience with the Commission. He held senior management roles in Burwood and head office before being appointed to

head this division in August 2003.

This year, Brian focused on systemic reform, innovative service delivery and staff development in a wide-ranging effort to improve service delivery and access to justice for criminal law clients.

Judith Walker BA, Dip Ed, MA (Hons), LLB **Accredited Family Law Specialist** **Director, Family Law, (SES Level 2)**

Budget Total: \$15.2 million
Staff: (EFT) 60.16 Total Actual: 62

Judith's vast 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 Commission. Judith was Senior Solicitor in the Family Litigation Section and Acting Director, Family Law before being permanently appointed in July 2004.

Judith's main achievement this year was surpassing the set Commonwealth target for scheduling family law conferences, thereby strengthening the role of Alternative Dispute Resolution as a key way of resolving family disputes.

Stella Sykiotis BComm, LLB **Director Civil Law** **(Senior Officer Grade 1)**

Budget Total: \$9.0 million
Staff: (EFT) 48.90 Total Actual: 52

Stella has worked as a community lawyer since 1988 with a particular focus on consumer protection law. She began work at the Commission in the Civil Law Program in 1996. Stella was appointed to her current position of Director, Civil Law in November 2003. This year, her comprehensive client service strategy included expanding services to Aboriginal communities, women in prison, people in immigration detention, and people living in isolated areas of New South Wales.

Organisation chart

Our corporate governance framework ensured we provided clients with a professional, efficient and fair service.

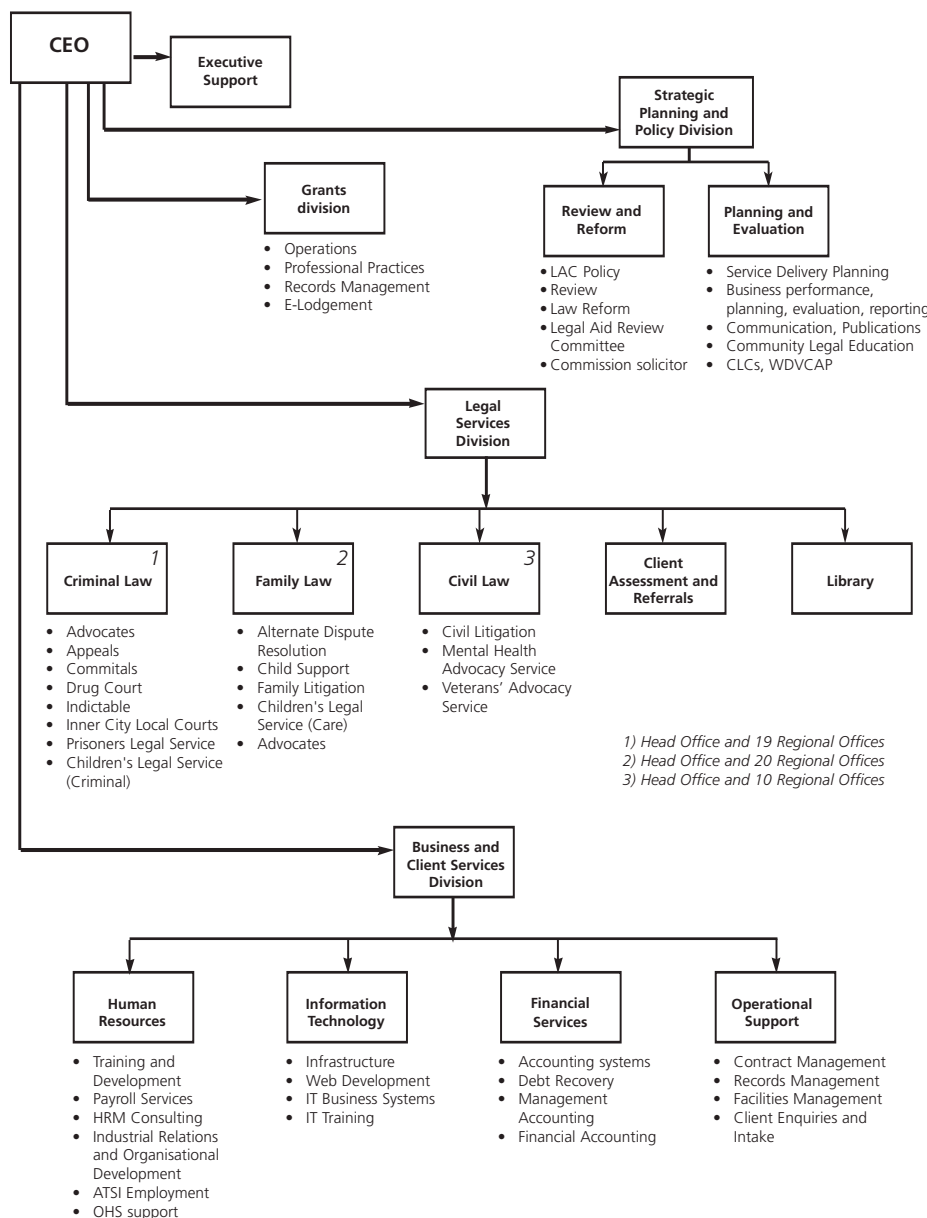
The Commission is established under the *Legal Aid Commission Act 1979* and is a statutory body representing the Crown. The Board of the Commission establishes broad policies and strategic plans of the Commission. The Chief Executive Officer is a member of the Board.

The Chief Executive Officer is responsible for the day-to-day management of the affairs of the

Commission subject to, and in accordance with, the broad policies and strategic plans established by the Board. The Chief Executive Officer has a performance agreement with the Minister (page 62). All senior staff have performance agreements with the Chief Executive Officer.

The operations of the Commission are supported by a number of plans and policies to establish standards,

prioritise and coordinate activities. These include our corporate plan, results and services plan, code of conduct, legal aid guidelines and means tests, fraud and corruption plan, information technology strategic plan, business continuity plan and branch business plans. The implementation of these plans is monitored by the Executive.



Our clients

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 2004–2005

The needs of our clients and the community drive us to improve the quality, range, responsiveness and accessibility of our services. This year, our divisions identified and implemented innovative and flexible ways to more effectively meet client and community needs.



Performance highlights

One million clients

In January 2005 we reached a milestone, recording one million clients from the time in 1988 when advice and applications for aid were first electronically recorded.

Early resolution success

Our Alternative Dispute Resolution (ADR) Unit held 2,022 conferences in family law matters in the last year, surpassing the Commission's target of 2,000. This outstanding result reflects an increase of around 300 conferences

on the previous year, which itself was a large increase on the year before. The full and partial settlement rate remained consistently high, with a slight increase since 2003–2004 to 87.5%.

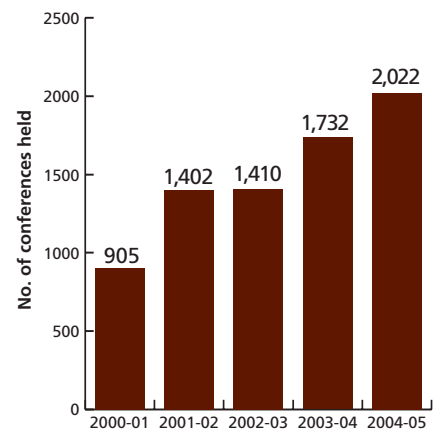
ADR conferences are meetings where independent chairpersons assist parties to a dispute to work out their issues and come to an agreement without going to court. The Commission engages a panel of 185 highly experienced chairpersons.

This year's achievement consolidates conferencing as an integral part of front line service delivery in the Commission's Family Law Program.

The NSW conferencing model is already successfully used to assist with disputes

involving multiple parties such as parents, grandparents and children's representatives. It will expand in 2005–2006 when the Alternative Dispute Resolution Unit introduces a pilot for property matters.

Family Law - Alternative Dispute Resolution Services

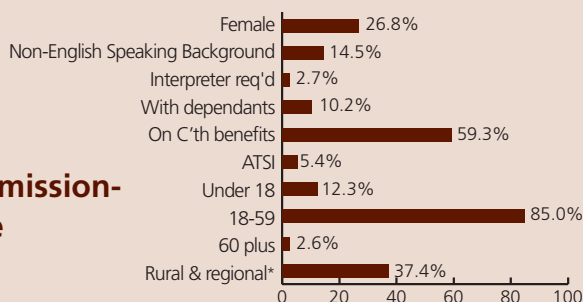


The above graph shows a steady increase in the number of family law conferences.

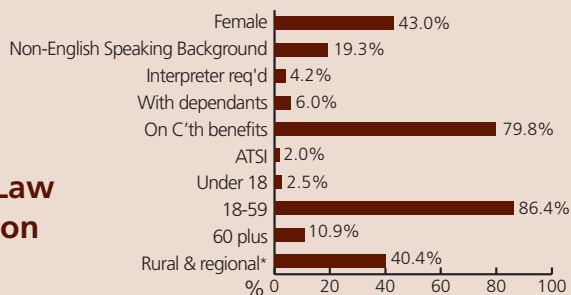
2005 saw a 16.7% increase in family law matters mediated out of court

Client profiles — based on total case and inhouse duty services

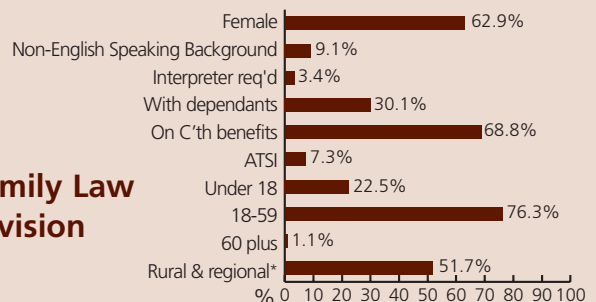
Commission-wide



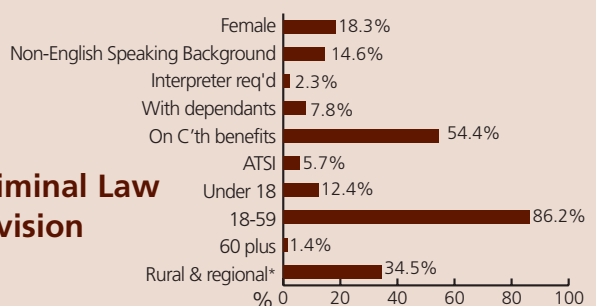
Civil Law Division



Family Law Division



Criminal Law Division



*Includes Newcastle and Wollongong

Division initiatives

Civil Law Division

This division includes Civil Litigation, the Veterans' Advocacy Service and Mental Health Advocacy Service. The division provides services in head office and 10 regional offices.

This division assists people with civil law problems ranging from applications for permanent residence to hearings before specialist tribunals.

In Civil Law during 2004–2005, the Commission:

- Provided 18,560 advice and minor assistance services.
- Represented 25,628 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 68,579 requests for information.
- Commenced new outreach advice services in Blacktown and Dapto.
- Increased the regional advice and assistance program, and home visits to veterans and their dependants.
- Provided a regular civil law outreach service outside Commission offices, including at Aboriginal Legal Services offices.
- Conducted 63 community legal education sessions around NSW in mental health, veterans' entitlements, employment and discrimination law, and housing.
- Made nine law reform submissions, detailing the impact of changes to the law on socially and economically disadvantaged people (See page 68).



Performance highlights

This year's most innovative programs identified existing service delivery gaps and addressed them through:

- A pilot audio-visual link from Sydney that delivers civil law services to clients in Gosford.
- A Women in Custody pilot at five correctional centres, providing an

This year each division implemented a number of key initiatives.

advice and minor assistance service to women with civil and family law problems, particularly Aboriginal women.

- Implemented major recommendations of the Civil Law Review, providing greater outreach to Aboriginal communities in Lightning Ridge, Walgett, Coonamble, Narromine, Trangie, Warren, Peak Hill, East and West Dubbo from our Dubbo office, and Tabulam and Malabugilmah from Lismore.
- Commenced providing advice and representation to disadvantaged visa holders in the community and in immigration detention.

Civil law cases: positive outcomes for clients

Civil lawyers successfully represented clients in a diverse range of matter, including:

- Negotiating with a hospital to stop administering Electro Convulsive Therapy (ECT) on a patient in favour of alternative treatment.
- Reaching agreement with an employer in a disability discrimination complaint to employ our client. Our client had been refused employment because of a mild hearing impairment which in no way affected his ability to perform the job.
- Reaching settlement in a Supreme Court application to terminate a strata scheme that would have forced our elderly clients out of their home. The summons to terminate was dismissed, orders agreed to between the parties and the plaintiffs were ordered to pay our clients' costs.
- Winning a Victim's Compensation Tribunal appeal that awarded the maximum compensation of \$50,000 to an elderly victim of a violent sexual assault and robbery, who had initially been awarded \$30,000.
- Achieving favourable settlement terms, before hearing, for a young

woman who had been sexually harassed by her older male employer, and then fired and forced to seek employment outside her community.

- Overturning a Centrelink decision to cancel our client's parenting payment on the basis that the father of her four children had moved back in with her. The Administrative Appeals Tribunal rejected Centrelink's contention there was evidence showing a reconciliation had taken place.
- Representing a number of refugees from Afghanistan in appeals to the Federal Magistrates Court (FMC) seeking further protection visas. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and the Refugee Review Tribunal (RRT) had refused to grant their applications on the grounds they were no longer refugees since the Taliban had lost power. In the case of Mr Z, the FMC quashed the RRT decision and remitted it for a rehearing. Mr Z is now waiting on DIMIA to issue him with a permanent refugee visa.

On her way to advise women in custody, civil lawyer Sarah Burke (right) catches up with Deputy Governor Gail Malpass from Berrima Correctional Centre.



Clients

Family Law Division

This division includes Family Litigation, the Child Support Service, the Child Care and Protection Legal Service and Alternative Dispute Resolution Unit, providing services in our head office and 20 regional offices.

The division assists people in resolving disputes arising from family breakdowns.

In Family Law during 2004–2005, the Commission:

- Provided 29,460 advice sessions to members of the public.
- Provided 5,479 duty services at the Family Court, Federal Magistrates Court, Local Courts and Children's Courts.
- Provided legal representation to 3,152 adults and children involved in Children's Court care matters around the State.
- Provided legal representation to 8,567 clients in family law matters in the Family Court, Federal Magistrates Court and Local Court.
- Conducted 63 free divorce classes in head office and regional offices.
- Conducted 49 community legal education sessions across New South Wales including to Sydney metropolitan areas, Broken Hill, Coffs Harbour, Tamworth, Cooma and Forbes.
- Increased services to clients by introducing family law outreach

services to Broken Hill (by head office and the Child Support Service), Griffith (by Wagga Wagga office) and Bega (by Nowra office).

- Expanded the Care and Protection Legal Service to include a service at our Campbelltown office.



Performance highlights

This year, the division expanded its duty lawyer services as well as its community outreach and mediation programs, delivering more effective and targeted services to clients.

Achievements included:

- Holding 2,022 family law conferences, with full or partial settlement in 87.5% of conferences (See page 12).
- An ambitious Child Support outreach program with comprehensive monthly or bi-monthly outreach services to regional and remote communities in NSW, including Bathurst, Orange, Tamworth, Armidale, Glenn Innes, Inverell, Moree, Narrabri, Gunnedah, Queanbeyan, Cooma, Grafton, Coffs Harbour, Kempsey, Goulburn, Young, Cootamundra, Tumut, Gundagai, Yass and the Southern Highlands.
- Expanding the duty solicitor scheme to the Sydney Family Court, as well as Family Court sittings in Lismore,

Albury and Dubbo and Federal Magistrates Court sittings in Lismore. The duty solicitor plays a vital role in assisting self-represented litigants and clients who have not been able to access advice or representation before their court dates.

Family law cases: positive outcomes for clients

Family lawyers acted for a vast range of clients, including:

- A severely intellectually and physically disabled 14-year-old child in proceedings before the Family Court of Australia. The parents applied to the court for permission to obtain a hysterectomy on their child. As the child's representative, we supported the parents' application based on an extensive body of expert evidence.
- A mother in a care and protection matter where an order had been made for fortnightly contact with her child pending long-term foster care. The Magistrate held that the Court must vary contact arrangements to answer the needs of the individual child rather than adhering to the generic policies of foster care agencies.
- A mother seeking child maintenance for her 18 year-old daughter. Both the daughter and the mother had muscular dystrophy. As the mother did not want to put her daughter through court, the matter was settled in a family law conference with the father agreeing to continue to pay maintenance.
- A sponsored migrant spouse left homeless, penniless and separated from her five-month old child. She spoke no English. We filed an urgent court application for residence of the child. With court action impending, the husband returned the baby. By consent, final orders were made granting residence of the child to the mother and weekly contact to the father.



At the Family Court in Sydney, Acting Family Court Client Services Manager, Wendy Bartlett (left) and Legal Aid family lawyer Anne Himmelreich, discuss the new duty scheme.

CASE STUDY

Dealing with conflict— a new approach

The parents of two children had been involved in serious conflict since 1999. The matter proceeded in the traditional way through a number of interim hearings, contravention proceedings, defaults and finally went to trial in August 2004.

The father filed the first contravention in February 2005 and the mother responded with an application to suspend contact.

Legal Aid's children's representative suggested the matter be transferred to the new less adversarial Children's Cases Program (CCP) which has now been running since March 2004 in the Sydney and Parramatta registries of the Family Court.

After cautiously consenting, each party addressed the judge. Contact was ordered but during this time the children ran away because they were so upset at the idea of having contact with one of the parents. Appearing before the judge again, that parent conceded it would not be in the children's best interests to force contact. At this appearance there was no point-scoring and the parties had the flexibility of being able to express their point of view. Under the consents given by the parties, the judge was able to waive certain of the rules of evidence.

The parties both understood that the final outcome was likely to involve one of them losing their relationship with the children. No other options had worked to this point. However, the Children's Cases Program provided them with a sense of ownership that would not have been possible in the traditional litigation stream. They understood what was happening and were constantly reminded that their children were the most important people. They appeared before the same judge who knew their matter well. Without CCP the parties and ultimately the children would have embarked upon another round of adversarial proceedings.

Criminal Law Division

This division includes the nine head office practices of Inner City Local Courts, Children's Legal Service, Advocacy Unit, Committals Unit, Indictable and Indictable Appeals, Prisoners' Legal Service, Youth Drug and Alcohol Court and the Adult Drug Court as well as the criminal practices in 19 regional offices across the State.

This division provides legal aid services in all criminal courts.

In Criminal Law during 2004–2005, the Commission:

- Provided 88,088 duty services.
- Provided representation in 41,005 new case grants.
- Provided 35,152 information sessions.
- Provided 26,461 advice and minor assistance services, including 3,231 to prisoners.
- Represented 215 people in the Court of Criminal Appeal (CCA) and conducted four full hearings in the High Court.
- Of the CCA cases, we ran 144 sentence appeals and 34 conviction appeals. We defended 33 crown appeals.
- Answered 9,270 calls on the Under 18s HotLine, advising 6,418 young people about their legal rights.
- Developed a proposal to extend the Under 18s HotLine to a 24 hour service on weekdays.
- Represented 281 people referred to the Adult Drug Court, and 97 young people referred to the Youth Drug and Alcohol Court Program.



Performance highlights

- Expanded the weekend bail service at Gosford in May 2005. Anyone arrested in the Gosford region on Friday or Saturday night can now appear before the court over the weekend to request bail and be represented by a Commission lawyer.
- Conducted a Criminal Law Conference and a Children's Legal Service conference, jointly attended by a total of 376 practitioners.

- Signed a new agreement with the Public Defenders Office in murder and complex cases, allowing for the assistance of the Public Defender during the early stages of the process.
- Worked with other justice agencies, including the NSW Bar Association and the NSW Law Society to reform criminal case processing in order to enhance justice outcomes for people facing indictable offences.

Criminal law cases: positive outcomes for clients

Criminal lawyers conducted a number of challenging cases including:

SGB v The Queen

On 22 April 2005, Mr B was granted special leave to appeal to the High Court.

The case raised questions about the meaning of "reckless" for the purposes of rape under the common law and sexual assault without consent in NSW, and also whether an awareness of a "real possibility" of absence of consent should be enough in itself to impose culpability.

Anthony Markarian v The Queen

Heard 18 May 2005.

The High Court allowed a sentence appeal by Mr Markarian and made important statements about the future approach that should be taken to sentencing in Australian courts.

Regina v Tzannis

Reserved, heard 24 June 2005.

Mr Tzannis, aged 18, was charged with dangerous driving causing death and grievous bodily harm. His driving resulted in the death of one close friend, and injury to another. A five-year prison sentence with a three-year non-parole period was imposed. Our appeal contended that the District Court judge had erred in his consideration of aggravating factors. The Court of Criminal Appeal decided this was a suitable vehicle to revisit the issues used in an earlier case (*R v Previtera*, 1997) in which the Supreme Court Chief Judge had stated that it would never be appropriate to use Victim Impact Statements to increase the sentence for an offence which had caused death.

Clients

Regina v Pollock

In 1990 our client was convicted of murder. He alleged that admissions were coerced by police brutality and alleged admissions by him to inmates were fabricated. An appeal to the Court of Criminal Appeal was dismissed in 1992.

In 2004 an application was made to the Supreme Court based on fresh evidence adverse to the three police officers primarily involved in the investigation. The application has now been referred to the Court of Criminal Appeal to be heard as a conviction appeal, and has been listed for 3 August 2005.

Client Assessment and Referral Unit (CARS)

Teamwork achieved good results for clients.

Many of the positive outcomes for our clients were achieved through lawyers working in close partnership with social workers in our Client Assessment and Referral Unit (CARS). This year, the Unit took on a more regional focus by introducing regular clinic days at Wollongong, Newcastle and Lismore.

CARS also introduced a Community Referral Information Service (CRIS) in 2003 to provide an initial assessment of clients' socio-legal needs and referral information by telephone to legal aid lawyers across NSW.

Solicitor use of the referral service (CRIS) has steadily increased over its first full year of operation. CRIS responded to over 200 requests for referral information during 2004–2005.

This year, the Unit also supervised social work students to conduct a customer survey of Children's Legal Service (CLS) clients that showed a high level of client satisfaction and ensured that CLS practice and service delivery is consistent with the Representation Principles for Children's Lawyers.

Another CARS/student project—researching the outcomes for former civil law clients who lost their Department of Housing tenancies—will be published in the *Australian Social Work Journal*.

Grants Division

This division worked in close partnership with private lawyers to provide representation to legally aided clients.

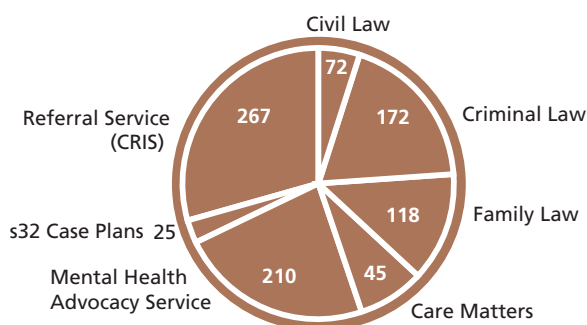
In 2004–2005, private practitioners provided representation in 44.2% of the Commission's case and duty work.

The Grants Division makes decisions on the granting of legal aid and allocates matters to inhouse and private practitioners.

This year the division received 26,032 applications for legal aid, comprising: 9,086 applications in criminal law; 15,954 applications in family law; and 992 applications in civil law.

Grants Division staff also administered 57,974 duty appearances conducted by private practitioners at courts in NSW.

Number of CARS client referrals by program area 2004–2005



CASE STUDY

Crime victim's appeal for fair compensation

Legal Aid assisted an older woman who suffered a shocking attack, to appeal against an inadequate victims compensation award.

Mrs K was beaten, robbed at knife-point and sexually assaulted by two men outside her unit in the inner city. The perpetrators have never been apprehended. As a result of the attack Mrs K now suffers chronic physical pain, post-traumatic stress disorder and major depression. She also feels enormous guilt and shame at having been sexually assaulted. She is chronically fearful and vigilant, living an isolated existence, and is afraid to leave the house or answer the telephone.

In 2004, Mrs K was awarded compensation well below the maximum amount for a category 3 sexual assault. Legal Aid is now assisting Mrs K with an appeal to the Victims Compensation Tribunal on the grounds that the amount is inadequate. We are claiming the maximum amount of compensation on the basis of her severe and persistent medical conditions resulting from the attack and the level of incapacity she continues to suffer.



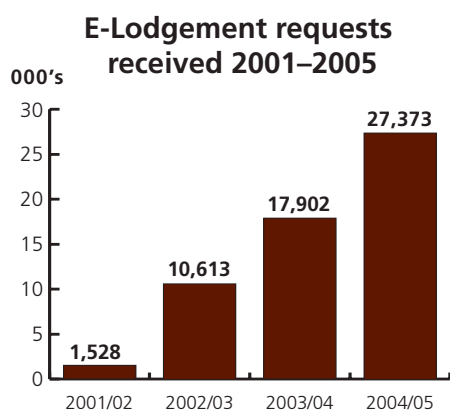
Performance highlights

Since 2002, when the division introduced online applications (E-lodgement) for legal aid, it has become much easier for private practitioners to do business with us. This year saw growing numbers of private practitioners choosing to work with us online.

Achievements this year included:

- Online family law applications increased by 30% over the previous year.
- E-lodgement was also introduced for criminal law and veterans' advocacy matters.

- E-lodgement resulted in faster determination of applications. The average processing time for electronic applications was 4.95 days.



Online applications in family law increased by 30% over the previous year.

Strategic Planning and Policy Division

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

The division worked across the Commission to review services delivered by the Commission to ensure that they continued to meet our clients' needs. The staff in this division worked with the other five divisions to plan, implement and evaluate new services developed in response to new or changing client needs.

Following a broad consultation process, we developed a Complaints Management policy and guidelines to be adopted Commission-wide.

The pilot of the Cooperative Legal Service Delivery model that was developed and launched in March 2004 continued throughout this reporting year. The model was developed as a means of meeting the need for legal services in rural and remote areas of New South Wales. Legal and other service providers in each of the two pilot areas come

together on a regular basis to plan and coordinate services throughout the region to maximise the availability of legal assistance to those in need. In June 2005, a draft evaluation report found the pilot to be highly successful and well received by those involved in the community. This draft report provides advice on how the model might be implemented in other rural communities.

The Commission plays an important role in educating the community about the law, legal services and legal rights and responsibilities. A particular highlight of the Commission's community legal education services this year was to expand services among culturally and linguistically diverse communities. This included providing:

- Education about family law and Legal Aid services to Vietnamese, Korean, Chinese and Indonesian audiences in Sydney's Inner West.
- Education about family law, domestic violence and child protection to Arabic speaking audiences in Far Western Sydney.

The Commission also provided education to young people about their legal rights and responsibilities, through partnerships with schools, libraries, universities and community organisations.

Community events such as Harmony Day Information Expo, Pacific Unity Day and the Central Western Sydney Women's Conference were also useful forums for delivering information and education about the law and legal services.

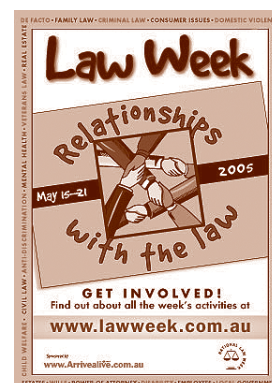
The division's Publications Unit distributed a total of 302,067 publications on a range of topics (See inside back cover for available publications), ensuring public access to plain English information on legal rights and entitlements as well as the services provided by Legal Aid.

Law Week activities

The Commission took full advantage of the opportunities presented by Law Week in May 2005 to "open the door to the law" for people across NSW by participating in a wide range of successful educational events and

promotion activities.

Commission staff collaborated with local stakeholders, key justice system agencies and the media to deliver information about the law and legal services in schools, courts, shopping centres and libraries, with a strong focus on regional and remote towns.



The 2005 Law Week Poster

Key challenges ahead

Aboriginal services

The Commonwealth Government's tender for the provision of legal services to Aboriginal persons is now under way across Australia. The NSW tender process will start in January 2006, with the successful tenderer to begin operations on 1 July 2006. The Commission will not be lodging a tender. The Commission will closely observe the process to measure any potential impact on our own workload.

Means test

The thresholds for income and assets in the Legal Aid Means Test have not increased since 1995, excluding many people who are unable to pay for private legal representation. Updating the means test without restricting the range of matters for which aid is available is a major challenge facing the Commission. Next year, we will introduce the first stage of a simplified means test that is fairer and will make it easier for applicants to verify their means, thereby increasing the number of applicants who can be granted aid.

Legal aid applications

Recognising the need to improve consistency in processing legal aid applications, the Grants Division will implement new business rules. The

Clients

business rules will set a more consistent approach in the granting of applications to our inhouse practice and private practitioners.



The year ahead

In the next 12 months, all divisions will improve the quality, range, responsiveness and accessibility of their services.

In the context of improved accessibility to our services, the NSW Law Society has given, in principle, support for the Commission to conduct a pilot at a regional office to address the issue of conflict of interest in a different way. The Commission will place before the Law Society a comprehensive proposal during 2005–2006 to introduce inhouse electronic firewalls and Chinese walls between the three legal program areas. The objective is to ensure the Commission can provide a service to as many clients as possible whilst maintaining ethical standards.

The **Civil Law Division** will:

- Establish a specialist Coronial Inquest Unit for a 12-month pilot, providing advice and representation in coronial inquest matters.
- A new Human Rights Committee will focus on promoting and protecting human rights by using specialist knowledge and expertise to assess applications for legal aid in public interest human rights matters.

The division will also target particularly disadvantaged groups by:

- Expanding services for clients with mental health problems.
- Implementing an Aboriginal client service strategy for civil law services to meet the high levels of unmet need in this client group.
- Achieving early intervention to obtain correct decisions sooner for veterans' advocacy clients in an effort to eliminate the stress and expense of protracted litigation.

The **Family Law Division** will:

- Expand the legal services available to clients by providing minor assistance in addition to advice and representation.
- Review and consolidate our model for family law conferences in

property disputes.

- Further expand our duty solicitor scheme to service Family Court circuits in Wollongong and Coffs Harbour.
- Increase care and protection services in the Campbelltown/ Penrith area.
- Introduce a duty court scheme and advice service in Wellington.
- Extend our legal service to the Far South Coast by introducing a duty court scheme and advice service to Narooma and Eden.
- Develop outreach services to isolated areas, particularly in the Far West of NSW.
- Improve the delivery of child support outreach services to Aboriginal people living in the Far North West of NSW.

The **Criminal Law Division** will:

- Expand the use of audio-visual (AVL) facilities, providing more clients with easier access to legal aid services.
- Develop strategies to meet the increasing need for legal advice amidst a burgeoning prison population which now exceeds 9,000 inmates.

The **Grants Division** will:

- Renew the panel of private practitioners used for children's criminal law matters in the specialist Children's Courts after two years of operation.
- Consider options for the use of panels in other areas of law.
- Implement the strategy for audits of private practitioners appointed to panels. In line with its educative focus, the Strategy will be made available on the Commission's website.

The **Strategic Planning and Policy Division** will be:

- Developing the Commission's internet services to provide clients with improved access to legal information, and expanding the type of information and assistance that can be accessed via the internet.
- Considering the final evaluation report on the Cooperative Legal Service Delivery model, and

developing plans for its implementation across the State.

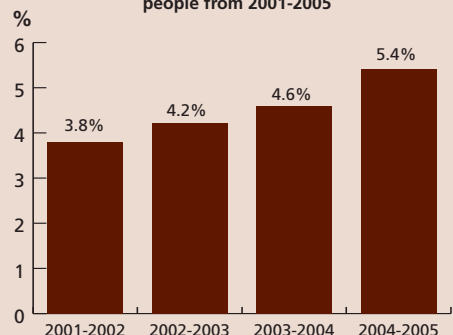
- Implementing the *Community Legal Education Strategic Plan*, and establishing ongoing community education programs.
- Expanding community legal education in schools and developing resources to complement school curricula.
- Translating information about Legal Aid services into emerging community languages, in both audio and printed format.

We will increase our services to Aboriginal clients

All divisions will contribute to the Commission's client service strategy for Aboriginal clients, which will be piloted by June 2006. We will work closely with Aboriginal Legal Services to provide effective and culturally appropriate services for Aboriginal people throughout New South Wales, building on achievements from the past five years.

Services to Aboriginal clients have increased significantly over recent years.

Percentage of total case and inhouse duty services provided to Aboriginal and Torres Strait Islander people from 2001-2005



People

Key result 2004–2005

We supported our staff to be highly skilled, responsive, innovative and flexible team members.



Performance highlights

Inaugural mentoring program

Legal Aid's inaugural Mentoring Program was launched on 23 February 2005 when 10 mentor/mentee pairs from across the Commission attended workshops in our head office in Sydney. The program is open to any employee to achieve any suitable learning outcomes. Mentors and mentees are matched according to mentor skills and experience, and mentee needs. Applications to be part of the program were received from staff from all levels, branches and disciplines. Those accepted into the program are seeking outcomes such as

Staff numbers over last five years

Years	FTE [†] figures* financial year end	Actual staff number at financial year end
2005	675.86	730
2004	669.94	721
2003	634.15	683
2002	565.72	612
2001	566.13	611

* See page 77 for more details. [†]FTE: Full Time Equivalent

career counselling and professional development, a broader understanding of Commission and public sector policy and protocol, improved skills in designing and delivering training sessions, and improved skills in particular legal practice areas.

The pilot program will run for nine months, ending in early December 2005. Evaluation will result in a report and recommendations for mentoring in 2006.

PERFORMANCE GOAL:

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

At 30 June 2005, there were 730 staff employed in the equivalent of 676 full-time positions.

Staff survey

We conducted our second *Without Prejudice Staff Survey* in March 2005, achieving a 90% response rate. Results revealed that levels of staff satisfaction across the Commission had increased since the last survey in 2003. More than 75% of staff said they were happy with their immediate managers, most employees felt involved, enthusiastic and stimulated at work. The high score for commitment means most employees feel aligned with the values of their job and of Legal Aid. In the next year, we will address recommendations made by the independent consultants.

Performance planning and development system

A Performance Planning and Development system was developed in early 2005. Manager training and staff information sessions have been piloted and will be disseminated across the Commission as part of the staged implementation.

Human resource achievements

A comprehensive program of new staffing measures helped make the Commission a more professionally and personally rewarding, as well as safer, place to work. They included:

- A new Preventing Bullying in the Workplace policy, promoting principles of dignity and respect for all our employees.
- An Annual Transport Ticket Scheme enabling staff to purchase annual public transport tickets.
- A Pre-purchased Leave Scheme to enable staff to pre-purchase additional leave.

Below: Mentees and mentors—a lot to smile about as they start their nine-month program.



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

Performance highlights

Learning and Development

Staff participation in Learning and Development activities remained high in 2004–2005, and is on a par with last year after dramatic increases over the past two years. Over 250 inhouse sessions were run with attendance topping 2,000 participants. This is in addition to 22 seminars and conferences organised by the Legal Services Division, in which over 1,200 staff participated (see page 76 for details).

Key achievements

- Accepted a further 30 staff into the Diploma of Business (Frontline Management), run by UTS, bringing the total up to 91 participants since the program was introduced in 2003. Fourteen managers graduated in October 2004 with a further 20 expected to graduate in August 2005.
- Launched the Management Matters series (in partnership with Finance Branch) with Finance Matters for Managers sessions. Safety Leadership, Planning and HR Matters sessions were also developed and scheduled.
- Established a partnership with the Islamic community organisation Mission of Hope to develop and deliver quality training as part of the Commission's *Working with Muslim Clients* course.
- Business Writing workshops were delivered to staff in various areas of the Commission by professional presenter and expert in the field, Dennise Harris.
- Delivered a series of workshops for Grants Division staff on managing incidents with difficult clients.

The Commission also maintained various other Learning and Development activities, including:

- 297 staff attended 117 external training programs, conferences or seminars.
- Of 56 applications for study leave and fees assistance through the Further Education Fees Assistance

Program (FEFAP), 36 were granted.

- Specialist Accreditation Program – the Commission has 68 lawyers with specialist accreditation: 35 in criminal law, 23 in family law; five in children's law; three in advocacy and two in personal injury. Another seven criminal and eight family lawyers were preparing to sit the specialist accreditation exam, with results to be announced next year.

Equal employment opportunity

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

- Ongoing employment of five Aboriginal/Torres Strait Islander (ATSI) trainees in clerical officer positions at Gosford, Tamworth, Dubbo and Head Office.
- The development of initiatives under an Aboriginal Justice Plan to provide employment and career opportunities, and improve culturally sensitive service delivery to Aboriginal clients.
- Ongoing implementation of the Flexible Work Practices Policy and Guidelines for Managers to improve equitable access to flexible work options for the Commission's staff members. This allowed for, among other things, the introduction of formal working from home arrangements for a number of staff members.
- Regular training sessions to assist staff working with special client groups such as Aboriginal people, clients from culturally and linguistically diverse communities and clients with mental illnesses (See page 76 for details).
- Regular induction programs for new staff members to ensure that all new starters are aware of Commission policies and procedures including a component on human resources and workplace safety.
- Ongoing Selection Techniques and Selection Techniques refresher programs to ensure that all selection panel members have the skills to undertake merit selection processes.



Mirela Butina from Family Litigation casts her survey as part of our Without Prejudice Staff Survey 2005 (see page 19).

Occupational health and safety (OH&S)

The OH&S Committee met regularly ensuring representation and active review of OH&S issues in the Commission (See page 76). The committee developed a risk management system and safety standards to provide clear direction for staff dealing with clients.

We introduced a new Safety Leadership workshop aimed at developing the OH&S skills of supervisors and managers.

Worker's compensation

The cost incurred to 30 June 2005 of new claims reported in 2004–2005 was \$123,031 compared to \$34,138 in 2003–2004, an increase of \$88,883.

The number of accepted claims increased from 18 in 2003–2004 to 32 in 2004–2005.

There were 17 fall/slip and body stress claims amounting to \$23,586 in 2004–2005 compared to nine claims in 2003–2004 with a value of \$9,987.

The increase in claims and associated costs is not part of any identifiable pattern as it occurs over a range of categories and locations. The Commission will continue to actively monitor all claims. In addition, we will pursue the recently established risk management approach to health and safety within the Commission with a view to identifying any issues of concern before they can result in injuries/incidents and claims.

The number of full time equivalent (FTE) staff (on average) for this financial year was 675.86, an increase of 12 from 663.79 in 2003–2004. This equates to an average claim cost of



Making the workplace safer: Legal Aid's Siobhan Mullany (second from left) was awarded a UnionSafe Safety Achievement Award for outstanding achievements in making the workplace safe. Siobhan and winners from other departments received their awards from Peter Garrett MP (centre) at the UnionSafe NSW Safety Delegates Conference.

\$182.03 per staff member compared to \$50.96 per staff member in 2003–2004.

Employee relations

We introduced more effective processes to assist managers and supervisors to manage recruitment, leave, performance, and grievance handling.

The role of clerical staff who provide support to lawyers was reviewed and upgraded, resulting in salary increases for approximately 150 staff. The upgrade recognises the difficulties and complexities of the work performed by frontline clerical staff, particularly as they are often the first point of contact for distressed and sometimes difficult clients.

HRM staff participated in key internal

committees that met regularly to discuss particular areas of the Commission's work (See pages 80 for details).

Other staff achievements

Our staff gave generously to the humanitarian relief effort after the tsunami disaster, raising \$7,050 through various functions. The money was donated to the Legal Aid Commission of Sri Lanka to establish a mobile service that would visit disaster areas and help survivors with their immediate documentary needs. Civil lawyers also provided an information session to members of the Acehnese community concerned about possible immigration changes after the tsunami.

Staff from all divisions contributed widely to training programs, presented

papers at conferences and conducted various community legal education activities, as well as contributing to inter-agency publications about the law.

Staff were pro-active in preparing submissions on law reform topics (See page 68) and participated in a number of inter-agency committees (See page 81).

Civil Law Division

- Civil lawyer David Coorey won a sponsorship to attend the Commonwealth Law Conference in London in September 2005 through the Law Society of NSW Government Solicitors Committee.
- Lawyers Margaret Pantall (from Wollongong regional office) and Patrick Latham (from Dubbo regional office) were each awarded a NSW Law Week 2005 Community Service Award.

Family Law Division

- Director Judith Walker conducted a two-day National Training Program for child representatives in conjunction with the Law Council of Australia. Private lawyers who wished to be included on the panel of child representatives, together with inhouse lawyers, participated in this course.
- Advocates Eva Karagiannis, Clyllyn Sperling and lawyers Nicola Adams, Katarzyna Rutkowska, Kerrie O'Donnell and Elaine Harrison delivered training sessions and presented papers at conferences.

Record of worker's compensation claims

Type of Claims	No. of Claims	
	2003–2004	2004–2005
Workplace	8	20
On Duty not at Office	3	2
Journey	6	9
Recesses – lunchtime & authorised breaks	1	3
Property Claim Only	-	0
Total Claims Accepted	18	32
Claims Declined	2	3
Record of Work Related Injury/Incidents		
Type of Injury/Incident		
Workplace	30	24
On Duty not at Office	6	7
Journey	15	15
Recesses – lunchtime & authorised breaks	3	9
Total Injuries/Incidents	54	56

Note: One claim had two injuries, one of which was declined.

Graduates from the second group of Diploma in Business (Frontline Management).



- Olivia Conolly, Karen Shea and Sarah Barton assisted with drafting and editing *NSW Young Lawyers Practitioner's Guide to Family Law (2nd edition)*.

Criminal Law Division

- Lester Fernandez edited *NSW Young Lawyers Practitioner's Guide to Criminal Law*. Chris Brown, Angela Cook, Simon Healy, Te'res Sia and Rosemary Slip were chapter authors.
- Paul Townsend and Lester Fernandez provided advocacy training to Commission lawyers and will continue with this very successful program through to 2006.
- Twelve staff were trained in advocacy skills provided by Gail Archer, senior counsel from Western Australia.
- Created a criminal education training officer position.
- A system of job rotation provided more opportunities for staff to develop well-rounded skills.

Grants Division

- The move to specialist Grants teams last year has improved service delivery, consistency and fairness in determining and administering grants of Legal Aid.
- Grants staff improved their skills through tailored inhouse training in family and criminal law areas and in new E-lodgement processes.
- All team leaders completed the New Managers and Supervisors course.
- Two staff members were enrolled in the Executive Masters of Public Administration with the Australian and New Zealand School of

Government. Participation in this course is funded by the NSW Premier's Department.

- Grants officer Maneka Weddikkara took leave to go to Sri Lanka and assist with the tsunami aid effort.

Strategic Planning and Policy Division

In line with the Commission's increasing role in policy reform in the justice system, the Commission introduced a new training course for staff focussing on developing a better understanding of Government processes and enhancing the effectiveness of policy documents.

Key challenges ahead

To effectively balance the service delivery imperatives of the organisation with the needs of staff in relation to ongoing development and workplace flexibility.



The year ahead

The Commission will:

- Further roll out the Risk Management System with effective hazard management and risk assessment processes.
- Provide more assistance to managers and supervisors through the introduction of courses such as HR Matters for Managers and the development of a Managers Toolkit.
- Focus on attracting and retaining highly skilled staff through improving recruitment practices and giving consideration to the development of cadetship/traineeship programs.
- Ensure that all staff are better able to understand and use the Commission's policies. We will do this by rewriting our policy manuals in plain language and by conducting regular staff training courses on applying the policies.



Patrick Latham (Legal Aid) and Kathryn Fish from Macquarie Regional Library with winners of the Dubbo Law Week colouring competition.

Organisation

Key results 2004–2005

Resourceful initiatives improved our capacity to provide better, more targeted services to particularly disadvantaged clients.

Financial performance

The Commission maintains a strong financial control environment to ensure its financial responsibilities are met. Annual budgets are negotiated with each business centre manager to ensure that each manager is fully aware of the financial resources that they have been allocated, and to achieve their business objectives. Monthly reports are provided comparing actuals to budget and associated revenue and expenditure trends and are also provided to the Audit and Finance Committee and the Board. The Commission maintains a small funding reserve each year to provide for unexpected expenditure or revenue reductions.

Risk management and internal controls

The Commission regularly conducts a risk assessment of its activities covering both strategic and operational risks. The current risk assessment was prepared in 2002 and is currently being updated. The risk assessment is used to prepare the three-year audit plan and each year an annual audit plan is prepared based upon the three-year plan. Each annual audit plan also includes provision for additional audits should circumstances change and further audits are required. The preparation of the risk assessment is based upon a methodology recognising inherent risk and control effectiveness.

The Commission's internal auditors are Deloitte Touche Tohmatsu. Each audit has a stated objective and scope of activity. All recommendations to improve controls require a management response on what action will be taken and a date by when action will be complete. The internal audit function is overseen by the Audit and Finance Committee of the Board.

The Board, Chief Executive Officer, senior management and staff have established a control environment that provides reasonable assurance that the

PERFORMANCE GOAL:

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

objectives of the Commission will be achieved. The internal audit function assesses the adequacy of the control environment on a risk management basis.



Performance highlight

Strategic Planning Framework

In February 2005 the Board approved the establishment of a new Strategic Planning Framework for the Commission. The framework will guide the planning and delivery of services, allocation of resources and the reporting and evaluation of performance across all levels of our organisation. The framework integrates all the business planning activities across the Commission to provide improved direction and operational accountability.

The framework provides for a two-year Corporate Plan that describes the Commission's business priorities and lists the high level strategies that will drive our business activities over the next two years.

The new framework will provide improved direction and guidance for work undertaken by divisions and individual officers. It will increase

Divisions improved their systems and processes so they could work more effectively and make sound business decisions.

operational accountability across the Commission through structured and regular business and management information reports. As a package, these plans will guide all the Commission's work and deliver the results we want to achieve.

Legal Services conference

This year, we convened a new conference where all levels of regional and head office staff were able to discuss topics such as business planning, performance development and management training.

The conference will be held regularly to maintain good communication and ensure consistency in work practices.

Audio-visual conferences

The Commission has adopted a greater use of modern technology, mainly to assist clients who have difficulty accessing our services. Audio visual technology was used in 2,666 instances this year, compared with 938 in 2003–2004, an increase of 184%. The majority of these (2,612) were in criminal law.

Civil Law Division

This division's initiatives included:

- Completing the Civil Law Procedures Manual which addresses a number of recommendations made by last year's Civil Law Review.
- Increasing civil law staffing at Lismore regional office to address needs identified by the Cooperative Legal Services Delivery model.

Family Law Division

Initiatives included:

- Expanding duty solicitor services to include the Sydney Family Court, as well as Family Court sittings in Lismore, Albury and Dubbo and Federal Magistrates Court sittings in Lismore.
- Introducing new guidelines for family law property disputes that will allow more people to access legal assistance and representation.
- Developing a pilot conferencing model for alternate dispute resolution in property matters to be launched on 1 July 2005.

Organisation

- Establishing a working party to update family law practice standards to facilitate consistent state-wide practices.
- Developing minor assistance guidelines that will be introduced next year.

Criminal Law Division

Initiatives included:

- Restructuring the Committals Unit, as a means of delivering consistent statewide services in committals.
- Establishing two graduate law traineeships as part of the College of Law's practical legal training program.
- Contributing to a successful business case to ensure extended roll-out of video-conferencing facilities to nine extra office locations.
- Reviewing legal representation at weekend and mid-week bail courts in regional, rural and remote NSW.

Grants Division

Initiatives included:

- Fully implementing E-lodgement for family law matters in Commonwealth and State jurisdictions. All inhouse practitioners and 72% of private practitioners now lodge family law applications electronically.
- Introducing changes to Grants Online and the Legal Aid Office system 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.
- Completing an evaluation of a pilot of E-lodgement for Children's Court and Local Court Criminal Law matters. The evaluation recommended further expansion of E-lodgement for criminal matters.
- Completing an evaluation of a pilot that trialled the use of Grants Online to submit duty invoices electronically. The evaluation found that processing times were significantly faster than for paper invoices and that the system was well received by both practitioners and staff. The evaluation therefore recommended expanding E-lodgement to all private firms

undertaking duty lawyer services.

- Undertaking an audit of private practitioners who use the Commission's E-lodgement facility, to assess compliance with the E-lodgement guidelines and invoice certification.
- Implementing 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.
- Circulating a Discussion Paper: *Indictable Crime Cost Issues — Proposals for Change* for comment. The paper sought comment on the introduction of a standard lump sum fee structure for indictable cases, including committal matters, as well as a reworking of guidelines and policies in relation to indictable criminal cases. Extensive consultation with key parties is continuing with recommendations for a model lump sum fee structure expected to be developed by end of August 2005.
- Taking carriage of applications to recover costs in legally aided criminal matters conducted by both inhouse and assigned practitioners. Significant amounts have been obtained under the *Costs in Criminal Cases Act 1967* and the *Suitors' Fund Act 1951*. Solicitors and barristers are becoming more aware of their obligations to recover costs for the Commission, and the significance of doing so.

Business and Client Services

This year the division focused upon improving those services that directly support the achievement of the Commission's objectives.

During 2004–2005, the **Financial Services Branch** built upon its strong platform of technical skill and expertise to assist the organisation to better manage its finances.

Specific achievements included:

- Developing and presenting the *Finance Matters for Managers* course.
- Changing the Commission's financial reporting format to assist frontline managers in understanding

their financial reports.

- Reviewing the budget process to facilitate involvement at all levels of the Commission, and the timely release of internal budgets.
- Assisting in the development of submissions and strategies that allowed the Commission to gain support from Government for major service improvement initiatives.
- Working cooperatively with other areas of the Commission to negotiate a new agreement with the Commonwealth Government for the provision of legal aid services in Commonwealth matters up to 31 December 2008.
- Improving the level of training undertaken by staff within the Branch to assist staff in maintaining and developing their knowledge base.

The **Information Technology and Management Branch** implemented a computer replacement program which included establishing a storage area network and upgrading our server support and disaster recovery systems.

The Branch also launched a new intranet site providing staff with more online tools and new facilities such as discussion forums. A new external internet site was designed and will be launched late in 2005.

The Cooperative Legal Service Delivery (CLSD) model site was upgraded, enabling CLSD participants to provide a higher level of service to their clients.

Our **Operational Support Unit** carried out major refurbishments in Campbelltown, Parramatta and Wollongong regional offices. The Unit also maintained a Commission-wide waste reduction policy in accordance with the Government's Waste Reduction and Purchasing Policy (WRAPP).

Our **Human Resource Management Branch** helped strengthen our organisational capacity by developing the skills and talent of our people. These included:

- Piloting a Mentoring program for 10 mentor/mentee pairs from across the Commission (page 19).
- Developing and piloting a Performance Planning and Development system.
- Conducting the second *Without*

Prejudice Staff Survey (page 19).

- Maintaining a strong commitment to the provision of quality learning and development opportunities to staff across the Commission (pages 19–20 and 76 for details).

Strategic Planning and Policy Division

This year the division developed new performance indicators and business activity measures to help the Commission better measure and report on our efficiency and effectiveness in delivering client services and meeting other business objectives.

We introduced a new set of internal management reports, which will assist us to work more effectively and make sound business decisions.

During the year our Communications Improvement Plan was reviewed. A significant number of the recommendations contained in the Plan have been implemented alongside a number of new initiatives to improve communication across the organisation.

The second phase of development of the Community Legal Education Management System (CLEMS) was completed in anticipation of its implementation as a business tool for Commission-wide use on 1 July 2005. CLEMS is a web-based database designed to facilitate the coordination, evaluation and reporting of the Commission's community legal education services. CLEMS plays a vital role in the Community Legal Education Strategic Plan and demonstrates the Commission's commitment to using modern systems and processes to improve client service and planning.

The Community Legal Education Strategic Plan 2004–2007 was developed in line with the Commission's Corporate Plan 2004–2005. This is the first long-term strategic plan for this important service and will help inform business and legal service delivery planning across the Commission.

Key challenges ahead

The Commission is negotiating online access to new court databases and also preparing for eventual electronic information exchanges with courts.

The Criminal Law Division's main challenge will be to reorganise its resources in response to increasing court services in Sydney's West, with a new court complex being established at Mt Druitt, and extra courts being built at Bankstown and Blacktown.



The year ahead

The **Civil Law Division** will:

- Establish a Coronial Inquest Unit incorporating a solicitor advocate position.
- Implement a business strategy to further enhance access to the Civil Law Program for Aboriginal people.
- Implement recommendations from the Mental Health Advocacy Planning Day in order to improve service delivery for people with mental health problems.
- Undertake a review of the Veterans' Advocacy Service.

The **Family Law Division** will complete its family law practice and procedures manual to facilitate consistent statewide practices, and implement training sessions to reinforce these standards.

The proposed reforms to committal proceedings, and the earlier identification of pleas of guilty in such matters, are issues that will continue to receive attention from the **Criminal Law Division**. The aim is to avoid the late entry of pleas of guilty in indictable cases particularly on the day or eve of the trial.

The **Grants Division** will undertake a feasibility study into introducing decision support systems for the determination of legal aid applications, including some automated processing of applications and invoices.

The **Strategic Planning and Policy Division** will work with other areas of the Commission to analyse the data requirements needed to report on our new performance measures. This will involve some changes to the information we gather on our business activities.

Work will also begin on guidelines for the provision of effective services to Aboriginal people. The division will finalise and implement a Commission-wide framework for

planning, establishing and evaluating all new client services.

The Review and Reform Unit will rewrite Commission policies in plain English and examine options for changing the means test, to ensure grants of aid are more accessible to low income earners.

Our new management system for delivering Community Legal Education will be fully implemented, and refined during the year, in response to user feedback. We will also develop a comprehensive library of community legal education resources.

The Division will respond to recommendations from the Cooperative Legal Service Delivery model and undertake a review of the Children's Court Assistance Scheme Program.

The **Business and Client Services Division** will focus on providing services that meet Commission expectations, maximise the value of our functions and contribute to the success of our organisation. The division will:

- Expand electronic services to our partners and clients, including implementing a self-assessment means test facility over the Internet.
- Develop a cost allocation model for the Commission's major service activities.
- Review the Commission's accommodation needs and prepare plans for the upgrade, relocation or establishment of new offices as required.
- Review options for the introduction of an employee recognition scheme for those staff who have made a significant contribution to the Commission's objectives.
- Complete a risk assessment and prepare a new three-year internal audit program.
- Implement the Performance Planning and Development system across the Commission.

Partners

Key result 2004–2005

We drove the coordinated delivery of legal services through effective partnerships with other legal service providers across the State.



Performance highlight

Reference groups

Reference groups of private practitioners in family and criminal law areas were held in November 2004 and for civil/veterans law practitioners in March 2005, to enable the Commission to obtain the views of the private profession on working with Legal Aid.

A number of business issues affecting private practitioners were identified. In addressing these, the Grants Division will be helping to ensure that legally aided clients whose matters are assigned to the private profession, receive the best possible service.

The Commission will invite different private practitioners to take part in future reference groups, allowing a range of views to be expressed. These informal groups supplement more formal consultation undertaken with the Law Society of NSW and the NSW Bar Association.

Civil Law Division

Stronger partnerships achieved better outcomes for our clients.

This year, the division broadened its relationships with stakeholders, government and community agencies.

Achievements included:

- Through the assigned practice, private practitioners provided representation for 386 new case grants and conducted 10,544 duty appearances at court.
- A Memorandum of Understanding between the Public Interest Advocacy Centre, the Public Interest Law Clearing House and the Legal Aid Commission will address systemic practices contributing to the unlawful and unnecessary detention of children and young people.

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.

- The Veterans' Advocacy Service (VAS) worked closely with Returned Services League (RSL) Headquarters, reaching an agreement that VAS is to become the preferred provider of advice, assistance and representation in all appeal work generated by the RSL across NSW.
- Produced, together with community legal centres, a referral information sheet of all organisations in NSW where people can obtain free advice on discrimination law. The Federal Court, Human Rights and Equal Opportunity Commission and Administrative Decisions Tribunal have undertaken to distribute the information sheet.
- Initiated a Discrimination Lawyers Group that meets quarterly to discuss law reform, policy and education issues. It is attended by community legal centre lawyers, the Anti-Discrimination Board, the Human Rights and Equal Opportunity Commission and pro bono practices in private firms.
- Provided training to tenants' advocates in Sydney and on the Central Coast.
- Staff presented submissions on a wide range of law reform issues (see page 68) and were members of external cross-agency committees (see page 81).
- Worked closely with the Anti-Slavery Project at the University of Technology Sydney to provide legal advice and assistance in migration law and general civil law. The Commission is part of a network of government and community

organisations that provide legal, social and medical services for the victims of trafficking.

Family Law Division

The combined strategy of casework, law reform and inter-agency training increased overall benefits to clients.

Achievements included:

- Through the assigned practice, private practitioners provided representation for 8,801 new case grants and conducted 3,403 duty appearances at court.
- Lawyers from our Child Support Service were invited to discuss issues concerning the Child Support Taskforce with taskforce Chairman, Professor Patrick Parkinson.
- Worked with the Law Council of Australia to present National Child Representative training in March 2005.
- Worked with our National Legal Aid partners and the Family Court to develop national protocols for duty court schemes.
- Provided training to LawAccess NSW and the Women's Legal Resources Centre on child support issues and the child support outreach service.
- Staff presented submissions on a wide range of law reform issues (see page 68) and were members of external cross-agency committees (see page 81).

Criminal Law Division

Conferences and training were the key to building better partnerships.

Achievements included:

- Through the assigned practice, private practitioners provided representation for 8,479 new case grants and conducted 43,836 duty appearances at court.
- Held a three-day annual Criminal Law Conference attended by 278 inhouse, private and Aboriginal Legal Services lawyers.
- Held a Children's Legal Service conference in Parramatta – A to Z of the Kids Caught - attended by

98 practitioners, including delegates from Aboriginal Legal Services, Public Defenders, private practice and the Commission.

- Children's lawyers teamed up with community legal centres to provide training to other professionals working in the children's jurisdiction across the state, including Lismore, Orange, Sydney and Armidale.
- Together with the NSW Law Society, presented a seminar on the *Commonwealth Proceeds of Crime Act 2002*, providing critical training on amendments to the Criminal Law Guidelines for Commonwealth matters.
- Worked with other justice agencies to reform criminal case processing in order to enhance justice outcomes for people facing indictable offences.
- Entered into a Service Level Agreement with the Public Defender's Office to provide advice and assistance at early stages in serious indictable matters.
- Staff presented submissions on a wide range of law reform issues (see page 68) and were members of external cross-agency committees (see page 81).

Grants Division

We developed better ways of working with the private profession.

This year, based on feedback from reference groups of private practitioners, the division identified key areas for improvement.

Achievements included:

- Participation by private practitioners in family law e-lodgement increased significantly during the year. By June 2005, 644 firms were registered for E-lodgement, an increase of 45% on this time last year. 94% of the top 50 private law firms who do legal aid family law work are now registered for E-lodgement.
- The pilot for E-lodgement for assigned case grants in crime was evaluated with further expansion of E-lodgement for criminal matters recommended.
- Private practitioner panels have

now been implemented for the following matters: Children's criminal law matters in the Specialist Children's Courts; Care and Protection matters in the Specialist Children's Courts; Court of Criminal Appeal; Veterans Law; and Family Court Child Representatives.

- Private practitioners appointed to panels entered into a service agreement and agreed to adhere to practice standards for the delivery of quality legal services.
- The Duty Solicitor Scheme was maintained through the support and cooperation of the private legal profession in the NSW courts.

Grants Division cases: Good outcomes for clients

Successful mediation

Legal aid was granted to a severely disabled young man who was being cared for in the family home by a younger brother. The brothers were to inherit the home under their father's will. However, their father died while he was in the process of severing the joint tenancy with his estranged wife (the mother of our client) and there were no other assets in the estate. The mother threatened to remove the brothers from the home. Aid was granted to bring a claim under the *Family Provision Act 1982*. As the brothers were reluctant to pursue a remedy against their mother in the courts, the parties were invited to participate in mediation through LEADR (Lawyers Engaged in Alternative Dispute Resolution). LEADR services are provided free to persons in receipt of a grant of legal aid. The matter settled at mediation. The parties agreed to sell the home, with each party to receive one third of the sale proceeds. The brothers will now be able to purchase suitable accommodation to meet their long-term needs.

Sex discrimination claim

The Commission assisted a young woman, who was a former university student, to file a claim in the Federal Magistrates Court against her college under the *Sex Discrimination and Disability Discrimination Act*. She had

been subjected to a number of sexual assaults. The college failed to properly implement its sexual harassment policy and removed her from the university following a suicide attempt. The matter settled at mediation on favourable terms, with the college agreeing to the student's amendments to its sexual harassment policy and a considerable damages award.

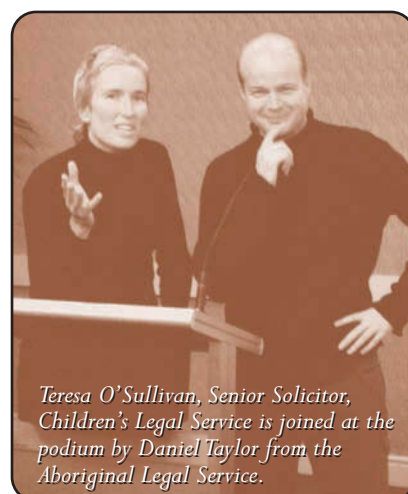
Strategic Planning and Policy Division

We developed protocols to ensure services complement each other.

The Commission works closely with LawAccess NSW to provide comprehensive access to legal information and advice services to the people of NSW. Whilst legal information and advice is provided by lawyers at all of the Commission's city and regional offices, LawAccess NSW provides legal information, advice and referral services over the telephone and internet.

During the year the Commission developed protocols with LawAccess NSW to ensure that the services offered by the two agencies complement each other and that clients have access to services which best suit their individual needs.

The Commission has continued to collaborate with external organisations such as community legal centres, other community organisations and key justice system agencies to increase access to our community education services. This year, the Commission has established relationships with



Teresa O'Sullivan, Senior Solicitor, Children's Legal Service is joined at the podium by Daniel Taylor from the Aboriginal Legal Service.

Partners

community organisations including Asian Women at Work, the Chinese Migrants' Welfare Association, and the Chinese Australian Services Society.

Staff in the division played an important role in contributing to law reform in New South Wales, preparing a total of 35 submissions in various areas (see page 68 for details).

Key challenges ahead

Reforms to criminal justice

Trends in the growth of committals for trial to the District Court, and the increasing numbers and percentages of pleas of guilty on the day of trial make it essential to reform criminal case processing arrangements.

In cooperation with the Attorney General's Department, as lead agency, and the Office of the Director of Public Prosecutions, the Commission will implement new systems and make improvements that will significantly reduce the number of cases unnecessarily committed for trial to the District Court.



The year ahead

We will play a leading role in coordinating the delivery of legal services through strong and effective partnerships with other legal service providers across the State.

The **Civil Law Division** will:

- Work with Warringa Baiya Legal Centre to provide civil law advice to remote Aboriginal communities, with quarterly visits starting in August 2005.
- Implement its arrangement to work with the Returned Services League NSW to improve services to veterans and their dependants.

The **Family Law Division** will work with the Family Court on the implementation of the Magellan Project, which involves agencies working as a team to manage parenting disputes involving allegations of child abuse.

The **Criminal Law Division** will work closely with Aboriginal Legal Services to improve services to Aboriginal clients, and also implement its response to the criminal case processing reforms.

The **Grants Division** will:

- Further expand e-lodgement for assigned summary crime and Children's Court crime.
- Roll out electronic lodgement for duty invoices to all private practitioners.
- Develop a model for the implementation of lump sum fees for District Court and Supreme Court criminal trials.
- Conduct a reference group of private criminal law practitioners to obtain their views on the implementation of a Lump Sum Fees model.

The **Strategic Planning and Policy Division** will develop further relationships with stakeholder organisations as potential audiences for community legal education themselves, and to improve access to Legal Aid services to their clients. The division will collaborate with schools, universities and TAFE on community education projects and to deliver community legal education to students.

The division will also work closely with Aboriginal Legal Services, Community Legal Centres and other service providers such as the Law and Justice Foundation, to establish a more cooperative and collaborative approach to the delivery of legal aid services throughout New South Wales.

The division will also be working to implement the recommendations of the Cooperative Legal Service Delivery model pilot.

In the coming year, the Commission will be working with other legal service providers to establish a National Legal Assistance Forum for New South Wales. The Forum will bring agencies involved in legal service delivery together to facilitate statewide collaboration on the planning and delivery of legal services.

Community programs

Community Legal Centres Funding Program

The Legal Aid Commission administers the State and Commonwealth 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 complement and inform those services provided by the Legal Aid Commission.



Performance highlight

Major Review

This year saw the start of a Joint Commonwealth/ State Review of NSW Community Legal Centres in September 2004. The purpose of the review is to help provide a more integrated framework for planning and delivering legal services to disadvantaged members of the community.

The review called for and received 52 written submissions from interested legal and community groups, and the general public. The findings and recommendations will be available in August 2005.

Our clients

Community Legal Centres are strong advocates for the rights of disadvantaged people. Some notable examples this year included:



The Steering Committee of the Community Legal Centre Review.

- The Public Interest Advocacy Centre represented Mr Peter Qasim, Australia's longest serving refugee in detention.
- The Tenant's Union advocated on behalf of public housing tenants over the NSW Government's proposed changes to tenancy and water charges in public housing.
- The Inner City and Redfern Legal Centres developed FINED OUT, a joint community legal education resource about the fine enforcement process in NSW.
- In April 2005, the Inner City Legal Centre celebrated its 25th birthday.

Internal audit of the Program

The Program underwent an internal audit of 2004–2005 grants allocation procedures to assess the effectiveness of current internal administrative procedures. The audit report indicates that the Program is well-managed and that effective administration processes are in place. Recommendations made in the audit report will be evaluated and incorporated into existing practices.

Our partners

Community Legal Centres recognise that they have limited resources and are at the forefront of developing links with other legal service providers. The CLC Program is part of the pilot project for the Cooperative Legal Service Delivery model (see page 17) and was instrumental in the establishment of the newly formed NSW Legal Assistance Forum (see page 28).

Our organisations

NSW community legal centres achieved a number of significant milestones, including:

- Macquarie Legal Centre developed a clinical legal education program with Macquarie University.
- Redfern Legal Centre was selected to be the auspice body for coordinating the newly formed Redfern/Waterloo Aboriginal Community Justice Group.



The year ahead

- We will sign the 2005–2008 Triennial Service Agreement with CLCs and the Commonwealth.
- A new and more extensive State Program Management Agreement will be negotiated with the Commonwealth.
- We will implement the recommendations of the NSW CLC Review.
- We will undertake a review of the Children's Court Assistance Scheme Program.

Resources

The CLC Program received \$5,043,169 from the Commonwealth Government, \$4,030,402 from the State Government and \$1,151,376 from the Public Purpose Fund. For details see page 74.

The Combined CLC Group's web site is: www.nswclc.org.au and includes links to individual CLC web sites.

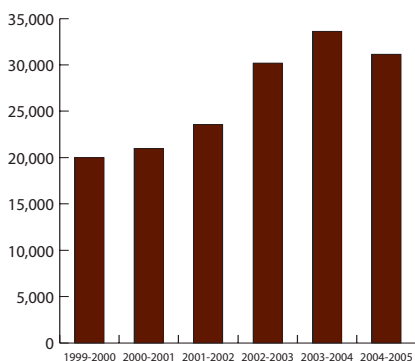
Community programs

Women's Domestic Violence Court Assistance Program (WDVCAP)

The Commission administers funding from the State Government for the Women's Domestic Violence Court Assistance Program (WDVCAP).

The Program assists women and children to obtain legal protection from domestic violence in the courts. Women are assisted with court support, information on seeking Apprehended Domestic Violence Orders (ADVOs) and appropriate referrals to other services.

No. of services provided from 1999–2005



The Program currently provides funding for 33 Women's Domestic Violence Court Assistance Schemes (WDVCASs), which service 55 courts around the State. A Training and Resource Unit also receives WDVCAP funding and is responsible for coordinating training services for all WDVCASs.

Specialist workers help to ensure that particularly disadvantaged and marginalised clients (from Aboriginal and Torres Strait Islander or Culturally and Linguistically Diverse backgrounds) have equal access to services funded under the Program.

Our clients

In 2004–2005, 31,146 services were delivered under the Program.

Our organisation

This year the Program launched its *Best Practice Guide* and revised *Policy Manual*, providing WDVCASs with a comprehensive and consistent policy framework and benchmarks for improving the quality of services.

An internal audit report this year confirmed that the Program is well managed, with effective administration processes in place. Recommendations made in the audit report will be evaluated and incorporated into the administration of the Program to support existing practices.

Our partners

Throughout the year, members of the Program worked closely with many other agencies, including the Attorney General's Department's Local Courts, NSW Police and the Violence Against Women Specialist Unit. The Program continued to maintain strong working relationships with community agencies such as Immigrant Women's Speakout, Women's Legal Services NSW and the state-wide network of Community Legal Centres.

Right: Tracey Corbin-Matchett, Program Manager, (centre) with the guest speaker Reverend Dorothy McRae-McMahon (left), a pioneer in social activism and NSW Assistant Police Commissioner Reg Mahoney



Performance highlight

Legal Aid and Police work together

This year's WDVCAP conference *The Crime of Domestic Violence*, was held at the NSW Police Training Academy in Goulburn. Our ninth conference, it was the first to bring together WDVCAP staff and NSW Police Domestic Violence Liaison Officers (DVLOs). Over 150 staff from the NSW Police Service and the 33 WDVCASs attended.

In 2004–2005 we provided 31,146 services to women and children seeking assistance in domestic violence matters.



The year ahead

The year marked the Program's 10th Anniversary. The Program celebrated its achievements and future challenges at the WDVCAP Annual Conference in August 2005, with the theme *Reflections and Projections*.

We will undertake a review of our funding and resources across the Program and evaluate our client services.

The brochure *Helping you go to court to get an Apprehended Violence Order* will be translated and produced in 15 community languages.

Resources

In 2004–2005, \$3,263,614 was granted to the 33 Schemes and the Training and Resource Unit. For details of grants to Schemes, see page 75.

Financial overview

The Commission had a very successful financial year in 2004–2005, managing to constrain expenditure while at the same time increasing the number of client services.

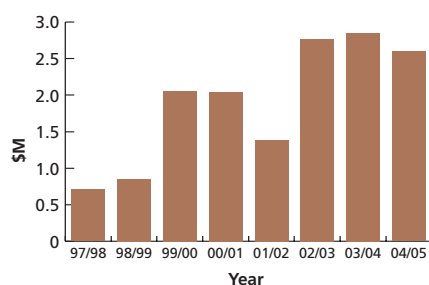
The Commission's financial result was a surplus of \$14.717 million, compared to a budgeted surplus of \$3.338. Two significant items contributed to the size of the surplus, being:

- A capital allocation from NSW Treasury of \$3.753 million. This results in a higher surplus in the year of acquisition, as the related depreciation expense is spread over a number of years; and
- A positive movement of \$3.087 million on the Commission's defined benefit superannuation schemes, which has the effect of reducing employee related expenses.

Excluding these two items, the surplus before capital items and individually significant items was \$7.877 million or 5.2% of 2004–2005 income before capital.

The 2004–2005 financial year represents the first time in three years that supplementary funding has not been required to address rapidly increasing costs of service delivery. This has been achieved partly through the cumulative effect of productivity measures introduced by the Commission in the past two years which are now starting to impact on expenditure. Another significant factor is that demand for the Commission's services is increasing at a slower rate than the rapid rise experienced in the past few years.

**State Criminal Law Assigned Case Expenditure
Where Total Cost of Case Above \$100,000
(including Co-Accused)**



For the first time in three years we did not require supplementary funding to address rapidly increasing costs of service delivery.

Notwithstanding, the Commission continues to experience high levels of complexity in cases in both the Criminal and Family Law jurisdictions which is keeping the cost of cases high. Expensive criminal law cases where the cost of the matter exceeds \$100,000 remained a significant issue for the Commission, although there was a slight decrease in expenditure from the 2003–2004 year as shown in the graph below.

The Commission's surplus in the 2004–2005 financial year has strengthened its financial position, and will allow the Commission to absorb the impact of the change to international accounting standards. The Commission will report under the Australian Equivalents to International Financial Reporting Standards in the 2005–2006 financial year. The major impact from the change in accounting standards is a revised method for measuring defined benefit superannuation plans. This change has the effect of increasing the Commission's superannuation liability by \$12.870 million as at 30 June 2005 compared with the result reported under existing standards. Accumulated funds will therefore decrease by the same amount (refer to Note 23, page 56, in the Financial Statements for additional information).

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 2004–2005, the State Government provided \$79.536 million (\$72.609 million in 2003–2004), the Trustees of the Public Purpose Fund \$19.594 million (\$18.918 million in 2003–2004) and the Commonwealth Government \$50.447 million (\$46.800 million in 2003–04).

Included in the funding from the Commonwealth Government was \$1.074 million (Nil in 2003–2004) in discretionary funding for expensive criminal cases costing above \$40,000 under Commonwealth legislation.

Funds provided by the State Government included \$3.753 million (\$0.796 million in 2003–2004) from the State Asset Acquisition program to finance improvements to the Commission's office accommodation, the expansion of electronic lodgement, the replacement of previously leased computers and the project to replace the Commission's core business system. \$0.752 million of Commonwealth funding was also used for this purpose.

Expenses

The Commission's major expenses are employee related expenses associated with the inhouse legal practice of \$51.111 million (\$49.919 million in 2003–2004) and payments made to private legal practitioners for services to clients for work undertaken on behalf of the Commission of \$60.047 million (\$64.883 million in 2003–2004).

Assets

Assets have increased significantly during 2004–2005 due to an unexpected positive movement of \$3.087 million in the Commission's superannuation position, the State Government's decision to purchase computer equipment that was previously leased and increased cash balances resulting from lower than expected expenditure by the Commission.

Liabilities

Liabilities have increased slightly due to increases in employee entitlements, predominantly as a result of salary increases affecting the expected cost of satisfying those entitlements.

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Independent Audit Report for the Year Ended 30 June 2005



GPO BOX 12
Sydney NSW 2001

INDEPENDENT AUDIT REPORT

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 2005 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 41B 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.

...continued page 34

Independent Audit Report for the Year Ended 30 June 2005

My opinion does *not* provide assurance:

- about the future viability of the Commission,
- that the Commission has carried out its activities effectively, efficiently and economically,
- about the effectiveness of its internal controls.

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.



M T Spriggins CA
Director, Financial Audit Services

SYDNEY
19 October 2005

**Statement by Members of the Board
for the Year Ended 30 June 2005**

Statement by Members of the Board

Pursuant to 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 provisions of the *Public Finance and Audit Act 1983*, the Financial Reporting Code for 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 2005 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 and cannot be applied for any other purpose. In 2004/05 the Commission brought to account \$1.104 million more as revenue than was spent.



Phillip Taylor
Chairman



Bill Grant
Chief Executive Officer

18 October 2005

Statement of Financial Performance for the Year Ended 30 June 2005

	Notes	Actual 2005 \$'000	Budget 2005 \$'000	Actual 2004 \$'000
Expenses				
Operating Expenses				
Employee related	2(a)	51,111	53,142	49,919
Other operating expenses	2(b)	13,392	12,015	11,921
Maintenance		1,159	1,334	1,226
Depreciation and amortisation	2(c)	2,068	2,311	2,238
Grants and subsidies	2(d)	13,496	12,987	13,272
Other expenses	2(e)	60,047	63,314	64,883
Total Expenses		141,273	145,103	143,459
Less:				
Retained Revenue				
Sale of goods and services	3(a)	47,719	43,669	44,539
Investment income	3(b)	2,696	1,901	2,195
Grants and contributions	3(c)	26,271	24,693	24,458
Other revenue	3(d)	123	154	148
Total Retained Revenue		76,809	70,417	71,340
Loss on disposal of non-current assets	4	(41)	-	(63)
Net Cost of Services	20	64,505	74,686	72,182
Government Contributions				
Recurrent appropriation	5(a)	75,469	75,087	71,499
Capital appropriation	5(b)	3,753	2,937	796
Total Government Contributions		79,222	78,024	72,295
SURPLUS FOR THE YEAR FROM ORDINARY ACTIVITIES		14,717	3,338	113
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	14,717	3,338	113

The accompanying notes form part of these statements

Statement of Financial Position as at 30 June 2005

	Notes	Actual 2005 \$'000	Budget 2005 \$'000	Actual 2004 \$'000
ASSETS				
Current Assets				
Cash	10	36,253	27,426	26,738
Receivables	11	4,133	3,357	3,037
Other	13	724	1,206	1,206
Total Current Assets		41,110	31,989	30,981
Non-Current Assets				
Receivables	11	2,493	2,556	2,555
Plant and equipment	12	10,550	10,651	8,100
Other	13	3,302	215	215
Total Non-Current Assets		16,345	13,422	10,870
Total Assets		57,455	45,411	41,851
LIABILITIES				
Current Liabilities				
Payables	14	14,561	15,630	15,410
Provisions	15	5,434	3,658	3,658
Total Current Liabilities		19,995	19,288	19,068
Non-Current Liabilities				
Payables	14	2	-	-
Provisions	15	10,605	10,636	10,634
Other	14	20	33	33
Total Non-Current Liabilities		10,627	10,669	10,667
Total Liabilities		30,622	29,957	29,735
Net Assets		26,833	15,454	12,116
EQUITY				
Accumulated Funds	16	26,833	15,454	12,116
Total Equity		26,833	15,454	12,116

The accompanying notes form part of these statements

Statement of Cash Flows for the Year Ended 30 June 2005

	Note	Actual 2005 \$'000	Budget 2005 \$'000	Actual 2004 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee related		(52,376)	(53,140)	(50,936)
Grants and subsidies		(13,496)	(12,987)	(13,272)
Other		(83,859)	(88,915)	(85,563)
Total Payments		(149,731)	(155,042)	(149,771)
Receipts				
Sale of goods and services		46,894	43,150	44,557
Interest received		2,617	1,901	2,148
Other		35,601	37,517	34,063
Total Receipts		85,112	82,568	80,768
Cash Flows from Government				
Recurrent appropriation		75,469	75,087	71,499
Capital appropriation		3,753	2,937	796
Net Cash Flows from Government		79,222	78,024	72,295
NET CASH FLOWS FROM OPERATING ACTIVITIES	20	14,603	5,550	3,292
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of plant and equipment		28	-	410
Purchase of plant and equipment		(5,116)	(4,862)	(1,518)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(5,088)	(4,862)	(1,108)
NET INCREASE IN CASH		9,515	688	2,184
Opening cash and cash equivalents		26,738	26,738	24,554
CLOSING CASH AND CASH EQUIVALENTS	10	36,253	27,426	26,738

The accompanying notes form part of these statements

Program Statement – Expenses and Revenues for the Year Ended 30 June 2005

AGENCY EXPENSES AND REVENUES	Program 1* Family Law		Program 2* Criminal Law		Program 3* Civil Law		Program 4* Community Legal Services		Not Attributable		Total	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
Expenses												
Operating expenses												
Employee related	15,822	15,154	27,789	27,720	7,117	6,709	383	336	-	-	51,111	49,919
Other operating expenses	4,464	3,834	6,843	6,166	1,902	1,801	183	120	-	-	13,392	11,921
Maintenance	366	385	626	657	156	173	11	11	-	-	1,159	1,226
Depreciation and amortisation	720	750	1,052	1,154	284	330	12	4	-	-	2,068	2,238
Grants and subsidies	-	-	-	-	-	-	13,496	13,272	-	-	13,496	13,272
Other Expenses	22,739	24,944	33,836	36,765	3,472	3,174	-	-	-	-	60,047	64,883
Total Expenses	44,111	45,067	70,146	72,462	12,931	12,187	14,085	13,743	-	-	141,273	143,459
Retained Revenue												
Sale of goods and services	(36,624)	(35,043)	(6,092)	(4,038)	(5,003)	(5,458)	-	-	-	-	(47,719)	(44,539)
Investment income	(669)	(1,405)	(1,767)	(489)	(260)	(301)	-	-	-	-	(2,696)	(2,195)
Grants and contributions	(854)	(833)	(14,983)	(13,572)	(3,912)	(3,770)	(6,522)	(6,283)	-	-	(26,271)	(24,458)
Other revenue	(40)	(33)	(79)	(30)	(4)	(6)	-	(2)	-	(77)	(123)	(148)
Total Retained Revenue	(38,187)	(37,314)	(22,921)	(18,129)	(9,179)	(9,535)	(6,522)	(6,285)	-	(77)	(76,809)	(71,340)
(Gain)/Loss on disposal of non-current assets	(8)	28	-	24	-	-	-	-	49	11	41	63
NET COST OF SERVICES	5,916	7,781	47,225	54,357	3,752	2,652	7,563	7,458	-	(66)	64,505	72,182
Government Contributions **									(79,222)	(72,295)	(79,222)	(72,295)
NET EXPENDITURE (REVENUE)	5,916	7,781	47,225	54,357	3,752	2,652	7,563	7,458	(79,173)	(72,361)	(14,717)	(113)
NET EXPENDITURE / (REVENUE) FOR THE YEAR	5,916	7,781	47,225	54,357	3,752	2,652	7,563	7,458	(79,173)	(72,361)	(14,717)	(113)

* 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 2005

2004

2005

	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	75,087	75,087	2,937	1,140	67,499	67,499	2,179	796
Additional appropriations	511	382	-	-	-	-	-	-
S21A PF&AA - special appropriation	-	-	-	-	-	-	-	-
S24 PF&AA -Transfers of functions between departments	-	-	-	-	-	-	-	-
S26 PF&AA -Commonwealth specific purpose payments	-	-	-	-	-	-	-	-
	75,598	75,469	2,937	1,140	67,499	67,499	2,179	796
OTHER APPROPRIATIONS/EXPENDITURE								
Treasurer's Advance	-	-	129	129	1,230	1,230	-	-
Section 22 - expenditure for certain works and services	-	-	-	-	2,770	2,770	-	-
Transfers from another agency (section 27 of the Appropriation Act)	-	-	2,484	2,484	-	-	-	-
Enforced Savings - Reduction due to Capital Supplementation	(129)	-	-	-	-	-	-	-
	(129)	-	2,613	2,613	4,000	4,000	-	-
Total Appropriations/Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	75,469	75,469	5,550	3,753	71,499	71,499	2,179	796
Amount drawn down against Appropriation		75,469		3,753		71,499		796
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).

1. The variance of \$1.797m between the Capital Appropriation and Net Claim on Consolidated Fund reflects lower than expected expenditure on the Enhanced Computer & Communications Systems project during 2004-05. This variance is a timing difference which will be addressed in future years.
2. Enforced savings of \$0.129m is based on the Commission's advice to Treasury of savings to recurrent expenditure as a result of the change from leasing to purchasing.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

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 2005.

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

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

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, 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

Physical non-current assets are valued in accordance with the "Guidelines for the Valuation of Physical Non-Current Assets at Fair Value" (TPP 03-02). This policy adopts fair value in accordance with AASB 1041 from financial years beginning on or after 1 July 2002. There is no substantive difference between the fair value valuation methodology and the previous valuation methodology adopted in the NSW public sector.

Where available, fair value is determined having regard to the highest and best use of the asset on the basis of current market selling prices for the same or similar assets. Where market selling price is not available, the asset's fair value is measured as its market buying price ie the replacement cost of the asset's remaining future economic benefits.

Non-specialised assets with short useful lives are measured at depreciated historical cost, as a surrogate for fair value.

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. Refer to Notes 1(i), 2(c) & 12.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	%
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 the 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 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(a). 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(b).

(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.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	2005 \$'000	2004 \$'000
2. Expenses		
(a) Employee related expenses comprise the following specific items:		
Salaries and wages (including recreation leave)	44,608	42,347
Superannuation	1,467	2,839
Long Service Leave	1,718	1,316
Workers' compensation insurance	275	326
Payroll tax	3,043	3,091
Total	51,111	49,919

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 2004/05 was \$0.624m (\$0.229m in 2003/04)

The Commission's Prepaid Superannuation Contributions Reserve (PSCR) for 2004/05 increased by \$3.087m (increased by \$1.073m in 2003/04) as a result of the actuarial review of the State Authorities Superannuation Board Pooled Fund as at 30 June 2005.

The increase of the PSCR is shown as an Individually Significant item. Refer to Notes 1(e)(ii), 6, 13 and 19.

(b) Other operating expenses

Operating lease—minimum lease payments	5,667	5,257
Telephone	660	647
Library resources	601	624
Consultants	295	155
Stationery, stores and provisions	384	468
Computer running costs	1,402	1,025
Printing	169	207
Records management	419	420
Travel compensation	459	554
Interpreters' fees (non-case)	256	274
Postage	365	299
Cleaning	199	192
Practicing certificates	184	193
Electricity and gas	206	192
Insurance	98	109
Auditor's remuneration - audit or review of financial reports	60	92
Internal audit and audit of Trust Account	80	46
Courier and freight	44	45
Bad and doubtful debts	292	35
Expenses written back	529	-
Other	1,023	1,087
Total	13,392	11,921

(c) Depreciation and amortisation expenses

Fit-out costs - Office accommodation	896	930
Office Equipment	163	169
Motor Vehicles	6	26
Computer Replacement Project	121	560
Desktop Replacment 2005	209	-
Computer equipment	654	540
Low value assets	19	13
Total	2,068	2,238

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

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	2005 \$'000	2004 \$'000
(d) Grants and Subsidies		
Domestic Violence Court Assistance Program	3,264	3,166
Community Legal Centres	10,232	10,106
Total	13,496	13,272

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	35,919	38,992
Barrister services provided by private practitioners	17,031	18,715
Disbursements	7,097	7,176
Total	60,047	64,883

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	1,294	1,043
Criminal Law	1,349	635
Civil Law	992	1,287
Commonwealth funding ¹	44,084	41,574
Total	47,719	44,539

¹Base funding of \$44.084m (\$41.574m in 2003/04) 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 2004. In the first year of the agreement, income exceeded expenditure by \$1.104m (expenditure exceeded income by \$4.239m in 2003/04).

(b) Investment Income		
Interest on outstanding accounts	113	117
Interest on cash assets	2,583	2,078
Total	2,696	2,195

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

(c) Grants and contributions		
Law Society Public Purpose Fund ¹	19,594	18,918
Commonwealth Government Community Legal Centre base grants ²	5,063	5,052
Other grants and contributions ³	1,614	488
Total	26,271	24,458

¹ This fund provided a grant of \$18.385m (\$17.780m in 2003/04) to provide legal aid services in State matters.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	2005	2004
	\$'000	\$'000
Other specific grants from this fund include:		
Environmental Defenders Office	462	562
Public Interest Advocacy Centre	536	476
Expansion of Court assistance to children	211	100
Total	1,209	1,138

²\$5.063m in Community Legal Centre (CLC) base grants (\$5.052m in 2003/04) 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	95	92
• Commonwealth Government special purposes funds for refugee matters under separate contract	131	82
• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	147	166
• State Attorney General's Department Youth Drug Court	86	60
• State Attorney General's Department to establish and run video conferencing facilities within the Commission	81	88
• Commonwealth Government special funding for expensive criminal cases	1,074	-
Total	1,614	488

(d) Other revenue

Miscellaneous	123	148
Total	123	148

(e) Restrictions on contributions received

All funds received from the Commonwealth in a financial year are required to be brought to account as revenue in that reporting period. Any funds not spent in a year must be carried forward for use in subsequent years and may not be applied for any other purpose. The Commission will carry forward \$1.104m of unspent revenue in 2004/05 to be utilised in future years (in 2003/04 no funds were carried over as expenditure exceeded revenue by \$4.239m). Refer to Note 3(a).

4. Loss on disposal of non-current assets

Proceeds from disposal of plant and equipment	28	410
Less: Written down value of assets disposed	69	473
Net loss on disposal of plant and equipment	(41)	(63)

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

2005
\$'000 2004
\$'000

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	75,469	71,499
--	--------	--------

Total	75,469	71,499
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Comprising:

Recurrent appropriations (per Statement of Financial Performance)	75,469	71,499
---	--------	--------

Total	75,469	71,499
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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)	3,753	796
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Total	3,753	796
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Comprising:

Capital appropriations (per Statement of Financial Performance)	3,753	796
---	-------	-----

Total	3,753	796
--------------	--------------	------------

6. Individually significant items

The increase in the Prepaid Superannuation Contributions Reserve from \$0.215m in 2003/04 to \$3.302m as at 30 June 2005 was taken up as a reduction in the State Authorities Superannuation expense for the year. Refer to Notes 1(e)(ii), 2(a), 13 & 19.	(3,087)	(1,073)
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Total	(3,087)	(1,073)
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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 2004/05.

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.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

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.

	2005 \$'000	2004 \$'000
10. Current assets - cash		
Cash at bank and on hand	1,152	3,537
Deposits at call and short term	35,101	23,201
Total Cash	36,253	26,738

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)	36,253	26,738
Closing Cash and Cash Equivalents (per Statement of Cash Flows)	36,253	26,738

11. Current/Non-Current assets - Receivables

Current

Client contributions/recoveries receivable	1,258	1,193
Less: Provision for doubtful debts	287	283
	971	910
Other debtors	435	108
GST recoverable from Australian Taxation Office	2,727	2,019
Total Current	4,133	3,037

Non-Current

Client contributions/recoveries receivable	3,882	4,000
Less: Provision for doubtful debts	1,389	1,445
Total Non-Current	2,493	2,555

Client contributions/recoveries receivable (both current and non-current) in the amount of \$3.238m (\$3.315m in 2003/04) are secured by way of caveat.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	2005 \$'000	2004 \$'000
12. Non-Current assets—Plant and Equipment		
Plant and Equipment		
At Cost	25,053	20,635
Less: Accumulated Depreciation at Cost	14,503	12,535
Total Plant and Equipment At Net Book Value	10,550	8,100

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	8,100	9,293
Additions	5,116	1,518
Disposals	(169)	(1,560)
Expenses written back	(529)	-
Depreciation expense	(2,068)	(2,238)
Write back on disposal	100	1,087
Carrying amount at end of year	10,550	8,100

13. Current/Non-Current assets—Other

Current

Prepayments - Other	724	1,206
Total Current	724	1,206

Non-Current

Prepaid Superannuation Contributions Reserve ¹	3,302	215
Total Non-Current	3,302	215

¹Represents the balance of the Prepaid Superannuation Contributions Reserve held by the State Authorities Superannuation Trustee Corporation (STC) in 2004/05 (\$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 & 19.

The position of the superannuation funds at 30 June 2005 is as follows:

	SASS Employer's Reserve \$'000	SANCS Employer's Reserve \$'000	SSS Employer's Reserve \$'000	Total \$'000
Accrued Liability as at 30 June 2005	9,390	3,698	24,217	37,305
Less: Estimated Reserve Account				
Closing Balance as at 30/06/05	8,190	3,766	28,651	40,607
Prepaid Contributions as at 30/06/05	(1,200)	68	4,434	3,302

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

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:

	2005/06	2006/07 and thereafter
	%	%
Discount rate	7.0	7.0
Rate of salary increase	4.0	4.0
Rate of increase in CPI	2.5	2.5
	2005	2004
	\$'000	\$'000

14. Current/Non-Current Liabilities – Payables

Current

Accrued salaries, wages and on-costs	301	225
Legal	2,854	2,806
Administrative	1,902	1,777
Prepaid grants received	104	284
Provision for estimated legal expenses ¹	9,400	10,318
Total Current	14,561	15,410

Non-Current

Provision for estimated legal expenses ¹	2	-
Other ²	20	33
Total Non-Current	22	33

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 incentive received for renewing the lease for Newcastle office accommodation in January 2004. It 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	3,846	2,703
Provision for long service leave	933	410
Provision for related on-costs	655	545
Total Current	5,434	3,658

Non-Current

Employee benefits and related on-costs

Provision for recreation leave	717	1,354
Provision for long service leave	8,868	8,359
Provision for related on-costs	1,020	921
Total Non-Current	10,605	10,634

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	2005 \$'000	2004 \$'000
Aggregate employee benefits and related on-costs		
Provisions - current	5,434	3,658
Provisions - non-current	10,605	10,634
Accrued salaries, wages and on-costs (Note 14)	301	225
Total	16,340	14,517

16. Changes in Equity

Accumulated Funds		
Balance at the beginning of the financial year	12,116	12,003
Surplus for the year	14,717	113
Balance at the end of the financial year	26,833	12,116

17. Commitments for expenditure

(a) 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	66	85
Estimated future commitment of external legal services ¹	30,541	34,074

Later than one year and not later than 5 years

Estimated future commitment of external legal services ¹	5,991	6,684
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Total (including GST)	36,598	40,843
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¹Represents 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.

(b) Operating Lease Commitments

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

Not later than one year	4,793	6,099
Later than one year and not later than 5 years	15,941	18,087
Later than 5 years	2,654	5,302

Total (including GST)	23,388	29,488
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Refer to Note 1(o).

The operating lease commitments above relate to the rental of office accommodation and supply of computer hardware. The total commitments in (a) and (b) above include input tax credits of \$5.453m (\$6.394m in 2003/04) that are expected to be recoverable from the Australian Taxation Office.

18. Contingent liabilities and contingent assets

The Commission has no contingent liabilities or assets in 2004/05.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

19. Budget review

Statement of Financial Performance

Net Cost of Services

Net Cost of Services was under budget by \$10.181m 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 \$3.087m in the superannuation liability, and corresponding reduction in Employee Related expenses. Refer notes 1(e)(ii), 2(a), 6 & 13.
- under budget expenditure on Other Expenses, reflecting lower payments to external legal practitioners than had been anticipated in the budget.

Recurrent Appropriation

Compared to budget, the positive variation of \$0.382m reflects increased funding from the State Government to meet the salary award increase effective 1 July 2005.

Capital Appropriation

The Capital Appropriation was over budget by \$0.816m or 28%, which resulted from the NSW Government's decision to purchase computer equipment rather than acquire equipment through a lease arrangement. The Commission was funded by the NSW Government for this change, although the capital appropriation was not reflected in the initial budget.

Statement of Financial Position

Assets and Liabilities

Current Assets

Cash - \$8.827m or 32% over budget

The variation is due mainly to lower than budgeted payments to private legal practitioners undertaking work on behalf of the Commission in 2004/05.

Receivables - \$0.776m or 23% over budget

The increase in receivables predominantly reflects higher than budgeted GST input tax credits recoverable from the Australian Taxation Office at year end.

Other - \$0.482m or 40% under budget

The variation is due to a lower level of prepayments for goods and services than was anticipated in the budget.

Non-Current Assets

Other - \$3.087m or 1436% over budget

The variation to budget reflects a significant increase in the Prepaid Superannuation Contributions Reserve to \$3.302m from a small surplus of \$0.215m as at 30 June 2004 which was not anticipated at the time of setting the budget.

Current Liabilities

Payables - \$1.069m or 7% under budget

The variation is predominantly due to:

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

Provisions - \$1.776m or 49% over budget

The variation represents higher than budgeted provisions for accrued employee entitlements.

Non-Current Liabilities

Other - \$0.013m or 39% under budget

The variation is due to the write down of a lease incentive for office accommodation in 2003/04 that was not taken up in the budget. Refer note 14.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

Statement of Cash Flows

Cash Flows from Operating Activities

Payments

Other - \$5.056m or 6% under budget

The variation predominantly reflects lower than budgeted expenditure on private legal practitioners than had been anticipated in the budget.

Receipts

Sale of Goods and Services - \$3.744m or 9% over budget

The favourable variance is partly due to additional funding from the Commonwealth Government resulting from the signing of a new agreement with the Commonwealth for the provision of legal aid in matters under Commonwealth Law. The Commission had not signed the agreement at the time of framing its budget, and could not include the funding escalation in its budget as receipt of the funds was uncertain.

In addition, the Commonwealth Government provided funding for expensive criminal cases under Commonwealth legislation as provided for in the newly signed agreement, and provided increased funding for Community Legal Centres, which were not provided for in the budget.

Interest Received - \$0.716m or 38% over budget

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

Other - \$1.916m or 5% under budget

The variation reflects an over-estimate in the budget of the other receipts that would be received during the financial year.

Cash Flows from Government

Recurrent Appropriation - \$0.382m or 1% over budget

Reflects the additional funding from the State Government to meet the salary award increase effective 1 July 2005.

Capital Appropriation - \$0.816m or 28% over budget

The Capital Appropriation was over budget as a result of the NSW Government's decision to purchase computer equipment rather than acquire equipment through a lease arrangement. The Commission was funded by the NSW Government for this change, although the capital appropriation was not reflected in the initial budget.

Cash Flows from Investing Activities

Proceeds from sale of plant and equipment - \$0.028m or 100% over budget

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

Purchase of plant and equipment - \$0.254m or 5% over budget

The NSW Government's decision to purchase computer equipment rather than acquire equipment through a lease arrangement resulted in higher than budgeted purchases of plant and equipment.

2005
\$'000 **2004**
\$'000

20. Reconciliation of cash flows from operating activities to net cost of services

Reconciliation of cash flows from operating activities to the net cost of services as reported in the Statement of Financial Performance:

Net cash from operating activities	(14,603)	(3,292)
Cash flows from Government/Appropriations	79,222	72,295
Depreciation and amortisation	2,068	2,238
Expenses written back	529	-
(Increase)/decrease in provision for doubtful debts	52	139
Increase/(decrease) in provisions	1,747	307
(Increase)/Decrease in prepayments and other assets	(3,691)	(535)
(Decrease)/increase in creditors	(860)	967
Net loss/(gain) on disposal of plant equipment	41	63
Net cost of services	64,505	72,182

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

	2005 \$'000	2004 \$'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	195	444
Add: Receipts	-	-
Less: Expenditure	-	249
Cash balance at the end of the reporting period	195	195
Legal Aid Commission Trust Account ²		
Cash balance at the beginning of the financial year	444	227
Add: Receipts	1,625	2,326
Less: Expenditure	1,451	2,109
Cash balance at the end of the reporting period	618	444

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 at call and short term with TCorp. Interest is earned on the daily balances of the bank accounts and deposits at call and short term with TCorp. Refer to Notes 10 & 22(c). The average rate of interest earned on bank accounts was 5.0%.

(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) which approximates net fair value. Interest is charged on overdue trade debtors' accounts under section 71A of the *Legal Aid Commission Act 1979* as amended and applicable interest rates were as follows:

- overdue debt (Section 31A of *Legal Aid Commission Act*) – 4.5% (half of local court rate)
- local court judgements (Section 39 of *Local Court (Civil Claims) Act*) – 9.0%
- family court judgements (Section 117B of *Family Law Court Act*) – 10.25%.

(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 2005

	2005 Carrying Amount \$'000	2005 Net Fair Value \$'000	2004 Carrying Amount \$'000	2004 Net Fair Value \$'000
At call	7,101	7,101	8,201	8,201
Less than one year	28,000	28,000	15,000	15,000
Total	35,101	35,101	23,201	23,201

The deposits at balance date were earning an average interest rate of 5.58% (2003/04 5.34%), while over the year the average interest rate was 5.41% (2003/04 5.14%) on a weighted average deposit of \$45.031m (2003/04 \$37.771m) during the year. No deposits were held for more than one 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. Impact of Adopting Australian Equivalents to IFRS

The Legal Aid Commission of New South Wales (the Commission) will apply the Australian equivalents to International Financial Reporting Standards (AEIFRS) from 2005/06. The following strategy is being implemented to manage the transition to AEIFRS:

- The Commission has established an AEIFRS Implementation Committee to oversee the transition. The Director Corporate Finance is responsible for the project, and reports regularly to the Committee on progress against the plan.
- For successful implementation, the following phases need to be completed by the identified target dates.

1. Analyse AEIFRS to identify the impact on the Commission:	30 Sep 2004
2. Identify impact of NSW Treasury mandated accounting treatment:	31 Oct 2004
3. Prepare draft 2004-05 Opening Balance Sheet under AEIFRS:	15 Dec 2004
4. Prepare final 2004-05 Opening Balance Sheet under AEIFRS:	31 Mar 2005
5. Develop note disclosure for 2004-05 annual financial statements in accordance with AASB 1047:	31 Aug 2005
6. Prepare 2004-05 comparative data under AEIFRS for 2005-06 annual financial statements:	30 Jun 2006
7. Prepare 2005-06 annual financial statements under AEIFRS:	Mid-Jul 2006

To date, the Commission has completed items 1 to 5 in the abovementioned strategy. In addition, officers of the Commission continue to attend information sessions and training relating to the introduction of AEIFRS, and continue to clarify the impact of adoption of AEIFRS on the Commission. Briefings have been provided to the Commission's Chief Executive Officer, Audit and Finance Committee of the Board of Directors and the Board of Directors.

The Commission has determined the key areas where changes in accounting policies are likely to impact the financial report. Some of these impacts arise because AEIFRS requirements are different from existing AASB requirements (AGAAP). Other impacts are likely to arise from options in AEIFRS. To ensure consistency at the whole of government level, NSW Treasury has advised agencies of options it is likely to mandate for the NSW Public Sector. The impacts disclosed below reflect Treasury's likely mandates (referred to as "indicative mandates").

Shown below are management's best estimates as at the date of preparing the 30 June 2005 financial report of the estimated financial impacts of AEIFRS on the Commission's equity and profit/loss. The Commission does not anticipate any material impacts on its cash flows. The actual effect of the transition may differ from the estimated figures below because of pending changes to the AEIFRS, including the UIG Interpretations and/or emerging accepted practice in their interpretation and application. The Commission's accounting policies may also be affected by a proposed standard to harmonise accounting standards with Government Finance Statistics (GFS), however the impact is uncertain because it depends on when this standard is finalised and whether it can be adopted in 2005/06.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

(a) Reconciliation of key aggregates

Reconciliation of equity under existing Standards (AGAAP) to equity under AEIFRS:

	Notes	30 June 2005** \$'000	1 July 2004* \$'000
Total equity under AGAAP		26,833	12,116
Adjustments to accumulated funds			
Derecognition of intangible assets	1	(30)	(90)
Defined benefit superannuation adjustment for change in discount rate	2	(12,870)	(6,497)
Effect of discounting long-term annual leave	3	55	104
Recognition of restoration costs	4	(501)	-
Adjustments to other reserves			
Nil		-	-
Total equity under AEIFRS		13,487	5,633

*adjustments as at the date of transition

**cumulative adjustments as at date of transition plus the year ended 30 June 2005

Reconciliation of surplus under AGAAP to surplus under AEIFRS:

Year ending 30 June 2005	Notes	\$'000
Surplus under AGAAP		14,717
Derecognition of intangible assets	1	60
Defined benefit superannuation adjustment for change in discount rate	2	(6,373)
Effect of discounting long-term annual leave	3	(49)
Recognition of restoration costs	4	(501)
Surplus under AEIFRS		7,854

Based on the above, if AEIFRS were applied in 2004/05 this would increase the Net Cost of Services from \$64,505 to \$71,368.

Notes to tables above

1. AASB 138 *Intangible Assets* requires all research costs to be expensed and restricts the capitalisation of development costs. Current AGAAP permits some research and development costs to be capitalised when certain criteria are met. As a result, some currently recognised intangible assets will need to be derecognised. Further, intangibles can only be revalued where there is an active market, which is unlikely to occur. Therefore, revaluation increments and decrements will need to be derecognised and intangible assets recognised at amortised cost.
The adoption of AASB 138 will also result in certain reclassifications from property, plant and equipment to intangible assets (eg computer software and easements).
2. AASB 119 *Employee Benefits* requires the defined benefit superannuation 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. Where the superannuation obligation is not assumed by the Crown, this will increase the defined benefit superannuation liability (or decrease the asset for those agencies in an overfunded position) and change the quantum of the superannuation expense.
3. AASB 119 *Employee Benefits* requires present value measurement for all long-term employee benefits. Current AGAAP provides that wages, salaries, annual leave and sick leave are measured at nominal value in all circumstances. The Commission has long-term annual leave benefits and accordingly will measure these benefits at present value, rather than nominal value, thereby decreasing the employee benefits liability and changing the quantum of the annual leave expense.
4. AASB 116 requires the cost and fair value of property, plant and equipment to be increased to include the estimated restoration costs where restoration provisions are recognised under AASB 137 *Provisions, Contingent Liabilities and Contingent Assets*. These restoration costs must be depreciated and the unwinding of the restoration provision must be recognised as a finance expense. This treatment is not required under current AGAAP.

Notes to and forming part of the Financial Report for the Year Ended 30 June 2005

(b) Financial Instruments

In accordance with NSW Treasury's indicative mandates, the Commission will apply the exemption provided in AASB 1 *First-time Adoption of Australian Equivalents to International Financial Reporting Standards* not to apply the requirements of AASB 139 *Financial Instruments: Presentation and Disclosures* and AASB 139 *Financial Instruments: Recognition and Measurement* for the financial year ended 30 June 2005. These Standards will apply from 1 July 2005. None of the information provided above includes any impacts for financial instruments. However, when these Standards are applied, they are likely to impact on retained earnings (on first adoption) and the amount and volatility of profit/loss. Further, the impact of these Standards will in part depend on whether the fair value option can or will be mandated consistent with Government Finance Statistics.

24. 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 93.84% of invoices received within 30 days during 2004/05 compared to 92.93% in 2003/04.

Period	2005		2004	
	Invoices	%	Invoices	%
Within 30 days	73,314	93.84	74,276	92.93
Over 30 days	4,816	6.16	5,651	7.07
Total	78,130	100.00	79,927	100.00

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

Quarter	Current (ie within due date) \$'000	Less than 30 days overdue \$'000	Between 30 and 60 days overdue \$'000	Between 60 and 90 days overdue \$'000	More than 90 days overdue \$'000
September	2,803	209	61	37	370
December	1,582	123	28	33	327
March	1,545	75	70	49	382
June	2,321	65	230	19	244

Accounts paid within 30 days by quarter is as follows:

Quarter	Target %	Achieved %	Paid within 30 days	Total paid \$'000
September	100.0	96.02	20,052	20,884
December	100.0	92.27	23,848	25,845
March	100.0	90.58	17,216	19,006
June	100.0	92.25	25,201	27,260

(b) Ageing of Unpaid Creditors (Private Practitioners)

Legal creditors at 30 June 2005 and 2004 were aged as follows:

0 – 60 days		61 – 90 days		91 – 120 days		Over 120 days		Total	
2004/05 \$'000	2003/04 \$'000	2004/05 \$'000	2003/04 \$'000	2004/05 \$'000	2003/04 \$'000	2004/05 \$'000	2003/04 \$'000	2004/05 \$'000	2003/04 \$'000
2,378	2,337	230	34	18	36	228	399	2,854	2,806
83.3%	83.3%	8.1%	1.2%	0.6%	1.3%	8.0%	14.2%	100%	100%

The above table indicates 83.3% (2003/04 83.3%) of invoices on hand are aged under 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 judgement, 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 four and a half year agreement between the Commission and the Commonwealth for the provision of legal aid in Commonwealth matters commenced in 2004-05. The agreement provides for a base funding amount which is indexed annually in accordance with the indexation figures used by the Australian government in the annual budget process.

Funding provided under the agreement (where known), is as follows:

	Year	\$'000
	2004/05	44,084
	2005/06	45,054
	2006/07	
	2007/08	
	Total	89,138

Refer to Note 3(a) in the Financial Report

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

	2005 \$'000	2004 \$'000
Deloitte Touche Tohmatsu	61	44
Audit Office of NSW	130	92
Thomas Davis & Co	2	2
Internal Audit Bureau of NSW	2	0
Total	195	138

Refer to Note 2(b) in the Financial Report

Consultants

Engagements equal to or more than \$30,000

Consultant	\$	Purpose
CFW Spice Pty Ltd	132,835	Review of Community Legal Centre Funding
Hinds Workforce Research	71,722	Staff Survey 2005
KPMG	39,907	Eligibility to claim Input Tax Credits under GST legislation
Total	244,464	

Engagements equal to less than \$30,000

Total Number	12	50,412
Total Consultants		294,876

Refer to Note 2(b) in the Financial Report

Other information

Charitable and Deductible Gift Recipient Institution

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

Unclaimed Monies

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

Risk Management

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

The 2004/05 premiums for workers compensation insurance decreased by 19.0% to \$267,310 (2003/04 \$330,070). The motor vehicle insurance premium also decreased, by 6.87% to \$28,440 (2003/04 \$30,540). 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 2005 of new claims reported in 2004/05 was \$123,021 compared to \$34,138 in 2003/04, an increase of \$88,883. The number of accepted claims increased from 18 in 2003/04 to 32 in 2004/05.

A single claim involving a fall/slip attributed to 43.05 per cent of the increase. There were 17 Fall/Slip and Body Stress claims amounting to \$62,907 (or 70.77 per cent of all claim costs), compared to 9 claims in 2003/04 totalling \$9,987.

Included in the total of new claims above are 5 Motor Vehicle injury claims totalling \$19,325. Motor vehicle injury claims represent 18.15 per cent of total claims paid, and 24.08 per cent of the increase in total claims costs for 2004/05 over 2003/04.

The number of full-time equivalent (FTE) staff (on average) for this financial year was 676, an increase of 12 from 664 in 2003/04. This equates to an average claim cost of \$181.98 per staff member compared to \$51.41 per staff member in 2003/04.

Motor Vehicle Claims

The number of claims was 7 in 2004/05 (12 in 2003/04) which incurred a cost of \$39,426.72 (\$41,212 in 2003/04). The number of vehicles in the Commission fleet increased by 5 to 48 in 2004/05 (an increase of 2 to 43 in 2003/04), giving an average claim cost per vehicle of \$821 (\$958 in 2003/04).

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 2004/05 the Commission invested its available funds in the Treasury Corporation's 11am call account. The average yield for this account was 5.28% (2003/04 : 5.03%). Since November 2000, the Commission invested available funds in 30 days Fixed Term deposits with the Treasury Corporation. The average yield from this deposit was 5.47% (2003/04 : 5.15%). 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 5.0% (2003/04 : 4.56%). Income of \$2.434m was derived from the investment of Commission funds during 2004/05 compared to \$2.195m in 2003/04. The variation is due to higher average cash balances held during the year.

2005/06 Budget Estimates

	\$'000
Total Income	158,514
Total Expenditure	157,291
Operating Surplus	1,223

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CEO's performance statement



ATTORNEY GENERAL

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 2004 to 30 June 2005

During the period 1 July 2004 to 30 June 2005 the Commission, under the direction of Chief Executive Officer, Bill Grant, has strived to improve its methods of service delivery, particularly to regional and remote areas of NSW. The implementation of State-wide practices has assisted in making available more standardised services to clients throughout the State, complemented by an increase in the provision of outreach services. The successful pilot of the Co-operative Legal Service Delivery Model has enabled the Commission to better target the service delivery needs of clients across the State.

The Commission has enhanced its internal business processes and has put considerable effort into staff development with the piloting of a mentoring program and a performance planning and development program. The Diploma of Business in Frontline Management continues to attract staff seeking to develop their management skills with 91 staff members graduating or currently working towards obtaining the Diploma. A strategic planning framework was developed and implemented along with new performance indicators. The Commission also conducted its second staff survey with positive results.

The review of the Civil Law program has provided an excellent basis on which the Commission has begun to expand and enhance its civil law services. The implementation of the recommendations of the report has been ongoing throughout 2004-05 with significant achievements including: the commencement of an outreach advice service at Blacktown and pilot of an AVL advice service at Gosford; placement of an additional civil law resource at Lismore; development of a business strategy for client focused services; work on the development of a civil law procedures manual; and the creation of a visiting legal service for women in custody targeted to Indigenous women.

Electronic lodgement remains a central focus of the Commission and a significant achievement in 2004-05 was the piloting of electronic lodgement for criminal case matters. The Commission's business systems were also improved particularly in enabling the electronic management of duty invoices and private duty tax invoices. The Commission also implemented practitioner panels for the Court of Criminal Appeal, Children's Representatives in the Family Court, Care and Protection and Veterans' matters.

The Commission will adopt a two year Corporate Plan for 2005-07 and there will be a further focus on enhancing client service delivery and improving internal business processes to make doing business with the Commission easier.

BOB DEBUS

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Our policies in brief

The Commission is established under NSW legislation and receives funding from the State Government to provide legal assistance in matters which arise under NSW law. The Commission has an agreement with the Commonwealth to provide legal assistance in matters arising under Commonwealth law.

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

Who makes the policies?

The Commission's Board members decide our policies for state law matters. When developing policies they consider relevant matters such as 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 it has sufficient funds

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 receives aid the full policies are used.

Jurisdiction Test

Areas of law where legal aid is available as at 1 July 2005:

Legal Aid Commission of NSW

Family Law – State Law

- Adoption
- *Property (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*, that relate to:

- Separate representation of children
- Orders relating to children including parenting orders, location and recovery orders
- Parenting plans
- Injunctions relating to family violence
- Child support and child maintenance
- Spousal maintenance
- Dissolution (divorce) and nullity of marriage in certain circumstances
- Property matters in certain circumstances

Civil Law – State Law

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

- A decision or action by the Commonwealth that has a real prospect of affecting a person's capacity to continue in their usual occupation
- Discrimination
- Migration matters, in limited circumstances (Aid is also available under the Immigration Advice & Application Assistance Scheme (IAAAS) contract between the Commission and the Commonwealth Government)
- Consumer protection
- Proceedings under the *Proceeds of Crime Act 2002*

Veterans' Pension Matters

- Appeals from the Veterans' Review Board about war-caused disability pension entitlement or assessment claims under Part II of the *Veterans' Entitlements Act 1986*
- Appeals from the Veterans' Review Board about claims under the Military Rehabilitation and *Compensation Act 2004* that relate to warlike and non-warlike service

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

Our policies in brief

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
- Appeals

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 the *Child Support (Assessment) Act 1989* and the *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:

- The 'reasonable prospects of success' test
- The 'prudent self-funding litigant' test
- The 'appropriateness of spending limited public legal aid funds' test.

A merit test applies in:

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

A merit test does NOT apply for:

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

Means Test

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

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

associated persons.

The means tests apply to both State and Commonwealth matters.

The means test does NOT apply for:

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

All other matters are means tested.

Contributions

A person receiving a grant of legal aid is usually required to pay a contribution at the beginning of the case, with the amount payable 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 5034.

Policies as at 30 June 2005.

Access and Equity Plan 2004–2005

The Access and Equity Plan includes the Ethnic Affairs Priority Statement (EAPS), Disability Action Plan and NSW Government Action Plan for Women.

The Commission's efforts to ensure equitable access to legal services by women, persons with disabilities and people from culturally and linguistically diverse (CALD) backgrounds continued throughout 2004–2005.



Performance highlights

Equitable and consistent service delivery, addressing the specific needs of clients

The Commission delivers legal representation to clients in partnership with practitioners from private practices, community legal centres and Aboriginal Legal Services (ALSs). This year, our Grants Division set up protocols including Practice Standards and Service Provision Agreements to ensure that clients across the state have equitable, consistent and professional services in all areas of law.

Strategic service provision

In consultation with stakeholders, two important strategic planning documents were updated to integrate with the Commission's corporate and business planning objectives. The EAPS Forward Plan and the Disability Action Plan identify how the Commission will undertake to further improve access to and enhance its services to people with disability or from CALD backgrounds. These Plans were distributed electronically across the Commission and to the community.

Clients from culturally diverse communities

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 implements an Ethnic Affairs Priority Statement (EAPS) Plan and reports on that Plan annually to the Community Relations Commission (CRC).

Achievements in 2004–2005

Anti Slavery Project – working in partnership

Civil lawyers worked closely with the Anti Slavery Project at UTS, providing legal advice in immigration and civil law matters, mostly to women brought to Australia illegally to become "slaves".

Consulting with the community

Following a series of community legal education seminars conducted at the Auburn Migrant Resource Centre on employment, discrimination and legal aid services, a number of unmet legal needs have been identified amongst persons from the Somali, Sudanese and Afghani Refugee communities. In response, we will provide publications about Legal Aid services in Dinka for the Sudanese community and Dari for people from Afghanistan.

Improving e-communication

The Commission's Access and Equity-specific intranet site has been enhanced to include copies of the EAPS Policy, Disability Policy, EAPS Forward Plan, and Disability Action Plan and other relevant resources and materials. This will assist all staff providing services to CALD clients. Links have also been created to other sites to ensure access to all appropriate information and resources.

Recognising diversity when assigning grants of legal aid

The Grants Division implemented the Grants Allocation Guidelines, which set out how legal aid matters are allocated to private legal practitioners. Special recognition has been afforded to the needs of persons from CALD backgrounds, persons with a disability and women. Consideration will be given to referring matters to appropriately identified practitioners who are sensitive and skilled in conducting matters on behalf of clients from these groups.

Private practitioners appointed to Legal Aid Panels are required to demonstrate their ability to identify, understand and address cross-cultural and legal issues facing socially or economically disadvantaged people.

Training

Elements of cross-cultural training are now included in induction and customer service training as well as specific conferences conducted by the criminal, family and civil law practices (see page 20).

Updated publications

Translated versions of Commission brochures: *Family Law – Frequently Asked Questions*; *Family Law Conferencing*; *Are you pleading guilty to a drink driving charge?*; *Do you have a legal problem?*; and *Do you need help with child support?* were updated in several languages, including Chinese, Vietnamese, and Arabic.

Ensuring Community Legal Education (CLE) is targeted to better understand and meet community needs

Building on its relationship with community organisations such as Asian Women at Work, the Chinese Migrants' Welfare Association, and the Chinese Australian Services Society, the Commission delivered information sessions to Vietnamese, Korean, Chinese and Indonesian audiences on Legal Aid services.

We provided information about Legal Aid at Pacific Unity Day, Pacific Youth Day and the Harmony Day Migrant Information Expo in Ryde.

We collaborated with Redfern Legal Centre to deliver education programs on family law issues to Aboriginal women and community workers.

Improving services for women from CALD backgrounds

The Women's Domestic Violence Court Assistance Program (WDVCAP) continued to ensure that non-English speaking specialist workers were allocated in areas of highest demands.

Regional offices' service delivery plans acknowledge cultural and linguistic issues in providing legal services to their local CALD communities. They continue to develop and maintain close links with ethnic community organisations.

Relevant statistics

Across case and inhouse duty services,

Access and Equity Plan 2004–2005

clients from a non-English speaking background made up 14.5% of the Commission's clients in 2004-2005.

A total of 29 staff received a language allowance under the Community Language Allowance Scheme (CLAS). Between them, the CLAS accredited staff speak 16 community languages.

Extensive usage was made of both telephone and face-to-face professional interpreters at interviews, community legal education sessions and court hearings. A total of \$592,542 was spent on interpreters' fees in 2004–2005 (compared to \$494,836 in 2003-2004), with interpreters used in 2.7% of the Commission's total case and inhouse duty services.

Plans for the year ahead

The Commission will further develop its training program, conferences and Community Legal Education programs to improve staff knowledge and ability in working with people from CALD backgrounds. The Learning and Development Unit will develop and conduct training programs on issues relevant to people from CALD backgrounds, similar to the successful *Working with Muslim clients* program.

People with a disability

The Commission continued to implement its *Disability Action Plan 2003–2006*.

Achievements in 2004–2005

Technological achievements

A disability-specific intranet site has been further developed, with policies and resources for the Commission's solicitors.

Necessary technological changes were carried out to enable all staff to utilise the National Relay Service (NRS) to communicate with speech and hearing-impaired clients. Instructions on how to use the NRS were posted on the intranet and included in customer service training programs.

The new version of the Grants Online web application form for all law types includes a specific question on whether the applicant identifies themselves as having 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 application form includes a specific question asking clients whether they have a disability. The voluntary response can be recorded in the new 'Disability' field on the 'client personal details' window in LA Office.

The Human Resources 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.

Our annual criminal law conference held sessions on how to better represent persons with disabilities.

Learning and Development's course *Demystifying Mental Illness* 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). Two courses were conducted for court support workers on understanding issues relating to clients with intellectual disabilities.

The Women's Domestic Violence Court Assistance Program (WDVCAP) Best Practice Guide includes resources to improve services to women with disabilities.

The Commission has negotiated electronic links to Accesslink, a site developed by the Attorney General's Department. This site provides resources and referrals that will enable our staff to provide better assistance to people with a disability using the justice system.

Community legal education targeted people with a disability

Ten information sessions were delivered to community workers, professionals and the general public about legal aid services for people with disabilities.

Lismore regional office conducted an information session for people with diabetes about Power of Attorney.

Relevant statistics

This year, 6.2% of staff reported having a disability, while 2.2%

reported requiring a workplace adjustment for their disability, compared with 6.2% and 2.4% respectively last year.

Plans for the year ahead

The Commission will:

- Negotiate with other justice system agencies to develop joint ventures to enhance and develop access, awareness and recruitment options for persons with disabilities.
- Investigate how electronic communication can be used to provide services to persons with a disability, especially those in rural areas or with mobility issues.
- Explore avenues for providing work experience to legal students who have a disability.
- Identify systemic processes in the criminal justice system, and their impact on persons with intellectual disabilities and/or mental health problems.
- Arrange for our staff to attend disability awareness training offered by the Attorney General's Department.
- Review service delivery to marginalised women, including services to women with disabilities, under the Women's Domestic Violence Court Assistance Program.

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."

Achievements in 2004–2005

Women in Custody pilot

- A pilot project aimed at providing legal assistance to women in custody, especially Aboriginal women, commenced at five locations across NSW. Legal advice and minor assistance is provided in civil and family matters. This project will be reviewed late in 2005.
- The 2004–2005 WDVCAP Conference addressed domestic violence in Aboriginal and Torres Strait Islander communities and its effect on indigenous women and children.

- The Commission contributed to an inter-agency report *Creating Pathways to Access*, an inter-agency report on the Status of Implementation of Recommendations from the *Quarter Way to Equal Report*. *Pathways* is coordinated by the Violence Against Women Specialist Unit of the Department of Community Services.
- Of the 32 community legal centres (CLCs) across NSW, which receive funding from Legal Aid, three centres specifically assist women: the Domestic Violence Advocacy Service, Wirringa Baiya Aboriginal Women's Legal Centre and the Women's Legal Service. Two centres, Northern Rivers Legal Centre and Western NSW Legal Centre receive specific funding for Rural Women's Outreach Programs in addition to their generalist funding.
- 33 Women's Domestic Violence Court Assistance Schemes provided 31,146 services in 55 courts throughout NSW.

Community legal education targeted women

- During Law Week in May 2005 a half-day seminar in Blacktown targeted community workers whose clients are young financially disadvantaged mothers.
- Bankstown regional office ran seminars about legal aid family law policies and child support for community workers, TAFE students, single mothers and the general public. The aim was to increase awareness about Legal Aid's services and improve referrals for women. As a result, contacts were made with family support services, including Centacare, Muslim women, and community health centres – all of whom provide targeted services for women.

Relevant statistics

- In 2004–2005, women made up 47.2% of the Commission's clients for total case, inhouse duty, advice and information services.
- 71.6% of our staff as at 30 June 2005 were women, an increase from 70.3% last year.

Plans for the year ahead

The Commission will work closely with other justice agencies to further develop and implement recommendations from the report *Creating Pathways to Access*.

Aboriginal and Torres Strait Islander communities

Legal Aid works in conjunction with the Aboriginal Legal Services to provide effective and culturally appropriate services for Aboriginal people throughout NSW.

Achievements in 2004–2005

- Dubbo and Lismore regional offices expanded their civil law outreach services to Aboriginal communities.
- In February 2005 the Commission set up an inhouse Aboriginal Justice Committee to ensure an ongoing dialogue about how best to ensure that effective and culturally appropriate services are provided to Aboriginal people.
- Acted on behalf of 11 Aboriginal men in a landmark case at Narooma Local Court.

Relevant statistics

The percentage of total case and inhouse duty services delivered to Aboriginal clients has continued to rise in recent years, and reached 5.4% in 2004–2005 (See graph at page 18). This reflects growth in the population of Aboriginal and Torres Strait Islander people in NSW, as well as Legal Aid's ongoing efforts to improve service delivery for this particularly disadvantaged client group.

Plans for the year ahead

- Implement recommendations made by the Aboriginal Justice Committee.
- Develop and pilot an Aboriginal client service strategy for civil law services to meet the high level of unmet need.
- Work with Wirringa Baiya Legal Centre to provide civil law advice to remote Aboriginal communities on a quarterly basis, starting in August 2005.
- Improve the delivery of child support outreach services to Aboriginal people living in the far north west of NSW.

- The Criminal Law Division will work closely with Aboriginal Legal Services to improve services to Aboriginal clients appearing before the courts.

People living in regional and remote areas

Achievements in 2004–2005

- Initiated a pilot audio-visual link from Sydney to deliver civil law services to Gosford.
- Provided comprehensive new child support outreach services to regional and remote NSW.
- Expanded family law services to Broken Hill.
- Expanded civil law outreach services to Aboriginal communities in the Northern Rivers region.
- Rolled out audio-visual link facilities throughout the Commission, using head office technology to improve services to regional areas.
- Introduced a new weekend bail scheme at Gosford for adults and children.

Relevant statistics

This year, 37.4% of the Commission's clients for case and inhouse duty services were from regional and rural NSW (including Wollongong and Newcastle).

6.8% of our regional and rural clients were from Aboriginal communities.

Plans for the year ahead

The Family Law Division will:

- Further expand the duty solicitor scheme to service Family Court circuits in Wollongong and Coffs Harbour.
- Increase the Care and Protection services offered on the Central Coast.
- Introduce a duty court scheme and advice service to Wellington, Narooma and Eden.
- Improve service delivery to isolated communities by investigating areas of need, and developing outreach services to meet those needs, particularly in the far west of NSW.

The Criminal Law Division will expand the use of audio-visual (AVL) facilities, allowing more clients easier access to legal aid services.

Law reform

We participated in law reform debates, ensuring that the interests of our clients were identified and acknowledged by a fair and responsive system.

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

The Civil Law Division made submissions to the following bodies:

- The Allen Consulting Group on the Review of the Insurance Ombudsman Service
- Senate Select Committee on Mental Health
- Office of Fair Trading on the Consumer Credit (NSW) Amendment (Maximum Annual Percentage Rate) Bill 2005
- Australian Competition and Consumer Commission on Discussion Paper: *Review of the ACCC/ASIC debt collection guidelines*
- Australian Competition and Office of Fair Trading, Department of Commerce on:
 - *Consumer Claims Act 1988*
 - *Residential Parks Act 1998*
 - Draft Landlord and Tenant Regulation 2004
- Department of Health on the Review of the *Mental Health Act*
- NSW Attorney General's Department on the limitation period applying to debt collection.
 - Proposed Civil Procedure Regulation 2005

The Family Law Division made submissions to the following bodies:

- Australian Government on the Discussion Paper: *A New Approach to the Family Law System: Implementation of Reforms.*
- The Children's Court on:
 - proposed amendments to the *Children's (Care and Protection) Act*
 - new practice directions introduced in care and protection
- Contributed to National Legal Aid

responses, including:

- *The Child Paramourcy Principle in the Family Law Act*
- Discussion Paper about the Child Support Taskforce
- National Duty Scheme Protocols

The Criminal Law Division made submissions to the following bodies:

- NSW Attorney General's Department on:
 - Review of bail law in NSW
 - Proposed changes to the law relating to the infliction of grievous bodily harm and disease transmission
 - Human Rights and Equal Opportunity Commission Discussion Paper: *Discrimination in Employment in the Basis of Criminal Record*
 - Proposal to amend the *Criminal Procedure Act 1986*
 - Statutory review of *Bail Amendment (Repeat Offenders) Act 2002 (NSW)*
 - Legislative proposals to protect sexual assault complainants
 - Regulatory Impact Statement relating to the Staged Repeal of the Criminal Records Regulation
 - Regulatory Impact Statement – the Young Offenders Regulation 1997 (NSW)
- Australian Law Reform Commission on:
 - ALRC Issues Paper 29- Sentencing of federal offenders
 - Majority verdicts in criminal trials
 - Consultation draft on the Confiscation of Proceeds of Crime Amendment Bill 2005
- NSW Ombudsman on:
 - The review of the *Crimes Amendment (Forensic Procedures) Act 2000*
 - Drug detection (sniffer) dogs
 - Police search powers for internally concealed drugs

- Legislative Council Standing Commission on Law and Justice on Inquiry into back-end home detention
- NSW Legislative Council, Select Committee on Juvenile Offenders on Inquiry into Juvenile Offenders
- Commission for Children and Young People on:
 - Five-year review of the *Commission for Children and Young People Act 1998.*
 - Review of *s19 Children (Criminal Proceedings) Act 1987*
 - Review of *s31 Children (Criminal Proceedings) Act 1987*

The Grants Division made a submission to:

- NSW Law Reform Commission on the use of expert witnesses in civil matters and criminal matters.

Privacy and personal information protection

The *Privacy and Personal Information Protection Act 1998 (PPIP Act)* introduced a set of privacy standards for New South Wales public sector agencies. A privacy management plan was prepared 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. 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 2004-2005.

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 2004-2005.

Freedom of Information Report

Name of Agency: Legal Aid Commission of New South Wales

Period: from 1 July 2004 to 30 June 2005

Agency Reference Number: 48

Nil Return: No

Contact Name: Lyndsay Brooker
(02) 9219 5859

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 2004 and June 2005, and its Statement of Affairs in June 2005.

While in previous years, the Commission received few FOI applications and this year they have increased, the number of applications received by the Commission still remains low. 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 2004-2005 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	2003-2004			2004-2005		
	Personal	Other	Total	Personal	Other	Total
New (includes transferred in)	8	1	9	14	10	24
Brought forward	0	0	0	1	1	2
Total to be processed	8	1	9	26	1	26
Completed	8	0	8	10	12	22
Transferred out	0	0	0	1	0	0
Withdrawn	0	0	0	1	0	0
Total Processed	8	0	8	18	7	25
Unfinished (Carried Forward)	0	1	1	0	1	1
Results of FOI Requests						
Granted in full	3	0	3	9	9	18
Granted in part	5	0	5	0	1	1
Refused	0	0	0	0	3	3
Deferred	0	0	0	0	0	0
Completed	8	0	8	9	13	22
Ministerial Certificates						
Issued		nil			nil	
Amendment of Personal Records						
Requests		nil			nil	
Narration of Personal Records						
Requests		nil			nil	
Basis of Disallowing or Restricting Access						
Section 19						
(Application incomplete, wrongly directed)	0	0	0	1	0	1
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)	5	0	5	4	0	4
Section 25(1)(b),(c),(d) (Otherwise available)	0	0	0	0	0	0
Section 28(1)(b) (Documents not held)	1	0	0	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	1	0	0	0
Total	5	0	6	5	0	5
All Completed Requests						
Assessed Costs						
FOI Fees Received	\$150	\$0	\$150	\$180	\$645	\$825
Type of Discount Allowed						
Public Interest	0	0	0	0	0	0
Financial Hardship Pensioner/Child	7	0	7	10	3	13
Financial Hardship Non Profit Organisation	0	0	0	0	0	0
Total	7	0	7	10	3	13
Days to Process						
0-21 days	7	0	7	4	3	7
22-35 days	0	0	0	2	2	4
Over 35 days	1	0	1	6	5	11
Total	8	0	8	12	10	22
Processing Hours						
0-10 hrs	7	0	7	12	9	21
11-20 hrs	1	0	1	0	1	1
21-40 hrs	0	0	0	0	0	0
Over 40 hrs	0	0	0	0	0	0
Total	8	0	8	12	9	22
Number of requests requiring formal consultation(s)		Issued	Total		Issued	Total
Reviews and appeals		0	0		0	0
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
Internal Review Results		Personal	Other		Personal	Other
		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
Totals	0	0	0	0	0	0

Legal program operational statistics

Primary Legal Programs

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	62,750	62,804	0.1%	62,578	-0.4%
Applications Refused	8,998	8,140	-9.5%	8,481	4.2%
Inhouse Grants	35,350	35,907	1.6%	35,918	0.0%
Assigned Grants	17,908	18,438	3.0%	18,028	-2.2%
Total Case Grants	53,258	54,345	2.0%	53,946	-0.7%
Grant Rate	85.5%	87.0%	1.5%	86.4%	-0.6%
Applications Determined	62,256	62,485	0.4%	62,427	-0.1%
Applications Undetermined @ year end	518	348	-32.8%	147	-57.8%
Grants Finalised	50,114	56,958	13.7%	51,889	-8.9%
Current Grants on Hand @ year end	36,188	35,200	-2.7%	38,051	8.1%
Duty Appearances					
Inhouse Appearances	57,500	59,388	3.3%	59,999	1.0%
Assigned Appearances	53,319	54,363	2.0%	57,974	6.6%
Total Duty Appearances	110,819	113,751	2.6%	117,973	3.7%
Other Services					
Advice and Minor Assistance	64,356	65,315	1.5%	74,481	14.0%
Information	131,927	122,036	-7.5%	157,968	29.4%
Total Other Services	196,283	187,351	-4.6%	232,449	24.1%
Total Client Services	360,360	355,447	-1.4%	404,368	13.8%

Criminal Law

Case Matters					
Applications Received	45,321	44,994	-0.7%	44,336	-1.5%
Applications Refused	4,330	3,634	-16.1%	3,224	-11.3%
Inhouse Grants	31,675	32,123	1.4%	32,273	0.5%
Assigned Grants	8,929	9,009	0.9%	8,732	-3.1%
Total Case Grants	40,604	41,132	1.3%	41,005	-0.3%
Grant Rate	90.4%	91.9%	1.5%	92.7%	0.8%
Applications Determined	44,934	44,766	-0.4%	44,229	-1.2%
Applications Undetermined @ year end	397	249	-37.3%	104	-58.2%
Grants Finalised	39,133	44,247	13.1%	39,933	-9.7%
Current Grants on Hand @ year end	21,246	19,169	-9.8%	20,698	8.0%
Duty Appearances					
Inhouse Appearances	44,881	44,780	-0.2%	44,098	-1.5%
Assigned Appearances	42,909	41,757	-2.7%	43,990	5.3%
Total Duty Appearances	87,790	86,537	-1.4%	88,088	1.8%
Other Services					
Advice and Minor Assistance	20,833	22,492	8.0%	26,461	17.6%
Information	29,098	25,730	-11.6%	35,152	36.6%
Total Other Services	49,931	48,222	-3.4%	61,613	27.8%
Total Client Services	178,325	175,891	-1.4%	190,706	8.4%

Family Law

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	15,291	15,719	2.8%	16,128	2.6%
Applications Refused	3,689	3,584	-2.8%	4,370	21.9%
Inhouse Grants	2,949	3,001	1.8%	2,828	-5.8%
Assigned Grants	8,596	9,054	5.3%	8,891	-1.8%
Total Case Grants	11,545	12,055	4.4%	11,719	-2.8%
Grant Rate	75.8%	77.1%	1.3%	72.8%	-4.3%
Applications Determined	15,234	15,639	2.7%	16,089	2.9%
Applications Undetermined @ year end	62	87	40.3%	38	-56.3%
Grants Finalised	9,615	11,307	17.6%	10,606	-6.2%
Current Grants on Hand @ year end	12,274	13,546	10.4%	14,929	10.2%
Duty Appearances					
Inhouse Appearances	1,389	1,384	-0.4%	2,050	48.1%
Assigned Appearances	3,792	3,734	-1.5%	3,429	-8.2%
Total Duty Appearances	5,181	5,118	-1.2%	5,479	7.1%
Other Services					
Advice and Minor Assistance	24,165	24,131	-0.1%	29,460	22.1%
Information	42,338	38,722	-8.5%	54,237	40.1%
Total Other Services	66,503	62,853	-5.5%	83,697	33.2%
Total Client Services	83,229	80,026	-3.8%	100,895	26.1%

Civil Law

Case Matters					
Applications Received	2,138	2,091	-2.2%	2,114	1.1%
Applications Refused	979	922	-5.8%	887	-3.8%
Inhouse Grants	727	783	7.7%	817	4.3%
Assigned Grants	382	375	-1.8%	405	8.0%
Total Case Grants	1,109	1,158	4.4%	1,222	5.5%
Grant Rate	53.1%	55.7%	2.6%	57.9%	2.2%
Applications Determined	2,088	2,080	-0.4%	2,109	1.4%
Applications Undetermined @ year end	59	12	-79.7%	5	-58.3%
Grants Finalised	1,366	1,404	2.8%	1,350	-3.8%
Current Grants on Hand @ year end	2,668	2,485	-6.9%	2,424	-2.5%
Duty Appearances					
Inhouse Appearances	11,230	13,224	17.8%	13,851	4.7%
Assigned Appearances	6,618	8,872	34.1%	10,555	19.0%
Total Duty Appearances	17,848	22,096	23.8%	24,406	10.5%
Other Services					
Advice and Minor Assistance	19,358	18,692	-3.4%	18,560	-0.7%
Information	60,491	57,584	-4.8%	68,579	19.1%
Total Other Services	79,849	76,276	-4.5%	87,139	14.2%
Total Client Services	98,806	99,530	0.7%	112,767	13.3%

Legal program operational statistics

Veterans' Advocacy Service

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	343	313	-8.7%	346	10.5%
Applications Refused	23	29	26.1%	31	6.9%
Inhouse Grants	140	113	-19.3%	125	10.6%
Assigned Grants	209	169	-19.1%	189	11.8%
Total Case Grants	349	282	-19.2%	314	11.3%
Grant Rate	93.8%	90.1%	-3.7%	91.0%	0.9%
Applications Determined	372	311	-16.4%	345	10.9%
Applications Undetermined @ year end	5	5	0.0%	1	-80.0%
Grants Finalised	305	360	18.0%	339	-5.8%
Current Grants on Hand @ year end	547	490	-10.4%	468	-4.5%
Other Services					
Advice and Minor Assistance	1,694	2,153	27.1%	2,999	39.3%
Information	221	74	-66.5%	117	58.1%
Total Other Services	1,915	2,227	16.3%	3,116	39.9%
Total Client Services	2,264	2,509	10.8%	3,430	36.7%

Mental Health Advocacy Service

Case Matters					
Applications Received	138	157	13.8%	186	18.5%
Applications Refused	10	23	130.0%	54	134.8%
Inhouse Grants	32	41	28.1%	96	134.1%
Assigned Grants	12	28	133.3%	35	25.0%
Total Case Grants	44	69	56.8%	131	89.9%
Grant Rate	81.5%	75.0%	-6.5%	70.8%	-4.2%
Applications Determined	54	92	70.4%	185	101.1%
Applications Undetermined @ year end	6	17	183.3%	1	-94.1%
Grants Finalised	73	137	87.7%	192	40.1%
Current Grants on Hand @ year end	292	277	-5.1%	341	23.1%
Duty Appearances					
Inhouse Appearances	11,230	9,701	-13.6%	9,884	1.9%
Assigned Appearances	6,618	7,783	17.6%	10,431	34.0%
Total Duty Appearances	17,848	17,484	-2.0%	20,315	16.2%
Other Services					
Advice and Minor Assistance	227	235	3.5%	51	-78.3%
Information	634	500	-21.1%	349	-30.2%
Total Other Services	861	735	-14.6%	400	-45.6%
Total Client Services	18,753	18,288	-2.5%	20,846	14.0%

Alternative Dispute Resolution - Family Law

Number of conferences	1,410	1,732	22.8%	2,022	16.7%
Agreements reached	1,189	1,509	26.9%	1,770	17.3%
Agreement rate	84.3%	87.1%	2.8%	87.5%	0.4%

The Civil Law Program data on page 71 incorporates these Veterans' Advocacy and Mental Health Advocacy Service figures.

Inhouse and private practitioner allocations of legal work

	Inhouse Practitioner	Inhouse Practitioner %	Private Practitioner	Private Practitioner %	Total
Family Law					
Duty Appearances	2,050	37.4%	3,429	62.6%	5,479
Grants of Legal Aid	2,828	24.1%	8,891	75.9%	11,719
Total	4,878	28.4%	12,320	71.6%	17,198
Criminal Law					
Duty Appearances	44,098	50.1%	43,990	49.9%	88,088
Grants of Legal Aid	32,273	78.7%	8,732	21.3%	41,005
Total	76,371	59.2%	52,722	40.8%	129,093
Civil Law					
Duty Appearances	13,851	56.8%	10,555	43.2%	24,406
Grants of Legal Aid	817	66.9%	405	33.1%	1,222
Total	14,668	57.2%	10,960	42.8%	25,628
Commission Total					
Duty Appearances	59,999	50.9%	57,974	49.1%	117,973
Grants of Legal Aid	35,918	66.6%	18,028	33.4%	53,946
Total	95,917	55.8%	76,002	44.2%	171,919

Commonwealth and State allocation of Legal Aid Services

	State Matter	State Matter %	Commonwealth Matter	Commonwealth Matter %	Total
Family Law					
Grants	3,152	26.9%	8,567	73.1%	11,719
Duty Appearances	4,122	75.2%	1,357	24.8%	5,479
Advice & Minor Assistance	1,618	5.5%	27,842	94.5%	29,460
Information Services	6,217	11.5%	48,020	88.5%	54,237
Total	15,109	15.0%	85,786	85.0%	100,895
Criminal Law					
Grants	40,463	98.7%	542	1.3%	41,005
Duty Appearances	87,535	99.4%	553	0.6%	88,088
Advice & Minor Assistance	25,455	96.2%	1,006	3.8%	26,461
Information Services	33,919	96.5%	1,233	3.5%	35,152
Total	187,372	98.3%	3,334	1.7%	190,706
Civil Law					
Grants	617	50.5%	605	49.5%	1,222
Duty Appearances	24,318	99.6%	88	0.4%	24,406
Advice & Minor Assistance	12,582	67.8%	5,978	32.2%	18,560
Information Services	63,983	93.3%	4,596	6.7%	68,579
Total	101,500	90.0%	11,267	10.0%	112,767
Commission Total					
Grants	44,232	82.0%	9,714	18.0%	53,946
Duty Appearances	115,975	98.3%	1,998	1.7%	117,973
Advice & Minor Assistance	39,655	53.2%	34,826	46.8%	74,481
Information Services	104,119	65.9%	53,849	34.1%	157,968
Total	303,981	75.2%	100,387	24.8%	404,368

Community Legal Centres (CLCs) Funding Program Grants 2004–2005

We provided funding for 32 community legal centres across NSW

Community Legal Centre	Commonwealth Funding \$'s	State Funding \$'s	Public Purpose \$'s	Total Funding \$'s
Blue Mountains CLS	89,323	143,747		233,070
Central Coast LC	205,061	14,190	35,000	254,251
Combined CLC Group	-	225,600		225,600
Consumer Credit LC	123,011	106,270		229,281
Court Support Scheme	29,325	5,038	5,000	39,363
Domestic Violence Advocacy Service	-	353,270		353,270
Environmental Defender's Office	83,406	154,481	461,931	699,818
Far West CLC	221,229	-		221,229
Hawkesbury/Nepean CLC	138,145	103,218		241,363
HIV/AIDS LC	64,137	69,144		133,281
Hunter CLC	186,022	206,139	8,000	400,161
Illawarra LC	358,013	162,510	35,000	555,523
Immigration Advice & Rights Centre	86,736	195,861		282,597
Inner City LC	104,321	130,560		234,881
Kingsford LC	150,520	104,997		255,517
Macarthur LC	195,531	160,223	35,000	390,754
Macquarie LC	137,884	223,296	35,000	396,180
Marrickville LC	136,325	232,390		368,715
Mt Druitt & Area CLC	174,035	14,172		188,207
NSW Disability Discrimination LC	178,455	31,576		210,031
North & North West CLS	205,777	14,244		220,021
Northern Rivers CLC	243,250	19,273		262,523
Public Interest Advocacy Centre	101,417	99,099	536,445	736,961
Redfern Legal Centre	138,782	202,823		341,605
Shoalcoast CLC	222,476	98,513		320,989
South West Sydney LC	174,716	191,415		366,131
Tenants' Union of NSW	66,672	98,862		165,534
The Aged-care Rights Service	29,998	2,016		32,014
Welfare Rights Centre	201,868	99,791		301,659
Western NSW LC	232,382	19,502		251,884
Wirringa Baiya AWLC	-	286,453		286,453
Women's Legal Service	754,287	261,727		1,016,014
CLC Review	-	17,000		17,000
TOTAL	5,033,104	4,047,467	1,151,376	10,231,947

Women's Domestic Violence Court Assistance Program (WDVCAP) Funding 2004–2005

We provided funding to 33 WDVCASs* as well as the Program's Training and Resource Unit

Auspice Organisation	Corresponding WDVCAS	Total Amount Provided \$'s
Albury/Wodonga Women's Centre	Albury	55,647
Bankstown Community Services Co-op	Bankstown	77,933
Blue Mountains Community Legal Centre	Blue Mountains/Lithgow	83,276
Broken Hill Family Support Service	Broken Hill	80,141
Burwood Community Welfare Service	Inner West	108,776
Central Coast Management Committee	Central Coast	132,459
Centacare	Hornsby	53,438
Dubbo Women's Housing	Dubbo	107,770
Edith Edwards Women's Centre	Bourke/Brewarrina	84,407
Hawkesbury Nepean Community Legal Centre	Hawkesbury	64,142
Hunter Community Legal Centre	Hunter	142,099
Hunter Community Legal Centre	Maitland	55,647
Kempsey Family Support Service Inc.	Kempsey	71,977
Macarthur Community Legal Centre	Macarthur	101,646
Macquarie Legal Centre	Parramatta/Ryde	99,891
Manly Warringah Women's Resource Centre	Manly/Warringah	84,284
Manning Valley Neighbourhood Service	Taree	71,977
Marrickville Legal Centre	Newtown	69,766
Moree Family Support	Moree	80,141
Northern Rivers Community Legal Centre	Northern Rivers	231,875
Pam's Place Inc.	Blacktown	99,891
Penrith Women's Health Centre	Penrith/Mt Druitt	154,400
Randwick Information & Community Centre	Waverley	84,284
Redfern Legal Centre	Redfern	99,891
Sister's Housing Enterprises Inc.	Wagga Wagga	71,977
South West Sydney CLC	Liverpool/Fairfield	134,264
Southern Women's Group	Bega	50,153
Sutherland Shire Family Support Service	Southern Sydney	109,770
The Women's Shelter Armidale Inc.	Armidale	66,487
UnitingCare Burnside	Hastings	55,647
Warrina Women's & Children's Refuge	Coffs Harbour	55,647
Wollongong Women's Centre	Illawarra	103,036
YWCA of Sydney	Nowra	71,977
Women's Legal Services NSW	Training & Resource Unit	225,849
Non-Recurrent Grants		22,949
TOTAL		3,263,614

*Women's Domestic Violence Court Assistance Scheme

Learning and development

Courses conducted 1 July 2004 to 30 June 2005

COURSE TITLE	SESSIONS	PARTICIPANTS	
		Total	External
Internal Training Programs (some sessions also attract MCLE points)			
Aboriginal Awareness	3	13	
Advanced Business Writing	1	15	
Advocacy – Defended Hearings	1	10	
Advocacy – Bail	2	6	
Advocacy – Sentencing	2	5	
Business Writing For Support Staff	1	17	
Corporate Induction	6	73	
Critical Incident Management	3	55	
Demystifying Mental Illness	8	108	
Diploma of Business (FLM) (various sessions)	26	390	
EEO & Anti Discrimination	4	20	
Ergonomic & Office Safety	4	45	
Finance Information Session	1	7	
Finance Matters for Managers	6	51	
Inmate classification	1	18	
Interpersonal Skills & Customer Service	7	93	
Job Evaluation	2	24	
Job Seeking Skills	4	25	
Job Seeking Follow-up	3	8	
Managing Aggressive and Violent Behaviour	8	107	
Manual Handling	1	10	
Mentoring Program	3	29	
Modern Business Writing for Legal & Senior Staff	1	18	
New Managers & Supervisors	2	20	
OH&S Induction	5	64	
Organising Conferences & Seminars	2	13	
Performance Planning & Development (various)	6	35	
Policy Process (The)	3	45	
Project Management	1	10	
Resolving Workplace Conflict	6	32	
Safety Leadership Workshop	1	10	
Selection Techniques	4	18	
Selection Techniques Refresher	2	4	
Stress Management	7	70	
Team development sessions	2	35	
Time Management	3	21	
Train Small Groups	4	14	
Working With Muslim Clients	3	46	
Total	149	1,584	
Internal Legal Education (MCLE)			
Civil Law Seminars	4	123	31
Criminal Law Seminars	7	73	
Family Law Seminars	1	19	
Total	12	215	31
Internal Conferences			
Civil Law Conferences	1	72	9
Criminal Law Conferences	2	376	143
Family Law Conferences	3	193	51
Legal Services Conference	1	143	0
WDVCAP Conference	1	200	197
ADR Chairpersons Conf. - Mediation	1	114	100
Total	9	1,098	500
ADR Training			
Conference Organisers	1	10	
Total	1	10	
External Programs			
Attendance at external training programs	18	32	
Attendance at external IT training programs	20	54	
Attendance at external seminars	70	185	
Attendance at external conferences	9	26	
Total	117	297	
Information Management and Technology			
Desktop Upgrade Sessions	20	223	
E-lodgement	18	66	
Icebuilder	14	84	
Introduction to Excel	3	22	
LA Office	29	83	
Lawdocs	8	19	
One on one	9	9	
Using the Intranet & Internet	3	10	
Word (Various)	4	16	
XP What's New	2	5	
Total	110	537	
Grants Officer Training			
Criminal Session	10	230	
E-lodgement (Grants Run)	7	19	
Family Session	22	132	
Total	39	381	

Significant committees of the Commission

Committees played an important role in helping us achieve our goals in 2004–2005.

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 165 of 942 submitted matters. The table below shows further details of committee caseload and successful appeals by program areas.

Committee membership as at 30 June 2005:

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)

Review Committee No. 2

Mr P Robinson, Chairperson, Minister's Nominee (alternates Mr D Norris and Mr B Row)

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)

Review Committee No. 3

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

Mr T Stern, Bar Association/Law Society Nominee (alternates Mr G Walsh and Mr D Anderson)

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

Family Law Legal Aid Review Committee No. 1

Ms M Barbaro, Chairperson, Minister's Nominee (alternates Ms J Townsend and Ms A Tomlin)

Mr G Moore, Bar Association/Law Society Nominee (alternates Mr R Schonell and Mr J Berry)

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

Family Law Legal Aid Review Committee No. 2

Ms C Goodhand, Chairperson, Minister's Nominee (alternates Mr J McDonnell and Ms C Tassone)

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

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

Committee Activities 2004–2005

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

Legal Aid Review Committee No 2 met on 10 occasions and held 1 ad hoc meeting.

Legal Aid Review Committee No 3 met on 6 occasions and held 4 ad hoc meetings.

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

Family Law Committee No 2 met on 14 occasions and held 2 ad hoc meetings.

Board Committees

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

In 2004–2005, 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 to the Board on financial reporting practices, business ethics, policies and practices, accounting policies, and management and internal controls.

The members are:

- Robert Corben (Chair 1 July 2004 to 29 March 2005), Board Member, 9[†]
- Phillip Taylor, (Chair 26 April 2005 to 30 June 2005), Chair of the Board, 11[†]
- Bill Grant, CEO and Board Member, 12[†]
- Russell Cox, Deputy CEO, Business & Client Services, LAC*, 11[†]
- Stephen O'Malley, Director, Corporate Finance, LAC*, 10[†]
- Ray Jennings (Manager, Corporate Finance) 1[†]

There were 12 meetings in 2004–2005.

[†]No. meetings attended.

Appeals Before Legal Aid Review Committee during 2004–2005

Program Area					Total	Appeals
	Allowed	Disallowed	Withdrawn	Deferred	Appeals	Allowed (%)
Civil Law	8	114	3	16	141	5.7
Criminal Law	76	201	3	19	299	25.4
Family Law	81	377	8	36	502	16.1
Total	165	692	14	71	942	17.5

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 Sykiotis, Director, Civil law Division, LAC* (from July 2004 to December 2004)
Paul Hayes, A/Director, Civil law Division, LAC* (from January 2005 to June 2005)

There were seven meetings in 2004–2005.

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, Combined CLC Group (until December 2004); Michelle Jones, Chairperson, Combined CLC Group (from January 2005); Polly Porteous, Director, Combined CLC Group; Anita Anderson, Director, Strategic Planning and Policy Division, LAC*; Louise Blazejowska, A/Manager, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Dennis Roach, Manager, CLC Funding Program, LAC*;

There were four meetings in 2004–2005.

Criminal Law Sub-Committee

This committee did not meet in 2004–2005.

Family Law Sub-Committee

This committee did not meet in 2004–2005.

Grants Committee

Made recommendations to the Board in relation to 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*

There were three meetings in 2004–2005.

Advisory Committees

Cooperative Legal Service Delivery Model Steering Committee

Advised the CEO on the implementation of the CLSD pilot project (See page xx).

The members are:

Louise Blazejowska (Chair), Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC ; Alan Turner, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Alex Colquhoun, Family Law Division, LAC*; Kim Gabler, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Kylie Beckhouse, Family Law Division, LAC*; Genevieve Muir, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Kate Escobar, Parramatta regional office, LAC*; Anne Cregan, Blake Dawson Waldron; Deborah Sharp, Community Justice Centres; Grant Arbuthnot, 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 General's 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; Monique Hitter, Standing Member; John Truswell, Law Society of NSW; Dorothy Allan, Law Society of NSW; Polly Porteous, Combined Community Legal Centres Group NSW; Laura Ravalico, Legal Information Access Centre.

There were two meetings in 2004–2005.

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); Andrew Kelly, University of Wollongong (alternate member); Lyndsay Brooker, Review and Reform, Strategic Planning and Policy Division, LAC*.

There were six meetings in 2004–2005.

Women's Domestic Violence Court Assistance Program Advisory Committee

Advised the CEO on the implementation, administration and guidelines of the program, including funding priorities.

The members are:

Louise Blazejowska (Chair), A/Manager Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Tracey Corbin-Matchett, Manager WDV CAP, LAC*
Jacqui Lane, WDV CAP Project Officer, LAC*; Cheryl Alexander, Penrith WDV CAS Coordinator; Deborah Sykes, Moree WDV CAS Coordinator
Lyndal Gowland, Redfern WDV CAS Coordinator; Catherine Carney, (LAC Board Rep) Principal Solicitor, Women's Legal Service NSW; Amanda English, Local Courts, Attorney General's Department; Maria Kissouri, Training & Resource Unit, Women's Legal Service NSW; April Pham, Violence Against Women Specialist Unit, Department of Community Services.

There were four meetings in 2004–2005.

**Legal Aid Commission*

Significant committees of the Commission

Internal Committees

The Commission has two committees which met regularly to ensure staff 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:

Anita Anderson (Chair), Director, Strategic Policy and Planning Division; Bronwyn McCutcheon (Executive Officer), HRM Branch, Business and Client Services Division; Lisa Staples (Committee Assistant), HRM Branch Business and Client Services Division; Kylie O'Neill (PSA representative), Wollongong Regional Office; Alex Grosart (PSA representative), Civil Litigation, Civil Law Division; Sue Emery (PSA representative), Civil Litigation Division; Christine Dawson, Inner City Local Courts, Criminal Law Division; Julie Morgan, Executive Officer, Executive; Laurel Russ (ATSI Employment Officer), HRM Branch, Business and Client Services Division; Helen Doyle, Grants Division; Deirdre Scott, IM&T Branch, Business and Client Services Division; Leisha Bubniuk, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division; Edwina Hunter (Alternate PSA representative), Newcastle regional office; Elizabeth Watkins (currently on leave), Manly regional office.

There were six meetings in 2004–2005.

Occupational Health and Safety (OH&S) Committee

In accordance with s18 of the *Occupational Health and Safety Act*, the committee's role is to ensure the health, safety and welfare of persons in the workplace.

The members are:

Employer representatives:

Russell Cox, Executive, Business and Client Services Division; Jennifer Bulkeley, Business and Client Services Division; Nohad Ghibely (Executive Officer), Business and Client Services Division; June Woolcott, Business and Client Services Division; Kate Escobar, Parramatta office

Employee representatives:

Kylie O'Neil (Chair), Southern Region; Carolyn Dean, Northern Region; Paul Gallagher, Northern Region; Susan Davitt, Southern Region; Siobhan Mullany, Metropolitan Region; Sue Emery, Metropolitan Region; Jacqueline Green, Metropolitan Region; Kathy Trajkovski, Alternate, Metropolitan Region.

There were six meetings in 2004–2005.

Other Committees

Throughout 2004–2005, a number of working parties and steering committees met regularly to discuss particular areas of the Commission's work.

They included the:

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

Working with other organisations

During 2004–2005, staff of the Commission worked with many other organisations involved in the legal service industry.

National Legal Aid Committees

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

Finance Directors Working Party: **Stephen O'Malley**

Grants Working Group: **Richard Funston, Mary Whitehead**

Legal Practice Working Group: **Steve O'Connor**

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

National Legal Aid Directors: **Bill Grant**

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

National Statistics Working Party: **Mary Whitehead**

Primary Dispute Resolution Working Group: **Elaine Harrison**

Law Society of NSW Committees

Criminal Law Committee: **Teresa O'Sullivan, Brian Sandland**

Criminal Law Committee, NSW Young Lawyers: **Lester Fernandez**

Criminal Law Specialist Accreditation Advisory Committee: **Estelle Hawdon**

Ethics Committee: **Justin Hutchinson**

Family Issues Committee: **Judith Walker**

Family Law Committee, NSW Young Lawyers: **Olivia Conolly**

Government Solicitors Committee: **Mary Whitehead**

Law Week Planning Committee: **Penny Adams**

Aboriginal Legal Services

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

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

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)

Department of Housing's Anti-Social Behaviour Consultation Forum: **Damien Hennessey**

Discrimination Lawyers Group Steering Committee: **Fiona Pace**

Do-it-yourself Discrimination Complaint Kit Project Steering Committee, Kingsford Legal Centre: **Fiona Pace**

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

Getting off the Referral Roundabout Training Video and Kit Project Steering Committee, Kingsford Legal Centre: **Fiona Pace**

Health Department, Mental Health Review Systems Committee: **Nihal Danis**

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: **Nihal Danis**

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

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

Office of Fair Trading, Uniform Consumer Credit Working Party: **John Moratelli, Dave McMillan**

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

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

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, Sarah Nielsen**

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

Criminal Law Committees

Attorney General's Working Party on the *Young Offender's Act*: **Debra Maher, Mia Prodigalidad**

Children's Court Assistance Scheme (CCAS) Advisory Committee: **Mia Prodigalidad, Louise Sutherland**

Children's Court Advisory Committee: **Teresa O'Sullivan**

Court of Criminal Appeal Users Group: **David Barrow**

Criminal Case Processing Committee: **Steve O'Connor, Brian Sandland, Nerissa Keay, Annmarie Lumsden, Bryan Robinson, Michael Betts,**

Working with other organisations

Heather Anderson, Teresa O'Sullivan, Richard Kozanecki

Criminal Justice Research Network:
Anita Anderson

Criminal Justice Sexual Offences Taskforce: **Steve O'Connor, Julie Morgan**

Working Group addressing Review of *Crime Forensic Procedures Act*:
Lester Fernandez

Youth Justice Coalition:
Mia Prodigalidad, Louise Sutherland, Aaron Tang

Youth Justice Advisory Committee:
Teresa O'Sullivan

Youth Action Policy Association:
Mia Prodigalidad, Louise Sutherland

Family Law Committees

Centacare (Wollongong) Advisory Committee: **Paul Ryan, Vera Temelkovska**

Children's Court Advisory Committee:
Katarzyna Rutkowska

Child Support Agency, National Registrar's Advisory Panel (Australian Council of Social Services Representative): **Sally Cole**

Child Support Agency, Regional Registrar's Advisory Panel: **Sally Cole**

Child Support Agency, Legal Liaison Advisory Committee: **Sally Cole**

Coffs Harbour Family Law Practitioners Association: **Jane Corcoran**

Court User's Forum, Toronto Children's Court: **Nicola Callander, Phillip Squires, Edwina Hunter**

Dubbo Welfare Interagency Collective:
Michael Gross

Gateway Committee, Newcastle:
Kim O'Rourke

Greater Metropolitan Domestic Violence Group: **Maureen Power**

Greater Sydney Families in Transition, Pathway Network Group:
Judith Walker

Family Court, Mental Health Support Project Working Party: **Judith Walker**

Hunter Valley Family Law Practitioners Association: **Edwina Hunter**

Inner City Legal Centre: **Paul Guterres** (volunteer)

Interrelate Contact Centre, Coffs Harbour, Advisory Committee:
Jane Corcoran

Jean's Place, Marrickville Women's Refuge (Board Member): **Dina Lioumis**

Macarthur Legal Centre (Management Committee and volunteer):
Claudio Castro

Manly Warringah Interagency:
Atoa Aiolupotea

Newcastle Law Society, Children's Law and Community Legal Education committees: **Nicola Callander**

Pacific Islander and Police Support Community Support Group (Liverpool/Green Valley):
Atoa Aiolupotea

Relationships Australia Contact Centre, Newcastle (Committee Member):
Nicola Callander

St James Local Court User Committee:
Katarzyna Rutkowska

Refugee Advice and Caseworker Service, Temporary Protection Visa Project: **Katie Wrigley**

Warilla Neighbourhood Centre, Advisory Committee: **Paul Ryan, Vera Temelkovska**

Other Committees

Apprehended Violence Legal Issues Coordinating Committee: **Tracey Corbin-Matchett, Louise Blazejowska, Alan Turner**

Community Legal Centres Training Reference Group: **Sandy Degrassi**

Courtlink: **Steve O'Connor, Heather Cullen**

Cross Justice Agency Video Conferencing Steering Committee:
Russell Cox, Brian Sandland

Domestic Violence Court Intervention Model Taskforce: **Louise Blazejowska, Brian Van Zuylen**

e-learning Action Group:
Sandy Degrassi

Health/Legal Aid Minimum Standards Committee: **Nohad Ghibely, Rob Wheeler**

Homeless Persons Legal Services Reference Group: **Louise Blazejowska**

Justice Agency Joint RSP Working Party: **Julie Morgan**

Juvenile Justice/Legal Aid Commission Minimum Safety Standards Working Group: **Nohad Ghibely**

LawAccess NSW: **Bill Grant** (Board Member)

Leadership & Management Action Group: **Sandy Degrassi**

Legal Information Access Centre:
Bill Grant (Board Member)

NSW Aboriginal Justice Cluster Plan:
Steve O'Connor, Julie Morgan

NSW Legal Referral Forum:
Louise Blazejowska

NSW Community Legal Centres Community Legal Education Working Group: **Penny Adams**

NSW Learning & Development Forum (Premiers): **Sandy Degrassi**

Privacy Advisory Committee: **Bill Grant**

Public Interest Advocacy Centre:
Bill Grant (Board Director)

Shared Corporate Services Project Management Committee: **Russell Cox, Stephen O'Malley**

Shared Corporate Services Joint Consultative Committee: **Russell Cox**

Standing Committee of Criminal Justice Chief Executive Officers:
Bill Grant

Standing Committee of Criminal Justice Chief Executive Officers, Senior Officers Group: **Julie Morgan**

Standing Inter-Agency Advisory Committee on Court Security:
Russell Cox, Brian Sandland

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

Young Adult Conferencing Working Group: **Julie Morgan**

Glossary

Aboriginal and Torres Strait Islander (ATSI)

A person who identifies as Aboriginal or Torres Strait Islander and is accepted by the community.

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 *Legal Aid Commission 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

Online lodgement/transfer of an application or proforma invoice from a private practitioner's practice or inhouse family law office.

Family law conference

A meeting/mediation session between the people involved in a family law dispute, arranged by Legal Aid.

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

NESC

Born in non-English-Speaking country.

Reporting period

From 1 July 2004 to 30 June 2005.

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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